DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0212-19**	**Applicant:**	**Mr & Mrs Merrison**
Proposal:	Details of disposal of foul and surface water and scheme for construction of footway along site frontage (Conditions 5 and 6 of H07-0821-16 and H07-0322-19).		
Location:	West Drove South Gedney Hill Spalding		
Terminal Date:	27th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 9, 12, 14 and 15.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 5 and 6 of H07-0821-16 and H07-0322-19.

Site Description

The site (some 0.16Ha) is situated on the fringe of the village on the western side of West Drove South. It was formerly agricultural land associated with Windy Nook Nursery to the rear. Three pairs of 3 bed affordable houses are situated to the north, which were approved under planning permission ref. H07-0145-09. Frontage residential is situated opposite.

History

H07-0567-13 - Full - Affordable housing scheme comprising 2 pairs of semi-detached houses, Off West Drove South, Gedney Hill - Refused 1 October 2013.

H07-0821-16 - Outline - Residential development, West Drove South, Gedney Hill - Refused 13 October 2016. Allowed on appeal.

H07-0880-18 - RM - Erection of detached house - Approved 6 December 2019.

H07-1136-18 - RM - Erection of detached dwelling - Approved 3 January 2019.

H07-0322-19 - S73 - Residential development - Granted 21 May 2019.

Consultation Responses

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

Planning Considerations

Condition 5 (Foul and Surface Water) - Foul water would be disposed of to foul water treatment plants and surface water to soakaways. Percolation tests have been carried out by an engineer, who recommends a drainage scheme to a 1:30 year event incorporating crate soakaways.

Condition 6 (Footway) - LCC Highways have confirmed that the submitted details are satisfactory.

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.