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Town and Country Planning Act 1990 Planning Permission

Reference: H04-0926-14 **Received:** 7th November 2014

Type: S73A CONTINUATION

Name: Westleigh Partnership Ltd.
Tudorgate
Grange Business Park
Enderby Road
Whetstone
Leics
LE8 6EP

Agent: Corporate Architecture
Venari House
1 Trimbush Way
Rockingham Road
Market Harborough
Leics
LE16 7XY

Description: Residential development (renewal of H04-0461-10) - approved under H04-0512-13.
Modification of condition 8 relating to renewable energy.

Location : Malting Lane Donington
Spalding

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED to retain buildings/continue use of land in accordance with the application submitted, subject to any condition(s) below:

- 1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, 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 plan: WD/218/02H received on the 26 November 2014 and 1:2500 site location plan received 18 July 2007 and Flood Risk Assessment (Westleigh Revision A, dated December 2013).

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

- 3 The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
 - i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and

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plot layouts;

- ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
- iii) the siting and design of any vehicular access to a highway or estate road;
- iv) the means of foul and surface water disposal;
- v) details of landscaping and tree planting.
- vi) *the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.*

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 No development shall be commenced until a scheme for the provision and phasing of a minimum of one third 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.

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 affordable dwellings are provided to meet identified local need, and remain affordable in perpetuity.

This Condition is imposed in accordance with Policy HS8 of the South Holland Local Plan 2006.

- 5 Public open space shall be provided at not less than 14% of gross site area and prior to the commencement of the development hereby permitted a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with

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a specification and phasing that shall first be agreed in writing by the Local Planning Authority, 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 SG1 and HS11 of the South Holland Local Plan 2006.

- 6 Equipped children's play areas shall be provided within the site. No development shall take place until details of the timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area have been submitted to and approved in writing by the Local Planning Authority. 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 Policies SG1 and HS11 of the South Holland Local Plan 2006.

- 7 A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. 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.

- 8 The development hereby permitted shall improve the Target Emission Rate (TER) as required by Building Regulations by a minimum of 10% as set out in this application. The properties shall be constructed in complete accordance with this condition and evidence submitted to demonstrate compliance within six months of the construction of the penultimate dwelling.

Reason: In the interests of sustainable development and the protection of the environment.

This Condition is imposed in accordance with Policy SG7 of the South Holland Local Plan 2006.

- 9 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

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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 Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006

- 10 Before each dwelling is first 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

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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 is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity, convenience and safety.

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

- 11 No development shall take place before the detailed design of the arrangements for surface water drainage has been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied before it is connected to the approved drainage system.

Reason: In the interests of highway safety and to ensure that the development is adequately drained.

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

- 12 When application is made for reserved matters approval, the submission shall include provision of perambulator crossings on both sides of Maltings Lane.

Reason: To ensure the provision of safe and adequate access for perambulators and wheelchair users.

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

- 13 The Local Planning Authority has acted positively and proactively in determining this application by assessing the application 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 within the statutory timeframe in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
 Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx.

- 14 Note:

- 15 The applicant is reminded of the need to ensure that the final development pays regard to the character of the area in terms of layout and density and the proximity of the site to existing commercial premises which will necessitate appropriate layout and dwelling types and measures to minimise any noise disturbance.

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Paul Jackson
Planning Manager
17th February 2015

H04-0926-14

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.