

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H14-0795-24      **Applicant:** Mr Dan Newman-Portch  
**Proposal:** Details of Flood Management Plan (Condition 5 of H14-0583-24)  
**Location:** 8 Benner Road Pinchbeck Spalding  
**Terminal Date:** 15th November 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

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 |
|----------------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                                     | 0      | 1       | 0       | 0        |
| HIGHWAYS & SUDS<br>SUPPORT                         | 0      | 0       | 0       | 1        |
| WELLAND AND<br>DEEPINGS INTERNAL<br>DRAINAGE BOARD | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Description of Proposal

This application is to discharge condition 5 of H14-0583-24, relating to details of flood management plan. Condition 5 reads as follows:

"Prior to the commencement of the development hereby permitted beyond oversight, a Flood Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023."

### **Site Description**

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019, within the Wardentree Lane industrial area. This area is listed as a "Main Employment Area" within Policy 7 of the SELLP. The area is characterised by large scale industrial and commercial units.

To this extent, 8 Benner Road is typical of the area. The site currently features a large industrial unit located towards the cul-de-sac of Benner Road. The front is finished in white render, whilst the rest of the building is a rudimentary sheet metal structure above an initial metre of brickwork. The height of the existing building is approximately 5.5 metres.

### **Relevant History**

H14-0583-24 - Full. Erection of Equipment Storage Building. Approved 02/09/24

H14-1104-18 - Full. Re-roof and alterations. Approved 13/12/18.

H14-1000-09 - Full. Replacement industrial building. Approved 11/03/10.

H14-0033-91 - Full. Proposed alterations and extensions. Approved 05/03/91.

H16-0173-84 - Full. Proposed store offices and associated accommodation. Approved 17/02/84.

### **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 objections - The flood Management Plan was not requested by Lincolnshire County Council - 0583-24 was a minor application - it is therefore down to the LPA to assess/approve the plan."

#### Pinchbeck Parish Council

"Support - appropriate for the development"

#### Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application."

#### 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 5

The submitted flood management plan recommends that users of the site sign up for flood warnings and in the event of a flood evacuate all personal from the site, via the designated routes, to higher ground. In the event of a flash flood event, personnel are to be evacuated to the first floor of the

adjacent building.

Due to the nature of the building as well as the existing conditions of the site and the wider area, the submitted flood management plan is considered to be acceptable. While rudimentary in nature, the submitted scheme would allow for the safe egress of workers in the event of a flood. As such, it is recommended that condition 5 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 submitted flood management plan, while rudimentary, is appropriate for the proposed development and as such it is considered that the proposal satisfies the requirements of Condition 5 of H14-0583-24. As such, it is recommended that condition 5 be discharged.

## **Recommendation**

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