

Seagate Homes
Pudding Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3TJ

Council Offices
Priory Road
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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H09-0287-24 **Date of Decision:** 8th August 2024
Applicant: Seagate Homes
Pudding Lane
Pinchbeck
Spalding
Lincolnshire
PE11 3TJ
Location: Land Off Damgate Holbeach Spalding
Description: Residential Development - Erection of 188 Dwellings - approved under H09-0332-16. 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/or documents:

H09-0287-24

Application Form
1009-SGH-AR-LP-1000 Rev P01
Covering Letter from Agent dated 28 March 2024
10009-SGH-SL-AR-1001 Rev P03
10009-SGH-BP-AR-1005 Rev P03
The Hatfield 01 - Plans and Elevations
The Buckingham 02 - Elevations
The Buckingham 01 - Floor Plans
The Burghley 01

The Hampton 01
The Holkham 01
The Kingston 01
The Longleat 01
The Melton 01
The Sandringham 01
The Somerset 01
The Windsor 01
The Woburn 01
The Hardwick 01 - Floorplans
The Hardwick 02 - Elevations
The Chatsworth 01 - Rev B Plans and Elevations
The Belton 01 Rev A - Plans and Elevations
E4237/370
E4237/410
E4237/411
E4237/412
E4237/530
E4237/531
E4237/540
E4237/560
E4237/580
E4237/581
E4237/582
E4237/700
E4237/701
E4237/702
E4237/703
E4237/780
AH-DAM-LA1 Rev C - Landscape Proposals - Sheet 1 of 6 - June 2024
AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 2 of 6
AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 3 of 6
AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 4 of 6
AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 5 of 6
AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 6 of 6
External Materials Schedule - Issue 1
10009-SGH-MRP-AR-1004 Rev P02
10009-SGH-BT-AR-1003 Rev P02
10009-SGH-MDP-AR-1002 Rev P02
Garages 01 Rev A

H09-0523-20

Landscape Schedules dated July 2020

39-CMP-01

09022016/01

2863.TPP

Combined Phase I Desk Study and Phase II Exploratory Investigation Project Number
D38108 prepared by GeoDyne Limited dated 30 September 2019

E3991/561

E3991/535/A
E3991/501/B
E3991/500/B
35-GMD-01 Rev B

H09-0332-16

Application Form

Flood Risk Assessment by Inspire Design and Development, ref: KBB-1193-01-FRA-001 rev P5, dated April 2017

Ecology and Protected Species Survey (Scarborough Nixon Associates Limited, June 2016)

274-LP.01

Combined Transport Assessment December 2016

Travel Plan by Inspire Design & Development dated December 2016 reference KBB-1193-01-TP-001 rev P2

Transport Statement by Studio 11 Architecture reference 274 dated April 2016

Design and Access Statement by Studio11 Architecture dated April 2016

Sustainability Statement by Studio11 Architecture dated April 2016

Supporting Planning Statement by Waller Planning dated April 2016

Archaeological Desk-Based Assessment by Witham Archaeology dated April 2016

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

- 2 The development hereby approved shall be carried out in accordance with the External Materials Schedule - Issue 1, and the Materials Distribution Plan reference 10009-SGH-MDP-AR-1002 Rev P02. 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.

- 3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment approved under reference H09-0332-16 on 3rd May 2018 (by Inspire, ref: KBB-1193-01-FRA-001 P5, dated April 2017), unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented prior to occupation:

-Finished floor levels are set no lower than 3.5 m above Ordnance Datum (AOD). A minimum of 1m above existing ground levels.

-Flood resistant/resilient construction to be provided a minimum of 300mm above finished floor 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 Policy 4 of the South East Lincolnshire Local Plan, 2019.

- 4 The boundary treatments as shown on the plans under reference 10009-SGH-BT-AR-1003 Rev P02 so approved shall be implemented in full before the development is first brought into use.

Reason: 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.

- 5 The development shall be in accordance with the scheme of landscaping as approved on the following drawings:

AH-DAM-LA1 Rev C - Landscape Proposals - Sheet 1 of 6 - June 2024

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 2 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 3 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 4 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 5 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 6 of 6

Landscape Schedules dated July 2020 as approved under H09-0523-20 on 3rd September 2020

Tree Protection Plan reference 2863.TPP as approved under H09-0523-20 on 3rd September 2020

Plan and Supporting Information relating to Bat Roosting Boxes as approved under H09-0523-20 on 3rd September 2020

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.

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 issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

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

- 6 None of the trees to be retained on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

- 7 Where trees are shown on drawing number 10009-SGH-SL-AR-1001 Rev P03 to be retained on site they shall be protected during construction work as follows:

- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
- ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
- iii) no services shall be routed under the spread of the crowns of the trees to be retained;
- iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
- v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 8 The development hereby permitted shall be carried out in accordance with the recommendations of the approved Ecology and Protected Species Survey (Scarborough Nixon Associates Limited, June 2016) approved under reference H09-0332-16 on 3rd May 2018.

