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Worcester
WR5 3JZ

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H16-0941-21 **Date of Decision:** 20th October 2021

Applicant: Switha Ltd
C/O Tdh Estates Ltd
11 Old Road North
Kempsey
Worcester
WR5 3JZ

Location: Carpetright 70 Westlode Street Spalding

Description: Demolish existing buildings and erect two non food retail warehouse units, external garden centre, 24 one and two bedroom flats, parking for 161 cars and associated works - approved under H16-0610-05. Modification of Condition 2 deleting the words 'food & drink for consumption off the premises (other than confectionary & pet foods) - re-submission of H16-0957-20.

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 and documents:

H16-0941-21

Application Form
PLANNING AND RETAIL STATEMENT OCTOBER 2020
Transport Statement Technical Report 52500/1 October 2020
Covering letter. TDH Estates. Date 07/09/2021
Block plan of the site

H16-0610-05

0153/PL/110C
0153/PL/100G
0153/PL/260A
0153/PL/261A
0153/PL/280A
0153/PL/290

H16-0011-15

2356.001
A4 site plan

H16-0819-18

Application form dated 13.08.2018
Site Location Plan
Design & access statement dated August 2018

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

2 The management of all landscaped areas shall be carried out in accordance with the approved management plan (condition compliance approval H16-0388-07) in perpetuity.

Reason: To ensure that the landscaped areas are properly managed and maintained, in the interests of the visual amenity of the site and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

3 The approved scheme for the storage and disposal of refuse (condition compliance approval H16-1548-06) shall thereafter be retained.

Reason: In the interests of hygiene and to avoid refuse receptacles being sited within public view which would be detrimental to the visual amenity of the area.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

4 No deliveries shall be taken at or despatched from the site outside the hours of 08.00 to 19.00 Monday to Saturday or the hours of 10.00 to 17.00 on Sundays without the express written consent of the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5 External storage shall be restricted to those areas agreed in the Statement of Waste Management and External Storage (condition compliance approval H16-1548-06) and no goods or materials shall be stored on any other parts of the site without the prior written consent of the Local Planning Authority.

DC_FINAL_DECISION - ODB:14

Reason: In the interests of the amenity of adjacent residents and the visual amenity of the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

6 The service yard shall not be used for the overnight operation of internal combustion engine operated vehicle refrigeration motors unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of adjacent residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

7 The approved scheme of surface water drainage set out in the surface water drainage strategy (condition compliance approval H16-1611-06) shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8 The retail site, associated car parking areas and the Westlode Street approach to the site shall be covered by the approved design and management scheme system of CCTV (condition compliance approval H16-0079-06). The system shall thereafter be so maintained.

Reason: In the interests of the safety of visitors to the development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

9 The external illumination of all buildings and areas of the site and the internal illumination of the covered car parking to the flats, shall be in accordance with the approved details (condition compliance applications H16-0537-06, H16-1207-07) and there shall be no external illumination other than that so approved.

Reason: In the interests of the safety of users of the site and the visual amenity of the overall development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

10 Trolley storage and security shall be managed in accordance with the approved details (condition compliance approval H16-1731-06).

Reason: In the interests of the visual amenity of the overall development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

11 The car parking areas shall be managed in accordance with the approved details (condition compliance approval H16-1673-06).

DC_FINAL_DECISION - ODB:14

Reason: In the interests of the amenity of visitors to the site and the town centre. This Condition is imposed in accordance with Policies 2, 3, 24 and 25 of the South East Lincolnshire Local Plan 2019.

12 The service yard access gates shall remain closed at all times other than when service vehicles are entering or leaving the site.

Reason: In the interests of the appearance of the Westlode Street frontage of the development, the character and visual amenity of the adjacent Conservation Area. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

13 The gates to the Double Street car parking areas shall be provided with electronic means of opening/closing and shall remain closed at all times other than when vehicles are entering or leaving those areas.

Reason: In the interests of the appearance of the Double Street frontage of the development, the character and visual amenity of the adjacent Conservation Area. This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan 2019.

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



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.