DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H04-0519-19** | **Applicant:** | **Mr and Mrs R Brown** |
| **Proposal:** | Details of surface water disposal (Condition 3 of H04-0247-19) | | |
| **Location:** | 120 Quadring Road Donington Spalding | | |
| **Terminal Date:** | 15th August 2019 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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| 02 | Development Management |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2019**

**Representations:**

| | Object | Support | No Obj. | Comments |
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CASE OFFICER ASSESSMENT

**Proposal**

This is a condition compliance application to seek approval for details of surface water disposal from extensions to house and barns at 120 Quadring Road, Donington. Householder planning permission was granted for such proposed development under ref. H04-0247-19.

The foul waters from the dwelling would remain to be disposed to a good-working septic tank near the drain along the rear boundary. The surface water run off would be conveyed from the approved extensions to 4 no. soakways.

**Site Description**

**History**

H04-0247-19 - Rear and side extension to house and front and rear extension to barns - Approved
H04-1037-08 - Proposed demolition of detached cottage and erection of three-bed cottage - Approved

**Consultation Responses**

Black Sluice IDB

No objection. However, it has been advised to carry out percolation test and demonstrate that the soakaways will work on the site. Should soakaways not be suitable for the site, then the application should provide details of an alternative scheme for consideration by the planning authority.

## Planning Considerations

The drainage layout show the installation of 4 no. soakaways. Three of them would be 4x2m and only one 2x2m. The surface water originated by the discreet side extension would be disposed to the latter soakaway. The surface water drain would be 110mm diameter thick.

## Conclusion

No percolation tests have been carried out. Notwithstanding this, the soakaways are similar to the surface water disposal strategy for the replacement house approved under H04-1037-08. It is unlikely that significant alterations of the soil permeability have taken place over the time period between both applications. Following discussions with Building Control surveyors, the infiltration would be suitable for the scale of the development and features of the proposed drainage strategy. On balance, the details of this application are acceptable.

## 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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.