

Studio 11 Architecture
The Boathouse
Harbour Square
Nene Parade
Wisbech
PE13 3BH

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 73 MODIFICATION

Reference: H01-0608-16 **Date of Decision:** 10th November 2016
Applicant: Ashley King (Developments) Ltd
C/O Studio 11 Architecture
The Boathouse, Harbour Square
Nene Parade
Wisbech Cambs
PE13 3BH
Location: Land Off Backgate Cowbit Spalding Lincs
Description: Residential development of 37 dwellings - approved under H01-0776-14.
Modification of Condition 3 relating to affordable housing

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 16 February 2018.

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 plans approved under planning permission H01-0776-14:
Dwg nos. 229/564/001, 229/564/002, CAUD_229_564_003, CAUD_229_564_004, CAUD_229_564_005, CAUD_229_564_006, CAUD_229_564_007, CAUD_229_564_008, CAUD_229_564_009, CAUD_229_564_010, CAUD_229_564_011, CAUD_229_564_012, CAUD_229_564_013 and CAUD_229_564_014.

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

- 3 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:

- i) 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.
- ii) 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.
- 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 satisfactory 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 Policy SG13 of the South Holland Local Plan, 2006.

- 4 Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of 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 materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006

- 5 Before the development is commenced there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the provision and phasing of 3 of the total residential units as affordable housing on the site to meet local housing needs. The scheme shall identify how the affordable housing is to be provided, whether by means of a non-profit registered provider or otherwise, and the timing of delivery. In the submission of these details the location of each affordable housing unit shall be indicated, along with the size and tenure, the type of affordable housing, and arrangements for ensuring that the affordable housing to be provided meets identified local housing need. Not more than 15 of the total number of the approved dwellings, excluding the affordable element, shall be occupied until there has been a material commencement on the affordable housing units and not more than 20 of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

Note:

In order to comply with this condition it may be necessary for the applicant/developer to enter into a planning obligation and/or agreement. You are therefore asked to bear this in mind when determining the timing of your submissions.

Reason: To ensure that the affordable dwellings are provided to meet identified local need, and remain affordable in perpetuity. 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 HS8 of the South Holland Local Plan, 2006.

- 6 Before the commencement of the development hereby permitted, the detailed design and location of all lighting to be provided to roads, parking areas and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved. The approved scheme shall be implemented in its entirety before any dwelling is occupied.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policy SG13 and SG14 of the South Holland Local Plan 2006.

- 7 Before the commencement of the development hereby granted, full details of the means of surface water disposal including a management plan for the drainage infrastructure, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority. The management of the drainage on the site shall be carried out in accordance with the details so approved.

The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

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.

- 8 Before the commencement of development hereby permitted, a management plan for the areas of publicly accessible open space, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers

of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG1 and HS11 of the South Holland Local Plan 2006.

- 9 No dwelling shall be occupied until details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that provision is made for the management and maintenance of communal areas.

This Condition is imposed in accordance with Policies SG1 and HS11 of the South Holland Local Plan 2006.

- 10 Before the commencement of the development hereby permitted, 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.

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

- 11 Before the commencement of development hereby permitted, details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil

vent pipes shall be submitted to and approved in writing by the Local Planning Authority and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 12 Before the commencement of development hereby permitted, 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 and the construction process shall be carried out in accordance with the scheme so approved.

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

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

- 13 No dwelling shall be commenced before the first sixty metres of the estate road from its junction with Backgate, including the junction visibility splays, as shown on drawing number 229/564/002 dated August 2014, has been constructed less the carriageway and footway surface courses.

Reason: In the interests of the safety of the users of Backgate and the safety of the residents of the permitted development and to enable site vehicles and delivery vehicles to wait clear of the carriageway of Backgate.

- 14 Before each dwelling is occupied, the road and footway providing access to that dwelling, for the whole of its frontage, from the existing 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 within three months from the date upon which the erection of the penultimate dwelling is commenced.

Reason; To ensure the provision of safe and adequate means of access for residents of the permitted development.

This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland Local Plan 2006.

- 15 No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing with the local planning authority and no building shall be occupied before it is connected to the agreed drainage system.

Reason; To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety or amenity of residents of the permitted development or of residents of neighbouring properties.

This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland Local Plan 2006.

- 16 Notwithstanding the details shown on the application drawing numbered 229/564/002 dated August 2014, a standard sized turning area (of sufficient size to allow a refuse collection vehicle to turn around) shall be provided at the end of the adoptable highway.

Reason; In the interests of highway safety.

This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland Local Plan 2006.

- 17 No development shall commence until a Flood Risk Assessment setting out mitigation measures for reducing the risks of and consequences of flood risk has been submitted to and approved by the local planning authority.

Additionally; a Flood Warning and Evacuation Plan shall be prepared for the site and agreed in writing by the local planning authority.

All the above mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed. In writing, by the local planning authority.

Reason - to reduce the risk and impact of flooding to the proposed development and its occupants.

- 18 No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard standing areas are to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

Reason - To prevent environmental and amenity problems arising from flooding.

- 19 No development shall take place until a written scheme of archaeological investigation has been 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 Environment 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 12 of the National Planning Policy Framework, 2012.

- 20 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 19 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 12 of the National Planning Policy Framework, 2012.

- 21 A copy of the final report required in connection with condition 19 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 12 of the National Planning Policy Framework, 2012.

- 22 The development shall be carried out in strict accordance with the Ecological Risk Appraisal Technical report 3097417.1 submitted with the application.

Reason: To protect wildlife and to comply with Section 11 of the NPPF 2012

- 23 Notwithstanding the details submitted, before the commencement of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting (including measures for the protection of trees during development) 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 twelve months beginning with the date on which development is commenced. 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.

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.

- 24 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development

have been submitted to and approved by the local planning authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980).

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway. 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 SG14 and SG15 of the South Holland Local Plan, 2006

- 25 Notwithstanding the details submitted, before the commencement of development hereby permitted, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

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>



Paul Jackson
Place 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.