

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0235-26 **Applicant:** Octane Construction
Proposal: Details of surface water disposal (Condition 12 of H16-0079-25)
Location: Fulney Lane North Spalding Lincolnshire
Terminal Date: 12th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 12 of H16-0079-25. Approval was granted under

permission H16-0079-25 for the erection of two drive-through units within the site with associated parking and landscaping.

Site Description

The site comprises an irregularly shaped parcel of land, located to the west of the A16 and the south of the A151. The site is located to the south of a tyre shop, and to the north of a factory building (David Wood Baking). The nearest residential dwellings to the site are located to the west of the site, on the opposite site of Fulney Lane North.

The site is outside the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The nearest part of the settlement boundary to the site is located on the opposite side of the Coronation Channel, approximately 150m to the west of the site. There are large areas of development outside the settlement boundary on the eastern side of Spalding. Most of the areas are designated within the Local Plan for development, including the application site, which is identified as an 'Established Employment Area' (Site SP003) by Policy 7 of the Local Plan.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

There is a Public Right of Way that runs through the site, along the northern and eastern edges of the site.

Relevant Planning History

H16-1220-01: (Full Application) Extension to existing factory to create engineers workshop - approved 23 November 2001

H16-0730-09: (Full Application) New entrance reception/security lobby including improvements - approved 03 November 2009

H16-1185-18: (Full Application) Erection of a single storey drive thru restaurant for KFC with associated car parking, cycle parking, landscaping and access - approved 23 January 2019

H16-0630-19: (Full Application) Erection of a single-storey drive thru restaurant for coffee shop with associated car parking, cycle parking, landscaping and access - approved 21 August 2019

H16-0079-25: (Full Application) Erection of two single storey drive thru units with associated car parking, cycle parking, landscaping and access - approved 08 August 2025

H16-0173-26: (Discharge of Conditions) Details of biodiversity gain plan, flood warning and evacuation plan (Conditions 7 and 10 of H16-0079-25) - approved 08 April 2026

H16-0183-26: (Advertisement) Proposed Signage - approved 15 April 2026

H16-0207-26: (Discharge of Conditions) Details of construction management (Condition 3 of H16-0079-25) - pending determination

Consultation

Lincolnshire County Council - Highways and SUDS: H16-0079-25 Was a Minor application therefore it is for the Local Planning Authority to assess this discharge of conditions application

South Holland Internal Drainage Board:

Byelaw 3 (Surface Water): The applicant proposes to discharge surface water to a watercourse at a rate of 2 l/s. The applicant has approached the Board to apply for consent under Byelaw 3, which is currently under determination. We have requested that the applicant takes measures to reduce the discharge rate to as close to the greenfield rate as possible. The Board recommend that any discharge is in line with the National standards for sustainable drainage systems (SuDS) published in June 2025. Further to the National Standards for SuDS, the Board's policy is to restrict discharges to 2l/s/ha or annual average flood flow rate (QBar or QMed), whichever is higher. Please note that any consent granted for the discharge of surface water is likely to be subject to a Surface Water Development Contribution fee (SWDC), as outlined within our Development Control

Charges and Fees. The drainage strategy drawing provided in support of this planning application (7476-HJCE-00-XX-DR-C-3000 Rev C04, HJCE, 15.01.2026) is an earlier revision than that submitted to the Board in support of the consent application. Revision C05 (26.02.2026) follows the same general layout. However, the invert levels have been amended to ensure the outfall is not surcharged, following the Board providing modelled water levels of the watercourse to the applicant. We recommend the applicant submits the latest revision of the drawing. In addition to the above, we would like to take this opportunity to make the applicant aware that should they discharge surface water temporarily to a watercourse (i.e. ground dewatering during construction), additional temporary consent is required under Byelaw 3.

Byelaw 3 (Treated Foul Water): We 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: We note the presence of a Board owned and arterial watercourse known as R07 Lords (DRN208P0706) adjacent to the northern 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). We note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern 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). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10: The applicant intends to carry out works, including a foul water rising main across the culverted section of the aforementioned Board arterial watercourse and surface water discharge pipe and headwall within 9 metres of the Board arterial watercourse. The applicant has approached the Board to make an application for consent under Byelaw 10, which is currently under determination.

Key Planning Considerations

Condition 12 set out the following:

"Before any development beyond oversite is commenced, full details of the proposed means of 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.

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."

During the determination of application H16-0079-25, the submitted Drainage Statement and Flood Risk Assessment set out that the site is not appropriate for infiltration due to the ground conditions. As such, soakaways are considered to be infeasible. It is proposed for surface water to discharge to the nearest watercourse, Lord's Drain, along the northern boundary of Fulney Lane North. Attenuation storage and permeable paving are proposed within the site to reduce the risk of surface water accumulation and flood risk.

South Holland Internal Drainage Board (IDB) have reviewed the submitted information and have not raised objections to the proposed drainage strategy. The IDB have set out that applications have been submitted directly to the IDB for some of the drainage works as these works require consent under their byelaws. This process is separate from the planning system.

The IDB have set out that the invert levels have been amended to ensure the outfall is not surcharged, following the Board providing modelled water levels of the watercourse to the applicant. As such, an updated version of the drainage strategy plan has been submitted and it is considered that condition 12 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.

Conclusion

The details address the requirements of condition 12 of permission H16-0079-25.

Recommendation

Discharge condition 12.