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

Jelson Ltd
370 Loughborough Road
Leicester
LE4 5PR

# TOWN AND COUNTRY PLANNING ACT 1990
# SECTION 73A CONTINUATION

**Reference:** H09-0588-20 **Date of Decision:** 15th April 2021

**Applicant:** Jelson Ltd
370 Loughborough Road
Leicester
LE4 5PR

**Location:** Land Off Northons Lane Holbeach Spalding

**Description:** Erection of 35 dwellings and associated works. Modification of Condition 1 of H09-0562-17, H09-0890-18 and H09-0818-18 that forms part of outline planning permission H09-0844-14, in addition to condition 5 of the outline planning permission H09-0844-14, to allow amendments to previously approved plans (substitution of house types on plots 4, 12 and 34; revised landscaping scheme; revised refuse collection arrangements; and 2.4m high boundary fencing on eastern boundary)

## 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 approved plans:

Accompanying application ref. H09-0588-20:
HOL01.100rp
HOL01.500 Rev B
JD319C_R02-P01 (Proposed Elevations and Floor Plans)
JD319C_R02-P01 (Proposed Elevations and Floor Plans)
TNA_475_01A

Accompanying application ref. H09-0240-20:
D4-20-51 Rev A
D4-20-50 Rev A

Accompanying application ref. H09-0890-18:
Specification for Soft Landscape Proposals (prepared by Taylor Nightingale and Associates, dated July 2018)

Accompanying application ref. H09-0562-17:
J86 P02
J86 P05
J86 P06
J86 P07
J86 P08
J86 P09
J86 P10
J86 P11
J86 P12
J86 P13
J86 P14
J86 P15
J86 P16
J86 P17 (with the exception of Plot 1 which shall be as per the drawings accompanying application ref. H09-0240-20)
J86 P20
J86 P21
J86 P22
J86 P23

Accompanying application ref. H09-0844-14:
Flood Risk Assessment (30256 Rev B, prepared by Peter Brett Associates, dated October 2014)
Archaeological Evaluation (Job No. 599, prepared by PJK Consulting, dated November 2009)
Extended Phase 1 Habitat Survey (prepared by CBE Consulting, dated 24 January 2014)
Tree Survey (prepared by CBE Consulting, dated 2 October 2014).

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

2 The development hereby permitted shall provide 8 affordable units in accordance with the details submitted and approved as part of Reserved Matters application ref. H09-0562-17. For the avoidance of doubt, the approved mix is:
2 x 1 bed apartments as Affordable Rent (Plots 21 and 23)
2 x 2 bed apartments as Affordable Rent (Plots 20 and 22)
2 x 2 bed houses as Intermediate (low cost home ownership) (Plots 16 and 17)
2 x 3 bed houses as Intermediate (low cost home ownership) (Plots 18 and 19)

Not more than 50% of the total number of the approved dwellings within each phase, excluding the affordable element, shall be occupied until there has been a material commencement on the affordable housing units in that phase and not more than 90% of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

Reason: To ensure that affordable dwellings are provided to meet identified local need,


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and remain affordable in perpetuity.
This Condition is imposed in accordance with Policy 18 of the South East Lincolnshire Local Plan, 2019.

3 The proposed boundary treatment shall be installed in accordance with dwg. no. HOL01.500 Rev B accompanying approved s73a application ref. H09-0588-20, and shall be implemented in full before the development is first brought into use and retained thereafter.

For the avoidance of doubt, a 2.4m high close boarded fence shall be erected, and retained, along the eastern boundary of the site. All other fences are to be 1.8m in height.

Reason: In the interests of the character and appearance of the development and the visual and residential 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.

4 i) Within one month of the date of this decision notice, 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. 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.
ii) two full copies of a full closure report shall be submitted to and approved in writing by the LPA upon completion of the development. 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.

Reason: 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.

5 The management of the publicly accessible open space shall be carried out in accordance with the details approved (Specification for Soft Landscape Proposals, dated July 2018) under application ref. H09-0890-18.

Reason: To ensure that adequate 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.

6 The storage and disposal of refuse shall be in accordance with the submitted Refuse Collection Plan (dwg. no. HOL01.500 Rev B) accompanying approved s73a application ref. H09-0588-20. The approved scheme shall be fully implemented before any of the dwellings are occupied and shall thereafter be retained.


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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.

7 The development shall be constructed in accordance with the site levels and floor levels set out on dwg. no. HOL.800.01, approved under condition compliance application ref. H09-0818-18.

Reason: To reduce the risk of flooding of the development.
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

8 The development hereby permitted shall provide a 1.8 metre wide footway at the Northons Lane frontage of the site, together with a system for the collection and disposal of highway surface water run-off, in accordance with details submitted and approved under condition compliance application ref. H09-0818-18.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development and to ensure that Northons Lane is not adversely affected, by reason of flooding, as a consequence of the construction of the permitted development.
This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

9 The development hereby permitted shall include visibility splays of 2.4 metres x 43 metres on each side of the junction of the estate road with Northons Lane.

Reason: To ensure drivers entering Northons Lane from the permitted development have sufficient visibility of any vehicles on Northons Lane, approaching the junction in the interests of highway safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

10 Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage, from the existing public highway, shall be constructed. 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 and adequate access to the site and to each dwelling.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

11 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (30256 Rev B, dated October 2014) forming part of application ref. H09-0844-14, and in particular the following mitigation measures detailed within:

- Finished floor levels shall be set no lower than 4.04mAOD;
- All dwellings shall be of two storey construction;
- Flood resilient and resistant construction techniques shall be incorporated throughout all dwellings to a minimum height of 300mm above the critical flood level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
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, 2019.

12 The development shall be carried out in accordance with the drainage scheme submitted and approved under condition compliance application ref. H09-0818-18 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 permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

Notes:

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 8th November 2016 (accompanying application ref. H09-0844-14) (as amended by subsequent Deed of Variation dated 8th April 2021) and can only be implemented as a consequence of meeting the provisions of that Agreement (as amended by subsequent Deed of Variation dated 8th April 2021).

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



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.