Ashwood Homes Ltd
1 Goodison Road
Lincs Gateway Business Park
Spalding
Lincolnshire
PE12 6FY

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H09-0030-24 **Date of Decision:** 19th April 2024

Applicant: Ashwood Homes Ltd
1 Goodison Road
Lincs Gateway Business Park
Spalding
Lincolnshire
PE12 6FY

Location: Land Off Lancewood Road Fen Road Holbeach Spalding

Description: Erection of 38 dwellings with associated roads and sewers - approved under H09-0784-21. Modification of Condition 2 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 hereby permitted shall be carried out in accordance with the following approved plans and documents:

H09-0030-24
Application Form
127-LP-01
127-SL-01 Rev N
127-OL-01 Rev A
HARREN-001
127-BT-01 Rev K
127-DSLG-012
127-MSL-01 Rev M

H09-1115-22

Application Form
APS. Archaeological Evaluation. Report No. 68/22 September 2022
APS. Written Scheme of Investigation for Archaeological Monitoring and Recording December 2022

H09-0619-22
Application Form
Covering Letter. 17 June 2022
Construction Management Plan. 127-CMP-01 A
Landscape Schedules. September 2021
Biodiversity Details (Calculation Tool)
Biodiversity Net Gain Report. Howard Hillier
Written Scheme of Investigation for Archaeological Evaluation. January 2022. Version 1, 12/01/2022
Water Calculations - Open Market & Shared Ownership
Water Calculations - Rented
Response Letter to Trees & Nature Conservation Officer Comments. 1 August 2022
Landscape Maintenance Schedule. Leflay Design
ASH/FEN2/119 B
AH FRH2 LA1 - Landscape Proposals - Phase 2 - Sheet 1 of 2
AH FRH2 LA1 - Landscape Proposals - Phase 2 - Sheet 2 of 2
127-SS-01
127-MCCP 01
ASH/FEN2/100 F
ASH/FEN2/109 A
ASH/FEN2/106 C
ASH/FEN2/107 D
ASH/FEN2/110 A
ASH/FEN2/111 A
ASH/FEN2/112 A
ASH/FEN2/113 B
127-MSL-01 F
127-TP-01 B
127-BP-01 A

H09-0784-21
Application Form
Design and Access Statement LAND TO THE WEST OF FEN ROAD HOLBEACH - Rev A July 2021
Flood Risk Assessment MA11419/FRA/R02 June 2021
Construction Method Statement
HERITAGE STATEMENT HS/128 May 2021
Preliminary Ecological Appraisal of Land July 2021
Letter from Millward Consulting Engineers dated 16 August 2021 ref. MA11419/JMcK/L01
127-LP-01
127-S38-03 Rev B
127-S38-02 Rev B
127-S38-01 Rev A
RIBBLE-V-001
NENE-001

DC_FINAL_DECISION - ODB:14

CLYDE-001
LOCK-001
AVON-001
MERE-001
A902(R)-001
A732(R)-001
MA10602-A-604-1 Rev D
Combined Phase I Desk Study & Phase II Exploratory Investigation reference D41028 dated 31st March 2021

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

2 The development hereby granted shall be completed in accordance with the Surface Water details as approved by application H09-0619-22 dated 15th August 2022.

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, or upstream of, the permitted development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

3 The development hereby granted shall be completed in accordance with the Landscaping and Biodiversity Strategy details as approved by application H09-0619-22 dated 15th August 2022.

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, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

4 The development hereby granted shall be completed in accordance with the tree protection measure as approved by application H09-0619-22 dated 15th August 2022.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December. 2023

5 The development hereby granted shall be completed in accordance with the boundary treatment details as shown on plan 127 - BT - 01 Rev K and retained thereafter.

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 The development hereby granted shall be completed in accordance with the management plan for the areas of publicly accessible open space and outdoor play areas, including management responsibilities and maintenance schedules as approved by application H09-0619-22 dated 15th August 2022. The management of these areas shall be carried out in accordance with the details so approved.

DC_FINAL_DECISION - ODB:14

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.

7 The development hereby granted shall be completed in accordance with the details associated with archaeological evaluation, the Written Scheme of Investigation or Archaeological Monitoring and Recording, December 2022 as approved by application H09-1115-22 dated 8th December 2022.

Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

8 The development hereby granted shall be completed in accordance with the details associated with the final report in connection with the archaeological evaluation, the Written Scheme of Investigation or Archaeological Monitoring and Recording, December 2022 as approved by application H09-1115-22 dated 8th December 2022.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

9 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment MA11419/FRA/R02 June 2021 forming part of this planning application, in particular the following measures shall be fully implemented before the properties are first occupied:

- the finished floor levels shall be set 500mm above the existing site levels

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.

10 The development hereby granted shall be completed in accordance with the details associated with the Surface Water drainage and disposal Strategy details, designed to accommodate the 1 in 100 year event storm scenarios including a 40% allowance for climate change without any flood waters leaving the development site and no flood waters leaving the site boundary, in accordance with Flood Risk Assessment MA11419/FRA/R02 June 2021, as approved by application H09-0619-22 dated 15th August 2022.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent

DC_FINAL_DECISION - ODB:14

increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

11 The development hereby granted shall be completed in accordance with the details associated with the Estate Road and associated footways details as approved by application H09-0619-22 dated 15th August 2022.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12 The development hereby granted shall be completed in accordance with the details associated with the Estate Road Phasing and Completion Plan as approved by application H09-0619-22 dated 15th August 2022.

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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13 The development hereby granted shall be completed in accordance with the details associated with the Construction Management Plan as approved by application H09-0619-22 dated 15th August 2022.

Reason: In the interests of the amenity of local residents 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 and to ensure that suitable traffic routes are agreed.
This Condition is imposed in accordance with Policies 2, 3 and 4of the South East Lincolnshire Local Plan, 2019.

14 The development hereby granted shall be completed in accordance with the details associated with preventing mud on the highway as approved by application H09-0619-22 dated 15th August 2022.

Reason: In the interests of highway safety during the construction process.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

15 The development hereby granted shall be completed in accordance with the Materials Schedules Layout as shown on plan 127 - MSL - 01 Rev M. The details shall be maintained 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

DC_FINAL_DECISION - ODB:14

Lincolnshire Local Plan, 2019.

16 During the construction of the development no tree or shrub felling, lopping or clearance shall take place between mid-February and the end of July.

Reason: To ensure that birds and their nests are protected during the nesting season. This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, December, 2023.

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 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).

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 2 February 2022 and can only be implemented as a consequence of meeting the provisions of that Agreement

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.

ANGLIAN WATER INFORMATIVES

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

LCC HIGHWAY INFORMATIVES:

Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.



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.