DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-0835-25**	**Applicant:**	**Emerald Homes Lincolnshire Limited**
Proposal:	Details of surface water drainage scheme & foul water disposal (Conditions 10 & 16 of H03-0161-17)		
Location:	Home Farm Littleworth Drove Deeping St Nicholas		
Terminal Date:	29th October 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development.
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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline consent was granted in December 2021 for the construction of up to 120 dwellings on the site. This application seeks approval of the details in respect of Condition 10 (surface water

drainage scheme) and Condition 16 (details of the means of foul water disposal) of application H03-0161-17.

Site Description

The site relates to 4.4hectares of land located at Deeping St. Nicholas, the site frontage is within the settlement boundary with the remaining land located in countryside beyond the development limit. Part of the site is occupied by agricultural and ancillary buildings along with areas of hard standing.

History

H03-0161-17: Outline planning application with all matters reserved- Erection of up to 120 dwellings and a village hall and ancillary development. Approved 22nd December 2021.

H03-0598-24: Erection of 119 dwellings and a village hall along with ancillary development including the construction of an attenuation pond-Outline approval H03-0161-17. Approved 7th November 2024.

H03-1043-24: Details of construction management, mud precautions, bicycle storage/parking, public open space, proposed boundary treatments and bird/bat boxes (Conditions 4,5,6,12,17 and 20 of H03-0161-17). Approved 29th January 2025.

H03-1044-24: Details of existing and proposed site levels, proposed floor levels, hard surfaced areas, mitigation measures and external materials (Conditions 2 and 4 of H03-0598-24). Approved 3rd February 2025.

H03-0060-25: Details of contamination of land, pollution of controlled waters and private water supply (Condition 14(i) of H03-0161-17). Approved 5th March 2025.

Consultation Responses

Responses Received (consultation period from 9th September 2025 to 30th September 2025)

Welland and Deepings Internal Drainage Board

No comment to make.

Anglian Water

The statement for discharge of drainage shows that foul will connect to Herdsmans Close, this is acceptable to Anglian Water. The statement for discharge of drainage shows surface water will discharge to a watercourse which is outside of Anglian Water's jurisdiction for comment.

Highways and Lead Local Flood Authority

Request that additional information is provided. The Highway and Lead Local Flood Authority are unable to approve the application until such time full details of the S38 Agreement are submitted and approved in writing by this Authority.

Planning Considerations

Condition 10 Wording

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;

- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

The reason for the condition is:

To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

Condition 10 Detail

A Statement of Discharge of Drainage has been submitted as part of the application. This advises surface water is to be collected via a below ground piped discharge network from all proposed impermeable surfaces.

The drainage network will consist of private drainage within plots and S104 adoptable surface water sewers within the proposed adoptable highway. SuDS features in the form of filter trenches/drains will be provided to collect highway drainage which will be connected to the adoptable surface water sewers. The network will discharge to a detention basin prior to surface water discharging at a restricted of 7.0 l/s to an existing Welland and Deepings IDB watercourse (Drain ID 196 - Picks Home Farm) located along the southwest boundary of the site.

Anglian Water has given technical approval to the proposed adoptable surface water sewer system and a Confirmation of Technical Approval letter dated 24th July 2025 has been submitted as part of the application.

The final discharge to the IDB watercourse will be restricted to 7.01/s using a vortex control device located in the final downstream manhole of the adoptable surface water drainage system.

Welland and Deeping IDB have consented to the restricted rate of 7.01/s as confirmed in correspondence dated 10th July 2025 forming part of the application.

It is noted that the Highway and Lead Local Flood Authority advise they are unable to approve the details until a S38 Agreement has been submitted and approved. In response the Highway Authority has been advised Conditions 10 and 16 relate to the disposal of surface and foul water and the application includes confirmation from Anglian Water that technical approval has been given to the proposed adoptable surface and foul water sewer systems. Welland and Deeping Internal Drainage Board has also consented to the proposed discharge rate to the IDB watercourse
.
The Highway Authority has therefore been advised that it is not possible to hold the application in abeyance until the S38 Agreement has been submitted and approved as this does not fall within the legislative framework of the planning system, nor do the terms of conditions 10 and 16 require such approval.

Condition 16 Wording

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The reason for the condition is:

To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 16 Detail

A Statement for Discharge of Drainage has been submitted as part of the application. This advises it is proposed to provide a gravity private foul drainage system and an adoptable foul sewer network within the proposed development which will discharge to a proposed adoptable S104 foul pumping station. The outfall from the pumping station will be via a proposed adoptable rising main which will connect to the existing Anglian Water foul sewer system at the entrance to Herdsmans Close.

Anglian Water has given technical approval to the proposed adoptable foul water sewer system and a Confirmation of Sewer Connection Approval letter dated 21st March 2025 has been submitted as part of the application.

t is noted that the Highway and Lead Local Flood Authority advise they are unable to approve the details until a S38 Agreement has been submitted and approved. In response the Highway Authority has been advised Conditions 10 and 16 relate to the disposal of surface and foul water and the application includes confirmation from Anglian Water that technical approval has been given to the proposed adoptable surface and foul water sewer systems. Welland and Deeping Internal Drainage Board has also consented to the proposed discharge rate to the IDB watercourse
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The Highway Authority has therefore been advised that it is not possible to hold the application in abeyance until the S38 Agreement has been submitted and approved as this does not fall within the legislative framework of the planning system, nor do the terms of conditions 10 and 16 require such 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.

Conclusion

The submitted details are considered acceptable.

Recommendation

Condition 10 and 16 of application H03-0161-17 are discharged.