H16-0879-23

Dated 5th January **2024**

(1) SOUTH HOLLAND COUNCIL

and

(2) UBS TRITON GENERAL PARTNER LTD

DEED OF VARIATION
Sections 106 and 106A of the Town and Country Planning Act 1990

To a Section 106 Agreement relating to land at Springfields Outlet Centre, Camel Gate, Spalding, PE12 6ET

South Holland Council
Council Offices
Priory Road
Spalding
PE11 2XE

SHDC Reference: LD/H16-0879-23

Date 5th January 2024

BETWEEN

(1) **SOUTH HOLLAND COUNCIL** of Council Offices, Priory Road, Spalding, PE11 2XE ("the Council");

(2) **UBS TRITON GENERAL PARTNER LTD** (Company Registration No. 09085818) having their registered offices at 7010, 2nd Floor 38 Warren Street, London, W1A 2EA ("the Owner").

BACKGROUND

(A) The Council is the Local Planning Authority for the purposes of the Act for the area within which the Land is situated.

(B) The Owner is the freehold owner of the part of the Land registered under title numbers LL249272 and L351085 and the leaseholder of part of the land under title numbers LL300870, LL327724 and a pending registration at HM Land Registry of a leasehold interest in LL231191 following completion of a lease dated 22 December 2017 and made between (1) Springfields Horticultural Society Limited and (2) the Owner with a title number yet to be allocated.

(C) On 3 February 2021 the Council and the Owner entered into the Original Agreement.

(D) On 3 October 2023 the Owner submitted the Section 73 Application to the Council

(E) The purpose of this Deed is to amend Conditions 2 (Approved Plans), Condition 6 (Archaeological Investigation), Condition 7 (Notification of Lincolnshire County Council Historic Environment Department), Condition 11 (Existing and proposed site levels), Condition 12 (Terrorism prevention measures) and Condition 13 (Contamination including site investigation and remediation strategy) of the Original Planning Permission and to vary the triggers contained in paragraph 1 of Schedule 3 (Contributions and Green Land) in the Original Agreement.

(F) Without prejudice to the terms of the other covenants contained in the Original Agreement the parties have agreed to vary the terms of the Original Agreement as set out in this Deed.

(G) The parties have agreed to enter into this Deed to give its consent to the terms of this Deed.

(H) This Deed is made under sections 106 and 106A of the Act and is supplemental to the Original Agreement.

NOW THIS DEED WITNESSES AS FOLLOWS:

1. DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

"Original Agreement"	means the agreement made under section 106 of the Act relating to land at Springfields Outlet Centre, Camel Gate, Spalding, PE12 6ET dated 3 February 2021 and made between (1) the Council and (2) the Owner
"Original Planning Permission"	means the planning permission for the Land issued by the Council on 4 February 2021 given reference H16-0104-20 for "*Proposed Extension of Springfields Outlet Shopping & Leisure, to comprise demolition of the existing NFU Mutual offices and provision of comparison retail floorspace (Class A1), flexible retail and/or coffee shops/restaurants floorspace (Class A1/A3), access, revised car parking, landscaping and associated works*"
"Section 73 Application"	means the application under section 73 of the Act for the removal or variation of Conditions 2, 6, 7, 11, 12 and 13 in the Original Planning Permission and

	submitted by the Owner and accepted on 2 October 2023 by the Council and allocated the Council's reference number H16-0879-23
"Section 73 Permission"	means the planning permission issued pursuant to the Section 73 Application

2. CONSTRUCTION OF THIS DEED

2.1 Unless the context otherwise requires and save as herein varied all words and phrases defined in the Original Agreement shall have the same meaning in this Deed.

2.2 Where in this Deed reference is made to any clause, paragraph, schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph, schedule or recital in this Deed.

2.3 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.

2.4 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably

2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that act or deriving validity from it.

2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party to the Land or any part thereof and in the case of the Council, successors to their functions.

3. LEGAL BASIS

3.1 This Deed is made pursuant to Sections 106 and 106A of the Act, Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 and all other enabling powers with the intent that the covenants and obligations shall run with the Land.

