

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H08-0724-21 **Applicant:** MedicX Properties V Ltd.

Proposal: Details of surface water drainage & foul and surface water disposal (Conditions 3 & 4 of H08-0475-21)

Location: Gosberton Medical Centre Low Gate Gosberton

Terminal Date: 31st August 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

NPPF 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The following conditions of application H08-0425-21:

3 - direction of surface water drainage

4 - means of foul and surface water disposal

Site Description

As original application.

History

H08-0425-21 - Extension to car park to provide 13 number extra spaces - Approved

Consultation Responses

Welland and Deeping Internal Drainage Board - No comments.

Planning Considerations

Condition 3 - direction of surface water drainage

Surface water would be directed inwards and away from the site boundaries as shown on plans 482-151 Rev B and GMCG-BSP-ZZ-XX-DR-C-0230 Rev P02.

The County Council as Local Highway and Lead Local Flood Authority has not commented on the application however, the submitted details are considered to address the issues raised by them during the course of the original application and surface water is proposed to be directed inwards, into the site, as requested.

As such condition 3 can be discharged.

Condition 4 - means of foul and surface water disposal

Water would be drained into the landscaping via a gravel margin at the edge of the car park as shown on plans 482-151 Rev B and GMCG-BSP-ZZ-XX-DR-C-0230 Rev P02. As such condition 4 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 and 4 of application H08-0425-21 can be discharged.