

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0089-22 **Applicant:** Mr M Rowell

Proposal: Details of existing & proposed site levels & proposed floor levels and soakaway system for the disposal of surface water (Conditions 5 & 6 of H07-1252-21)

Location: Adj. 22 Station Road Gedney Hill Spalding

Terminal Date: 8th April 2022

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 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The following conditions of application H07-1252-21:

Condition 5 - Details of existing & proposed site levels & proposed floor levels
Condition 6 - Details of Soakaway System

Site Description

As original application.

History

H07-1252-21 - Erection of Dwelling - Approved

H07-0222-20 - Erection of detached dwelling - re-submission of H07-1155-19 - Approved

H07-1155-19 - Erection of detached dwelling - Refused 18-02-20.

Consultation Responses

South Holland Internal Drainage Board

The IDB has requested further infiltration testing to be carried out and advises LPA assess the proposals against their own policy and national planning policy to decide whether to approve on the basis of the submitted details.

Planning Considerations

Condition 5 - Details of existing & proposed site levels & proposed floor levels

The site levels shown on plan 3539-19 05G are considered acceptable therefore condition 6 can be discharged.

Condition 6 - Details of Soakaway System

The South Holland Internal Drainage Board has objected and has advised that testing has not been carried out to BRE365 standards and recommends further testing. It has further advised that LPA assess the proposals against their own policy and national planning policy to decide whether to approve on the basis of the submitted details.

The engineer who has carried out the initial infiltration testing has advised that further testing is not required as the 2 tests carried out already, whilst not fully in compliance with the guidelines set out within BRE 365, the testing undertaken was more than adequate for the proposed soakaway designs and generally in line with the guidance. It has further been advised that undertaking a third test on a consecutive day nearly always leads to a better result than the second test on the previous day thus rendering the second test the worst case infiltration rate for design purposes. As such the testing undertaken and designs proposed are considered satisfactory.

The proposed soakaway system is considered acceptable therefore condition 6 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.

Conclusion

Taking the above into account, it is considered that Conditions 5 and 6 of application H07-1252-21 can be discharged.