

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0747-24 **Applicant:** TFP Ventures Ltd

Proposal: Details of finished floor levels & means of surface water disposal
(Conditions 3 & 6 of H14-0062-23)

Location: Land Off Elsoms Way Pinchbeck Spalding

Terminal Date: 25th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application is seeking to discharge condition 3 and 6 of H14-0062-23 relating to finished floor levels and a drainage strategy.

Site Description

The site is approximately 2.65 acres of vacant land, currently grassed. The site is within the "Main

Employment Area" of Warentree Lane outlined within Policy 7 of the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is within the settlement boundary of Spalding.

The area is dominated by Class B uses, and as such, there is a prevalence of large scale, industrial developments. To the south and west are examples of this industrial use. To the north and east are agricultural holdings. To the immediate north, however, is Blue Gowt Drain, a drain under the care of South Holland Internal Drainage Board. To the immediate east is another, smaller drain and then the A16.

Relevant History

H14-0062-23 - Full. Proposed warehouse with associated offices, ancillary accommodation and yard. Approved 21/06/23.

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:

Highway and Lead Local Flood Authority

"No objection: The Details of finished floor levels & means of surface water disposal (Conditions 3 & 6 of H14-0062-23) are acceptable in accordance with approved drawings and details submitted with this application."

Pinchbeck Parish Council

Support- Appropriate for the development

Welland and Deepings Internal Drainage Board

"Since my previous comments under H14-0062-23 the following consent: DIS/S+P 121 has been granted by the Board. "

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 3

Condition 3 reads as follows:

"Finished floor levels shall be set no lower than 150mm and no higher than 300mm above average ground levels in accordance with details to be submitted to and approved in writing by the Local Planning Authority or, in accordance with a flood risk assessment to be submitted to and approved in writing by the Local Planning Authority.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place. This does not constitute final approval of detailed site levels.

*Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."*

Adequate details have been provided to show that the finished floor levels would be acceptable. Given the relatively low sensitivity of the area, due to its industrial use, the proposed raising of the

floor levels would have no significant adverse impact, while ensuring the protection of the site from the potential impacts of flooding.

As such, it is recommended that condition 3 be discharged.

Condition 6

Condition 6 reads as follows:

" Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

The submitted drainage strategy is considered appropriate. The proposed attenuation basin, and discharge route into Blue Gowt Drain is considered appropriate given the constraints of the site. Land Drainage Consent has been agreed between the applicant and the relevant Internal Drainage Board, demonstrating that all parties are satisfied with the arrangement.

As such, it is recommended that condition 6 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

It is considered that adequate details have been provided to discharge Condition 3 and 6 of the H14-0062-23. The proposed finished floor levels and drainage strategy are considered acceptable, and both conditions can be discharged.

Recommendation

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