

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0129-23 **Applicant:** Larkfleet Group

Proposal: Details of surface water disposal, foul water drainage works and solar panels (Conditions 11, 12 and 17 of H05-0565-22)

Location: Land At Lowgate Fleet Spalding

Terminal Date: 30th June 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 11, 12 and 17 of planning approval H05-0565-22, relating to details in relation to surface water disposal, foul water drainage works and solar panels.

Planning approval H05-0565-22 granted full planning application for 38 cabins for holiday / leisure use together with landscaping and all associated works.

Site Description

The site sits on the western side of Lowgate at the junction with Roman Bank. To the south are a number of frontage properties and an area of paddock land extending to the rear. To the north on the opposite side of Roman Bank is a Grade II Listed Building known as Hovenden House. To the east and west are arable fields. The site is largely flat & featureless save for three fishing lakes in connection with the previous recreational fishing facility on site.

History

H05-0114-15. Construction of 12 log cabins for holiday/leisure use. Approved September 2015.

H05-0699-16. Construct 6 log cabins for holiday/leisure use. Approved September 2016.

H05-0773-17. Erection of 24 (in total) log cabins for holiday/leisure use including 6 No. additional log cabins; 6 No. cabins granted under planning permission reference H05-0699-16 and 12 No. cabins granted permission under H05-0114-15. Approved July 2018.

H05-1033-19 . Details of surface and foul water, proposed levels, external materials and storage and disposal of refuse (Conditions 4, 6, 9 and 10 of H05-0773-17). Approved December 2019.

H05-0404-21. Details of external materials (Condition 9 of H05-0773-17). Approved May 2021.

H05-0709-21. Application for a Non-Material Amendment to planning permission H05-0773-17 to amend the description of development to 'Erection of 24 (in total) cabins for holiday/leisure use including 6 No. additional cabins, 6 No. cabins granted under H05-0699-16 and 12 No. cabins granted permission under H05-0144-15'. Approved July 2022.

H05-0507-22. Non-Material Amendment (NMA) application to amend the location of the already approved cabins in the first phase and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0379-22. Non-Material Amendment (NMA) application to add a phasing condition and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0555-22. Details of external materials (Condition 9 of H05-0773-17). Approved June 2022.

H05-0565-22 - Erection of 38 cabins for holiday / leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent). Approved November 2022

H05-1085-22 - Erection of a wind fence to produce renewable energy to support the holiday lodges on the site adjacent - Approved

H05-0191-23 - NMA - Amendments to elevations and material of holiday lodges. Approved March 2023

Consultation Responses

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This is in excess of greenfield rate, however I note that the proposed rate is the minimum possible to reduce the risk of blockages in the system. This proposal will require consent under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) within the western site boundary and that works are proposed to alter this watercourse including the installation of a access culvert (Shown on drawing MA11542 / PL / 201). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Following Amendments:

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This is in excess of greenfield rate, however I note that the proposed rate is the minimum possible to reduce the risk of blockages in the system. This proposal will require consent under Byelaw 3. The applicant has approached the Board to make an application for consent under Byelaw 3, which is currently under determination under reference 23_21902_C.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicants proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

As mentioned in our previous letter dated 8th March 2023, we note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) within the western site boundary and that works are proposed to alter this watercourse including the installation of an access culvert (Shown on drawing MA11542 / PL / 201). To date, the Board have not received an application for these proposed works. To enable this proposal consent is required under Section 23 of the Land

Drainage Act 1991 (and byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Anglian Water

Foul Water Comments: The foul strategy as outlined in drawing MA11542/PL/200 states that the package pumped rising main outfall is to be confirmed. This information is required to enable us to understand and assess the impact on the public sewerage network. We therefore are not able to recommend discharge of condition 12.

Surface Water Comments: The surface water strategy is not relevant to Anglian Water, we have no comments to make thereon.

Following Amendments:

Foul Water Comments: Based upon confirmation of a rising main ultimately connecting at manhole 5101 - this is acceptable to Anglian Water and we can recommend discharge of condition 12.

Surface Water Comments: The drainage layout drawing shows surface water discharging to ponds, this is outside of Anglian Water's jurisdiction for comment.

Highways & SUDS Support

No objection.

The proposals submitted for the discharge of Condition 11 - surface water drainage - are acceptable to the Lead Local Flood Authority and therefore the Authority does not wish to object to the discharge of Condition 11.

Neighbouring Residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. One letter of representation has been received from neighbouring residents, their comments are summarised below:

- The surface water would flow into surrounding water course and residents land
- The site has been raised much higher in relation to surrounding properties

Planning Considerations

This application relates to conditions 11, 12 and 17 of planning approval H05-0565-22.

Condition Details

The conditions detail:

Condition 11

Before the commencement of the development hereby granted beyond oversight, full details of the means of surface 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.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire

Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The details in respect of surface water drainage are considered to be acceptable. Whilst the Internal Drainage Board have raised comments, Lincolnshire County Council, as Lead Local Flood Authority have confirmed that they do not wish to object to the discharge of Condition 11.

