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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference:	H05-0770-22	**Date of Decision:**	2nd November 2022
Applicant:	GEDA Construction 9 High Street Kegworth DE74 2DA		
Location:	Fleet Road Holbeach Spalding		
Description:	Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans.		

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development must be begun before the expiration of two years from 11 October 2021.

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hereby permitted shall be carried out in accordance with the following approved plans/details/documents (except where superceded or amended by a subsequent consent):

Outline ref. H05-1183-16
1:2500 Location Plan;
Dwg. no. 32216/01 (Topographical Survey);
Dwg. no. SD16-033/2 (Visibility Splays);
Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Status Design) dated November 2016.

Reserved Matters ref. H05-0670-20
4883/KP/19/001B;
4883/KP/19/004A;
4883/KP/19/006B;
4883/KP/19/008A;
4883/KP/19/010B;
4883/KP/19/011B;
4883/KP/19/012B;
4883/KP/19/013B;
4883/KP/19/014B;
4883/KP/19/015B;
4883/KP/19/016B;
4883/KP/19/017B;
Schedule of External Materials (Job No. 4883 - Rev 1) dated August 2020;
Drainage Strategy Report by Farrow Walsh Consulting (Ref. FW1947_DS_001 V4) dated February 2021;

Condition Compliance ref. H05-1168-21
FW1947-E-500-01 A3;
FW1947-E-500-02 A3;
FW1947-D-400-01 A5;
FW1947-D-400-02 A5;
FW1947-D-401-01 A1;
FW1947-D-401-02 A1;
Design Settings by Farrow Walsh Consulting Ltd dated 12 February 2021;
Construction Management Plan by GEDA Construction dated 8 November 2021;
Landscape Management Plan by Keary Design Associates (ref. 2020-RP-02-Rev B) dated 17 February 2021;
Desk Study Report by Ground Engineering (Ref. C15102) dated August 2020;
Ground Investigation Report by Ground Engineering (Ref. C15102A) dated December 2020;

Condition Compliance ref. H05-1209-21
FW1947-E-500-01 A3;
FW1947-E-500-02 A3;
Landscape Maintenance Specification by Waterloo Housing Group (Version 5) dated 23 September 2019;
Habitats and Protected Species Report by Paul Hicking Associates (Ref. 21110-PHA) dated November 2021;
Protected Species (Bats) Emergence and Activity Survey Report by Paul Hicking Associates (Ref. 21110-PHA) dated June 2022.

S73 Modification ref. H05-0446-22
4883/KP/21/100 Rev C1;
4883/KP/21/103 Rev C1;
4883/KP/21/104 Rev C1;
4883/KP/21/200 Rev C1;
4883/KP/21/203 Rev C1;
4883/KP/21/204 Rev C1;
4883/KP/21/300 Rev C1;

DC_FINAL_DECISION - ODB:14

4883/KP/21/303 Rev C1;
4883/KP/21/400 Rev C1;
4883/KP/21/403 Rev C1;
4883/KP/21/404 Rev C1;
4883/KP/21/500 Rev C1;
4883/KP/21/503 Rev C1;
4883/KP/21/600 Rev C1;
4883/KP/21/603 Rev C1;
4883/KP/21/700 Rev P1;
4883/KP/21/703 Rev P2;
4883/KP/21/800 Rev C1;
4883/KP/21/803 Rev P1;
2020-PL1-03 Rev G;
2020-PL1-04 Rev G;
2020-PL1-05 Rev G;
2020-PL1-06 Rev G;
2020-PL1-07 Rev G;
2020-PL1-08 Rev G;
FW1947-C-003-01 A2;
FW1947-C-003-02 A2;
FW1947-C-006-01 A4;
FW1947-C-006-02 A4;
FW1947-C-006-03 A4;
FW1947-C-008-02 A4;
FW1947-C-008-04 A5;
SUDs Maintenance and Management Statement by Farrow Walsh Consulting Ltd (ref. FW1947_SMMS_001 V1) dated April 2022.

S73 Modification ref. H05-0770-22
4883/KP/19/002 Rev P2.

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

3 The approved scheme of landscaping and tree planting shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 A closeboarded fence 2 metres in height, with 500mm trellis above, shall be erected along the sections of the northern and western boundaries of the site as outlined in pink on dwg. no. 4883/KP/19/002 Rev P2 before any dwelling is occupied and shall thereafter be retained.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 With the exception of the section of the northern and western boundaries referred to within condition 4, the scheme of boundary screening shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 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 the approved specification, 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 that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7 The development shall be carried out in accordance with the approved surface water drainage scheme and no dwelling shall be occupied until the approved scheme to which it relates has been completed or provided on the site in accordance with the approved details. It shall thereafter be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8 Foul water from the development shall be disposed of to a foul sewer in accordance with the approved details.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9 The development shall be carried out strictly in accordance with the approved construction management scheme/plan.

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

DC_FINAL_DECISION - ODB:14

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

10 All areas of publicly accessible open space shall be laid out and made available for use in accordance with the approved details prior to occupation 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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

11 An equipped children's play area shall be provided within the site. The 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. The play area shall be provided in accordance with the details so approved prior to occupation of any dwelling, or a timescale to be agreed in writing by the Local Planning Authority, 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.

12 The areas of publicly accessible/incidental open space shall be managed and maintained in accordance with the approved details.

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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

13 The approved scheme of storage and disposal of refuse and recycling shall be fully implemented before the dwelling(s) to which it relates has been occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

14 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment, unless otherwise agreed in writing by the Local Planning Authority, including/plus the following:

- Finished floor levels shall be set at least 500mm above existing ground level in accordance with the approved details;

DC_FINAL_DECISION - ODB:14

- Safe refuge shall be provided at first floor level or within the loft space;
- Flood resilience measures shall be incorporated within the development up to 300mm above finished floor level.
The mitigation measures shall be fully implemented prior to occupation of the dwelling to which they relate.

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 Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

15 The development shall be carried out in accordance with the approved Habitats and Protected Species Report, plus Protected Species (Bats) Emergence and Activity Survey Report.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

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 subsequently determining to grant planning permission.

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 Deed of Variation under Section 106 of the Town & Country Planning Act 1990 dated 22 June 2022 and can only be implemented as a consequence of meeting the provisions of that agreement.

The developer is advised that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

Access roadways to all residential properties should, as far as possible, be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways.

All ironwork which falls within the existing junction limits of the public highway shall be set flush with the road binder course and temporary fillets installed to facilitate wheelchair and perambulator access.

Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

The applicant's attention is drawn to the following:
- Correspondence from Lincolnshire Police dated 24 November 2016 accompanying outline planning permission ref. H05-1183-16.
- Correspondence from the South Holland Internal Drainage Board dated 13 June 2022 concerning an existing watercourse and also a storm sewer running through the site.



Phil Norman
Head of Planning
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		

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.