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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0879-23 **Date of Decision:** 9th January 2024

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.

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

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

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.

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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.

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 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

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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.

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

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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 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 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:

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 5th January 2024 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

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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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.