During the application process, concerns were raised by neighbouring residents, with discussions being had with numerous parties (Lincolnshire County Council as Lead Local Flood Authority, Internal Drainage Board and the Local Planning Authority).

One comment raised indicated that "the loading of the ground in the Larkfleet Holiday Cabins development, by the deposition of soil or some other fill material, possibly to form the bunds shown on the drawing, has squashed the site's ground water which has then risen to the surface in her field". In response to these matters, the Internal Drainage Board provided confirmation that they had visited the site and noticed "some isolated patches of standing water inside adjacent paddocks and the adjoining riparian watercourses were partially full of water and noted to be overgrown", with further visits to be scheduled and arranged to look at the wider drainage network to rule out the possibility of any obstructions affecting flows.

In relation to the details required in this application relating to surface water drainage, following the grant of planning permission, the details (most recent amendments) as outlined by LCC Highways/SUDS show that:

- the surface water run-off from the roadways within the site are to be collected by means of roadside filter drains (good SuDS practice) and the surface water from the roofs of the Consented cabins being discharged into the same roadside filter drains.
 - There will be degree of infiltration of the road water and the roof water into the ground from the filter drains, but the filter drains also discharge into the three existing ponds on the site. These ponds are inter-connected, so as to balance themselves, and the middle pond has an outfall to put any excess water into the existing watercourse that runs along the western boundary of the site. The roads and roofs of the Consented development do not cause any more rainwater to fall onto the site than there would be if the land remained undeveloped.
 - The development will however put in place measures to manage the surface water so that it does not increase flood risk to either the site or neighbouring land.
- In this respect, LCC Highways/SUDs, as Local Lead Flood Authority, also reiterated that they have no objections to the details provided.

The Internal Drainage Board initial detailed that, in relation to condition 11 (Surface Water), further detail and clarification was required. Following this the Internal drainage Board, in responding to concerns raised in relation to neighbouring residents, stated that they were made aware of an "existing outfall pipe when the site owners applied to us for Land Drainage Consent under Byelaw 3 (discharge of surface water to a watercourse) for the site. As part of their application, the applicant submitted a drainage layout plan which showed this existing outfall (Drawing reference 22081 102 Rev D, Travis Baker, 19/04/2023). Whilst the existing outfall pipe may be currently discharging at an unrestricted rate, which could explain the comment made ("discharging quite a flow rate"), the applicant's application to us for the discharge of surface water shows that a Hydrobrake is proposed which will restrict the flow rate down to 6l/s. The applicant has stated that 6l/s is the greenfield rate for the site in their submitted drawing 22081 102 Rev D (Travis Baker, 19/04/2023)".

In providing their formal consultation response, following amendments, the Internal Drainage Board detailed that the applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s, which is in excess of greenfield rate, therefore requiring consent under Byelaw 3 which the applicant has already applied for and is under consideration. These comments also detailed that the Internal drainage Board note, however, that "the proposed rate is the minimum possible to reduce the risk of blockages in the system". Therefore, this is under consideration by the Internal Drainage Board.

Overall, the Local Planning Authority consider that some of the matters (gained through differing parties) that highlighted neighbouring concerns of the loading of the ground within the Application Site, by the deposition of soil or other fill material etc' as detailed above, are presently a civil matter between neighbouring landowners. The details provided in relation to the surface water drainage for the proposed development of holiday lodges are acceptable.

It is note that the applicants require further consent from the Internal Drainage Board due to the rate detailed above; however, this would be required outside of the planning process. No objections

have been received from consultees in relation to the details for surface water drainage, with the matters highlighted by the Internal Drainage Board also being accompanied by a comment that the board note the need for this rate due to the proposed rate being the minimum possible to reduce the risk of blockages in the system.

Overall, it is considered that the proposed development would not result in an increase in surface water, albeit the drainage would be impacted due to the development. In conclusion, on balance, the details are acceptable and should be discharged.

Condition 12

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

*Reason: 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.*

It is considered that the details proposed are acceptable in this instance. Consultation responses gained from Anglian Water confirm that the details, in their consideration, are acceptable and also recommend discharge of condition 12.

Condition 17

Prior to their installation, details of the solar panels to be installed on each cabin shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the appearance of the development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.*

It is considered that the details proposed are acceptable in this instance.

Other Matters

Correspondence have been received from neighbouring properties raising concerns regarding drainage and standing water. Following the correspondence, further confirmation was sort from the Local Lead Flood Authority (LCC Highways/SUDS) and the Internal Drainage Board. The responses received from the LLFA confirmed they still wished to raise no objections in relation to the surface water details proposed, confirming their content that the conditions be discharged.

The Internal Drainage Board confirmed, within their most recent consultation response, that they had no objections or concerns raised in relation to Foul Water Drainage; however, detailed that due to the discharge of surface water to a watercourse being at a rate of 5 l/s, in excess of greenfield rates, the proposal would require consent under Byelaw 3 through the Internal Drainage Board which has been submitted and currently under assessment by the board. As detailed above the comments do note that "the proposed rate is the minimum possible to reduce the risk of blockages in the system".

Conclusion

The details in relation to these conditions (11, 12 and 17) are acceptable and 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.