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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0819-18 **Date of Decision:** 5th November 2018

Applicant: B & M Retail Ltd
The Vault
Dakota Drive, Estuary Commerce Park
Speke
Liverpool
L24 8RJ

Location: Former Homebase Store 70 Westlode Street Spalding Lincs

Description: Demolish existing buildings and erect two non-food retail warehouse units, external garden centre, 24 one and two-bedroomed flats, parking for 161 cars and associated works approved under H16-0610-05. Modification of Condition 2 to allow beneficial occupation of vacant store by B & M Retail Ltd

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

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 0153/PL/110C received on 6th May 2005, 0153/PL/100G,/PL260A,/PL261A,/PL280A dated 16 May 2005, 0153/PL/290 dated 26 May 2005 and 2356.001 dated 19 November 2014 and A4 site plan received 07 January 2015.

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.

3 The retail warehouses hereby permitted shall not be used for the sale of food and drink for consumption off the premises (other than confectionery and pet foods), clothing, fashion accessories (including handbags, luggage, watches and jewellery), footwear, sports goods (equipment and clothing), books, stationery, toiletries and perfume, audio and visual recordings, cutlery, crockery or glassware, unless any of the above are ancillary to, and related to the main ranges of goods permitted for sale.

Notwithstanding the above up to 340 sq.m. net of food and drink products can be sold from the retail warehouse. The sales of these products on an ancillary basis only while the primary use of the premises is a DIY and Home Improvement store with garden centre.

Reason: To ensure that the development does not adversely affect the vitality and viability of Spalding town centre, in accordance with Policy EC8 of the South Holland Local Plan 2006.

4 Before the commencement of the development hereby granted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over these levels, in the interests of the appearance of the development, the amenity of adjacent residents, the visual amenity of the locality, and to reduce the risk of flooding.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

5 Before each phase (retail and residential) of the development is commenced, the written 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 eighteen months beginning with the date on which each phase of the development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives written consent to any variation.

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 Policy SG18 of the South Holland Local Plan
2006.

6 A management plan for all landscaped areas for each phase (retail and residential) of the

development 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 of each phase of the development hereby permitted. The management of these areas shall be carried out in accordance with the details so approved 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 Policy SG18 of the South Holland Local Plan
2006.

7 Before the commencement of each phase (retail and residential) of the development hereby granted, details of the proposed boundary treatment, including a schedule of materials, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before each phase of the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriately designed and detailed boundary treatments are provided, in the interests of the appearance of the development and the visual amenity of the locality.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

8 Notwithstanding the details submitted, before the commencement of each phase (residential and retail) of the development hereby granted, a schedule of external materials of construction of buildings and hard surfaced areas within each phase shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be provided, as may be required by the Local Planning Authority, of the materials in the schedule and the use of such samples shall be approved in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

9 The walls of the Double Street frontage to be rendered shall be smooth rendered and painted a final colour which shall be approved in writing by the Local Planning Authority before the construction of those walls to be rendered, and thereafter so maintained, unless otherwise agreed in writing by the Local Planning Authority. Such rendering and approved final colouring shall be completed within one month of those elements of the development,including rendering, being first brought into use

Reason: To ensure that the Local Planning Authority retain control over the detailed

design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

10 The final colour and method of fixing of the rainwater goods to be included in the Double Street frontage of the development hereby permitted shall be approved in writing by the Local Planning Authority prior to their installation and all rainwater goods shall be installed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

11 The external face of the frame to all new windows in the residential units to the Double Street frontage of the site shall be set in a reveal of a minimum of 70mm from the front face of the adjacent walling and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

12 Details of the design of all external doors to the Double Street frontage of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and all external doors used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

13 Details of the window frames to be utilised in the Double Street frontage of the development hereby permitted, including samples if so required, 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 1:20, the longitudinal and cross-sectional detailing, 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 retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

14 Details of the external colour scheme shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented in full for each element of the development before it is first brought into use.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

15 Notwithstanding the details submitted, large scale constructional drawings (at a scale of at least 1:20) of the following details of the Double Street residential accommodation shall be submitted to and approved in writing by the Local Planning Authority and no work shall commence in advance of that approval:
(i) the eaves and verge detailing;
(ii) the string courses;
(iii) the window cills and heads;
(iv) the dormer windows;
(v) the chimney stacks.
(vi) the railings to the openings to the car parking areas;
(vii) the railings to the frontage;
(viii) the balconies

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

16 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes for the residential units to Double Street shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved without the prior written consent of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retain control over the detailed

design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

17 The detailed design of the gates to the Westlode Street frontage of the development shall be submitted to and approved in writing by the Local Planning Authority and the gates shall be installed in accordance with the details so approved.