3.2 This Deed shall take effect upon the date that it is executed.

4. VARIATIONS TO THE ORIGINAL AGREEMENT

4.1 The following definitions shall be added to the Original Agreement:

4.2 The phrase "Application" in Clause 1 of the Original Agreement shall be deleted and replaced with the following:

"Application"	means the application or applications for Planning Permission for the Development

4.3 The phrase "Implementation" in Clause 1 of the Original Agreement shall be amended with the addition of the following words in **bold** as set out below:

"Implementation"	means commencement of development pursuant to the Planning Permission by the carrying out of a "material operation" (as defined in s56(4) of the 1990 Act) save that for the purposes of this Deed the term shall not include works of demolition, surveys, site clearance, works of archaeological or ground investigation or remediation, the erection of fencing or hoardings, the provision of security measures or lighting, the erection of temporary buildings or structures associated with the Development, the laying, removal or diversion of services, the provision of construction compounds, the temporary display of site notices or advertisements highway or piling works **and Phase 1** (and "Implement" and "Implemented" shall be construed accordingly)

4.4 The phrase "Planning Permission" in Clause 1 of the Original Agreement shall be deleted and replaced with the following:

"Planning Permission"	means the Original Planning Permission granted by the Council for the Development or the Section 73 Permission granted by the Council for the Development pursuant to the Applications or such other planning permissions for the Development granted pursuant to sections 73 or 96A of the 1990 Act

4.5 The defined terms used in this Deed "Original Planning Permission", "Section 73 Application" and "Section 73 Permission" shall be inserted into Clause 1 of the Original Agreement as follows:

"Original Planning Permission"	means the planning permission for the Land issued by the Council on 4 February 2021 given reference H16-0104-20 for "*Proposed Extension of Springfields Outlet Shopping & Leisure, to comprise demolition of the existing NFU Mutual offices and provision of comparison retail floorspace (Class A1), flexible retail and/or coffee shops/restaurants floorspace (Class A1/A3), access, revised car parking, landscaping and associated works*"
"Section 73 Application"	means the application under section 73 of the Act for the removal or variation of Conditions 2, 6, 7, 11, 12 and 13 in the Original Planning Permission and submitted by the Owner and accepted on 2 October 2023 by the Council and

	allocated the Council's reference number H16-0879-23
"Section 73 Permission"	means the planning permission issued pursuant to the Section 73 Application in substantially the same form as the draft decision notice attached at Schedule 2A

4.6 The phrase "Phase 1" shall be inserted into Clause 1 of the Original Agreement as follows:

"Phase 1"	means the construction of additional staff parking spaces (2 spaces) as an extension to the eastern side of the existing staff car parking area as shown on the Site Masterplan - Phasing

4.7 The phrase "Phase 2" shall be inserted into Clause 1 of the Original Agreement as follows:

"Phase 2"	means the demolition of Dromedary Lodge as shown on the Site Masterplan - Phasing

4.8 The phrase "Phase 3" shall be inserted into Clause 1 of the Original Agreement as follows:

"Phase 3"	means the demolition of the existing NFU building on the Phase 3 extension site and site preparation works as shown on the Site Masterplan - Phasing

4.9 The phrase "Phase 4" shall be inserted into Clause 1 of the Original Agreement as follows:

"Phase 4"	means the main works to build out Phase 3 extension, alter main car park, construct additional parking, and implement amendments to garden area to the north of the Phase 3 extension as shown on the Site Masterplan - Phasing

4.10 The phrase "Site Masterplan - Phasing" shall be inserted into Clause 1 of the Original Agreement as follows:

"Site Masterplan - Phasing"	means the plan identifying the phasing of the Development being labelled as the Site Masterplan – Phasing and identified as drawing number SPFDS-WBA-SI-ZZ-DR-A-90_102 Rev P6 and attached at Schedule 7 or as otherwise agreed with the Council

4.11 The following Clause shall be inserted after Clause 8.11 of the Original Agreement:

"8.12 It is agreed between the parties that where planning permission is issued in relation to the Development pursuant to an application under section 73 of the Act this Deed shall continue to bind the Development and shall be in full force and effect subject to and in accordance with the provisions contained herein and shall in addition bind the Development in respect of any subsequent planning permission granted pursuant to section 73 of the Act ***AND PROVIDED THAT*** *in the event that upon receipt of an application under section 73 of the Act the Council considers that the obligations contained in this Deed should be varied or amended it is agreed and acknowledged that the Council should retain the right to refuse such application unless and until a deed of variation or alternative agreement has been entered into to secure the appropriate obligations."*

4.12 Paragraph 1.1 of Schedule 3 of the Original Agreement shall be deleted in its entirety and replaced with the following wording:

"1.1 Not to Implement Phase 3 until:

1.1.1 the Green Land is bound by a Confirmatory S106; and

1.1.2 the Town Centre Improvement Contribution has been paid in full to the Council."

4.13 The draft decision notice for the Section 73 Permission annexed to this Deed at Schedule 1 shall be added as Schedule 2A of the Original Agreement.

4.14 The Site Masterplan - Phasing annexed to this Deed at Schedule 2 shall be added as Schedule 7 of the Original Agreement

4.15 In all other respects the Original Agreement (as varied by this Deed) shall remain in full force and effect.

5. THE OWNER'S COVENANTS

5.1 The Owner covenants to observe and perform the covenants, restrictions and obligations contained in the Original Agreement as varied by this Deed.

