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Matrix Planning Ltd
36 Stamford Road
Market Deeping
Peterborough
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PE6 8AB

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0502-17 **Date of Decision:** 7th August 2017

Applicant: Dr Azmeena Nathu
Pennygate Foundation
204 Pennygate
Spalding
Lincs
PE11 1LT

Location: Pennygate Foundation 204 Pennygate Spalding Lincs

Description: Proposed continued use of premises as Health and Well-Being Centre including retention of (a) extension to the side and rear of 204 Pennygate and (b) detached function room to rear of site (retrospective)

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
dwg. no. 2694/01B, 2694/02B, 2694/03A, 2694/04B, 2694/05B and plan showing existing and proposed areas of lighting;
the Planning Statement (prepared by Matrix Planning and dated 23 May 2017); and
letter (from the agent dated 4 August 2017).

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

2 This permission shall operate for the benefit of the Pennygate Foundation and the use hereby approved shall be terminated at such time as the Pennygate Foundation ceases to occupy the premises.

Reason: Permission is granted on the basis of the community benefit and services offered

by the applicant and to ensure that the Local Planning Authority retains control over the future use of the site in the interests of the amenity of local residents

3 The premises shall be used only as a Health and Well-Being Centre as described within the Planning Statement submitted within the application (prepared by Matrix Planning and dated 23 May 2017), and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order) apart from any ancillary use already stated within the application.

For the avoidance of doubt: the premises shall be used for the benefit of the local community within South Holland only.

Reason:To ensure that the Local Planning Authority retains control over the future use of the site in the interests of the amenity of local residents and to limit extended journeys from distant settlements which could be attracted to the facility and which would be likely to increase the use of private transport to reach this site. A development of that kind would not be sustainable and would conflict with national and local planning policies.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

4 Notwithstanding the details submitted, the following window(s) shall be obscure glazed using Grade 4 or 5 glass and thereafter so maintained:

- ground floor windows on the rear elevation of the community room and meeting room.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006 and with national guidance contained in Section 7 of the National Planning Policy Framework 2012.

5 The use hereby permitted shall not be open to customers except between the hours of 07:30 and 22:00 (Monday to Saturday) and 10:00 and 17:00 (Sundays) .

For the avoidance of doubt, all events across the site should be finished by 21:30 with all customers vacated from the site by 22:00.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

6 There shall be no amplified music played on the site other than in the function room (as identified on dwg. no. 2694/01B), and no amplified music shall be played unless the doors and windows remain closed.

Reason: To ensure that there is no noise nuisance to nearby residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

7 Sufficient space shall be maintained within the curtilage of the site at all times to accommodate the parking needs of all users of the site.

Reason: In the interests of the free passage of those using the adjacent highway.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

8 All portacabins to be adequately clad in white UPVC to the side and rear elevations in order to match the front elevation in terms of materials, design, colouration and quality of construction. This should be completed within 3 months of the date of this decision notice, and thereafter maintained.

For the avoidance of doubt, this should include any eaves and soffits.

Reason: In the interests of the character and appearance of the development, the visual amenity of the area in which it is set and to preserve the visual amenity for the occupants of 50 Mansell Close.
This Condition is imposed in accordance with Policy SG14 and Policy SG17 of the South Holland Local Plan 2006.

9 There shall be no external lighting installed beyond what has already been agreed on the determined plans accompanying this application. Any lighting so approved should be installed and/or maintained in accordance with the approved details.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The applicant is reminded that all activity should be operated at a level that would not cause a noise nuisance to any of the nearby neighbouring properties, but particular consideration should be given to the adjacent property known as number 202 Pennygate which is still retained as a family home. Where noise is considered to be a 'statutory nuisance,' (where it unreasonably and substantially interferes with the use or enjoyment of a home or other premises,) it would be dealt with through legislation contained within the Environmental Protection Act 1990.



Paul Jackson

Place Manager
South Holland District Council

BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.