

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0878-26 **Applicant:** Seagate Homes Ltd.

Proposal: Details of proposed means of foul and surface water disposal (Condition 17 of H09-0243-26)

Location: Land Off Damgate Holbeach Spalding

Terminal Date: 9th November 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04 Approach to Flood Risk
02 Development Management

National Guidance

National Planning Policy Framework August 2026

Section 18 - Managing flood risk 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 discharge of condition application providing details of proposed means of foul and surface water disposal (Condition 17 of H09-0243-26).

Site Description

The application site comprises approximately 8.41 hectares of land located to the south-west of Holbeach and forms part of a larger residential allocation that has benefited from a series of planning permissions, most recently under planning permission H09-0287-24.

At the time of the original planning permission, the site was predominantly greenfield in nature and comprised agricultural land together with areas of mature landscaping and water features. The site was bounded to the south and east by open agricultural land and drainage watercourses, whilst residential development was located immediately to the north along Fleet Road, Damgate and Greenfields. To the west, the site adjoined open playing fields and recreational land.

The site contains a number of mature trees protected by the Fleet and Holbeach Tree Preservation Order No.1 (1987), together with substantial boundary vegetation and a significant pond feature which form important landscape components of the site. These features remain present and continue to contribute positively to the character of the area and the approved development framework.

Whilst development has now commenced on parts of the wider site, the application site remains readily identifiable as the approved residential development site and retains the principal landscape features, drainage infrastructure and open space network established through the original planning permission.

The site lies within Flood Zone 1 in accordance with the Environment Agency's Flood Risk Maps and is therefore at the lowest probability of flooding from rivers and the sea.

History

H09-0523-20 - Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 H09-0332-16. Approved 3rd September 2020.

H09-0277-20 - TPO Tree Works - Works to Fleet and Holbeach Tree Preservation Order No. 1 198.
H09-0230-21 - S.191 Certificate of Lawful Use - The implementation of planning permission H09-0332-16 for residential development on land adjacent to Dam Gate, Holbeach, by works to lay out an access road and foundations for a garage. Approved 23 March 2021.

H09-1081-19 - Modification of 106 Agreement to reduce amount of affordable housing from 33.3% to 25% (Planning Approval H09-0332-16). Notice of Non Determination - 20th January 2023.

H09-0372-23 - Modification of S106 Agreement relating to the reduction of affordable housing. Approved 15.1.2024.

H09-0287-24 - Residential Development - Erection of 188 Dwellings - approved under H09-0332-16.

Modification of Condition 2 to allow amendments to previously approved plans. Approved 08-08- 24

H09-0125-25 - Residential development - Erection of 188 dwellings - Approved under H09-0287-24.
Modification of Conditions 1 and 2 to allow amendments to previously approved plans. Approved 08-05-25

H09-0243-26 - Residential Development - Erection of 188 dwellings - approved under H09-0287-24.
Modification of Condition 1 to allow amendments to previous approved plans, Condition 2 External Materials Schedule and Materials Distribution Plan, Condition 4 Boundary Treatments, Condition 10 Maintenance & Responsibility Plan and Condition 12 Storage & Disposal of Refuse & Recycling as per Site Layout Plan. Approved 16-07-26

Consultation Responses

Highways/LLFA

No Objections - Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments: Surface water drainage details have been technically approved under the Section 38 Agreement and, as such, the surface water element of this condition is considered discharged; the Lead Local Flood Authority has no comments to make in respect of the proposed foul water drainage arrangements.

IDB

Byelaw 3 (Surface Water) - I note that the applicant intends to discharge surface water from the development site to a watercourse within the Board's internal drainage district. The applicant has approached the Board to make an application for consent under Byelaw 3, which has been granted under reference 24_28420_C on 6th November 2024. Please note that this consent will expire if the works are not completed within 3 years of the date of issue.

Byelaw 3 (Treated Foul Water) - I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's 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 that the applicant intends to alter the Board arterial watercourse (F05 Brick Pits Drain DRN197P0502) at the frontage of the development site, to facilitate the installation of an access culvert. The applicant has approached the Board to make an application for consent under Byelaw 3, which has been granted under reference 24_28420_C on 6th November 2024. Please note that this consent will expire if the works are not completed within 3 years of the date of issue.

Anglian Water

No response received.

Planning Considerations

Condition 17 - Foul & Surface Water Drainage

The condition requires:

Before any development beyond oversight is commenced, full details of the proposed means of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

The applicant has provided:

- E4237/380/P - Phase 1 Section 104 Agreement Plan
- E4237/381/D - Phase 2 Section 104 Agreement Plan Sheet 1
- E4237/382/D - Phase 2 Section 104 Agreement Plan Sheet 2

The documents show that surface water from the development will be discharged to a watercourse within the Board's internal drainage district. The IDB have confirmed that the applicant has approached the Board to make an application for consent under Byelaw 3, which has been granted under reference 24_28420_C on 6th November 2024. Highways have also made comment that Surface water drainage details have been technically approved under the Section 38 Agreement and, as such, the surface water element of this condition is considered discharged.

As regards foul drainage, Anglian Water have not made comments on this discharge application, the foul disposal is directed to the main sewer. However under a previous discharge application (H09-0523-20) Anglian Water discharged a Foul Drainage condition (then condition 19), the foul and surface water conditions were later amalgamated under a S73 permission. Anglian therefore have previously agreed and are aware of the foul drainage strategy for this site. The technical details and consenting process sit outside of planning (under Section 106 of the Water Industries Act) and therefore are mitigated. Given the principle acceptance of foul water flow has been agreed previously and that the IDB and Highways have consented surface water arrangements, the

information is sufficient to discharge the condition. Condition 17 is therefore discharged.

Conclusion

Condition 17 of H09-0243-26 is hereby 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.