

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0881-24 **Applicant:** Peloton Produce

Proposal: Details of surface water drainage (Condition 3 of H13-0860-23)

Location: Peloton Produce Manor Farm West Cobgate

Terminal Date: 6th January 2025

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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 proposal seeks to discharge Conditions 3, of planning approval H13-0860-23, relating to details of surface water drainage.

Site Description

The existing site operates as a wholesale produce store on land outside of defined settlement limits. The existing Peloton Produce business is located to the east with the nearest dwellings to the south-east on Broad Lane 156 metres away. Arable fields are located to the south with the nearest building of Moulton Bulb Company approximately 261 metres away. Arable fields are located to the west of the site with arable fields beyond West Cob Gate to the north. Lowther Avenue is located 461 metres away to the north-east. The site benefits from a large area to the front of the existing building for vehicular parking and HGV movements.

The site is in a mixture of Environment Agency Flood Zones 1, 2 and 3. The entirety of the site is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. No foul drainage provision is required for the proposal with surface water drainage addressed via soakaways.

History

H13-1567-89 - Full - Steel portal frame open general purpose - closed' general purpose and cold store agricultural extns.' - Approved - 08 March 1990.

H13-0463-96 - Full - Proposed alterations to elevations - Approved - 09 July 1996.

H13-1125-99 - Full - Process effluent treatment facilities - Approved - 13 January 2000.

H13-0301-00 - Full - Erection of an extension to Packhouse & wall to covered unloading area together with 2.3 metre security fence - Approved - 02 May 2000.

H13-0150-01 - Full - Extension to packhouse. Two additional water storage tanks - Approved - 21 March 2001.

H13-1669-05 - Full - Use of existing building for storage, packing and distribution of flowers, plants and bulbs - Approved - 07 March 2006.

H13-0464-06 - Condition Compliance - Details of landscaping and fencing (Condition 6 of H13-1669-05) - Approved - 02 May 2006.

H13-0466-06 - Condition Compliance - Details of external lighting (Condition 7 of H13-1669-05) - Approved - 15 May 2006.

H13-0468-06 - Condition Compliance - Details of parking, loading and manoeuvring areas (Condition 5 of H13-1669-05) - Approved - 05 May 2006.

H13-0819-06 - Full - Single-storey extension to form amenities and office space - Approved - 14 August 2006.

H13-1456-06 - Condition Compliance - Details of Landscaping (Condition 2 of H13-0819-06) - Approved - 30 October 2006

H13-0860-08 - Full - Proposed extension to existing steel framed building - Approved - 02 December 2008.

H13-0599-22 - Full - Change of use of agricultural land to commercial including coldstore extension
- Approved - 28 September 2022.

H13-0860-23 - Full - Change of use of agricultural land to commercial including coldstore extension
- resubmission of H13-0599-22 - Approved - 12 December 2023

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The Details of surface water drainage (Condition 3 of H13-0860-23) are acceptable in accordance with approved drawings and details submitted with this application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

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.

South Holland Drainage Board

Thank you for your consultation for the planning application H13-0881-24 Details of surface water drainage
(Condition 3 of H13-0860-23) at Peloton Produce Manor Farm West Cobgate Moulton PE12 6QN.

Byelaw 3 (Surface Water)

I note that the applicant intends to dispose of surface water into a watercourse at a restricted rate. The applicant has approached the Board to make an application for consent under Byelaw 3, which is currently under determination.

Please note that the applicant has applied for consent under Byelaw 3 for a restricted rate of 4 l/s which is a reduction from the initial discharge rate of 5 l/s. The Board requested a reduced discharge rate that is as close as feasibly possible to greenfield for the impermeable area whilst also acknowledging that significantly small discharge rates are more likely to encounter issues with blockages.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note the presence of a Board Maintained watercourse (F48 Moulton Mere Drain - North - DRN197P4801) adjacent to the wider site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

U]Condition Details

The conditions detail:

Condition 3

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 flood exceedance routing for storm event greater than 1 in 100 year;*
- 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 per hectare or provide results of infiltration testing, undertaken in accordance with BRE Digest 365, to demonstrate that the site's underlying soils have the capacity to absorb the quantity and the rate of discharge from the impervious areas of the permitted development;*
- 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.*

No part of the development 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.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

The applicant intends to dispose of surface water into a watercourse at a restricted rate. South Holland Drainage Board has been consulted during this application and has confirmed that the applicant has applied for consent under Byelaw 3 for a restricted rate of 4 l/s which is a reduction from the initial discharge rate of 5 l/s. The Board requested a reduced discharge rate that is as close as feasibly possible to greenfield for the impermeable area whilst also acknowledging that significantly small discharge rates are more likely to encounter issues with blockages.

In conclusion, on balance, the details are acceptable and should be discharged.

Conclusion

The details in relation to Condition 3 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.