

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0839-17 **Applicant:** Mr Parker
Proposal: Details of foul and surface water disposal (Condition 10 of H16-0874-11)
Location: Windcatch Caravan Park Kellett Gate Low Fulney
Terminal Date: 19th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Sections 12 & 14 of the National Planning Policy Framework (2019)

12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

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 regarding details of foul and surface water disposal, which is condition 10 of H16-0874-11, sited at Windcatch Caravan Park, Kellett Gate, Low Fulney.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is characterised by caravans and buildings of varying ages and design.

History

H16-0090-19

Section 73 - Use of land for the stationing of log cabins, Manager's log cabin, welfare facility, equipped play area, lake and associated roads and parking, and parking area for 5 tourist motor homes - approved under H16-0874-11 - Modification of Condition 5 relating to the occupation of the log cabin and the role of site warden - Refused - 05 June 2019.

H16-0381-14

Condition Compliance - Use of land for the stationing of log cabins, managers log cabin, welfare facility, equipped play area, lake and associated roads and parking and parking area for 5 tourist motor homes - approved under H16-0874-11. Amendments to include relocation of unit 16 to allow direct road access and play area moved to original unit 16 location - Approved - 28 May 2014

H16-0874-11

Full - Use of land for the stationing of log cabins, Manager's log cabin, welfare facility, equipped play area, lake and associated roads and parking, and parking area for 5 tourist motor homes - Approved - 13 July 2012.

Consultation Responses

South Holland Internal Drainage Board

The applicant has now decided to revert to soakaways originally approved under H16-0874-11.

County Highways & SUDS Officer

No objections.

Planning Considerations

Compliance with condition 10 of H16-0839-17

The submitted details are considered to accord with Condition 10 of H16-0839-17. The original submitted soakaways will deal with surface run off without increasing the likelihood of flooding elsewhere on site and no objections have been received in reference to foul water disposal via sewage treatment plant.

Conclusion

Condition 10 of H16-0839-17 can now 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.