DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0681-20**	**Applicant:**	**Mr P Franks**
Proposal:	Details of surface water drainage (Condition 10 of H05-0585-17)		
Location:	Land Off Fleet Road Fleet Spalding		
Terminal Date:	15th October 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2019

Section 14

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 10 of H05-0585-17 (details of surface water drainage).

Site Description

The site (some 0.57ha) is agricultural land on the northern fringe of Fleet Hargate. Further land is situated to the north and thereafter the A17. Residential development is situated to the south, including dwellings off Old Barn Court. The Bull, Laurel House and The Laurels (all grade II listed)

are situated further to the south off Old Main Road.

History

H05-0585-17 - Outline - Residential development - maximum 10 dwellings - Granted 10 August 2018

Consultation Responses

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Received application for Land Drainage Consent from the applicant with regards to surface water discharge for the adoptable road. The Board have also received the applicants Proposed Dyke Improvement Sections (DRG No. 38917/12 Rev A) and Topographical Survey Showing Proposed Drainage & Dyke Improvement Details (DRG No. 38917/10 Rev D) and can confirm that they are satisfied with the aforementioned dyke improvement plans submitted.

Planning Considerations

It is proposed to dispose of surface water from the adoptable road to an existing riparian drain along the northern boundary (to be re-profiled) and thereafter to a new piped riparian drain running northwards across a field within the applicant's control to connect to an existing South Holland Internal Drain on the northern side of the A17. Both LCC Highways/SUDs and the South Holland Internal Drainage Board have been involved in previous discussions concerning this arrangements and raise no objections. Separate Land Drainage Consent is presently being sought from the SHIDB.

Surface water from roofs would be disposed of via soakaways. This arrangement is considered acceptable. If (following testing) a strategy wholly reliant on infiltration was not viable surface SHIDB has indicated that surface water could be discharged to a watercourse subject to Land Drainage Consent.

The submitted details are considered to be acceptable.

Conclusion

That condition 10 of H05-0585-17 (details of surface water drainage) 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.