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TOWN AND COUNTRY PLANNING ACT 1990 RESERVED MATTERS

Reference: H03-0598-24 **Date of Decision:** 7th November 2024
Applicant: Emerald Homes Lincolnshire Limited
C/O Lincs Design Consultancy Ltd
12 Vickers Lane
Louth
Lincolnshire
LN11 9PJ
Location: Home Farm Littleworth Drove Deeping St Nicholas Spalding
Description: Erection of 119 dwellings and a village hall along with ancillary development including the construction of an attenuation pond - Outline approval H03-0161-17

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form
LDC4244-100
LDC4244-101
LDC4244-102G
LDC4244-104A
12652-WMS-ZZ-XX-D-C-39201-S8-P3
Drainage Statement/Flood Risk Assessment by William Saunders reference 12652-WMS-ZZ-XX-T-C-39201-S8-P3 dated July 2024
12652-WMS-ZZ-XX-D-C-39500-S8-P2
Plot Schedule
Integrated Planning Statement by Lincs Design Consultancy dated October 2024

LDC4244-139
LDC4244-138
LDC4244-137
LDC4244-136
LDC4244-135A
LDC4244-105
LDC4244-106
LDC4244-107
LDC4244-108
LDC4244-109
LDC4244-110
LDC4244-111
LDC4244-112
LDC4244-113
LDC4244-114
LDC4244-115
LDC4244-116
LDC4244-117
LDC4244-118A
LDC4244-119A
LDC4244-120
LDC4244-121
LDC4244-122
LDC4244-123
LDC4244-124
LDC4244-125A
LDC4244-126
LDC4244-127
LDC4244-128
LDC4244-129A
LDC4244-130A
LDC4244-131
LDC4244-132
LDC4244-133
LDC4244-134

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

- 2 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings at a scale of 1:50 or 1:100 at boundaries showing the relationship with adjoining uses, buildings and ground levels of adjoining properties to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place, particularly if

finished floor levels need to increase due to an amended Surface Water Drainage Strategy.

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 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, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 3 The use of the Village Hall hereby permitted shall not be open except between the hours of 7am to 11pm Mondays to Sundays.

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

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 4 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. This shall include all materials associated with the proposed dwellings and village hall. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

- 5 Within seven days of the new access being brought into use, the existing access onto Littleworth Drove shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the site, in the interest of road safety.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 6 The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 7 The development shall not be occupied until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include an updated timetable and measures of implementation together with liaison arrangements with Lincolnshire County Council. The updated Travel Plan shall continue to be implemented for the lifetime of the development.

Reason: In recognition that Section 117 of the National Planning Policy Framework, December 2023 requires that developments that generate significant amounts of movement should be required to provide a travel plan, to reduce car dependency and increase more sustainable forms of travel.

This Condition is imposed in accordance with Policy 33 of the South East Lincolnshire Local Plan, 2019.

- 8 No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of two tactile crossing points at Herdsman Close and Woodbank) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 9 None of the existing trees on the site marked as being retained on drawing LDC4244-104A shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2023.

- 10 The existing hedge and trees on the site marked as being retained on drawing LDC4244-104A fronting Littleworth Drove, as shown on drawing LDC4244-104A along the front boundary of the site shall be retained and maintained and details of any proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby granted. In the event of the existing trees and hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants and trees shall be maintained by the owner or owners of the land on which they are situated for the period of ten 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 the protection of the existing trees and hedges on the site, in the interests of the visual amenity of the locality. 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

- 11 Where trees are shown on drawing number LDC4244-104A to be retained on site, including the three trees being retained at the front of the site, they shall be protected during construction work as follows:

- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
- ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
- iii) no services shall be routed under the spread of the crowns of the trees to be retained;
- iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
- v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 15 of the National Planning Policy Framework, December 2023.

- 12 An equipped children's play areas shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained.

This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

- 13 No dwelling shall be occupied until a scheme for the provision of infrastructure to ensure access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting. They also require a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes (not 12.5 tonnes as detailed in the Building Regulations 2010 part B5). This weight limit would also apply to any private/shared access roads in order to achieve the above item. Fire hydrants must be installed within this development at the developer's expense. The details as approved, including timings, shall be fully implemented before any dwelling is occupied and shall be retained thereafter.

Reason: In the interests of fire safety. This issue is integral to the development and therefore full details need to be finalised prior to the occupation of the development. This Condition is imposed in accordance with Policy 5 of the South East Lincolnshire Local Plan, 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>

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the

commencement of development; with the development comprising a statutory exemption as listed below: -

Mandatory Biodiversity Net Gain is not required for Reserved Matters Applications.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

Legal Agreements

This reserved matters application is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 20 December 2021 and can only be implemented as a consequence of meeting the provisions of that Agreement.

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit the Local Highway Authority website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

Note in relation to undischarged conditions

The following pre-commencement conditions associated with the Outline approval reference: H03-0161-17 are still to be discharged prior to commencement of the development:

Condition 4: Construction Management
Condition 5: Mud on Roads
Condition 6: Two Cycle Parking Spaces Per Dwelling
Condition 10: Surface Water Drainage Scheme
Condition 14: Land Contamination
Condition 16: Foul Water
Condition 20: Bat and Bird Boxes

When details are submitted to discharge Condition 4 of H03-0161-17 the Construction Management Plan should specifically set out the working hours associated with building out the scheme to ensure that local residents are not unduly disturbed by construction noise during Saturday afternoons, Sundays and Bank Holidays.

Note in relation to Lincolnshire Fire Services

Condition 13 relates to the Lincolnshire Fire and Rescue requirements for access to buildings for fire appliances. At this time it is not possible to determine the number of fire hydrants required for fire-fighting purposes for this development. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. Particular attention should be given to providing access for firefighters and fire appliances in accordance with Approved Document B Part B5.

Information in relation to Ecology with reference to the discharge of Condition 20 of H03-0616-17

Bat and Bird boxes are required to help mitigate the development's ecological impacts and meet policy and legal obligations to conserve biodiversity. Integrated universal bird/swift bricks should be installed at a ratio of 1:1 nest boxes per dwelling - see Swift Bricks: The 'Universal' Nest Brick - by Dick Newell | CIEEM. The ecologist strongly encourages all suitable dwellings to have a universal nest brick incorporated into the fabric of each building so that Condition 20 can be successfully discharged.

Note in relation to Working Hours

It is requested that construction times are limited to the following:

Mon-Friday 07:30-18:00

Saturday 08:00-13:00

No Sunday working

Reason: to protect amenity of nearby properties

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning-inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

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.