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## **TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION**

**Reference:** H02-0062-19 **Date of Decision:** 23rd April 2019

**Applicant:** Wheatley Group Developments Ltd.  
Wheatley House  
Dunhams Lane  
Letchworth Garden City  
SG6 1BE

**Location:** Land At Harvester Way Harvester Way Crowland

**Description:** Residential Development - outline application for the erection of up to 100 dwellings with associated landscaping and ancillary works (all matters reserved) - approved under appeal decision H02-1087-14. Modification of Condition 5 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 Application for approval of reserved matters must be made not later than three years beginning with the date of the outline permission ref H02-1087-14 (not later than 2 Aug 2020), 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 and documents:

Current documents:

Application Form  
Location Plan 17239/1013

H02-1087-14 documents:

Outline Application Form

Dwg. No: 17239/1002

Flood Risk Assessment - (prepared by Woods Hardwick, Revision A, dated June 2016)

Breach Analysis (prepared by MEC Ltd - ref: 22016/03-16/4265 RevA)

Phase 1 Geo-Environmental Desk Study (prepared by BRD Environmental Limited - ref: BRD2186-OR1-A, dated July 2014)

Phase 2 Geo-Environmental Site Investigation (prepared by BRD Environmental Limited - ref: BRD2186-OR2-A, dated July 2014)

Planning Noise Assessment (prepared by Spectrum Acoustic Consultants - ref: MWH1401/15168, dated June 2015.

Ecological Appraisal (prepared by Green Environmental Consultants Limited - ref: 1020/1

H02-0659-18 documents:

Reserved Matters Application Form dated 29/06/2018

Covering Letter CM/DC/17239/B1 dated 29 June 2018

Proposed Floor Plans 17239/100 House Type 1341

Proposed Elevations 17239/101 House Type 1341

Proposed Floor Plans 17239/104 House Type 1023 (V1)

Proposed Elevations 17239/105 House Type 1023 (V1)

Proposed Floor Plans 17239/106 House Type 1023 (V2)

Proposed Elevations 17239/107 House Type 1023 (V2)

Proposed Floor Plans 17239/108 House Type 919 (V1)

Proposed Elevations 17239/109 House Type 919 (V1)

Proposed Floor Plans 17239/110 House Type 919 (V2)

Proposed Elevations 17239/111 House Type 919 (V2)

Proposed Floor Plans 17239/112 House Type 875

Proposed Elevations 17239/113 House Type 875

Proposed Floor Plans 17239/114 House Type 743

Proposed Elevations 17239/115 House Type 743

Proposed Plans 17239/116 Bungalow Type 658

Proposed Plans 17239/117 Bungalow Type 1B2P

Proposed Plans 17239/118A House Type 1B2P

Proposed Plans 17239/119 Bungalow Type 2B3P

Proposed Floor Plans 17239/120 House Type 2B4P

Proposed Elevations 17239/121 House Type 2B4P

Proposed Floor Plans 17239/122 House Type 3B5P (Wide)

Proposed Elevations 17239/123 House Type 3B5P (Wide)

Proposed Floor Plans 17239/124 House Type 3B5P (Narrow)

Proposed Elevations 17239/125 House Type 3B5P (Narrow)

Proposed Floor Plans 17239/126 House Type 4B7P

Proposed Elevations 17239/127 House Type 4B7P

Proposed Plans 17239/128 Single Garage

Proposed Plans 17239/129 Twin Garage

Proposed Plans 17239/130 Triple Garage

Soft Landscaping 14/159-01C

Soft Landscaping 14/159-02C

Soft Landscaping 14/159-03C

Guide to the Management of Landscape Areas at Harvester Way, Crowland REF JBA 14/159 Rev B - June 2018

Planning Noise Assessment Spectrum Acoustic Consultants MWH1721/15168/0

Planning Noise Assessment Spectrum Acoustic Consultants Appendices A-G

Planning Noise Assessment Spectrum Acoustic Consultants Appendices H-J

Parking Strategy 17239/1010B

Open Areas Plan 17239/1011B

Boundary Treatment Plan 17239/1012B

Site Location Plan 17239/1002

Proposed Layout 17239/1007C

Drainage & Levels 18127-5-SK001-B

Fire Vehicle Tracking 17239/1009B

Refuse Strategy Plan 17239/1008B

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

- 3 No development shall be commenced until a scheme for the provision and phasing of a minimum of 25% of the total residential units as affordable housing on the site to meet local housing needs has been submitted to and approved in writing by the local planning authority. The scheme shall identify how the affordable housing is to be provided in each phase, whether by means of a non-profit registered provider or otherwise, and the timing of delivery. In the submission of the details of the design and layout of each phase, 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 50% of the total number of the approved dwellings within each phase, excluding the affordable element, shall be occupied until there has been a material commencement on the affordable housing units in that phase and not more than 90% of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

Reason: In order to ensure the delivery of Affordable Housing in accordance with Policies 1, 2 and 6 of the South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2019.

