DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0046-22**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	Details of surface water drainage scheme and archaeology (Conditions 3, 4 & 5 of H16-0109-20)		
Location:	Part Of Turners Factory Clay Lake Spalding		
Terminal Date:	22nd April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at Part of Turners Factory, Clay Lake, Spalding for details of surface water drainage scheme and archaeology (Conditions 3, 4, and 5 of H16-0109-20).

SITE DESCRIPTION

The site is located in the open countryside. The surrounding area is predominately arable land with development to the north and west, within the defined settlement limits of Spalding.

RELEVANT HISTORY

H16-0368-10

Full - Erection of meat factory, associated parking, surface water lagoon and road improvements - Application Withdrawn - 11 May 2011.

H16-0347-11

Outline - Outline application for re-development of a new business park (Class B1, B2 and B8) and associated infrastructure - Approved - 02 August 2011.

H16-0686-14

Full - Construction of access road to facilitate a separate planning application for the extension of building by FESA Ltd - Approved - 17 November 2014.

H16-0109-20

Full - Extension of road from access road off A16 - Approved - 07 April 2020.

CONSULTATION RESPONSES

LCC - Historic Environment Officer

"I can confirm that this specification does meet the requirements of Condition 4 of permission H16-0109-20. So it
would be fine for Condition 4 to be discharged. Condition 5 can also be discharged if we take this as notification of
their intention to start the archaeological work."

LCC - County Highways & SUDS Officer

"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 surface water drainage proposals are acceptable. The Applicants have previously confirmed that it is their intention for the internal roads to remain private, rather than for them to be adopted as public highway. This would be the same arrangement as that in place on the Applicants' Spalding Gateway development. The proposed drainage strategy incorporates sustainable drainage principles and attenuates the rate of discharge into existing watercourses. The Authority does not wish to object to this planning application."

South Holland Internal Drainage Board

"Whilst the applicant has not lodged their surface water discharge strategy with their submission, the applicant has submitted the necessary applications for land drainage consent as above to the

Board for its consideration. Through the consenting process, the Board will require the applicant to provide evidence that the attenuation measures (swale, flow control devices) will adequately control surface flows so that they do not exceed the run-off rate for the undeveloped site. Based on the information provided, the Board is in principle satisfied for Condition 3 to be discharged."

PLANNING CONSIDERATIONS

Condition 3 of H16-0109-20

This Condition states:

"The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;

- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;

- provide details of the timetable for and any phasing of implementation for the drainage scheme; and

- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (2019)"

The submitted information is considered acceptable to both the SUDS Officer and the Drainage Board, with the latter in receipt of a full receipt of an application for drainage consent.

Condition 3 is considered to have been complied with.

Condition 4 of H16-0109-20

This Condition states:

"No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition

6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Following a request during the consultation process for a full written scheme of investigation, the Historic Environment Officer has now viewed this document and is satisfied with the information therein.

Condition 4 is considered to have been complied with.

Condition 5 of H16-0109-20

This Condition states:

"The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 4 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

The Historic Environment Officer has said that this condition 5 can be signed off as the written scheme of works signals the intent of the applicant to start the archaeological work.

Condition 5 is considered to have been complied with.

Condition 6 of H16-0109-20

This Condition states:

"A copy of the final report required in connection with Condition 4 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Condition 6 will be fully addressed once archaeological works on site have been completed and the final report is submitted to the Historic Environment Officer.

As the Historic Environment Officer is content for Conditions 4 and 5 to be signed off is now considered that Condition 6 will be complied with in due course. However it is not possible to discharge it as part of this application.

PLANNING BALANCE

Condition 3, 4 and 5 of H16-0109-20 are considered to have been complied with.

CONCLUSION

This application is recommended for approval.

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.