6. LOCAL LAND CHARGE

6.1 This Deed shall be registerable as a local land charge by the Council.

7. COUNCIL'S COSTS

7.1 The Owner shall pay to the Council on or before the date of this Deed:

(a) the Council their reasonable legal costs of £500 together with all reasonable disbursements that have been incurred in the negotiation and completion of this Deed; and

(b) the sum of £2,750 as a contribution towards the Council's costs in monitoring the implementation of this Deed.

8. VAT

8.1 Any consideration given under this Deed shall be done in such a way that the VAT liability is borne by the Owner and not the Council.

10. THIRD PARTY RIGHTS

10.1 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

11. JURISDICTION

11.1 This Deed is governed by and interpreted in accordance with the laws of England.

12. EXECUTION AND DELIVERY

This Deed is executed as a deed by the parties and is delivered on the date first hereinbefore written.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

The **COMMON SEAL** of **SOUTH HOLLAND COUNCIL** was hereunto affixed in the presence of:-

131908

Authorised Signatory

SIGNED as a **DEED** by [BEN CLARK] and [JONATHAN UPTON] as attorneys for **UBS TRITON GENERAL PARTNER LTD**

In the presence of:

UBS TRITON GENERAL PARTNER LTD DIRECTOR/ATTORNEY SIGNATURE
UBS TRITON GENERAL PARTNER LTD DIRECTOR/ATTORNEY SIGNATURE

Signature of witness for [BEN CLARK] .....

Name (in BLOCK CAPITALS) JOE ARMES. .....

Address 95 CLOUDESLEY ROAD

LONDON N1 0EN

Signature of witness for

[JONATHAN UFTON]

Name (in BLOCK CAPITALS) JOE ARMES

Address 95 CLOUDESLEY ROAD

LONDON N1 0EN

SCHEDULE 1

DRAFT SECTION 73 PERMISSION (H16-0879-23) TO BE ISSUED UNDER THE SECTION 73 APPLICATION

SOUTH HOLLAND DISTRICT COUNCIL

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Admin 01775 764723
DC Officers 01775 761161
Facsimile 01775 762937

planningadvice@sholland.gov.uk

www.sholland.gov.uk

Id Planning
32 Eyre Street
Sheffield
S1 4QZ

TOWN AND COUNTRY PLANNING ACT 1990

DRAFT

Reference: H16-0879-23 **Date of Decision:**

Applicant: Triton Property Fund
C/O Slr Outlets Ltd

Location: Springfields Outlet Centre Camel Gate Spalding

Description: Proposed Extension of Springfields Outlet Shopping & Leisure, to comprise demolition of the existing NFU Mutual offices and provision of comparison retail floorspace (Class A1), flexible retail and/or coffee shops/restaurants floorspace (Class A1/A3), access, revised car parking, landscaping and associated works approved under H16-0104-20. Modification of Conditions 2, 6, 7, 11, 12 & 13 relating to approved plans, archaeological investigation, notification to LCC historic environment, existing & proposed site levels, terrorism prevention measures and contamination including site investigation & remediation strategy.

1 The development must be begun not later than the 4th February 2024.

Reason: As required by Section 91 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:

31882-HYD-XX-XX-DR-C-4000 P01
SPFDS-WBA-SI-ZZ-DR-A-90_102 Rev 6
SPFDS WBA SI XX DR A L02 Rev P4
P19-128/DS Phase 1 Geo-Environmental Assessment
Construction Phase Plan Phase 1 (Autumn 2023)

Planning Application H16-0104-20

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M3041-PA-01-V05
M3041-PA-02_V03
M3041_PA_05_V02
M3041_PA_08_V2
M3041_PA_09_V09
M3041-PA-10-V10
SPFDS-WBA-SI-ZZ-DR-A-90_100 P11
SPFDS-WBA-SI-ZZ-DR-A-90_101 P5
SPFDS-WBA-XX-00-DR-A-20_105 P16
SPFDS-WBA-XX-00-DR-A-20_110
SPFDS-WBA-XX-01-DR-A-20_106 P6
SPFDS-WBA-XX-RF-DR-A-20_107 P5
SPFDS-WBA-XX-ZZ-DR-A-20_108 P5
SPFDS-WBA-XX-ZZ-DR-A-20_109 P7
Design and Access Statement (Prepared by I D Planning - Dated December 2019)
Flood Risk Assessment and Drainage Strategy (Prepared by 3E Consulting Engineers - Dated December 2019)
Ecological Appraisal (Prepared by Smeeden Foreman - Dated 3rd December 2019)
Bat Activity and Great Crested Newt eDNA Report (Prepared by Woolley Ecology Ltd - Dated 5th December 2019)
Transport Assessment (Prepared by Sanderson Associates (Consulting Engineers) Ltd - Dated 5th December 2019)
Travel Plan (Prepared by Sanderson Associates (Consulting Engineers) Ltd - Dated 5th December 2019)
Phase I Geo-Environmental Assessment (Prepared by 3E Consulting Engineers Ltd - Dated November 2019)
Planning & Retail Statement (Prepared by I D Planning - Dated December 2019)
Environmental Impact Assessment Screening Opinion (Prepared by I D Planning Ltd - Dated December 2019)
Arboricultural Survey Report BS 5837:2012 (Prepared by Smeeden Foreman - Dated 3rd December 2019, Rev B)
Statement of Community Involvement (Prepared by Resolve Public Affairs - Dated November 2019)

