

Gleeson
4 Aspect Court
Aspect Business Park
Bennerley Road
Bulwell, Nottingham
NG6 8WR

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H09-0786-22 **Date of Decision:** 2nd December 2022

Applicant: Gleeson
4 Aspect Court
Aspect Business Park
Bennerley Road
Bulwell, Nottingham
NG6 8WR

Location: Tulip Fields Off Northons Lane Holbeach Spalding

Description: Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure - approved under H09-0602-20. 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 documents:

H09-0786-22

Application Form
3117-A16-01 D
3117-A01-01 D

H09-0602-20

Application form
Design & Access Statement Dated 15th April 2021

Economic Benefits Report July 2020 Version 001
Flood Risk Assessment Prepared by G30 Consulting 08-0048 16th April 2021
Transport Assessment AH/20001/TA/0
Travel Plan March 2020 AH/20001/TP/0
3653 Northons Lane, Holbeach: Landscape Statement
3653 Northons Lane, Holbeach: Tree Survey
Existing Trees on Site 3653/1
Design Report - MAXIMISING SECURITY THROUGH DESIGN
Noise Impact Assessment RK2932/20061/Rev 1
Protected Species Report 424.03044.00166 July 2020
Phase 1 Geo-Environmental Desk Study March 2019 24879/03/19/6641
Geo Environmental Report P19-504 Rev O
Ground Gas Monitoring Form P19-504 08/04/2020
Ground Gas Monitoring Form P19-504 03/04/2020
Ground Gas Monitoring Form P19-504 26/03/2020
Ground Gas Monitoring Form P19-504 19/03/2020
Site survey S9550
Site Location Plan 3162-1-000 B
3162-1-001-J
SD-100 F
SD103 C
3653/7A
NSD122
Materials Schedule
Materials Plan 3117-005-01
NDSS AUDIT
150/1
250/1B
253/1
355/1A
356/1A
358/9/1A
360/1B
450/1A
SD1700 A
SD1701 A
21-360-U-0301-C01
21-450-U-0301-C01
21-451-U-0301-C01
21-452-U-0301-C01
21-150&1-U-0301-C01
21-250-U-0301-C01
21-350-U-0301-C01
21-355-U-0301-C01
21-356-U-0301-C01
21-358/9-U-0301-C01
451/1
452/1
3162-1-002 A
3162-1-003 B

H09-1345-21

Application Form

3117-A01-01 D

Northon's Lane, Holbeach Construction Management Plan document

3117-A03-01 C

2002 LTG 5000

08-0048-101 P2

21-355-S-0001 C01

21-350-S-0001 C01

21-250-S-0001 C01

21-360-S-0001 C01

21-450-S-0001 C01

21-356-S-0001 C01

21-358-S-0001 C01

21-150&1-S-0001 C01

3653/7

3653/4C

3653/5C

3653/6C

08-0048-102 P2

08-0048-103 P8

08-0048-104 P8

08-0048-105 P8

08-0048-106 P8

08-0048-107 P8

08-0048-108 P8

Breedon Amber Gravel Specification

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

- 2 Before each dwelling (or other development as specified) is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, 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 (or other development as specified).

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.

This Condition is imposed in accordance with Policy 2 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 Prepared by G30 Consulting 08-0048 16th April 2021 as approved by H09-0602-20, set out above.

- Finished floor levels shall be set no lower than 500mm above existing ground level
- Flood resilient construction shall be set at 300mm above the predicted flood depth

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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 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, 2021.

- 4 The permitted development shall be undertaken in accordance the approved surface water drainage scheme, set out at H09-1345-21 above:

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, 2021.

- 5 The development hereby permitted shall be undertaken in accordance with the approved Construction Management Plan and Method Statement (Norton's Lane, Holbeach Construction Management Plan document) as approved by H09-1345-21, set out above.

There shall be no burning on site during construction or site preparation works.

Reason: In the interests of the safety and free passage of those using the neighbouring public highways and 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 during construction.

