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

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H09-0323-19 **Date of Decision:** 21st November 2019

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

Location: Penny Hill Road Holbeach Spalding

Description: Erection of 32 dwellings with associated garaging, roads and sewers - approved under H09-0475-18 - Modification of Condition 2 to allow amendments to change house type from Bransby to Ribble

South Holland District Council hereby give notice that this application 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 plans/details accompanying planning application ref. H09-0475-18:
1219 LP (Rev B);
A516 001;
A516 002;
A732 001;
A902 001;
BBY 001;
CLY 001;
LCK 001;
MER 001;
MER 002;
SG01;

DSG 01;
TG 01;
Landscape Schedule by Leflay Design dated May 2018;
Flood Risk Assessment by Inspire Design and Development (Rev P01) dated July 2018.

The following plans/details accompanying planning application ref: H09-0323-19:
59-SL-01D;
RIBB-DS-01;
59-BT-01F;
59-BT-02E.

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

2 The materials to be used for the external walls and roofs of the development hereby permitted shall conform to the details approved by virtue of condition compliance application ref. H09-0108-19.

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 approved scheme of tree/shrub/hedge 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 hedges 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 site is adequately landscaped, in the interests of the visual amenities of the rural locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 The approved scheme of screening along the northern boundary of the site shall be implemented in its entirety prior to occupation of any dwelling and shall thereafter be retained.

Reason: To safeguard the amenity of neighbouring residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 Management of the area of public open space shown on the approved site layout plan shall be carried out in strictly in accordance with details accompanying condition compliance application ref. H09-0108-19.

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.

DC_FINAL_DECISION - ODB:14

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

6 The development shall be carried out in accordance with the recommendations within the ecological report accompanying planning application ref. H09-0789-11.

Reason: To ensure that protected species are not adversely affected by the development and that adequate habitat is maintained/provided.
This Condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

7 The means of storage and disposal of refuse shall be in accordance with details accompanying condition compliance application ref. H09-0108-19. The approved scheme shall be fully implemented before the dwellings are brought into use 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 and 3 of the South East Lincolnshire Local Plan, 2019.

8 Foul water shall be disposed of via a mains sewer.

Reason: To ensure the satisfactory disposal of foul sewage, in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9 Before each dwelling is first 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 in accordance with the specification accompanying condition compliance application ref: H09-0108-19, 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 construction is commenced of the penultimate dwelling.

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

10 Highway surface water drainage shall be in accordance with details accompanying condition compliance application ref. H09-0108-19 and no building shall be occupied before it is connected to the drainage system so approved.

Reason:In the interests of highway safety and to ensure that the development is adequately drained.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11 Before any other development is commenced the first 60 metres of the main estate road from its junction with the public highway, including visibility splays, shall be completed in

accordance with details accompanying condition compliance application ref. H09-0108-19.

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

12 Before the construction of any dwelling hereby permitted 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 accompanying condition compliance application ref. H09-0108-19.

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

13 Lighting to be provided in respect of the roadways shall be installed in accordance with details accompanying condition compliance application ref. H09-0108-19 before the roadway to which it relates is brought into use.

Reason: To ensure a satisfactory development in the interest of the amenities of residents and visitors to the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14 Proposed site and floor levels of the buildings and hard surfaced areas shall be in accordance with details accompanying condition compliance application ref. H09-0108-19. The development shall be constructed in accordance with the approved details.

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

15 Notwithstanding the submitted flood risk assessment, the finished floor level of the dwellings hereby permitted shall be set 3.7m aOD (above ordnance datum) and flood resilient construction shall be incorporated within the development up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007, unless agreed otherwise in writing by the Local Planning Authority.

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

Reason: To reduce the risk and impact of flooding to occupants and property and to comply with paragraphs 160-163 of the National Planning Policy Framework.

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 an Agreement under Section 106 of the Town & Country Planning Act 1990 and can only be implemented as a consequence of meeting the provisions of that Agreement.

Your attention is drawn to advice from Lincolnshire Police dated 7 June 2018 accompanying planning application ref. H09-0475-18.

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.



Phil Norman
Planning and Building Control 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.