- 4 Notwithstanding the details shown in plans refs Soft Landscaping 14/159-1C, Soft Landscaping 14/159-2C, Soft Landscaping 14/159-3C, Open Areas Plan 17239/1011B and Boundary Treatment Plan 17239/1012B as they relate to the boundary of the site with Crease Drove, further details of the boundary treatment to Crease Drove, including railings and soft landscaping, shall be submitted to and approved by the Local Planning Authority and shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced.

Reason: To ensure that the Local Planning Authority retains control over the hard and soft landscaping of the development in the interests of the character and appearance of the development, highway safety and the visual amenity 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.

- 5 Before the commencement of the development hereby permitted beyond oversite 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 2 of the South East Lincolnshire Local Plan 2019.

- 6 Within 4 months of the completion of the development hereby permitted a fire hydrant shall be installed and operational, in accordance with details to be submitted and approved by the Local Planning Authority.

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

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

- 7 No development shall take place beyond over site before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no dwelling shall be occupied before it is connected to the agreed drainage system.

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 2 and 3 of the South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2019.

- 8 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 the development commences 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 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.

- 9 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 development commences. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 10 The management of the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules shall be carried out in accordance with the details so approved in Guide to the Management of Landscape Areas at Harvester Way, Crowland REF JBA 14/159.

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 2 and 6 of the South East Lincolnshire Local Plan 2019.

- 11 No dwelling shall be commenced beyond over site before the first fifty metres of estate road that will serve that dwelling, from its junction with Harvester Way has been completed less its carriageway surface course.

Reason: In the interests of highway safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 12 There shall be no vehicular access from the permitted development on to Crease Drove. Nor shall there be any vehicular access from any dwelling on the permitted development directly on to Harvester Way.

Reason: In the interests of highway safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 13 Before each dwelling is occupied, the roads and footways 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 less the carriageway and footway surface courses shall be completed within three months from the date upon the erection is commenced of the penultimate dwelling.

Reason: In the interests of highway safety.

This Condition is imposed in accordance with This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

- 14 The development hereby permitted shall be carried out in accordance with the approved flood risk assessment prepared by Woods Hardwick, Revision A, dated June 2016, including the setting of finished floor levels no lower than 1.486m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

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 This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2019.

- 15 The development hereby permitted shall be carried out in accordance with the approved Planning Noise Assessment Spectrum Acoustic Consultants MWH1721/15168/0 Planning Noise Assessment Spectrum Acoustic Consultants Appendices A-J. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: In the interests of the amenity of local residents and to protect the interests of adjoining business interests and employers.

This Condition is imposed in accordance with This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019. This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2019.

- 16 The development thereby permitted shall be carried out in accordance with the proposed mitigation measures outlined in Ecological Appraisal (prepared by Green Environmental Consultants Limited - ref: 1020/1).

Reason: In the interest of nature conservation. This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2019.

#### 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 a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 dated 2019 and can only be implemented as a consequence of meeting the provisions of that undertaking.

Your attention is drawn to conditions 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17 and 18 on outline permission H02-1087-14 granted on appeal reference APP/A2525/W/17/3171837 dated 2 August 2017.

Notwithstanding the information submitted, the means of foul and surface water disposal is required to be submitted to and approved the Local Planning Authority and no

development to which these matters relate shall be carried out until these matters have been approved, in accordance with outline permission H02-1087-14 granted on appeal reference APP/A2525/W/17/3171837 dated 2 August 2018.

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

With regard to Condition 5 above, the boundary of the open space to Crease Drove shall be bounded by railings and supplemented by hedging, in order to soften the boundary and in the interests of highway and pedestrian safety, and the safety of people using the open space.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.



**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](mailto: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.