DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H10-0877-20**	**Applicant:**	**ADI**
Proposal:	Details of surface water disposal (H10-0462-19 condition 3)		
Location:	Princes Limited Bridge Road Long Sutton		
Terminal Date:	24th August 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021.

The presumption in favour of sustainable development
Core planning principles
Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
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
WARD MEMBER	0	0	0	0

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
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Condition compliance application regarding the details of surface water disposal.

All drainage elements including foul drainage serving building facilities, hydraulic of storm drainage carrier pipes, attenuation tanks, flow control devices, infiltration storage facilities, interceptors, effluent drainage pipes, overland flow routing consideration. External levels including gradients and falls are also considered in the submitted documentation.

Specifically the calculation pack includes site descriptions, assumptions and background, together with the hydraulic calculations for storm, foul and effluent drainage, together with drawings relating to external levels, drainage carrier pipes, attenuation arrangements and exceedance flows. The Minutes of meetings with the IDB before works commenced on site are also included as these set the parameters for the design.

All drainage to remain private.

The Civil and Structural Engineering design is to be undertaken in accordance with all relevant and current legislation, UK Building Regulations, CDM Regulations, UK and European codes of practice and best practice design guides as listed below as a minimum. Where no such standard exists, the work is to be carried out to the currently accepted best standard practice.

Since submission additional drainage has been added to the proposals. The revised plans show a filter drain being installed 0.75m below the existing ground level immediately adjacent to the boundary with No. 144. The drain will be fitted with a non-return valve and will discharge eventually in to the LCC highway drain in the verge, linking to the wider IDB system.

Design proposals

Detailed specifications have been provided - Concrete yards to be reinforced with mesh, laid to falls as described. Foul drainage to meet and interconnect with the existing, falls limited by current outfalls and diversions required following demolition.

The submission identifies requirements for diversion and abandonment. Flows to roof and yards are routed in separate roof and yard pipes to single attenuation tank, flows pumped to existing manhole on culverted ditch on Bridge Road.

Drainage

The storm outfall for the West Car Park utilises infiltration to soak into the natural sands underneath. Storm outfall for the RMW/IPC building discharges to the IDB to the north along Bridge Road, utilising existing manhole.

Foul drainage connects to the existing network of private foul pipes that ultimately discharge to the Princes' effluent treatment plant in the south of the site, and then on to the Anglian Water sewers in Bridge Road.

External Yards

195mm thick RC slabs. Reinforced with 1 layer A193 mesh in top & 1 layer A252 in bottom.

Access roads

Only minor highways agreement S184 needed for footpath and crossing alterations to link the West Car Park with the main site.

SITE DESCRIPTION

As host application. The extension of this site is well advanced.

RELEVANT PLANNING HISTORY

H10-0711-20. S73A CONTINUATION. Demolition of existing buildings and erection of new raw materials warehouse and ingredient processing centre (Use Class B2/B8) - approved under H10-0462-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 30-11-20.

H10-0358-20. Proposed Private Sub-station Enclosure and Associated Transformer Compound. Approved 28-09-20.

H10-0064-20. Relocation of Acoustic Barrier to Bridge Road - previously approved under consent reference H10-0462-19 (Retrospective). Refused. 29-05-20.

H10-0462-19 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8) - approved under H10-0915-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 14-08-19.

H10-0915-18 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8). Approved 19-11-18.

H10-1063-18 - Proposed water treatment works including new building, circular soft water treatment tank, circular salt saturator and circular brine tank. Approved 13-12-18.

REPRESENTATIONS

SHDC Building Control

Following a site visit, the Building Consultancy Manager advised:

- The trial holes that were excavated both before we got to the site and then at our request showed a varying amount of materials below the surface. Some were completely clear, some had evidence of previous use (membrane and rubble), one even had an old brick structure which was probably an old greenhouse.

- All of the trial holes were surprisingly dry compared to the wetness of the surface. The topsoil was a cohesive clay, but the sub strata was a non-cohesive silt. This combination of soils could be a contribution to the problem of rainwater from the site entering the adjoining property.

- The French Drain which is being installed, combined with ensuring the ground slopes away from it should solve the problem.

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 therefore, does not wish to object to this planning application.

Anglian Water

No objection.

South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply.

On 3 Aug 2021, IDB issued a notice of intention to grant consent under their reference 21_03872_C for the drainage arrangement for the east site, indicating that the Board will grant consent for the positive connection subject to the acceptance of conditions as outlined in the notice.