3 The retail floor space hereby approved shall NOT be used for use as a food supermarket/food superstore of for the retail sale of food, except for uses commensurate with Class Eb of the Town & Country Use Classes Order 1987 (as amended) as well as the sale of confectionary, nuts and dried fruit goods, without the prior written approval of the Local Planning Authority

Reason: Given the out of centre location of the site it is considered necessary to prevent general food sales to ensure that the development does not harm the vitality and viability of Spalding town centre, in accordance with Policy 24 of the South East Lincolnshire Local Plan, 2019 and Section 7 of the National Planning Policy Framework, 2023.

4 The new retail floor space hereby permitted (subject to the restrictions set out in Condition 3) is limited to no more than 3,700 square metres net.

Reason: In the interest of Town Centre Vitality and to be in accordance with the provisions of Policy 27 of the South East Lincolnshire Local Plan, 2019.

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5 Uses relating to Class Eb (restaurants) of the Town & Country Use Classes Order 1987 (as amended) are limited to no more than 540 square metres of floor space.

Reason: To ensure that any non-Ea uses remain only ancillary, in accordance with the provisions of Policy 27 of the South East Lincolnshire Local Plan, 2019.

6 Prior the commencement of Phase 3 and Phase 4 as shown on Phasing Plan SPFDS-WBA-SI-ZZ-DR-A-90_102 - P6 a written scheme of archaeological investigation shall be 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 Places Team 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 national guidance contained in Section 16 of the National Planning Policy Framework, 2023. 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 Policy 29 of the South East Lincolnshire Local Plan, 2019.

7 The applicant shall notify the Lincolnshire County Council Historic Places Team in writing of the intention to commence at least fourteen days before the start of archaeological work on Phase 3 and/or Phase 4 as shown on phasing plan SPFDS-WBA-SI-ZZ-DR-A-90_102 Rev P6 , required in connection with Condition 6 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2023.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019

8 A copy of the final report required in connection with Condition 6 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

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archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2023.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

9 A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before development of each phase 2, 3, & 4 as shown on plan SPFDS-WBA-SI-ZZ-DR-A-90_102 Rev 6 and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Camel Gate, the A151 and Fulney Lane North and residential amenity.

Reason: In the interests of the amenity of local residents. 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.

10 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 the development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development on phases 3 and 4 as shown on plan SPFDS-WBA-SI-ZZ-DR-A-90_102 Rev 6. 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 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: In the interests of highway safety during the construction process. 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 Policy 3 of the South East Lincolnshire Local Plan, 2019

11 Prior to the commencement of Phase 3 and Phase 4 as shown on Phasing Plan SPFDS-WBA-SI-ZZ-DR-A-90_102 - P6, 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. The development shall be constructed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development and to reduce the risk of flooding of the 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 and 4 of the South East Lincolnshire Local Plan, 2019.

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12 Prior to the commencement of Phase 3 and Phase 4 as shown on Phasing Plan SPFDS-WBA-SI-ZZ-DR-A-90_102 - P6, the applicant shall consult with Lincolnshire Police Counter Terrorism Security Advisors and DOCO to ensure that appropriate measures are in planned that address approved standards in relation to hostile vehicle mitigation and other measures as determined by the principles outlined in the NaCTOs Crowded Places Guidance and CPNI 'Integrated Security' guidance are followed. The measures identified shall be submitted to and approved in writing by the Local Planning Authority, and subsequently installed prior to the occupation of any unit.

