DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0503-23**	**Applicant:**	**Aldi Stores Ltd**
Proposal:	Details of surface water drainage scheme and contamination of land or pollution of controlled waters. (Conditions 7 and 10 of H09-1057-22)		
Location:	Fleet Street Holbeach Spalding		
Terminal Date:	29th February 2024		

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 2023

National Planning Policy Framework (December 2023)

2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 7 and 10, attached to planning approval H09-1057-22. These conditions seek details relating to a surface water drainage scheme and contamination of land or pollution of controlled waters.

Planning approval H09-1057-22 granted full planning permission for the construction of a foodstore (Use Class E), together with car parking, landscaping, and associated works, following the demolition of existing buildings.

Site Description

As described within the initial granting of planning permission, the site 'extends to approximately 0.86 hectares and occupies brownfield land within the settlement boundaries of Holbeach. The most recent use of the site was a Council Depot (Sui Generis) which was recently vacated by the council and is more recently used for the storage of wheelie bins. A Boxing Academy (Class E(d)) was also previously on site.

The site is situated on land to the south of B1515 Fleet Street and is approximately 500m to the east of the Centre of Holbeach. Site access is via an existing access with B1515 Fleet Street to the north of the site.

The site sits circa 160 metres from Holbeach District Centre with established footpaths and cycle lanes lining Fleet Street promoting links with the centre and a mix of commercial and residential properties lining the route. It also has good access to public transport, with bus stops in situ.

History

H09-1613-07 - Outline - Outline application for residential development - Withdrawn 2008.

H09-0937-09 - Part change of use of SHDC works depot (sui generis) to boxing academy (D2) - Approved 2010.

H09-1057-22 - Full - Demolition of existing buildings and construction of foodstore (Use Class E) together with car parking, landscaping, and associated works - Approved 2023

H09-0641-23 - Discharge of Conditions - Details of method statement for the demolition and/or construction of food store, construction management plan & method statement, employment, skills and local procurement strategy & archaeological report (Conditions 4, 5, 18 (in part) & 22 of H09-1057-22) - Discharged 10.10.2023.

H09-0815-23 - Discharge of Conditions - Details of European Protected Species Licence (Condition 17 of H09-1057-22) - Discharged 10.10.2023.

Consultation Responses

Internal Drainage Board

Byelaw 3 (Surface Water)
I am pleased to confirm that after working proactively with the applicant, the Board has granted consent for the discharge of surface water from the proposed development, at a rate of 2.2 l/s (our reference: 23_23509_C, 02/05/2024), subject to compliance with the conditions including remedial works to the receiving watercourse. If, for any reason, the applicant alters their drainage strategy from what was consented by the Board, then I recommend they contact us at their earliest convenience to discuss any amendments.

Byelaw 3 (Treated Foul Water)
I note that the applicant intends to dispose of foul water to a main sewer. Whilst unlikely, 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
As mentioned above, there is a piped riparian watercourse north of the site entrance. Whilst not currently proposed, should the applicant's proposals include works to alter the watercourse, or if works are proposed to alter it at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Environmental Protection - Contamination

I have reviewed the CRADDYS report 'Aldi Fleet Street, Holbeach Gas Risk and Protection Measures' DATE: 13/12/23 CRADDYS DOCUMENT REFERENCE: 60108w0005 and am in general agreement with the proposals. An exact membrane is not specified however it will be installed by a suitable contractor and independently validated, and I therefore recommend discharge of condition 10 of H09-1057-22, with condition 11 remaining outstanding.

Anglian Water

Foul Water Comments: We have not been asked to comment on foul arrangements Surface Water Comments: The method of surface water disposal is not relevant to Anglian Water. We have no comments to make thereon

LLFA

No objection. The submitted surface water drainage proposals for this development are satisfactory and therefore the Lead Local Flood Authority does not wish to object to the discharge of Condition 7 of H09-1057-22.

Planning Considerations

Condition Details

Condition 7

The condition requires:

No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:
- 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 no more than what would be the greenfield run-off rate of the undeveloped land;
- 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.
Retailing from the permitted development shall not be commenced 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 applicant has provided the following details:

-Private Drainage O & M Manual. Ref 60108w0003a. Dated 26.05.23
-Surface Water Drainage Calculations by Craddys Rev B Dated 01.07.24
-Proposed Drainage Layout. Drawing number 050 Rev C. Dated 16.01.24

The LLFA have no objections to the proposed drainage strategy whilst the IDB have confirmed that consent for the discharge of surface water from the proposed development has been given. The applicant has therefore satisfied the requirements of the condition and it is hereby discharged.

Condition 10

The condition requires:

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters as identified in the Geo-Environmental Appraisal as undertaken by Groundtech Consulting (dated May 2022) has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) As identified as being required following the completion of the desk-top study, an exploratory 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 sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.
No deviation shall be made from this scheme without the express written agreement of the LPA. 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 suspected contamination has been submitted to and agreed in writing by the LPA.

The applicant has submitted the following:

-Remedial Specification. Ref GRO-21400-4295 V 1.1. Dated 04.10.23
-Permanent Ground Gas Risk Assessment GRO-21400-4202 Dated 31.01.23

Environmental Protection have reviewed the information and have stated that they consider it sufficient to discharge condition 10.

Conclusion

The details in relation to these conditions 7 and 10 are acceptable and 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.