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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H09-0200-22 **Date of Decision:** 27th May 2022

Applicant: Loosegate Developments Ltd.
Seas End Road
Moulton Seas End
Spalding
PE12 6JX

Location: Land Off Wignals Gate Holbeach Spalding

Description: Erection of 77 dwellings & associated works - approved under H09-0872-18. Modification of Condition 1 to allow amendments to previously approved plans. Amend non-adopted roadway in front of plots 68-70.

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:

H09-0200-22
Application Form
PD22 P6
PD23 P7
PD35 P6
PD37 P3

H09-0819-21

Application form
PD30 P3
PD29 P3

Proposed Drainage Strategy 36916/15D

H09-0872-18

Application form
Location Plan. 071605/PD01/P2
Surface Water Drainage Strategy. Issue 2- July 2018
Planting Masterplan for Residential Development WG/18/01 Sept '18
Landscape Management Plan. September 2018
Proposed House Plots 45, 51, 53 & 55. Proposed Bungalow Plots 11 & 12 071605/PD31/P2
Proposed Houses Plots 71-75. 071605/PD25/P2
Proposed Houses Plots 40, 41, 43, 44, 50 & 52. 071605/PD29/P2
Proposed Houses Plots 4-7, 42, 46-49 & 62-65. Proposed Bungalow Plot 18. 071605/PD30/P2
Proposed Bungalows Plots 13-15, 21, 27, 68, 76 & 77. 071605/PD33/P2
Proposed Houses Plots 3, 8 & 54. 071605/PD26/P2
Proposed Houses Plots 1 & 2. 071605/PD24/P2
Proposed Houses Plots 9, 10, 56-59, 60 & 61. 071605/PD28/P2
Proposed Bungalows Plots 20, 26, 67 & 69. 071605/PD34/P2
Proposed Bungalows Plots 16, 17, 19, 22-25, 66 & 70. 071605/PD32/P1
Proposed Houses Plots 28-39. 071605/PD27/P1

H09-0278-20 - Details of external materials (Condition 2 of H09-0872-18)

Application form
PD38 P1
PD36 P3

H09-0448-20 Details of refuse collection management plan (Condition 5 of H09-0872-18)

Application Form
Refuse Management Plan. 10.06.20
Landscape Management Plan September 2018

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

2 The scheme of landscaping and tree planting shown on the Planting Masterplan for Residential Development WG/18/01 Sept '18 and the Landscape Management Plan. September 2018, shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. 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.

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3 The management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be carried out in accordance with the plans and documents as set out in Condition 1.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out to the bungalows developed on Plots 18, 19, 20, 24 or 26.

i) the erection or construction of raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports or pergolas;
iii) alterations including the installation of additional windows or doors and the installation of roof windows.

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.

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

Your attention is drawn to conditions on outline permission H09-0326-17 granted on 21 August 2018.

The outline planning permission H09-0326-17 is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 14 Aug 2018, modified by Deed Of Variation dated 25 February 2020 and can only be implemented as a consequence of meeting the provisions of that Agreement.

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately

Your attention is drawn to the letter from Anglian Water dated 1 October 2018.

If you have not done so already, Anglian Water recommend you submit a pre planning enquiry to their Pre-Development Team.

Your attention is drawn to the letter from South Holland Internal Drainage Board dated 1 October 2018. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.



Phil Norman
Planning Manager
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.