

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0509-25 **Applicant:** Stagecoach Services Ltd

Proposal: Details of foul & surface water disposal to separate systems, design & construction & fuel delivery plan (Conditions 4, 6 & 7 of H14-0948-24)

Location: Pinchbeck Industrial Estate Wardentree Park Spalding

Terminal Date: 17th July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 4, 6 & 7 of H14-0948-24 relating to details of foul and surface water disposal to separate systems, design and construction of a fuel tank, and a fuel delivery plan.

Site Description

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East

Lincolnshire Local Plan, 2019. Furthermore, the site is within the Wardentree Lane main employment area outlined in Policy 7. Naturally, this employment area is characterised by large scale commercial activities.

The site itself is located towards the northern extreme of Wardentree Lane, with Blue Gowt Drain and fields to the north of the site. The plot is currently covered in hardstanding and gravel, installed under its previous use as a HGV parking area. Large steel palisade fencing is present.

Relevant History

H14-0002-03 - Full. Use of land for HGV parking. Approved 07/03/03.

H14-0635-24 - Full. Construction of a new concrete slab for a fuel tank, storage containers and walk around bus wash, new office cabins, cycle shed, car, mini bus, double decker parking spaces and ancillary works - Retrospective. Approved 15/10/24.

H14-0947-24 - Condition Compliance. Details of 30-year Habitat Management and Maintenance Plan (Condition 8 of H14-0635-24). Withdrawn.

H14-0948-24 - Section 73. Construction of a new concrete slab for a fuel tank, storage containers and walk around bus wash, new office cabins, cycle shed, car, mini bus, double decker parking spaces and ancillary works - Retrospective - approved under H14-0635-24. Modification of Condition 5 to allow 50 buses to operate from the site at any one time. Approved 30/01/25.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Anglian Water

"Thank you for your enquiry to discharge condition relating to the above development site. Please find our comments below.

Foul Water Comments: The foul strategy as outlined in drawing SW24-219-001 is acceptable to Anglian Water

Surface Water Comments: The surface water strategy as outlined in drawing SW24-219-001 is to an IDB drain and outside of Anglian Water's jurisdiction for comment"

Highway and Lead Local Flood Authority

"Conditions 4, 6 & 7 are not Conditions requested by Lincolnshire County Council. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. H14-0948-24 is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals submitted for discharge."

Lincolnshire Fire and Rescue

"We did not have any further comments as the tank has now been confirmed as Diesel rather than petrol"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

Condition 4 of H14-0509-25 relates to site drainage. It reads as follows:

"Notwithstanding the details submitted within this application, before the commencement of any

development hereby granted beyond oversight, further 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.

These details shall include confirmation of the approval of an application for consent to discharge surface water by Welland and Deeping Internal Drainage Board."

With respect to foul water drainage, it is proposed that this will be discharged into the main Anglian Water drain via an underground pipe running along the western boundary of the site. Effluent from the bus wash down area will, after processing through a silt trap or drainage channel with sump, discharge into the same Anglian Water drain. This system is considered acceptable.

Surface water is to be discharged via a drainage channel into the Internal Drainage Board controlled Blue Gowt Drain to the north of the site. Application for Consent to Discharge Surface Water has been submitted to and approved by Welland and Deepings Internal Drainage Board, which demonstrates the acceptability and efficacy of the scheme. Therefore, this proposal is considered acceptable.

As such, Condition 4 can be discharged.

Condition 6

Condition 6 reads as follows:

"Prior to the installation of the fuel tank shown in drawing number 024009 - VSA - XX - XX - DR - A - 22250, further details of its design and construction will be submitted to and approved by the Local Planning Authority and the approved fuel tank shall be constructed in accordance with said details. This submission must include details of the safety measures to be implemented within its construction, as well as the maintenance of the unit. These details shall not be approved without receipt of a consultation response from both the Petroleum Enforcement Authority and the Environmental Protection Department."

Details of the design of the fuel tank and safety measures associated with it have been provided. The construction method appears appropriate, featuring reinforcement at the base and surface level. A 4.650m fire wall is proposed around the north-western edge of the fuel tank to ensure that, in the event of an accident or fire, the portacabins are protected from harm. This is considered proportionate and appropriate. Traps and separators are proposed around the fuel tank to capture any spillage. Overall, the onsite provisions are considered acceptable to ensure the safety of the site.

An existing fire hydrant is located within 45m of the site entrance, in accordance with the recommendations of Lincolnshire Fire and Rescue.

The submission has evidenced discussions with the Petroleum Authority prior to the submission of this application. Comments confirming that Lincolnshire Fire and Rescue, acting as the Petroleum Enforcement Authority, raise no objections have been received.

It should be noted that Environmental Protection have not commented on this application; however, they have previously not raised any objections to the proposal. In any event, Lincolnshire Fire and Rescue, as the Petroleum Enforcement Authority, are the most relevant consultee.

The applicant is reminded at this stage of the need to comply with the requirements of the Petroleum Enforcement Authority and The Petroleum (Consolidation) Regulations 2014 when storing or handling petroleum. The enforcement of these requirements sits outside of the planning regime; and therefore, it would be inappropriate to resist the application on this basis. This additional legal protection provides assurance with regards to the safety of the proposal. Should the process of obtaining further licensing etc from the Petroleum Enforcement Authority require revision to the scheme submitted here, a further condition discharge application would be required.

Condition 7

Condition 7 reads as follows:

"Prior to the installation of the fuel tank shown in drawing number 024009 - VSA - XX - XX - DR - A - 22250, a fuel delivery plan shall be submitted to and approved in writing by the Local Planning Authority, and this delivery plan shall be adhered to at all times. These details shall not be approved without receipt of a consultation response from the Petroleum Enforcement Authority."

Fuel is to be delivered on a fortnightly basis between the hours of 9am and 3pm. This time has been chosen as the depot should be empty of buses during this period. As the yard would be largely empty at this time, the plan is considered appropriate and should prevent any conflict with the broader use of the site.

A dynamic risk assessment is to be undertaken during the process to ensure the safe delivery of the fuel. Should there be any spillage, then the measures installed, such the traps and separators, should prevent significant harm.

Lincolnshire Fire and Rescue, acting as the Petroleum Enforcement Authority, have raised no objections to the proposal.

Overall, the submitted details are considered to be acceptable and Condition 7 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.

Conclusion

The details provided are considered to meet the requirement of Conditions 4, 6, and 7 of H14-0948-

24. As such, these conditions can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.