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Ashley King Developments Ltd
Manor Farm
Fen Road
Holbeach
Spalding Lincs
PE12 8QA

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H01-1309-16 **Date of Decision:** 4th May 2017

Applicant: Ashley King Developments Ltd
Manor Farm
Fen Road
Holbeach
Spalding Lincs
PE12 8QA

Location: Backgate Cowbit Spalding Lincs

Description: Residential development of 37 dwellings - approved under H01-0608-16. 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 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:

Dwg nos. 229/564/001, 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, MERE-100 Revision A and SL-01 Revision I.

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

3 The development shall be constructed in accordance with the materials set out within the External Materials Schedule received on the 5th April 2017 and the email and photographs received from Ashwood Homes relating to this matter dated 03 05 2017 unless otherwise approved in writing.

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

4 Plots 7, 8 and 9 as shown on plan SL-01 Revision I shall be provided as affordable units in accordance with the letter dated 22nd February 2017 from Ashwood Homes unless any amendments are agreed in writing by the Local Planning Authority. Details of the Registered Provider shall be submitted to and approved in writing by the Local Planning Authority before any of the 3 units are occupied. 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.

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.

5 The detailed design and location of all lighting to be provided to roads, parking areas and footpaths within the development shall be as submitted in lighting design drawing and specification 0034/01/5000 Section 38 Street Lighting Design and the details contained within the letter dated 22 February 2017 and all lighting utilised in the development shall conform to the details so approved. The approved scheme shall be implemented in its entirety before the final dwelling is occupied and each occupied dwelling shall benefit from street lighting to that property as a minimum.

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.

6 The means of surface water disposal shall be as set out in the letter from Ashwood Homes dated 22 February 2017, email relating to that matter dated 4 may 2017 and:

1415-0295-WDK-SI-D-301-021 REV C3 Combined Drainage Design Sheet 1 of 2
1415-0295-WDK-SI-D-301-022 REV C4 Combined Drainage Design Sheet 2 of 2
Surface Water Drainage Assessment RSK September 2014

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.

7 The areas of publicly accessible open space shall be managed in accordance with the details set out in the letter from Ashwood Homes dated 22nd February 2017.

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.

8 Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in strict accordance with the full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas as set out in:

4536-1 Rev A sheet 1 of 2 Original Levels Survey Drawings
4536-2 rev a sheet 2 of 2 Original Levels Survey Drawings
1415-0295-WDK-SI-D-301-021 Revision C3 Combined Drainage Plan Sheet 1 of 2
1415-0295-WDK-SI-D-301-022 Revision C4 Combined Drainage Plan Sheet 2 of 2

And in accordance with the details set out in the email from Ashwood Homes relating to this matter dated 04 May 2017.

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.

9 The detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke set out in the letter from Ashwood Homes dated 22nd February 2017 shall be fully implemented throughout the construction process and all work 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.

10 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 number229/564/002 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.
This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland Local Plan 2006.

11 Before each dwelling is occupied, unless otherwise agree in writing by the Local Planning Authority, 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.

12 All the mitigation measures set out in:

Flood Risk Assessment - Geoff Beel Consultancy November 2014
Flood Emergency Plan - Geoff Beel Consultancy December 2016

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.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

13 The scheme of landscaping and tree planting 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.

The details are those set out in:

LS.01 Rev B Landscaping Details 1 of 2
LS.02 Revision B Landscaping Details Sheet 2 of 2
The letter from Ashwood Homes dated 22nd February 2017 and email from Ashwood Homes and accompanying plans relating to that matter dated 04 may 2017.

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.

14 The boundary treatments set out in:

BT.01 Boundary Treatment Plan Sheet 1 of 2
BT.02 Revision A Boundary Treatment Plan Sheet 2 of 2

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 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

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 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.