DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0374-25**	**Applicant:**	**Peloton Produce**
Proposal:	Details of surface water disposal (Condition 2 of H13-1065-24)		
Location:	Peloton Produce Manor Farm West Cobgate		
Terminal Date:	12th June 2025		

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 December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
Section 11 - Making effective use of land
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

National Guidance

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 application seeks to discharge condition 2 of permission H13-1065-24.

Permission H13-1065-24 granted retrospective consent for the change of use of agricultural land to a tractor and trailer parking area.

Site Description

The site comprises land to the east of Peloton Produce, which is located to the south-east of Moulton on West Cob Gate. Peloton Produce operates as a wholesale produce store. The site is mostly surrounded by agricultural fields. There are however dwellings to the south-east of the site on Broad Lane, and Moulton Bulb Company is located to the south-west of the site.

The site is located outside any defined settlement boundary identified within the South East Lincolnshire Local Plan (2019). As such, the site is within the countryside in planning policy terms.

Relevant Planning History

H13-1065-24: (Full Application) Change of Use of Agricultural Land to Tractor & Trailer Parking (part retrospective) - approved 17 February 2025

Consultation Responses

Lincolnshire County Council - Highways and SUDS: Details of surface water disposal (Condition 2 of H13-1065-24) - 1065-24 was a minor application therefore it is for the LPA to determine if the surface water drainage proposals are acceptable.

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): I understand that this planning application relates to the discharge of conditions for the full application H13-1065-24, specifically condition 2 which states 'full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority'. I am pleased to see that the tractor and trailer parking areas will be constructed from permeable materials, however, I cannot see that the means of surface water disposal from the new concrete roadway has been provided Should the applicant intend to dispose of surface water via infiltration, we recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991: On the drawing Site Plan - Proposed "4022-22 Rev C" (G.R. Merchant 04/2025) I note that there will be/are two new concrete accesses and an upgraded existing field access. These works require consent under Section 23 of the Land Drainage Act 1991 for the alteration of an ordinary watercourse. Please note that the applicant has approached the Board to make multiple applications for consent under Section 23 for the works detailed above. These have been granted consent under the references 23_22857_C & 23_22858_C dated 27/07/2023 and 23_23421_C dated 04/08/2023.

Key Planning Considerations

Condition 2 reads as follows:

"Within three months of the date of this decision, full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of ground investigation to determine if infiltration is feasible. Testing in line with BRE Digest 365 shall be provided if the site cannot accommodate infiltration. If infiltration is not feasible at this site, following the drainage hierarchy, surface water shall be discharged to a watercourse. The approved details shall thereafter be implemented in full and thereafter retained.

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 Section 14 of the National Planning Policy Framework, December 2024."

The application is accompanied by a site layout plan which sets out the proposed drainage details. The drainage strategy for the site includes the provision of a permeable surfacing parking area. Water is therefore proposed to be discharged from the concrete accesses onto the permeable parking area. This is considered to be acceptable.

South Holland Internal Drainage Board has set out that the concrete accesses require consent under Section 23 of the Land Drainage Act 1991 for the alteration of an ordinary watercourse. The applicant has been granted consent for the accesses under Section 23 under the references 23_22857_C & 23_22858_C dated 27/07/2023 and 23_23421_C dated 04/08/2023.

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 details address the requirements of condition 2 of permission H13-1065-24.

Recommendation

Discharge condition 2.