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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0666-21 **Date of Decision:** 2nd September 2021

Applicant: Activ Property Management Ltd.
C/O Robert Doughty Consultancy Ltd.
32 High Street
Helpringham
Sleaford
NG34 0RA

Location: Broad Street Business Centre 10 Broad Street Spalding

Description: Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping - approved under H16-0210-18. Modification of Conditions 2 (Determined Plans), 3 (Archaeological Scheme), 6 (Construction Process Management Plan), 7 (Re-Development Contract), 8 (Contaminated Land Scheme), 9(Details of Refuse Storage) & 12 (Foul water strategy).

South Holland District Council hereby give notice that permission 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:

H16-0666-21

Application form
Site Plan 1075-6_PL_LP01
Demolition Site Plan 1075-6_PL_SP01
Construction Management Plan June 2021
Method Statement June 2021

Application form
B/2931 03 Existing Site Survey;
B/2931 06;
B/2931 210 Rev A;
B/2931 211 Rev A Visualisations;
B/2931-200 Rev C;
B/2931-201 Rev B;
B/2931 202 Rev B;
B/2931 203 Rev C;
B/2931-204 Rev C;
B/2931 205 Rev C;
B/2931 206 Rev B;
B/2931 207 Rev C;
B/2931 208 Rev C;
B/2931 209 Rev B;
Design and Access Statement by Dowlman Dec 2016;
Flood Risk Assessment by Dowlman Dec 2016;
Heritage Impact Assessment by Dowlman Feb 2016

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

2 Other than for the demolition of the building identified on drawing number 1075-6_PL_SP01 and which is limited to works above ground level only, no further 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 Policy 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

3 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 2 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

4 A copy of the final report required in connection with Condition 2 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 Policy 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

5 The construction process shall be carried out in accordance with the approved Construction Management Plan and Method Statement dated June 2021.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

6 Other than for the demolition of the building identified on drawing number 1075-6_PL_SP01 and which is limited to works above ground level only, the remaining demolition hereby permitted shall not be undertaken before a contract has been made for the carrying out of the works of re-development of the site and planning permission has been granted for the re-development for which the contract provides. The demolition and redevelopment shall be carried out in accordance with the approved Construction Management Plan and Method Statement.

Reason: To avoid the creation of a gap site that would be harmful to the character and appearance of the Conservation Area within which the site is located and safeguarding the adjacent heritage asset.
This Condition is imposed in accordance with Policies 2, 3, 4, 29 and 30 of South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

7 Other than for the demolition of the building identified on drawing number 1075-6_PL_SP01 and which is limited to works above ground level only, the development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented.

The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of

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contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. 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 Policies 2, 3, 4 and 30 of South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

8 Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development beyond that identified on drawing number 1075-6_PL_SP01 shall not commence in advance of that approval. The approved scheme shall be fully implemented before the occupation and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and

disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

9 A management plan for the areas of communal space including the refuse storage area including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the communal and refuse areas.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

10 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Dowlman ref B2931, dated December 2016 and following mitigation measures detailed within the FRA:

Finished floor levels are set at a minimum of 300mm above existing ground levels, no lower than 6.18m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

11 No development beyond the demolition of the building identified on drawing number 1075-6_PL_SP01 and which is limited to works above ground level only, shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021

12 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies 2, 3 4 and 30 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

13 Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021

14 Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

15 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area

in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

16 Before the commencement of the development hereby permitted beyond oversite, details of the brick(s) to be used to the external walls of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

17 Before the development is commenced beyond oversite, details of the materials to be used to the roof of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority, and all roofing materials used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

18 Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

19 Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details

and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019, and national guidance within the National Planning Policy Framework, 2021.

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 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.

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



Phil Norman
Planning 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		

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

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.