In addition, before above ground work begins, details of the management of the following areas of landscaping, in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with Conditions 5, 6 and 7 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details:

- Biodiversity Management for the 9m strip adjacent to the IDB drain as shown on plan 10009-SGH-SL-AR-1001 Rev P03
- Long term management plan for newly planted trees, including management in dry periods for at least the first two years so that they can take advantage of the long daylight hours of spring and summer to establish root systems;
- Management of amenity space around the ponds, including for Biodiversity Net Gain, including protective fencing during construction periods to create Biodiversity islands that remain undisturbed;
- Management of areas within amenity space to sustain and enhance wildlife, including cutting regimes to retain longer grassed areas, shorter grass near paths to reduce fire hazards;
- Details of the management of the replacement comprehensive landscaping scheme agreed to replace the removal of trees as part of permission H09-0277-20, so that it is incorporated into the overall landscaping scheme as approved.

Reason: To ensure that adequate provision is made for maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3, and 28 of the South East

- 9 The application shall be carried out in accordance with the details of the Combined Phase I Desk Study and Phase II Exploratory Investigation - Project Number D38108 prepared by GeoDyne Limited dated 30 September 2019, together with the Gas Membrane Details as approved on 3 September 2020 under reference H09-0523-20.

Reason: To ensure that the scheme is carried out to address any pollution to ensure a satisfactory development.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 10 The management plan for the areas of publicly accessible open space, including management responsibilities and maintenance schedules, shall be carried out in accordance with the Maintenance and Responsibility Plan reference 10009-SGH-MRP-AR-1004 Rev P02 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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

- 11 The details of the landscape management and maintenance schedule for the areas of publicly accessible open space and any outdoor play areas, incidental open space, refuse/recycling collection points and parking courts/private drives shall be carried out in accordance with the following plans and approved details:

10009-SGH-SL-AR-1001 Rev P03

10009-SGH-MRP-AR-1004 Rev P02

AH-DAM-LA1 Rev C - Landscape Proposals - Sheet 1 of 6 - June 2024

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 2 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 3 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 4 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 5 of 6

AH-DAM-LA1 Rev A - Landscape Proposals - Sheet 6 of 6

Landscape Schedules dated July 2020 approved under condition H09-0523-20 on 3rd September 2020.

Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that provision is made for the management and maintenance of communal areas.

This Condition is imposed in accordance with Policies 28 and 32 of the South East Lincolnshire Local Plan, 2019.

- 12 The means of storage and disposal of refuse and recycling, including the location and nature of communal collection points to serve private drives, shall be carried out in accordance with the Site Layout Plan reference 10009-SGH-AR-SL-1001 Rev P03. The approved scheme shall be fully implemented prior to occupation and 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.

- 13 The external boxes for gas and electricity supplies, the gas flues and soil vent pipes as shown on the following plans shall be carried out prior to installation in accordance with the plans hereby approved:

The Hatfield 01 - Plans and Elevations

The Buckingham 02 - Elevations

The Burghley 01

The Hampton 01

The Holkham 01

The Kingston 01

The Longleat 01

The Melton 01

The Sandringham 01

The Somerset 01

The Windsor 01

The Woburn 01

The Hardwick 02 - Elevations

The Chatsworth 01 - Rev B Plans and Elevations

The Belton 01 Rev A - Plans and Elevations

The development shall be maintained in accordance with 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.

- 14 The details associated with engineering drawings for the widening of the carriageway of Damgate to a minimum of 5.5 metres and the provision of a 1.8 metre wide footway at the Damgate frontage of the site shall be completed prior to the occupation of any dwelling on the permitted development in accordance with details approved on 3rd September 2020 under reference H09-0523-20.

Reason: In the interests of providing safe means of vehicular and pedestrian access to the permitted development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 15 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 specifications as approved on 3rd September 2020 under Condition 15 of reference H09-0523-20 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/building in the interests of residential amenity, convenience and safety.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 16 No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, as approved on 3rd September 2020 under Condition 16 of reference H09-0523-20 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Damgate. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 17 Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details approved on 3rd September 2020 under Condition 17 of reference H09-0523-20 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

- 18 The development shall be carried out in accordance with the surface water drainage scheme for the site, based on sustainable urban drainage principles as approved on 3rd September 2020 under Condition 18 of reference H09-0523-20.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed as a result of Policy 4 of the South East Lincolnshire Local Plan, 2019.

- 19 The means of foul water disposal for this development shall be carried out in accordance

with details as approved on 3rd September 2020 under Condition 19 of reference H09-0523-20.

The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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

This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.

- 20 The development shall be carried out in accordance with the Construction Management Plan approved on 3rd September 2020 under Condition 20 of reference H09-0523-20. The construction process shall be carried out in accordance with the details so approved.

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

This Condition is imposed in accordance with Policies 30 and 36 of the South East Lincolnshire Local Plan, 2019.

- 21 The development shall be carried out in accordance with the details associated with the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development approved on 3rd September 2020 under Condition 21 of reference H09-0523-20.

These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process.

This Condition is imposed in accordance with Policies 30 and 36 of the South East Lincolnshire Local Plan, 2019.

- 22 The development shall be carried out in accordance with the details associated with drawings: E4237/410 - External Works Phase 1 - Sheet 1 of 3, E4237/411 - External Works Phase 1 - Sheet 2 of 3, and E4237/412- External Works Phase 1 - Sheet 3 of 3 unless otherwise agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.

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

- 23 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 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>

This planning permission is subject to Agreements under Section 106 of the Town & Country Planning Act 1990 dated 2nd May 2018 and 10th January 2024 and can only be implemented as a consequence of meeting the provisions of those Agreements.

Your attention is drawn to the fact that a number of the retained trees on site are protected trees (Fleet and Holbeach Tree Preservation Order No. 1 1987).

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.



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.