

FILE COPY

Town and Country Planning Act 1990 Planning Permission

Reference: H16-0025-15 **Received:** 13th January 2015

Type: SEC 73 MODIFICATION

Name: Ashley King Developments Ltd.
Manor Farm
Fen Road
Holbeach
Spalding
PE12 8QA

Agent: Ashley King Developments Ltd.
Manor Farm
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Holbeach
Spalding
PE12 8QA

Description: Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14. Modification of condition 8 to amend requirement to set finished floor levels of the buildings within parcels B3a and B3b from 1 metre above existing ground level to not less than 600mm above ground level.

Location : Barrier Bank Cowbit
Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the proposal described above, subject to any condition(s) set out below:

- 1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg nos. 1219/01, 1219/02, 1219/03, 1219/04, 1219/07A, 1219/08, 1219/10, 1310/PL01/H, 1310/PL02/D, WPS/TWL02/06/4, WPS/TWL02/07/1, WPS/TWL02/08/1, 1319/01/C, 1319/02, 1319/03/B, 1319/05/B, 1319/06/A, 1319/07/A submitted under planning application H16-0025-15 and the Flood Evacuation Plan prepared by RM Associates dated 1 May 2015.

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Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place on Land Parcels A2, A3, B3b, B5 and C1 without the prior written approval of the Local Planning Authority of all details of the following matters:
- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
 - ii) the means of access to the site;
 - iii) the landscaping of the site (including a programme for its implementation and ongoing management and maintenance);

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 Prior to the occupation of any building on the permitted development, the carriageways and footways providing access to that building, for the whole of its frontage and for the whole distance between the building and the public highway shall be constructed to a specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed in accordance to a timetable which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate pedestrian and vehicular access to all units on the permitted development.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 5 Prior to the commencement of development on a Parcel, a detailed design for the arrangements for surface water drainage for that Parcel shall be submitted to and agreed in writing by the Local Planning Authority and no building on that Parcel shall be occupied until it is connected to the approved system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding any part of the permitted development or the surrounding land.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 6 Prior to the commencement of development on any Parcel of the development hereby permitted,

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a Construction Management Plan relating to the development of that Parcel shall be submitted to the Local Planning Authority detailing how construction plant, vehicles, materials and contractors, accommodation and welfare facilities are to be provided for and managed wholly within the curtilage of the application site. The construction of the permitted development shall thereafter be undertaken in strict accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of those using the adjacent public highway.

This Condition is imposed in accordance with Policies SG15 and SG17 of the South Holland Local Plan 2006.

- 7 The development hereby permitted shall be carried out in accordance with both the approved Flood Risk Assessment (Report No. 8001/235r4, dated January 2014) and the approved Supplementary Flood Risk Assessment Statement (Reference 800/235, dated March 2014).

Reason: To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 8 All finished floor levels shall be set 1m above existing ground levels, except as required by Conditions 22 and 23 and except for buildings within parcels B3a and B3b which shall have finished floor levels of not less than 600mm above existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework.

- 9 Upon first occupation of any buildings within parcels B3a and B3b the Flood Evacuation Plan prepared by RM Associates dated 1 May 2015 shall be fully implemented and shall thereafter be maintained for the lifetime of the development. A copy of the document shall be kept at reception/in the foyer of each building within these parcels.

Reason: To reduce the impacts of the risk of flooding to the occupants of the site. This condition is imposed in accordance with Section 10 of the national Planning Policy Framework.

- 10 No part of the development hereby permitted shall be commenced until a scheme for the provision of foul water drainage has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as the approved scheme including any timetable contained therein.

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Reason: To prevent the increased risk of pollution of the water environment by ensuring the provision of a satisfactory means of foul water disposal.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 11 If, during development on any Parcel, contamination not previously identified is found to be present within that Parcel then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out within that Parcel until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner, so that controlled waters are suitably protected.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 12 Details shall be submitted to the Local Planning Authority for the provision of a scheme of lighting for the bridleway between the south end of Fen End Lane and the junction of that bridleway with the access road into the development on the north side of the B1173. The lighting, as approved, shall be provided prior to the occupation of any unit on the permitted development.

Reason: In the interests of the safety and comfort of pedestrians and cyclists using the bridleway in the hours of darkness.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006

- 13 Prior to the occupation of any building a detailed design for the external lighting for that building shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting scheme shall be implemented in accordance with the approved scheme

Reason: In the interests of amenity and highway safety.

This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 14 Prior to the occupation of any building details of the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority. The building shall only operate within the agreed hours of operation.

Reason: In the interests of residential amenity.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 15 Prior to the occupation of any building, details of a CCTV system (including a programme for its

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implementation, ongoing maintenance and management) for both security and monitoring purposes covering the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV scheme shall be implemented, managed and maintained in accordance with the approved scheme and programme.

Reason: In the interests of community safety.

This Condition is imposed in accordance with Section 8 of the National Planning Policy Framework

- 16 As part of any reserved matters application for a building for use within Class B2 or B8 details of the exact use shall be provided and an acoustic survey shall be carried out in accordance with BS4142 (as amended) together with details of any necessary mitigation measures and sound insulation of the building and a report shall be submitted to the local planning authority assessing the impact of noise upon existing dwellings abutting the employment site and fronting Fen End Lane. Noise from the use of the buildings shall not exceed the pre-construction background noise levels, when measured at any residential boundary not within the applicants' control, by more than 5 dB(A) when measured as a 15 minute LAeq. Any such measures shall be approved in writing and all works shall be carried out in accordance with the approved scheme(s) and shall be undertaken prior to the use commencing and the mitigation measures shall thereafter be retained.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006."

- 17 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute LAeq at any residential boundary not within the applicants' control.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 18 No buildings shall be erected or any other form of development shall take place within 40 metres of the boundary of any residential property in Fen End Lane.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006

- 19 HGV movements onto and off the site, and mechanical handling of materials outside any building, shall be restricted to between the hours of 07:00 and 19:00.

Reason: To safeguard the amenities of nearby residents.

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This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006

- 20 No static HGV refrigerated units shall operate on Parcels A2, A3 & B5 other than by means of mains electric power supply.

Reason. To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with policy SG17 of the South Holland Local Plan 2006

- 21 Details of boundary treatments and a programme for its implementation and ongoing management and maintenance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development and thereafter implemented, managed and maintained in accordance with the approved details

Reason: In the interests of the character and appearance of the development and the amenity of nearby residents.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006

- 22 Prior to the commencement of any part of the development hereby permitted, detailed engineering drawings shall be submitted to the Local Planning Authority for the construction of the access to the B1173. This junction shall be constructed in accordance with the approved drawings prior to the commencement of use of any building within Site Section B.

Reason; To ensure that safe and adequate vehicular access can be provided to all parts of the permitted development.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 23 The finished floor levels of the public house shall be set at 2.85mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 24 The finished floor levels of the hotel shall be set at 3mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 25 Safe refuge shall be available on the upper floors of the hotel.

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Reason: To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework.

- 26 The Local Planning Authority has acted positively and proactively in determining this application, having engaged with the Applicant at the pre-application stage, and by assessing the subsequent application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal in as timely a manner as possible, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx.

Note(s):

No works were consented to in relation to the bund and that such works would constitute an engineering operation requiring prior planning approval.



Paul Jackson
Planning Manager

23rd June 2015

H16-0025-15

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.