Note:
You are encouraged to work with local art and community groups to design the gates.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

18 The detailed design, colour and height of the sprinkler tanks hereby permitted shall be submitted to and approved in writing by the Local planning Authority and the sprinkler tanks shall be installed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

19 Working drawings, including sectional details, of all external elevations of the scheme at a scale of 1:20 or 1:50 shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

20 Notwithstanding the details submitted, the parapet to the wall to the Westlode Street elevation of the site shall include a series of steps and pediments, the detailed design of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retain control over the detailed design, small-scale architectural detailing and materials of construction of the development in the interests of its character and appearance and that of the adjacent Conservation Area.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

21 Before the development hereby permitted is first brought into use, plans of the position of all external roof, floor and wall mounted plant and machinery shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the Local Planning Authority retains control over the siting of plant and machinery, in the interests of the appearance of the development and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan
2006.

22 Before the development hereby permitted is first brought into use, the associated plant and machinery shall be mounted in a way which will minimise transmission of structure borne sound and ensure that there is no possible nuisance caused to nearby residential properties, in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent disturbance to local residents.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

23 Details of the means of storage and disposal of refuse for each phase of the development shall be submitted to and be approved in writing by the Local Planning Authority and the first use of each phase shall not commence in advance of that approval. The approved scheme for each phase 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 SG14 and SG17 of the South Holland Local Plan 2006.

24 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 SG14 and SG17 of the South Holland Local Plan 2006.

25 Details of any areas of the site to be used for external storage shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any part of the development to which that storage relates 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.

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 SG14 and SG17 of the South Holland Local Plan 2006.

26 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 Policy SG17 of the South Holland Local Plan 2006.

27 No development shall take place on site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is of potential archaeological importance.
This condition is imposed to ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

28 Before the commencement of the development hereby granted, full details of the proposed means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: In the interests of satisfactory drainage and to avoid pollution.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan 2006, and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

29 Prior to the commencement of the development hereby permitted, a detailed surface water drainage strategy for the design, provision, implementation, and long term maintenance of surface water drainage, fully in accordance with the requirements of the approved flood risk assessment and Planning Policy Guidance Note 25, shall be submitted to and approved in writing by the Local Planning Authority. The strategy so approved shall be implemented in full prior to the first use of the development and shall thereafter be so maintained.

Reason: To ensure that the development is adequately drained and that flood risk is not increased.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan 2006, and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

30 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in general accordance with the flood risk

assessment forming part of the application.

Reason: To ensure that development is adequately drained and that flood risk is not increased.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan 2006, and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

31 The retail site, associated car parking areas and the Westlode Street approach to the site shall be covered by a system of CCTV prior to the first use of the retail units in accordance with a design and management scheme which shall be submitted to and approved in writing by the Local Planning Authority. 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 SG14 and SG17 of the South Holland Local Plan 2006

32 Details of the external illumination of all buildings and areas of the site and the internal illumination of the covered car parking to the flats, including details of design, luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas 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 SG14 and SG17 of the South Holland Local Plan 2006

33 Details of the management of trolley storage and security shall be submitted to and approved in writing by the Local Planning Authority and the site shall be managed in accordance with the details so approved.

Reason: In the interests of the visual amenity of the overall development.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006

34 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no site huts, material storage compounds or sales office buildings shall be installed or fixed on the site unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site during the construction process and the amenity of local residents.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006

35 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of each phase (retail and residential) of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority.

These precautions shall be made available before commencement of the construction of each phase of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: To ensure that no mud or other debris is deposited on the public highway, in the interests of highway safety.
This Condition is imposed in accordance with Policy SG14, SG15 and SG16 of the South Holland
Local Plan 2006.

36 Before the commencement of each phase of the development hereby permitted, hours of working during the construction period for that phase shall be submitted to and approved in writing by the Local Planning Authority and there shall be no working outside the hours so approved.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

37 The detailed design, colour and location of any site hoardings used during the construction process shall be submitted to and approved in writing by the Local Planning Authority and only those hoardings so approved shall be used.

Note:
You are encouraged to work with local art and community groups to include artwork on site hoardings.

