DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0676-21**	**Applicant:**	**Mr P & Mrs R Bowman**
Proposal:	Details of surface water disposal (Condition 3 of H16-0294-21)		
Location:	Elm Tree Farm Mill Drove North Cowbit		
Terminal Date:	16th August 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Sections 6 and 12 of the National Planning Policy Framework (2021)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for details of surface water disposal (Condition 3 of H16-0294-21) at Elm Tree Farm, Mill Drove North, Cowbit.

SITE DESCRIPTION

The proposal site is in the open countryside, and the surrounding area is predominately rural,

characterised by non-nucleated development of varying ages and design. The yard in which the store would be sited is surrounded by a 2.6 metre high brick wall, with arable fields to the north and west, agricultural buildings and a dwelling to the east, with drainage ponds and residential gardens to the south. The site is located in Environment Agency Flood Zones 2 and 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. There is not a need to raise the finished floor levels of the store as the proposed use is not for habitable rooms.

HISTORY

H16-1343-06

Reserved Matters - Proposed replacement dwelling - Refused - 18 December 2006.

H16-1501-07

Full - Demolition of existing barn and replacement and retention of existing owl barn - Refused - 18 January 2008.

H16-0831-08

Full - Retention of existing barn and new replacement barn with garage and farm office - Approved - 24 September 2008.

H16-1027-08

Full - Proposed fence and gates (retrospective) - 07 November 2008.

H16-0998-09

Full - Proposed replacement dwelling - Withdrawn - 25 March 2010.

H16-0714-10

Full - Proposed replacement dwelling (re-submission of H16-0998-09) - Approved - 19 October 2010.

H16-0294-21

Full - Proposed Farm Machinery Store - Approved - 17 May 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

South Holland Internal Drainage Board

No objection - "The estimations given in the Drainage Strategy suggest that the drainage system will provide adequate storage capacity for a storm event providing the trench soakaway is constructed as stated and the level of the weir and overflow are raised as proposed."

PLANNING CONSIDERATIONS

Compliance with Condition 3 of H16-0294-21 - Full Details of Drainage

The Lead Local Flood Authority and South Holland Internal Drainage Board have no objections to the proposed drainage system, which drains into adjacent ponds.

PLANNING BALANCE

The projected flow rates have been supported by the Internal Drainage Board. The condition is considered to have been complied with.

CONCLUSION

This application is recommended for approval.

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.