DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0337-23**	**Applicant:**	**Ms J Burton**
Proposal:	Details of levels and ecological biodiversity measures (Conditions 3 and 5 of H15-0001-23)		
Location:	Land Adjacent 117 Main Road Quadring Spalding		
Terminal Date:	8th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Condition compliance application to discharge conditions 3 and 5 of H15-0001-23, relating to finished floor levels and biodiversity measures.

Site Description

The proposed site located within the settlement boundary of Quadring, as outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is within the allocated site of Qua003.

The site adjoins the new access road serving the residential development under construction. There is a residential care home to the south-east, with the closest building set further back, with open space and parking adjacent to the property. To the north-west is two dwellings.

Planning Considerations

Condition 3

Condition 3 relates to finished floor levels, stating that floor levels must be set at a minimum of 0.3 metres above existing ground levels. Average existing ground levels are 3.45. The proposed floor levels range from 3.75 and 3.65 metres. The lower floor levels, however, are within the garage, an inhabitable room. It is noted that the 3.65 metres is below the level specified in the condition, however, as the site is in Flood Zone 1 and the condition is worded to allow variance if no significant effects would occur, it is considered that this acceptable and can be agreed. All habitable rooms achieve the required 0.3 metres.

Therefore, the submitted documents show compliance with condition 3, and the condition can be discharged.

Condition 5

Condition 5 relates to biodiversity and ecological measures. The submitted drawings show two swift boxes added to the dwelling. There is already approval on a scheme of planting of native hedgerow on the site. These measures are suitable to achieve the aims of condition 5.

Condition 5 can therefore be discharged.

Conclusion

Conditions 3 and 5 of H15-0001-23 can be discharged.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to

respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.