Reason: In the interests of the appearance of the site during the construction process.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

38 Prior to the commencement of the residential element of the development hereby permitted, details of the arrangements for the provision and management of a minimum of eight affordable housing units/flats on the site shall be submitted to and approved in writing by the Local Planning Authority. The details of provision and management shall include:
a) tenure and the mechanism by which the affordable housing is to be provided, whether by means of a registered social landlord or otherwise;
b) the timing and any phasing of delivery;
c) details of arrangements to ensure that the housing is affordable for both initial and subsequent occupiers;
d) details of the mechanism and criteria to be used to ensure that initial and subsequent occupancy is restricted to a person or persons having a local housing need as defined in Appendix A of Supplementary Planning Guidance ¿Affordable Housing¿ approved by South Holland District Council in May 2004.

Unless otherwise agreed in writing by the Local Planning Authority, the affordable housing shall be provided in accordance with the details so approved and shall remain as affordable housing to subsequent occupiers.

Note 1
Within the context of Condition 4, the definition of affordable housing is that included at Appendix A of Supplementary Planning Guidance ¿Affordable Housing¿ approved by South Holland District Council in May 2004.

Note 2
The nomination arrangements for the affordable properties should be agreed in writing by the Local Planning Authority.

Whether or not the properties are provided by a registered social landlord, they should meet the following standards:
¿ the Housing Corporation's Scheme Development Standards.
¿ the cost of the properties to the occupiers should be within the Housing Corporation's usual requirements.

The affordable homes should be transferred to a registered social landlord, or another organisation that can provide affordable housing, and this shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that affordable dwellings are provided, and remain affordable in perpetuity.
This Condition is imposed in accordance with Policy HS8 of the South Holland Local Plan 2006.

39 No more than eight of the market units/flats to be provided within the development shall be occupied until the eight affordable units/flats required by Condition 37 above have been completed and made available for occupation in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To ensure that the affordable dwellings are provided, and remain affordable in perpetuity.
This Condition is imposed in accordance with Policy HS8 of the South Holland Local Plan 2006.

40 No works of demolition or re-development shall be carried out until a fully detailed method statement and specification has been prepared by a suitably qualified firm of civil or structural engineers and agreed to ensure the structural stability of all adjacent buildings, including treatment of exposed walls.

Reason: To ensure the structural integrity of adjacent properties.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

41 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 unless the LPA dispenses with any such requirement in writing.

a).A desk-top study carried out to identify and evaluate all potential sources of 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.
b).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.
c).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 without the express written agreement of the LPA. 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.
d).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 Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

42 Details of the management of the car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be managed in accordance with the details so approved.

Reason: In the interests of the amenity of visitors to the site and the town centre.
This Condition is imposed in accordance with Policy SG16 of the South Holland Local Plan

2006.

43 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 SG14 and SG17 of the South Holland Local Plan 2006.

44 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, and in accordance with Policy E1 of the South Holland District Local Plan which establishes a broad range of assessment criteria to safeguard, enhance and maintain the amenities of the locality.

45 Prior to the commencement of the retail development hereby permitted, the detailed design of the vehicular accesses to the site from Westlode Street shall be submitted to and approved in writing by the Local Planning Authority. The design shall include appropriate radii and visibility splays together with any changes or modifications to existing on-street car parking bays, cycleway, street lighting and any other street furniture. The works so approved shall be completed prior to the commencement of retail trading from the site.

Reason: To secure an appropriate highway construction to an adoptable standard, in the interests of highway safety and the amenity and convenience of users of the highway. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

46 Unless otherwise agreed in writing by the Local Planning Authority, within three years of the commencement of the retail use hereby permitted the applicant shall contribute to the design and construction of improved pedestrian crossing facilities at the Pinchbeck Road/Westlode Street junction should the County Highway Authority bring forward plans for and implement such improvement works.

Note:
If a financial contribution is made this shall not be more than £15,000.

Reason: In the interests of pedestrian safety and access to the retail development. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

47 The detailed design and layout of the development hereby permitted shall include measures to provide maximum energy efficiency that shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the details so approved.

Reason: In the interests of sustainable development and the protection of the environment.
This Condition is imposed in accordance with Policy SG7 of the South Holland Local Plan 2006.

Notes:

Note(s):

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 subsequently determining to grant planning permission within the statutory timeframe/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



Phil Norman
Planning and Building Control 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.