DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1147-19**	**Applicant:**	**University of Lincoln**
Proposal:	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)		
Location:	Land Off A151 Food Enterprise Zone Holbeach Spalding		
Terminal Date:	20th January 2020		

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 2019

Sections 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge conditions 6, 8, 9, 10 and 12 of H09-0771-16 relating to surface water drainage, ground investigation report, site and floor levels, construction management plan

and foul water strategy.

Planning History

H09-0771-16 - O/A - Proposed Centre of Excellence in Agri Food with associated roads, car parking and landscaping in November 2016 - Granted 8 November 2016

H09-0230-18 - RM - Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - Approved 13 April 2018

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 October 2019

Consultation Responses

SUDs - Does not wish to restrict the grant of permission.

Environmental Protection - Recommend discharge of condition 8.

Anglian Water - Recommend that condition 12 be discharged.

Planning Considerations

Condition 6 (Surface Water) - The surface water runoff from site is proposed to discharge into the adjacent ditch, which flows into the South Holland Internal Drainage Board's Gander Ground watercourse and consequently to the Holbeach New River.

The proposed discharge rate from site is 5 l/s. The applicant has consulted South Holland Internal Drainage Board (SHIDB), who have confirmed that they would most likely agree to a 5 l/s discharge rate, subject to an application for land drainage consent to discharge surface water to the Board's network. SUDs have raised no objections to the scheme.

Condition 8 (Contamination) - Environmental Protection have reviewed the Phase 1 and 2 reports and recommend discharge of condition 8 in full.

Condition 9 (Existing/Proposed Site Levels) - A condition on the outline permission requires that finished floor levels be set no lower than 3.1m AOD. The proposed floor levels are designed in accordance with the FRA's recommended 3.7m AOD. Proposed site levels vary between 2.88m aOD and 3.45m aOD. The Environment Agency has previously raised no objections.

Condition 10 (Construction Management) - A construction management plan has been submitted and is considered to be acceptable.

Condition 12 (Foul Water Strategy) - Anglian Water have been working with the Council on a foul water strategy for Peppermint Park, Holbeach. The strategy for the entire development is for a new pumping station and rising main direct to Holbeach Water Recycling Centre. This application is for a parcel of the site and does make reference to the strategy of a new rising main. Anglian Water can therefore recommend that condition 12 be discharged.

However, Anglian Water have indicated that they would not want the premises brought into use until the foul drainage works have been carried out in accordance with the wider strategy.

Conclusion

That conditions 6, 8, 9, 10 and 12 of H09-0771-16 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.