DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0676-25**	**Applicant:**	**L Salter**
Proposal:	Details of external materials & surface water drainage scheme (Conditions 3 & 5 of H16-1028-24)		
Location:	Clay Lake Spalding Lincolnshire		
Terminal Date:	9th September 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
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 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 is a condition compliance application seeking permission to discharge conditions 3 and 5 of H16-1028-24.

Site Description

The application site is located off Clay Lake in Spalding and was a former storage of liquified gas and distribution depot. There are residential dwellings located to the north and south west, beyond the dwellings to the north is the Coronation Channel, with various large commercial buildings to the south and east, to the west is open fields.

History

H16-0269-23 - Demolition - Demolition of admin office, welfare building, associated storage sheds and 7 steel storage tanks - Approved

H16-1028-24 - Use of site for the erection of industrial units - Approved

Consultation Responses

South Holland Internal Drainage Board

Consent is not currently required under Byelaw 3 and Section 23 and is not applicable under Byelaw 10.

Lincolnshire County Council Highways Authority

ADDITIONAL INFORMATION REQUIRED

The proposal increases the impermeable area and therefore there will be an increased volume of surface water that has the potential to increase flood risk. The drainage strategy needs to demonstrate how surface water will be managed so that stormwater from the site will not affect any adjoining properties or increase flood risk elsewhere.

Planning Considerations

Materials Schedule

Condition 3 of H16-1028-24 states that:

Before the commencement of the development hereby permitted beyond oversite, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2024.

The proposed materials for the industrial units include vertical cladding in anthracite grey, profile metal roof sheeting in grey, aluminium white windows/screen/doors and uPVC black rainwater goods. These materials are considered to be acceptable and fairly standard for industrial units such as this.

Condition 3 can therefore be discharged.

Surface Water Drainage Scheme

Condition 5 of H16-1028-24 states that:

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 the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, ideally over a 12-month period);
· 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;
· 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, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ 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.
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.

South Holland IDB have stated the following in relation to the surface water drainage scheme: 'I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within Surface Water Drainage StrategySW25-258-REP-01 (15/07/2025 Shields Wilson). If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3'.

However, Lincolnshire County Council have been consulted as part of this application and have identified the need for additional information. The comments raised detail that, as the proposal increases the impermeable area and therefore there would be an increased volume of surface water which has the potential to increase flood risk, the drainage strategy must demonstrate how surface water will be managed so that stormwater from the site will not effect any adjoining properties or increase flood risk elsewhere.

As such, it is considered that inadequate information has been provided in this instance. The details provided are insufficient to enable the LPA to make an accurate decision that would ensure that no harm arises in this regard, due to the increased impermeable area and lack of management of the drainage on site.

As a result, the details provided in relation to Condition 5 are unacceptable and cannot be discharged.

Conclusion

Whilst Condition 3 of H16-1028-24 can be discharged, inadequate information relating to Condition

5 has been provided meaning the LPA cannot accurately make a decision and must refuse the application on this basis.

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.