DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-1218-22**	**Applicant:**	**Mr P Laud**
Proposal:	Details of landscaping & tree planting, proposed boundary treatments, foul water disposal, finished floor levels, existing & proposed site levels and proposed floor levels. (Conditions 4, 5, 6, 9 and 10 of H13-0976-20)		
Location:	Land Adj 48 Seas End Road Moulton Seas End Spalding		
Terminal Date:	22nd February 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

The application proposes to discharge the following conditions of application H13-0976-20:

Condition 4 - Landscaping
Condition 5 - Boundary treatments
Condition 6 - Foul water disposal
Condition 9 - Finished floor levels
Condition 10 - Existing and proposed site levels

Site Description

As original application.

History

H13-1208-22 - Erection of dwelling - outline approval H13-0976-20 - Pending consideration

H13-0976-20 - Erection of dwelling - Approved

Consultation Responses

South Holland Internal Drainage Board

The IDB has requested further infiltration testing to be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Planning Considerations

Condition 4 - Landscaping

There is limited landscaping proposed due to site limitations and small amounts of outdoor space being retained. A small terrace and a lawned area are proposed to the rear with a gravelled area for parking beyond this. As such condition 4 can be discharged.

Condition 5 - Boundary treatments

The northern boundary would have a 1.2 metre fence, increasing to 1.8 metres towards the rear with the parking area enclosed on either side by a 1 metre high fence on the west and a hedge along the east. These boundary treatments are considered acceptable and in keeping with the street therefore condition 5 can be discharged.

Condition 6 - Foul water disposal

Foul water is proposed to be discharged to a package treatment plant to the rear of the site. SHIDB has advised that if the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. There are no objections subject to compliance with the Boards Bylaws therefore condition 6 can be discharged.

Condition 9 - Finished floor levels

Finished floor levels will be set 300mm above average ground levels therefore condition 9 can be discharged.

Condition 10 - Existing and proposed site levels

The site levels shown on drawing 1206/01 are considered acceptable therefore condition 10 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 4, 5, 6, 9 and 10 of H13-0976-20 can be discharged.