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Ashwood Homes
1 Goodison Road
Lincs Gateway Business Park
Spalding
Lincs
PE12 6FY

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H01-0661-18 **Date of Decision:** 26th November 2018

Applicant: Ashwood Homes
1 Goodison Road
Lincs Gateway Business Park
Spalding
Lincs
PE12 6FY

Location: Phase 2 Backgate Cowbit Spalding

Description: Erection of 72 dwellings with associated garaging, roads and sewers - approved under H01-0501-17. 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

1205-LP;
A516-001;
A732-001;
BAN-001;
BLK-001;
CLY-001;
COR-001;
DER-001;
DSG-01;
DG-01;

LCK-001;
MER-001;
RIBB-001;
SG-01;
SPT-001;
TAY-02;
TAY-01;
WEL-001.
A902-001-A
P70-71-100
MERE 100 Rev E
DERW 101 Rev C
SL 01 Rev D
P57-58-101

And in strict accordance with the details approved under discharge of conditions approval H01-0119-18.

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

2 The Landscaping Scheme as is approved by the Local Planning Authority under H01-0119-18 shall be carried out in its entirety within a period to be agreed in writing by the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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.

3 The boundary treatment, including materials, and details of the size and species of any hedging, as approved in writing by the Local Planning Authority under H01-0119-18 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.

4 Publicly accessible open space shall be laid out and made available for use in accordance with the specification and phasing agreed in writing by the Local Planning Authority under H01-0119-18, and shall thereafter be so maintained.

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 SG14 and HS11 of the South Holland Local Plan, 2006.

5 The management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, as approved under H01-0119-18
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 SG14 and HS11 of the South Holland Local Plan 2006.

6 The details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts which have been submitted to and approved in writing by the Local Planning Authority under H01-0119-18 shall be fully implemented before the occupation of any dwelling on site.
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.

7 The detailed design and location of all lighting to be provided to roads and footpaths within the development shall be those approved under H01-0119-18 as 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.

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 Policies SG14 and SG17 of the South Holland Local Plan, 2006.

8 Surface water drainage scheme for the site shall conform entirely to the details agreed and approved under H01-0119-18.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. 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 SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in the National Planning Policy Framework, 2018.

9 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment prepared by Millward integrated Engineering Consultants forming part of this planning application, ref MA10575FRAR02, dated April 2017 unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied

1.Finished floor levels vary across the site and therefore will be set no lower than those shown in the drawings entitled Provision Drainage Strategy Sheet 1 of 2 Project Backgate Cowbit Phase 2 Dwg no. MA10575-200-1, dated April 2017 and drawing entitled Provision Drainage Strategy Sheet 2 of 2 Project Backgate Cowbit Phase 2 Dwg no. MA10575-200-2, dated April 2017.
2.All dwellings will be two storey.
3.Flood resilient design and construction shall be used in all buildings to a minimum level of 300mm above the finished floor level.

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

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 national guidance contained in the National Planning Policy Framework, 2018.

10 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, 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 is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.
This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

11 The detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke as approved under H01-0119-18 shall be fully implemented at all times 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.

12 The development shall be carried out in complete accordance with the wastewater strategy approved under H01-0119-18. No dwellings shall be occupied until the works have been carried out in accordance with the wastewater strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems.
This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland Local Plan 2006.

13 The foul water strategy approved under H01-0119-18 shall be implemented in full. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policy SG14 and SG15 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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 22 November supplemental to the original Section 106 dated 29 January 2018 and can only be implemented as a consequence of meeting the provisions of that Agreement



Phil Norman
Planning and Building Control Manager
South Holland District Council

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

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.