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

- 6 Precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be undertaken in accordance with the approved Norton's Lane, Holbeach Construction Management Plan document. 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 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 3 of the South East Lincolnshire Local Plan, 2019.

- 7 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.

- 8 The detailed design and location of all lighting to be provided to roads and footpaths within the development shall be installed in accordance with the details within approved drawings referenced 3117-A01-01 D and 2002 LTG 500 as approved by H09-1345-21, set out above.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 9 No part of the development hereby permitted shall be occupied before the approved details of the means of storage and disposal of refuse and recycling approved by H09-1345-21 set out above is implemented. The approved means of storage and disposal of refuse and recycling shall thereafter be undertaken in accordance with the approved details.

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 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 10 Notwithstanding the details submitted, before the commencement of the development hereby permitted beyond oversight, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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 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, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 11 The scheme of landscaping and tree planting for the site as approved by documents 3653/4C, 3653/5C and 3653/6C , approved by H09-1345-21 as set out above, 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 Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 12 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

- 13 An equipped children's play area shall be provided within the site in accordance with approved drawing 3653/7, set out in H09-1345-21 above. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained.

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

- 14 The management and maintenance for the areas of any incidental open space, refuse/recycling collection points and parking courts/private drives shall be undertaken in accordance with the details approved by H09-1345-21 set out above. Thereafter these areas shall be maintained in accordance with the approved details.

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 South East Lincolnshire Local Plan 2019.

- 15 The management for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be undertaken in accordance with the details approved by H09-1345-21 set out above. The management of these areas 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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

- 16 The development shall be undertaken in accordance with the details of external materials of construction of buildings and hard surfaced areas approved shall be undertaken in accordance with the details approved by H09-1345-21 set out above. The development shall be constructed in accordance with the materials so approved.

The private drive and parking areas shall be of a fixed tarmac finish. Loose gravel shall not be utilised.

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.

- 17 Where trees are shown on dwg. ref. 3653/1 Existing Trees on Site, and 3653/5 Revision C, to be retained on site 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

- 18 The recommendations set out in the Ecological Impact Assessment (EclA), hereby approved, shall be undertaken in full for each phase of development, specifically:

- As a precaution, site clearance/ construction works shall avoid the bird nesting season (March to August inclusive), or, if this is not possible, a check for nesting birds should be undertaken by a suitably qualified ecologist immediately prior to such works taking place, and if present any active nests, along with a suitable buffer zone around them, shall be safeguarded until the nesting attempt is complete.

- In order to enhance the Site for nesting birds 10% of the new properties shall have in-cavity nest boxes built into them as they are constructed, thereby providing eleven new nesting opportunities for urban bird species such as starling (*Sturnus vulgaris*), swift (*Apus apus*) or house sparrow.

- In order to enhance the Site for roosting bats 10% of the new properties shall have in-cavity bat boxes built into them as they are constructed, thereby providing eleven new roosting opportunities for a range of bats.

- The surface water attenuation basin shall be created in the south-western corner of the Site. This feature, shall be seeded with Emorsgate Seeds EP1 'pond edge mix'14 or similar, whilst the margins (seasonally wet) shall be seeded with Emorsgate Seeds EM8 'meadow mix for wetlands'15 or similar; Emorsgate Seeds EM10 'tussock mix'16 or similar, will be sown on the banks and area beyond, alongside some native shrub and/ or tree planting.

Reason: To ensure that the development contributes to a biodiversity uplift for this site, in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained the National Planning Policy Framework, 2021.

- 19 During the construction of the development no tree or shrub felling, lopping or clearance shall take place between mid-February and the end of July.

Reason: To ensure that birds and their nests are protected during the nesting season.

This Condition is imposed in accordance with national guidance contained in Section 15 of

the National Planning Policy Framework, 2021.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out to plots 57 to 62 (inclusive), Plots 65 to 73 (inclusive), Plots 76, 77, 89, 90, Plots 97 to 103 (inclusive).

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or 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>

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 16 December 2021 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.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

Anglian Water

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE - The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.



Phil Norman
Head of Planning
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@planninginspectorate.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.