

NKW Design Ltd
45 York Road
Wollaston
Wellingborough
Northants
NN29 7SG

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H09-0475-18 **Date of Decision:** 23rd January 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

South Holland District Council hereby give notice that this application 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:
1219 LP (Rev B);
1219 004F;
1219 LA1;
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.

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

- 3 Before the commencement of the development beyond oversite details of the materials to be used for the external walls and roofs of the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority, and all the external materials to be used in the development shall conform to the details/samples 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 Policy SG14 of the South Holland Local Plan 2006.

- 4 The approved scheme of tree/shrub/hedge planting shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. 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 Policy SG18 of the South Holland Local Plan, 2006.

- 5 Before development is commenced beyond oversite, details of screening, including design and materials of construction, along the northern boundary of the site and also any fencing within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of screening shall thereafter be implemented in its entirety prior to occupation of any dwelling to which it relates and shall thereafter be retained.

Reason: To safeguard the amenity of neighbouring residents. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 6 A management plan for the area of public open space shown on the approved site layout plan, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the development hereby permitted beyond oversight. The management of this area shall be carried out 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 Policies SG14 and HS11 of the South Holland Local Plan 2006.

- 7 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, 2018.

- 8 Prior to the commencement of development beyond oversight details of the means of storage and disposal of refuse shall be submitted to and be approved by the Local Planning Authority. 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 SG13 and SG17 of the South Holland Local Plan 2006.

- 9 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 Policy SG12 of the South Holland Local Plan, 2006.

- 10 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 (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing.

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent

of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without the express written agreement of the LPA. 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 suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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 has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 11 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 to a specification to be submitted to and approved in writing by the Local Planning Authority, less the carriageway and footway surface courses. Such a specification shall include details of future maintenance arrangements. 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 Policy SG14 of the South Holland Local Plan 2006.

- 12 No development shall take place beyond oversite before the detailed design of the arrangements for highway surface water drainage has been approved in writing by the Local Planning Authority 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 Policy SG14 of the South Holland Local Plan 2006.

- 13 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 to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 14 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 to be submitted to and approved in writing by the Local Planning Authority.

Note: You are advised to contact Lincolnshire County Council as the local highway authority for approval of the road construction specification and programme before carrying out any works on site.

Reason: In the interests of highway safety.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 15 Before development is commenced beyond oversite details of lighting to be provided in respect of the roadways and shall be submitted to and approved in writing by the Local Planning Authority. Such lighting shall thereafter be installed in accordance with the approved details 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 SG14 and SG15 of the South Holland Local Plan, 2006.

- 16 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings 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 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 SG14 and SG17 of the South Holland Local Plan 2006.

- 17 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.

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 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 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 the application.



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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

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.