Reason: To ensure that adequate terrorism mitigation measures are in place.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

13 Prior to the commencement of Phase 3 and Phase 4 as shown on Phasing Plan SPFDS-WBA-SI-ZZ-DR-A-90_102 - P6, a scheme to deal with any contamination of land or pollution of controlled waters shall be 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:

ii) 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

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satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works of Phases 3 and 4.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

14 No part of the development hereby permitted shall be occupied before details of the servicing arrangements for each unit and the means of storage and disposal of recycling has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the occupation of any unit and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for the storage and disposal of recycling 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

15 Working drawings, including sectional details, of all external elevations of the scheme at a scale of 1:50, as well as the proposed replacement wind turbines, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development beyond oversite 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 locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

16 Before the commencement of the development hereby permitted beyond oversite, a schedule of external materials of construction of buildings, hard surfaced areas and the proposed replacement wind turbines 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. The development shall be constructed in accordance with the schedule and samples 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 locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

17 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 and completed in its

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entirety during the first planting season following practical completion of the development. 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 and 3 of the South East Lincolnshire Local Plan, 2019.

18 The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Appraisal (prepared by Smeeden Foreman, dated 3rd December 2019) and the Bat Activity and Great Crested Newt eDNA Report (prepared by Woolley Ecology Ltd, dated 5th December 2019). Particular regard should be given to the lighting recommendations set out in Para 5.3.11 of the submitted Ecological Appraisal (prepared by Smeeden Foreman, dated 3rd December 2019) with regard to bats.

Prior to their installation, details of the following enhancement measures outlined in the reports shall be submitted to and approved in writing by the Local Planning Authority:
- Two bat boxes (Schwegler 1FF or similar) to be erected on an appropriately located tree(s) at a height between 3m and 6m on the southern, south-eastern and south-western aspects
- Two bird boxes to be installed on site
Such measures shall be installed prior to completion of the development and retained and maintained thereafter.

Reason: In the interest of nature conservation and because bats are a protected species.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2023.

19 The development hereby permitted shall be carried out in accordance with the previously submitted Flood Risk Assessment (prepared by 3E Consulting Engineers, dated December 2019) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, and the following measures it details: - Finished floor levels shall be set no lower than 300mm above existing ground levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

Notes:

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This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

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

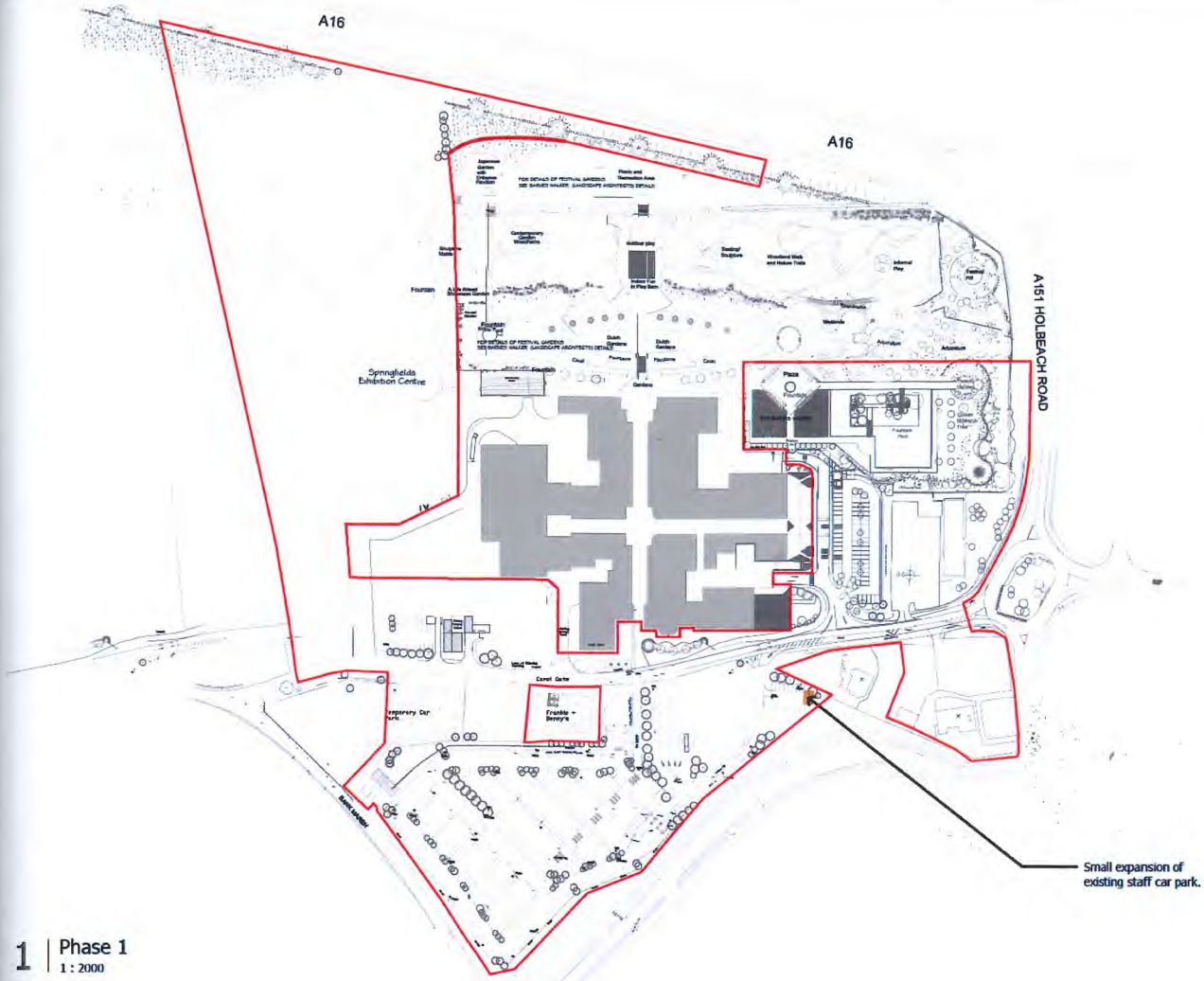
Phil Norman
Head of Planning
South Holland District Council

