DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0328-22**	**Applicant:**	**Persimmon Homes East Midlands**
Proposal:	Details of surface water drainage scheme (Condition 8 of H22-1249-21)		
Location:	Land North West Of High Road Weston Spalding		
Terminal Date:	23rd May 2022		

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 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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of surface water drainage scheme (Condition 8 of H22-1249-21).

Site Description

As original application, except development has commenced.

History

H22-1249-21 - Full - Residential development for the erection of 150 dwellings and associated open space and infrastructure - re-submission of H22-1135-20 (approved March 2022)

Consultation Responses

Anglian Water - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority, as they are the statutory consultee for surface water management, and the Internal Drainage Board if applicable.

South Holland Drainage Board - The Board granted consent for surface water discharge from this site (ref: 21_04477_C) on the 21st April, 2022. The Board has entered into discussions with the applicant around the technical details of the intended widening of the Board maintained watercourse to the North of the Site (Pinfold Drain, DRN208P1404). This will result in the Board maintained watercourse moving approximately 2m closer to the planned development, thus moving the Byelaw 10 area further into the site than it currently stands. The Board has granted consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure) for the discharge pipe and attenuation pond which will both be installed/constructed within 9m of the widened brink. Consent ref: 21_04477_C - Non-Material Amendment 1 issued 21st April, 2022. The Board is currently processing an application to culvert the riparian watercourse to the South of the site for access under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

LCC Highways/SUDS - The highway authority is now satisfied with the drainage details for this development that have been submitted for technical approval and therefore does not wish to object to the grant of Consent for the discharge of Condition 8 of H22-1249-21.

Planning Considerations

There are no objections from any technical consultees to the specific details of the proposed surface water drainage scheme, which are therefore considered acceptable.

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

Condition 8 of H22-1249-21 can be discharged.