

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0900-24 **Applicant:** VMM Properties Ltd
Proposal: Details of foul and surface water disposal (Condition 3 of H23-0471-23)
Location: Bleu Raye Farm Millgate Whaplode
Terminal Date: 23rd December 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application submitting details of foul and surface water disposal (Condition 3 of H23-0471-23).

Site Description

The application site is identified by inset 72 of the policies map as Whaplode Fen. The site is allocated for Accommodation for Gypsies, Travellers and Travelling Showpeople. It is located within the open countryside. It has also achieved planning permission on the site for the same use (H23-0848-19).

The application site lies within Flood Zones 1 and 2 and is identified as being at low to medium risk for tidal and fluvial flooding on the Environment Agency's flood mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to have no hazard rating on both the South Holland District present day and 2115 flood maps.

The application site is accessed from Millgate close to the junction of Hurdle Tree Bank and Broadwater Lane. The application site is mainly laid to grass with trees and shrubs around the perimeter. Either side of the field are arable fields, to the west Holme Farm is located. The village of Whaplode lies approximately 3km to the north and Whaplode St Catherine lies approximately 3.2km to the east.

History

H23-0471-23 - Erection of 19 holiday lodges, reception building, facility managers accommodation & maintenance shed, 2 fishing lakes and associated hard and soft landscaping. Approved 17-04-24.

Consultation Responses

SuDs

A specific surface water drainage statement is required, and it shall include details to ensure that the size of the ponds will be satisfactory in any rainfall event (+40% for climate change).

IDB

Byelaw 3

(Surface Water) The applicant has indicated that they 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. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3

(Treated Foul Water) The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment using a treatment plant. This proposal will require consent under Byelaw 3.

Planning Considerations

Condition - Foul & Surface Water Disposal

The condition requires:

Notwithstanding the submitted drainage plans and before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems 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.

The applicant has provided a Drainage Layout Plan and a Drainage Details Document. Both the LLFA and the IDB have been consulted. In terms of surface water the LLFA have stated that *A specific surface water drainage statement is required, and it shall include details to ensure that the size of the ponds will be satisfactory in any rainfall event (+40% for climate change).* The IDB have stated the following:

The applicant has indicated that they 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. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees And in terms of Foul discharge:

The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment using a treatment plant. This proposal will require consent under Byelaw 3.

The condition requires both surface water and drainage strategies to be acceptable and discharged. Given the comments from both the IDB and LLFA it is not possible at this time to discharge the condition.

Conclusion

Condition 3 of H23-0471-23 is NOT 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.