15th December 2023

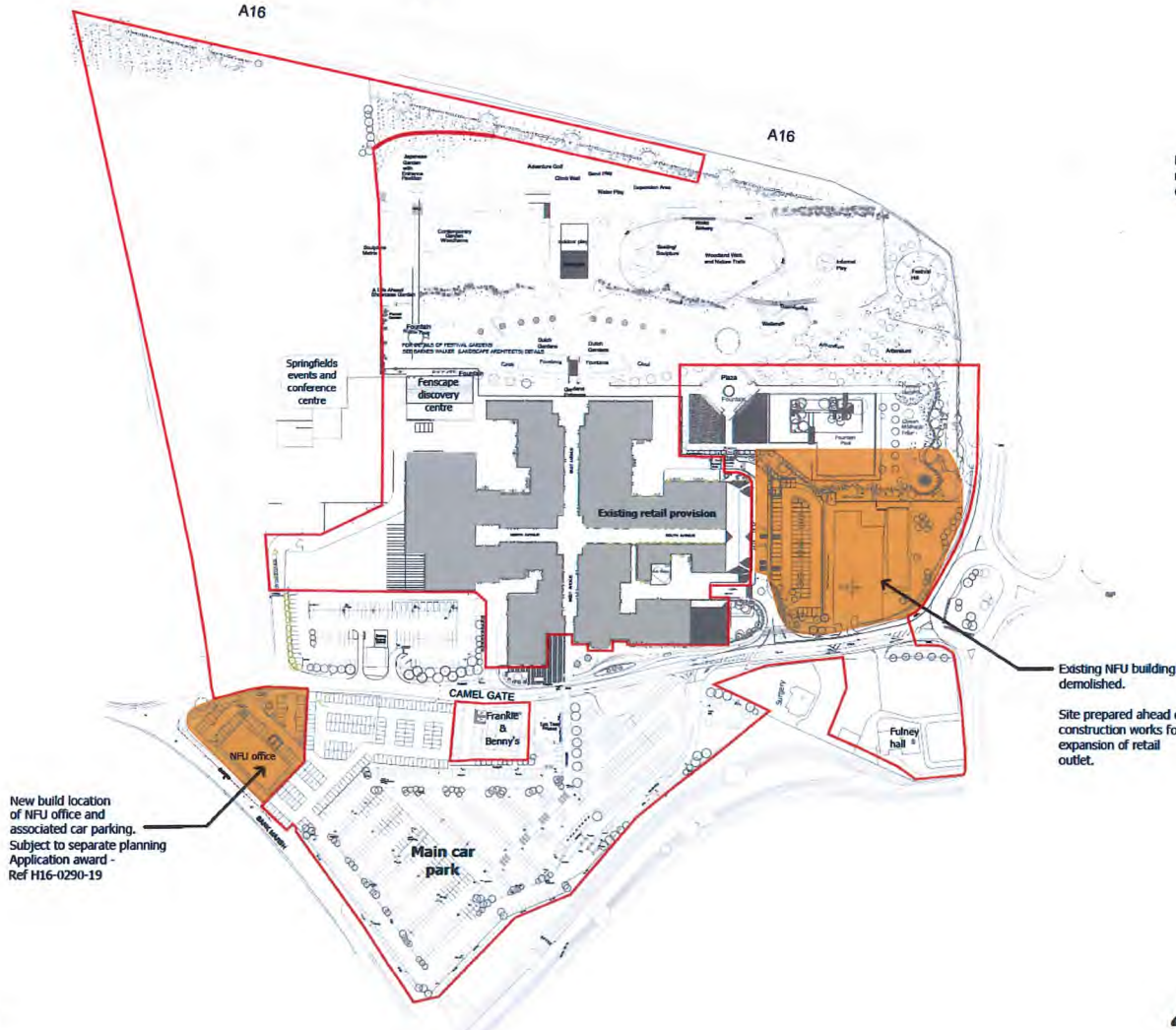
BUILDING REGULATIONS:
This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please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

