

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0253-22 **Applicant:** A J S

Proposal: Details of surface water drainage, scheme to deal with contamination and foul water strategy - Condition 6, Condition 8 parts i, ii and iii & Condition 12 of the LDO.

Location: Plot 9 South Lincolnshire Food Enterprise Zone Off A151 Holbeach

Terminal Date: 30th June 2022

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
30 Pollution

National Guidance**National Planning Policy Framework 2021**

NPPF 2021

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT**Proposal**

Details of surface water drainage, scheme to deal with contamination and foul water strategy - Condition 6, Condition 8 parts i, ii and iii & Condition 12 of the LDO.

The application has been revised since submission to correct the gas barrier details.

Site Description

Plot 9 of the Food Enterprise Zone.

History

The Holbeach Food Enterprise Zone (FEZ) Local Development Order (LDO) was adopted on 20 November 2018.

The adopted LDO is designed to streamline the planning process by removing the need for developers to make separate planning applications for development within the Holbeach FEZ. The FEZ covers an area of 17 hectares and is located at the intersection of the A17/A151.

The LDO provides outline planning permission only for those uses specified in Schedule 1, parts 1 to 8 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as Building Regulations, highways consents, environmental permits or Integrated Pollution Prevention and Control licences.

H09-0063-22. Hub Building. S73A CONTINUATION. Proposed Food Enterprise Zone Hub Building and associated works - approved under H09-0004-21. Modification to Condition 1 to allow amendments to previously approved plans. (Changes to revised elevation drawings to include PV panels to North East Elevation). APPROVED 08-03-22.

H09-1323-21. Plot 9. RESERVED MATTERS. Proposed offices & workshop with associated external works - Plot 9. Submission of details pursuant to Conditions 4, 5, 7, 9, 10 and 13 of the LDO. APPROVED 14-02-22.

H09-0057-21. Centre of Excellence in Agri-Food, Land off A151. S73A CONTINUATION. Proposed centre of excellence in Agri-Food with associated roads, car parking & landscaping - approved under H09-0230-18. Modification of Condition 1 to allow amendments to previously approved plans. APPROVED. 12-04-21.

H09-0004-21. Plot 12. RESERVED MATTERS. Proposed Food Enterprise Zone Hub Building and associated works. APPROVED 08-03-21.

H09-0661-20. Centre of Excellence in Agri-Food, Land off A151. ADVERTISEMENT. Proposed signage on south and north elevation of building. APPROVED 17-09-20.

H09-0447-20. Cibus Way. FULL. Construction of Foul Pumping Station and ancillary works. APPROVED 30-07-20.

H09-0095-20. Land Adjacent A151, Food Enterprise Zone. FULL. Proposed Institute of Technology Agri-Food Building. APPROVED 06-04-20.

H09-1147-19. Land off A151 Food Enterprise Zone, Holbeach. CONDITION COMPLIANCE. Details of surface water drainage, ground investigation report, site and floor levels, construction management plan and foul water strategy (Conditions 6, 8, 9, 10 and 12 of H09-0771-16). APPROVED 20-01-20.

H09-0949-19 - NMA - Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - approved under H09-0230-18 - Amendments to include minor changes to elevational treatment - APPROVED 18-10-19.

H09-0934-19. Holbeach Food Enterprise Zone. RESERVED MATTERS. Reserved Matters to Local Development Order in relation to construction of additional road to facilitate future development of Phase 1. APPROVED 31-10-19.

H09-0612-18. COUNTY COUNCIL Reg 3. Western extension of spur road leading off roundabout at

A15. APPROVED 09-07-18.

H09-0230-18. RESERVED MATTERS. Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - APPROVED 13-04-18.

H09-0771-16 - OUTLINE - Proposed Centre of Excellence in Agri Food with associated roads, car parking and landscaping in November 2016 - APPROVED 8-11-16.

Consultation Responses

SHDC Environmental Protection

No objection on noise grounds.

Comments on original submission regarding contamination etc:

I have reviewed the Enviro Solution 'PHASE 1 ENVIRONMENTAL SITE ASSESSMENT REPORT HOLBEACH FOOD ENTERPRISE ZONE, LAND OFF A151, SPALDING, PE12 7BF' dated 26th January 2022 ref CL101 version 1 and am in general agreement with the findings and this would satisfy part 8i of the Holbeach FEZ LDO conditions for plot 9. I have reviewed the Enviro Solution 'REMEDIATION STRATEGY & VERIFICATION PLAN HOLBEACH FOOD ENTERPRISE ZONE, LAND OFF A151, SPALDING, PE12 7BF' dated 4th March 2022. Whilst I am in general agreement with the remedial strategy proposed, further detail, as in the exact solution chosen, should be submitted in order to progress further. This should include drawings for use on site specifying which elements are to be incorporated in to the proposed ground gas protection measures. I look forward to receipt of this information.

Regarding the revised details:

I have reviewed the Enviro Solution 'Remediation Strategy & verification Plan Holbeach Food Enterprise Zone, Land off A151, Spalding, PE12 7BF' Document ref CL102 version 2 dated 11th May 2022, Trundley Design services drawing ref 21-L74-C008B and the Viscqueen Gas Barrier Technical datasheet - Onsite usage and am in general agreement with the findings. This would satisfy part 8iii of Schedule 2 of the Holbeach FEZ LDO conditions for plot 9 and I look forward to receipt of the validation report in due course.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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 submitted details are satisfactory and does not wish to object to this planning application.

South Holland Internal Drainage Board

The Board has consented a surface water discharge from this site as part of a master drainage strategy for a wider section of the Food Enterprise Zone site (our reference 18_00958_C). The Board is able to confirm that it seems as though this application is compliant with the agreed impermeable area for plot 9 (0.220ha) however we recommend that the applicant works with the grantee of this existing consent to ensure the surface water discharge from Plot 9 is in accordance with the conditions of the overall consent.

No comments on the new details submitted.

Anglian Water

No response received.

Planning Considerations

U]Conditions 6, 8 & 12 of the LDO

Condition 6

No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) Provide details of how individual sites will drain into the overall development drainage scheme for the site set out in the Drainage Strategy for the whole LDO site.*
- b) 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;*
- c) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;*
- d) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and*
- e) 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.*

The development shall be carried out in accordance with the approved drainage scheme and no building 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.

The consultation responses of LCC Highways & SUDS Support, the South Holland Internal Drainage Board and Anglian Water are set out above. It is considered that the submitted details are acceptable.

Condition 8

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented.

The scheme shall include all of the following measures:

- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.*
- ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.*
- iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.*

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

The SHDC Environmental Protection Officer confirms that the revised details are acceptable.

Condition 12

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No part of the premises shall be brought into use until the works have been carried out in accordance with foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

The consultation responses of LCC Highways & SUDS Support, the South Holland Internal Drainage Board and Anglian Water are set out above. It is considered that the submitted details are acceptable.

Conclusion

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.