

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0907-21 **Applicant:** Mr K Mitchell
Proposal: Details of foul & surface water disposal (Condition 3 of H07-0411-21)
Location: Plot 1 South Of Highstock Lane Gedney Hill
Terminal Date: 12th November 2021

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 H07-0411-21:

3 - Details of foul & surface water disposal

Site Description

As original application.

History

H07-0411-21 - Erection of Bungalow & Garage- Approved

H07-0089-21 - Detached Bungalow with attached double garage, means of access, landscaping and boundary treatment - Approved

H07-0284-19 - Outline planning application for residential development (approved under H07-0059-18) Variation of Condition 4 to remove the gross floor area restriction - Approved

H07-0059-18 - Outline planning application for residential development - Approved

Consultation Responses

Welland and Deeping Internal Drainage Board

We accept that the soakaways for surface and foul water are to be located to the rear (north) of the property. We understand that the soakaway calculations (lodged 25-08-21) align with Building Regulations requirements and the proposed soakaway crate volumes are acceptable for this development.

Planning Considerations

Condition 3 - Details of foul & surface water disposal

The South Holland Internal Drainage Board has advised that the soakaways for surface and foul water proposed to be to the rear (north) of the property in accordance with drawing no. 16721/01 (Proposed Drainage Layout) are considered acceptable. In addition the soakaway calculations (lodged 25-08-21) align with Building Regulations requirements and the proposed soakaway crate volumes are acceptable for this development.

The proposed surface and foul water drainage scheme is considered acceptable therefore condition 3 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 3 of application H07-0411-21 can be discharged.