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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H08-0282-24 **Date of Decision:** 30th May 2024

Applicant: R K Wilson Builders Limited
C/O Robert Doughty Consultancy Limited
32 High Street
Helpringham
Sleaford
NG34 0RA

Location: Riseholme Farm Windmill Lane Gosberton Risegate Spalding

Description: Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access

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 not later than the expiration of three years beginning with the date of this permission.

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 approved plans and/or documents:

Application Form
Covering Letter dated 26 March 2024
1443-4_PL_LP01
1443-4_PL_SP101
1443-4_PL_SP102
Flood Risk Assessment by RM Associates dated March 2024

Noise Assessment by Blue Tree Acoustics dated 22/09/2023
1443-4_PL_DD01
1443-4_PL_GTA_GA01
1443-4_PL_GTB_GA01
1443-4_PL_HTA_GA01
1443-4_PL_HTB_GA01
1443-4_PL_HTC_GA01
Ground Investigation Report by Ground Engineering dated December 2023
Land Contamination Assessment by Groundsure dated 24 October 2023
SW23-334-001
SW23-334-002
Surface Water Drainage Strategy by Shields Wilson reference SW23-334-REP-01 dated March 2024

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

3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment prepared by RM Associates dated March 2024 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

-The ground floor levels of the dwellings should be at least 300mm above the existing ground level and a maximum of 450mm above the level of Risegate Road, south of the development site.
-Water, electricity and gas meters should be located above the predicted flood level. Electrical services, electrical sockets, heating systems boiler units and ancillary devices should be installed at least 500mm above the ground level to minimise damage to electrical services. Electrical ring mains should be installed at high level with drops to ground floor sockets and switches.
-The ground floors should be constructed with a solid concrete floor with no voids beneath and no low level wall vents.
-Avoid the use of mineral fibre insulation to the ground floor level (walls and floor) and use a rigid closed cell material as these retain integrity and have low moisture take up.
-All service entries should be sealed (e.g. with expanding foam or similar closed cell material). Closed cell insulation should be used for pipes which are below the predicted flood event.
-As this is an area that is capable of receiving flood warnings from the Environment Agency Floodline Warning Direct system on 0345 988 1188, property owners/occupiers should register each property with them to receive advance warning of flooding by telephone, mobile, fax, SMS text, email or pager. The Environment Agency aim to issue a 'severe flood warning' approximately 2 hours before existing defences are overtopped.

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, December 2023.

4 Prior to the commencement of development, a detailed levels survey of the site, recording

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existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwellings and details of the height and relative position of proposed boundary treatments to the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the dwellings shall be set at a minimum of 0.3m and a maximum of 0.45m above surveyed existing ground levels.

Note: the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings, and in relation to Risegate Road to the south of the site, and the bungalows along Windmill Lane to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and to ensure there are no adverse effects upon amenity in terms of overshadowing, loss of privacy or overlooking.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

5 No above ground work shall commence unless and until a schedule of external materials in relation to the colour, finish and texture of external materials 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 Prior to the occupation of the development hereby permitted, a landscaping scheme indicating, inter alia, the number, species, heights of planting and positions of all the trees, together with details of post-planting maintenance shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority 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. The scheme shall include the replacement hedge on the northern part of the access road which incorporates a native rich species.

Note: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 4 (or any successor).

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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East

Lincolnshire Local Plan, 2019 and the Environment Act 2021.

7 Prior to the occupation of any dwelling, full details of the arrangement for waste collection points or private refuse/recycling collection, shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Details of the height, colour and materials of any screening to the refuse collection point to the north of the access on Windmill Lane as shown on plan 1443-4_PL_SP102 shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be maintained.

Reason: To properly manage refuse/recycling collection associated with the site.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8 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 writing by the Local Planning Authority.

The scheme shall include a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. 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 suspected contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to works proceeding should contamination be found.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 8 above and remediation is required, two full copies of a verification report shall be submitted to, and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the

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Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and 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 during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

11 No above ground work shall commence until a scheme in accordance with all of the recommendations outlined in the Noise Impact Assessment Document reference: 03783-240100 dated 22/09/2023 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include acoustic window details, window reveal depths and dimensions, high specification bedroom windows, the location and height of acoustic barrier fencing and other details outlined in the above report to protect the residential dwellings from any identified excessive noise and/or vibration ingress from the railway line.

The approved details shall be implemented prior to the first occupation or each dwelling and shall thereafter be so retained and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity of future occupiers of the property with regards to the proximity of the railway line, and to ensure details are acceptable to the Local Planning Authority.
This Condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

12 Other than those shown on the approved plans, no new windows, doors or rooflights shall

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be formed on the western flank elevation of Plot 1, the north and south elevations of Plots 2, 3, 4 and 5, the north and the southern elevations of Plot 4, or the roofslopes of dwellings on Plots 1 to 4 or the garages to Plots 1 and 2.

Reason: In the interests of the amenity to nearby residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those shown on the plans forming part of this application:

i) Alterations to any dwelling roof, including the installation of additional windows or doors and the installation of roof windows, including dormer windows;
ii) the erection of further freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
iii) the erection of house extensions including conservatories, further garages, car ports, porches or pergolas.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

15 A scheme detailing external lighting to the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to occupation of each dwelling in accordance with the approved details and shall be maintained thereafter.

Reason: In the interests of amenity and to ensure that lighting does not affect the operation of the nearby railway.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

16 No machinery or power tools shall be operated on the premises before 7am on weekdays

and 7am on Saturdays nor after 6pm on weekdays and 2pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To ensure that there is no noise nuisance to nearby residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

17 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 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 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

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application.

The application form, costs and guidance documentation can be found on the Highway Authority website, accessible via the following link:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb

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 website via the following link:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

Information from Internal Drainage Board

The proposed discharges into the Board's Risegate Eau Drain will require the Board's prior written consent should planning permission
be granted.
The proposed treated effluent discharge application will be subject to the agreement of technical details and payment of the £50 application fee.

Railway Noise Mitigation

The developer should be aware that any development for noise sensitive uses near the operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for the dwellings. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.



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.