

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0222-25 **Applicant:** Seagate Homes Ltd
Proposal: Details of foul water disposal & surface water disposal (Conditions 17 & 18 of H16-0136-23)
Location: Ivanda Nursery Monks House Lane Spalding
Terminal Date: 29th April 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework December 2024

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	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Site Description

The site relates to a former nursery located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings, including the demolition of existing glasshouses.

Proposal

This application seeks approval of the details in respect of Conditions 17 and 18 of planning permission H16-0136-23. Condition 17 requires details of the means of foul water disposal to be submitted to and approved in writing by the local planning authority. Condition 18 requires the submission and approval of details of the means of surface water disposal.

History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.

H16-0885-24: Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23) : Approved 07.11.2024.

H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents. Approved 08.04.2025.

H16-0220-25: Details of external materials of construction of buildings and hard surfaced areas. Approved 08.04.2025.

Consultation Responses

Anglian Water

Drawing 12556-WMS-ZZ-XX-D-C-39202-S8-P7 shows connection to foul sewer public manhole 1702 this is acceptable to Anglian Water we can recommend discharge of condition 17.

Drawing 12556-WMS-ZZ-XX-D-C-39202-S8-P7 shows discharge of surface water to a watercourse is outside of Anglian Water's jurisdiction for comment.

Highway and Lead Local Flood Authority

No objections. The details submitted to discharge condition 18 are acceptable in accordance with the approved drawings submitted for the management of the surface water and in association with the Section 38 Agreement.

Welland and Deepings Internal Drainage Board

An agreement in principle for a controlled surface water discharge from the site has been agreed between the developer and the Board. Once full payment of the application fee and the development contribution has been received by the Board the application can be progressed.

The foul water disposal method will be subject to Anglian Water's approval process but because the route involves passing underneath the Board's drain an application for a relaxation of the 9m bylaw will need to be submitted and granted prior to installation.

Planning Considerations

Condition 17 Wording

Before the commencement of the development hereby granted, with the exception of demolition, 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 in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 17 Detail

Anglian Water advise the submitted drainage drawings show connection to foul sewer public

manhole 1702 and state this is acceptable to Anglian Water. It is recommended condition 17 is discharged.

Welland and Deepings IDB confirm the foul water disposal method is subject to Anglian Water's approval.

The proposed means of foul water disposal are considered acceptable and will ensure the site is adequately drained and accords with the requirements of condition 17 of planning permission H16-0136-25.

Condition 18 Wording

Before the commencement of the development hereby granted beyond oversite, 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.

The reason for the condition is:

To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Condition 18 Detail

The highway and lead local flood authority has no objection and advises the submitted details to discharge condition 18 attached to H16-0136-23 are acceptable for the management of surface water.

Welland and Deepings IDB advise an agreement in principle for a controlled surface water discharge for the site has been agreed between the developer and the Board.

The proposed means of surface water disposal are considered acceptable and will ensure the site is adequately drained to prevent the increased risk of flooding and accords with the requirements of condition 18 of planning permission H16-0136-25.

Other Matters

Welland and Deepings IDB advise the agreement for a controlled surface water discharge from the site is subject to a fee payable by the applicant to the IDB. This financial agreement is between the parties concerned and outside the legislative framework of the planning system and therefore cannot form part of the consideration of this proposal.

Conclusion

The submitted details are considered acceptable.

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.

Recommendation

Conditions 17 and 18 of application reference H16-0136-23 are discharged.