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SCHEDULE 2
SITE MASTERPLAN - PHASING

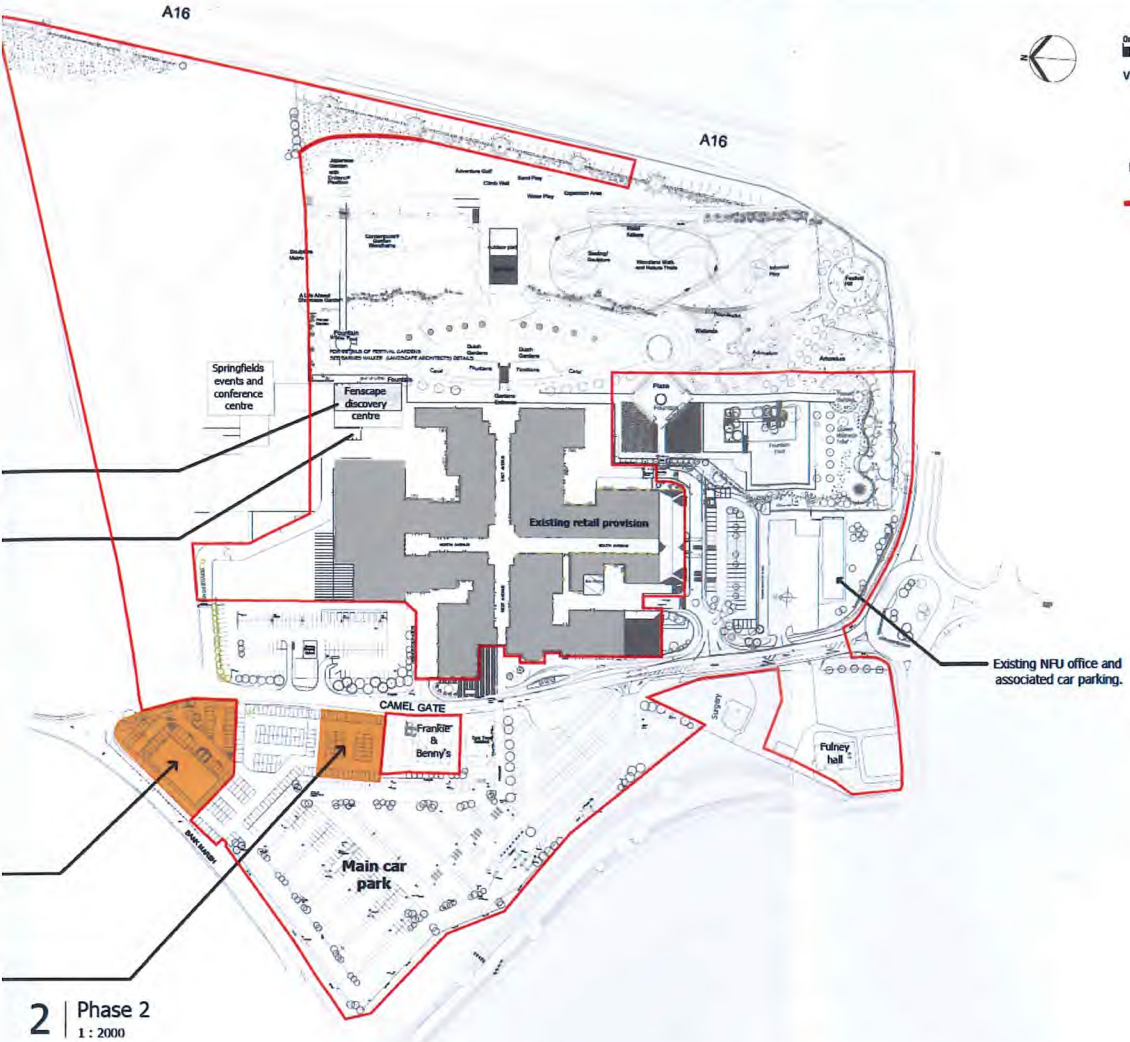


1 | Phase 1
1 : 2000

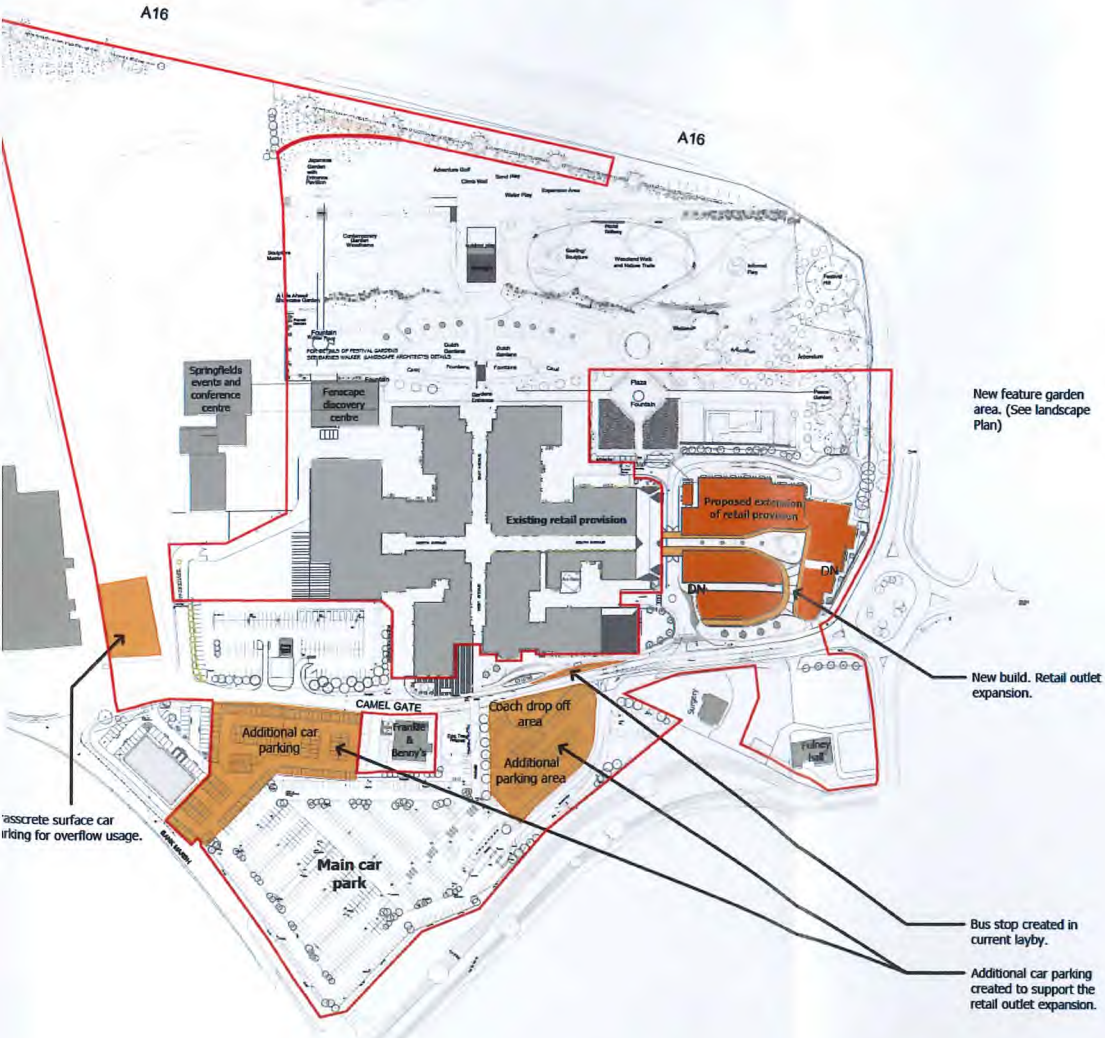


3 | Phase 3
1 : 2000

4 | Phase 4
1 : 2000



2 | Phase 2
1 : 2000



0m 40m 80m 120m 160m 200m

VISUAL SCALE 1:2000 @ A1

Key:

Application site. 103,450m2 / 10.35ha

Rev:	Date:	Drawn:	Checked:	Description:
P6	2023.08.24	ER	AGL	Changes to scope of phases
P5	2020.04.16	AGL	AG	2no additional vehicle charging bays added
P4	2019.11.25	AGL	AG	Redline amended for Planning issue
P3	2019.09.26	AGL	AG	Amendments prior to CEO presentation
P2	2019.06.25	AGL	AG	Scheme fully updated following various meetings and new information
P1	2019.02.11	NJH	AG	Updates to plan following DTH of 2019.02.06 (tractor store relocated, overflow grasscrete added, NFU vehicular gated access added, feature garden note added).

Suitability: PL — Planning

Springfields Retail Outlet

Site Materplan - Phasing

Location: Spalding

Client: SLR Outlets

URN	Originator	Zone	Level	Type	Role	Series/Number	Revision:
SPFDS-WBA-SI-ZZ-DR-A-90_102							P6

Date:	Drawn:	Checked:	Scale: @A1	Int Job No:
01/29/19	NJH	AG	As indicated	3841-070

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FUTURE BUILT

Note: Do not Scale from this drawing. All dimensions to be checked on site.