On 9 Aug 2021, IDB issued 2 notices of intention to grant consent for the Princes site.
·One for the surface water discharge from the attenuation tank for the east site
·One for the overflow discharge from the permeable west car park and associated pipe and headwall within 9 metres of the Board adopted watercourse

Subject to the acceptance of conditions, the IDB will grant consent for the above works on behalf of the Board, and on 9 August confirmed intention to approve the scheme set out in the application submission.

SHDC Officer Note - The drawings submitted to the IDB match those submitted for this discharge of condition application.

Public

One household has submitted objections, raising the following matters:

- Close proximity to fence and house.
- Location of pit/tanking
- Note the excess water is to go into the road drainage system. Question if the system will be able to cope.
- During the construction, in the summer months, have endured noise, vibration & air pollution from dust affecting daily life and potentially health. Vibration was very noticeable during the piling which took place.
- Concerned that the works may cause subsidence because of the close proximity.
- The construction is already completed without the relevant planning permission.
- Since the completion of the construction the land around it has been flooded.
- No chance to comment before work started & tried to contact the person responsible for inspecting the construction site for many weeks to discuss. Whilst we did get some response from the council, we still do not know who the inspector/s were.
-Question soil taken off and brought on to the site.
- No planning permission to put a tank in that field, and land is to return to grassland.
- Land levels.
-Adequacy of French drain.

PLANNING CONSIDERATIONS

Principle of Development

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The principle of the development of this employment site is accepted within the local plan, and by the approval of the extension of the site, as set out in the history above, each permission and decision having been considered in the light of the prevailing national and local planning policies.

Technical detailing

As can be seen above, Anglian Water raise no objection and LCC as lead Flood Authority raise no objection to the specification and detailing of the works.

In addition the IDB have issued a notice of intention to grant consent under their reference 21_03872_C for the drainage arrangement for the east site on 3 Aug 2021, indicating that the Board will grant consent for the positive connection subject to the acceptance of conditions as outlined in the notice.

Objection has been made to the adequacy of the French drain to the eastern boundary. The response of the SHDC Building Control Section is set out above.

The details have been carefully considered by the relevant authorities and are now deemed to be acceptable. The proposals are in accordance with Policies 1, 2, 3, 4 and 30 of the SELLP and the intentions of the NPPF 2021.

Visual Appearance

These drainage works have no impact on the visual appearance of the site. The works therefore accord with Policies 2 and 3, in this regard.

Impact on Residential Amenity

Once an acceptable scheme is forthcoming and satisfies the IDB, the works, together with the additional drainage now included within the scheme, once completed, would have no impact on the amenity of the neighbouring or adjacent dwellings. An objection has been received as set out above, however these matters relate in the main to issues that have occurred during construction, which is by its nature temporary. Complaints regarding noise and dust during construction over the summer are not a matter that can be given weight in the determination of this application.

The objector has raised matters of civil law such as the potential for subsidence that are outside planning legislation. The potential for impact on the structural integrity of the neighbouring property is a civil matter, that can be given little weight, although it has been highlighted to the applicant.

In response to the objection received, the applicant has submitted a response, as follows (summarised):

The diesel pumps were used in the construction phase only. The final installation uses electric pumps which are almost silent and don't create any site pollution.
The flooding that took place was due to the construction activities now the system is complete and in operation this should not happen.
The pump chamber and tanks are now in place as per the design submitted and so a relocation is not practical but these are both underground.

It is considered that the concerns set out above have been considered in detail and addressed, and the scheme accords with Policies 1, 2, 3, 4 and 30 of the SELLP and the intentions of the NPPF 2021.

Other matters

The objector has questioned the amount of soil taken off and brought on to the site. It is apparent from the detailing that a limited amount of soil was removed from the site, and hardcore and other materials from the site were used to form the base and surround of the underground tanking. It is not considered that any environmental issue, nor impact on the neighbouring residents has been caused by this.

Planning Balance

It is considered that this condition compliance application relates to necessary works that are part

and parcel of the wider development of this site.

The disturbance to neighbouring dwellings during construction is unfortunate and has been raised with the applicant, but is not a reasonable reason for withholding approval of these conditional details, which are acceptable in all other respects.

The works are considered to accord with Policies 2, 3, 7, 30 and 32 of the SELLP and the provisions of the NPPF 2021, to which considerable weight is to be given.

Conclusion

The development accords with the Policies 2, 3, 7, 30 and 32 of the SELLP and the provisions of the NPPF 2021.

Additional Considerations

Regarding the complaint of not being able to speak with an inspector of this site, the development has been dealt with by an Approved Inspector, rather than SHDC Building Control, and the objector has been advised to contact that Inspector.

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.

RECOMMENDATION

Delegated approval.

This application was considered by the Chairman's Panel on 19 February 2021 and 20 August 2021 and concluded that this case can be dealt with via the powers delegated to the Head of Planning.