

Waller Planning
Suite A
19-25 Salisbury Square
Old Hatfield
AL9 5BT

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73A CONTINUATION

Reference: H16-1217-17 **Date of Decision:** 30th July 2018
Applicant: Ashley King Developments Ltd.
C/O Waller Planning
Suite A
19-25 Salisbury Square
Old Hatfield
AL9 5BT
Location: Land At Goodison Road A16 And B1173 Spalding
Description: Business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0025-15. Modification of Condition 2 to allow amendments to previously approved plans.

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

- 1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:

Dwg nos.

Submitted under - H16-1217-17

199/004 Block plan of the site.

Submitted under - H16-0009-14

1219/01,
1219/02,
1219/03,
1219/04,
1219/08,
1219/10,
13010/PL01/H,
13010/PL02/D,
WPS/TWL02/06/4,
WPS/TWL02/07/1,
WPS/TWL02/08/1,
1319/01/C,
1319/02,
1319/03/B,
1319/05/B,
1319/06/A,

Plans submitted under H16-0025-15

1319/07/A

and the Flood Evacuation Plan prepared by RM Associates dated 1 May 2015.

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

- 3 No development shall take place on Land Parcels A2, A3, B3b, B5 and C1 without the prior written approval of the Local Planning Authority of all details of the following matters:
- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
 - ii) the means of access to the site;
 - iii) the landscaping of the site (including a programme for its implementation and ongoing management and maintenance);

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 Prior to the occupation of any building on the permitted development, the carriageways and footways providing access to that building, for the whole of its frontage and for the

whole distance between the building and the public highway shall be constructed to a specification to enable them to be adopted as highways maintainable at the public expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed in accordance to a timetable which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate pedestrian and vehicular access to all units on the permitted development.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 5 i). The conference and function centre element will operate within the ground floor of the building only which also accommodates office uses.

ii) The maximum size of the conference centre shall be 2500 Square Metres.

Reason: In the interests of promoting the mix and diversification of uses within the building and to comply with the guidance within the NPPF 2018.

- 6 Prior to the commencement of development on a Parcel, a detailed design for the arrangements for surface water drainage for that Parcel shall be submitted to and agreed in writing by the Local Planning Authority and no building on that Parcel shall be occupied until it is connected to the approved system.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding any part of the permitted development or the surrounding land.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 7 Prior to the commencement of development on any Parcel of the development hereby permitted, a Construction Management Plan relating to the development of that Parcel shall be submitted to the Local Planning Authority detailing how construction plant, vehicles, materials and contractors, accommodation and welfare facilities are to be provided for and managed wholly within the curtilage of the application site. The construction of the permitted development shall thereafter be undertaken in strict accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of those using the adjacent public highway.

This Condition is imposed in accordance with Policies SG15 and SG17 of the South Holland Local Plan 2006.

- 8 The development hereby permitted shall be carried out in accordance with both the approved Flood Risk Assessment (Report No. 8001/235r4, dated January 2014) and the approved Supplementary Flood Risk Assessment Statement (Reference 800/235, dated March 2014).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 9 All finished floor levels shall be set 1m above existing ground levels, except as required by Conditions 24 and 25 and except for buildings within parcels B3a and B3b which shall have finished floor levels of not less than 600mm above existing ground levels.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework.

- 10 Upon first occupation of any buildings within parcels B3a and B3b the Flood Evacuation Plan prepared by RM Associates dated 1 May 2015 shall be fully implemented and shall thereafter be maintained for the lifetime of the development. A copy of the document shall be kept at reception/in the foyer of each building within these parcels.

Reason: To reduce the impacts of the risk of flooding to the occupants of the site.

This condition is imposed in accordance with Section 10 of the national Planning Policy Framework.

- 11 No part of the development hereby permitted shall be commenced until a scheme for the provision of foul water drainage has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented as the approved scheme including any timetable contained therein.

Reason: To prevent the increased risk of pollution of the water environment by ensuring the provision of a satisfactory means of foul water disposal.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

- 12 If, during development on any Parcel, contamination not previously identified is found to be present within that Parcel then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out within that Parcel until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner, so that controlled waters are suitably protected.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 13 Details shall be submitted to the Local Planning Authority for the provision of a scheme of lighting for the bridleway between the south end of Fen End Lane and the junction of that bridleway with the access road into the development on the north side of the B1173. The lighting, as approved, shall be provided prior to the occupation of any unit on the permitted development.

Reason: In the interests of the safety and comfort of pedestrians and cyclists using the bridleway in the hours of darkness.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006

- 14 Prior to the occupation of any building a detailed design for the external lighting for that building shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting scheme shall be implemented in accordance with the approved scheme

Reason: In the interests of amenity and highway safety.

This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 15 Prior to the occupation of any building details of the hours of operation shall be submitted to and agreed in writing by the Local Planning Authority. The building shall only operate within the agreed hours of operation.

Reason: In the interests of residential amenity.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

- 16 Prior to the occupation of any building, details of a CCTV system (including a programme for its implementation, ongoing maintenance and management) for both security and monitoring purposes covering the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV scheme shall be implemented, managed and maintained in accordance with the approved scheme and programme.

Reason: In the interests of community safety.

This Condition is imposed in accordance with Section 8 of the National Planning Policy Framework

- 17 As part of any reserved matters application for a building for use within Class B2 or B8 details of the exact use shall be provided and an acoustic survey shall be carried out in accordance with BS4142 (as amended) together with details of any necessary mitigation measures and sound insulation of the building and a report shall be submitted to the local planning authority assessing the impact of noise upon existing dwellings abutting the employment site and fronting Fen End Lane. Noise from the use of the buildings shall not exceed the pre-construction background noise levels, when measured at any residential boundary not within the applicants' control, by more than 5 dB(A) when measured as a 15 minute LAeq. Any such measures shall be approved in writing and all works shall be carried out in accordance with the approved scheme(s) and shall be undertaken prior to the use commencing and the mitigation measures shall thereafter be retained.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006."

- 18 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute LAeq at any residential boundary not within the applicants' control.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local

Plan 2006.

- 19 No buildings shall be erected or any other form of development shall take place within 40 metres of the boundary of any residential property in Fen End Lane.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006

- 20 HGV movements onto and off the site, and mechanical handling of materials outside any building, shall be restricted to between the hours of 07:00 and 19:00.

Reason: To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006

- 21 No static HGV refrigerated units shall operate on Parcels A2, A3 & B5 other than by means of mains electric power supply.

Reason. To safeguard the amenities of nearby residents.

This Condition is imposed in accordance with policy SG17 of the South Holland Local Plan 2006

- 22 Details of boundary treatments and a programme for its implementation and ongoing management and maintenance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development and thereafter implemented, managed and maintained in accordance with the approved details

Reason: In the interests of the character and appearance of the development and the amenity of nearby residents.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006

- 23 Prior to the commencement of any part of the development hereby permitted, detailed engineering drawings shall be submitted to the Local Planning Authority for the construction of the access to the B1173. This junction shall be constructed in accordance with the approved drawings prior to the commencement of use of any building within Site Section B.

Reason; To ensure that safe and adequate vehicular access can be provided to all parts of the permitted development.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 24 The finished floor levels of the public house shall be set at 2.85mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

25 The finished floor levels of the hotel shall be set at 3mAOD.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework

26 Safe refuge shall be available on the upper floors of the hotel.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

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

No works were consented to in relation to the bund and that such works would constitute an engineering operation requiring prior planning approval.



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 Authority 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.