DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0275-23**	**Applicant:**	**Miss J Stanberry**
Proposal:	Details of foul and surface water disposal. (Condition 6 of H13-0506-22)		
Location:	Westlyn Fen Gate Moulton Chapel		
Terminal Date:	18th May 2023		

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 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

Discharge of condition 6 (Details of foul & surface water disposal) of application H13-0506-22.

Site Description

As original application.

History

H13-0506-22 - Demolition of existing bungalow & erection of detached house - Approved 27th September 2022

H13-0235-10 - Proposed self-contained annexe - Refused 18th June 2010

H13-0256-02 - Erection of a single-storey extension to front of bungalow - Approved 3rd May 2002

H13-01478-00 - Erection of a swimming pool enclosure - Permitted 12th February 2001

H13-0157-98 - Alterations and new roof, plus conservatory - Permitted 7th April 1998

Consultation Responses

South Holland Internal Drainage Board

The initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the document titled Percolation Test Report & Soakaway Sizing (Shields Wilson, 10/03/2023). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Treated foul water from their site will be disposed of via an existing septic tank. If the applicant's proposals changed to discharge foul water to a watercourse, this will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Planning Considerations

Condition 6 - Details of foul & surface water disposal

The proposed drainage strategy for surface water discharge via infiltration and foul water via an existing septic tank are considered acceptable for the site.

The South Holland Internal Drainage Board has advised that the initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the document titled Percolation Test Report & Soakaway Sizing (Shields Wilson, 10/03/2023). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Treated foul water from their site will be disposed of via an existing septic tank. If the applicant's proposals changed to discharge foul water to a watercourse, this will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

The proposed surface and foul water drainage scheme 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 6 of application H13-0506-22 can be discharged.