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The Repeater Station
London Road
Norman Cross
Peterborough
PE7 3TB

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H09-0879-22 **Date of Decision:** 21st November 2022

Applicant: Paddock Developments
C/O T M V Architects
The Repeater Station
London Road
Norman Cross, Peterborough

Location: Land East Of Chaffinch Way Holbeach Spalding

Description: Residential development of 81 dwellings, associated garaging, roads and sewers approved under H09-0613-21. Modification of Condition 2 to allow amendments to previously approved plans (change in house design and siting on plot accessed from Foxes Low Road).

South Holland District Council hereby give notice that permission 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:

Accompanying application ref H09-0879-22:

936 002 Rev A (in so far as it relates to Plot 8 on that plan)
936 003 Rev A
936 004 Rev A

936 005 Rev A
936 006 Rev A
936 007 Rev A

Accompanying application ref H09-0613-21:

75-LP-01 Rev A
75-SL-01 Rev M (excl. Plot 81 of that plan)
75-SL-02 Rev K (excl. Plot 81 of that plan)
75-BT-01 Rev L
75-MSL-01 Rev J
A538(R)-001
A732(R)-001
A902(R)-001
AIRE-001
AVON-001
CORONATION-001
DEE-001
HARREN-001
LOCK-001
MERE-001
NENE-001
RIBBLE-001
SEVERN-001
SEVERN-002
75-DG-001
75-DGHO-001
75-DSG-001
75-SG-001
075-MCCP-01 Rev C
4253.Balmoral. Ashwood.TPP
4253.Balmoral.Ashwood.AIP
AS2517/1 Rev A1
Preliminary Ecological Appraisal of Land at Balmoral Way, Holbeach (prepared by Hillier Ecology Limited, dated May 2021)
Preliminary Ecological Appraisal of Land at Battlefields Lane/A17, Holbeach (prepared by Hillier Ecology Limited, dated May 2021)
Environmental Noise Assessment (prepared by Acoustic Associates, dated April 2021)
Arboricultural Implications Assessment (prepared by Andrew Belson, dated 27th April 2021)
Transport Assessment (prepared by Inspire Design and Development Ltd, dated May 2021)
Flood Risk Assessment & Drainage Strategy - Land East of Chaffinch Way (prepared by Inspire Design and Development Ltd, dated April 2021)
Flood Risk Assessment & Drainage Strategy - Balmoral Way Phase 2 (prepared by Inspire Design and Development Ltd, dated April 2021)
Archaeological Desk Based Assessment (prepared by Archaeological Project Services, dated April 2021)
Archaeological Desk Based Assessment (prepared by Archaeological Project Services, dated January 2015)

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Combined Phase I Desk Study and Phase II Exploratory Investigation - Phase 2 Balmoral Way, Holbeach (prepared by GeoDyne Ltd, dated 28th April 2021)
Combined Phase I Desk Study and Phase II Exploratory Investigation - Land to East of Chaffinch Way, Holbeach (prepared by GeoDyne Ltd, dated 27th April 2021)

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

3 The development hereby permitted shall be carried out in accordance with the Remediation Strategy & Verification Plan (prepared by GeoDyne Limited, Rev A, dated 13th July 2022) approved by virtue of condition compliance application ref. H09-0442-22.

No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority (LPA). If during development 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 suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters. 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 30 of the South East Lincolnshire Local Plan, 2019.

4 A full copy of a verification report (in connection with Condition 3 above) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation 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 objectives and criteria 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.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

5 The development hereby permitted shall be undertaken in accordance with the Construction Management Plan and Method Statement approved by virtue of condition compliance application ref. H09-0442-22. The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

NOTE: As asbestos has been noted as present on site, construction shall be undertaken in accordance with the recommendations set out in the Combined Phase I Desk Study and Phase II Exploratory Investigation - Phase 2 Balmoral Way, Holbeach (prepared by GeoDyne Ltd, dated 28th April 2021).

Reason: In the interests of the safety and free passage of those using the adjacent public

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highway, 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 and to ensure that suitable traffic routes are agreed.
This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

6 Before any dwelling is occupied, 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 the details approved by virtue of condition compliance application ref. H09-0442-22.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7 The permitted development shall be undertaken in accordance with the Estate Road Phasing and Completion Plan approved by virtue of condition compliance application ref. H09-0442-22.

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

8 The permitted development shall be undertaken in accordance with the surface water drainage scheme approved by virtue of condition compliance application ref. H09-0442-22.

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.

9 The development hereby permitted shall be constructed in accordance with the details of finished floor levels and external levels approved by virtue of condition compliance application ref. H09-0442-22.

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, 2021.

10 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessments (dated April 2021) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set no lower than 3.6 metres above Ordnance Datum (AOD).
- Properties shall have at least 2 storeys.
- Flood resilient construction shall be incorporated up to a minimum level of 300mm above the 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 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.

11 The development hereby permitted shall be carried out in accordance with the mitigation, safeguarding and enhancement measures set out in the Water Vole Mitigation Strategy (prepared by Allied Ecology Ltd, dated April 2022) approved by virtue of condition compliance application ref. H09-0442-22.

Reason: In the interests of avoiding harm to protected species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

12 The landscaping and tree planting shall be carried out in accordance with the details approved by virtue of condition compliance application ref. H09-0442-22. The scheme 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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

13 The proposed boundary treatments shall be installed in accordance with the details approved by virtue of condition compliance application ref. H09-0442-22. The boundary treatment for each individual property shall be installed in full before the occupation of that dwelling and retained thereafter.

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.

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14 The management and maintenance of areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be in accordance with the details approved by virtue of condition compliance application ref. H09-0442-22.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

15 Notwithstanding the conclusions of the Arboricultural Implications Assessment (prepared by Andrew Belson, dated 27th April 2021), the following tree works shall not be carried out:

- The removal of any of the existing trees within Group F (as indicated on dwg. no. 4253.Balmoral.Ashwood.AIP) or pruning beyond that required to enable the installation of the acoustic fence along the northern boundary; and
- The removal of any of the existing trees within Group G (as indicated on dwg. no. 4253.Balmoral.Ashwood.AIP), except those at the very southern edge of the bund and in close proximity to the pump station.

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

16 Three swift nest bricks shall be incorporated within the external walls of the dwellings hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

17 The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 8.0 of the Preliminary Ecological Appraisal Reports (Land at Balmoral Way and Land at Battlefields Lane/A17) (prepared by Hillier Ecology, dated May 2021).

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

18 The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 3 of the submitted Environmental Noise Assessment (prepared by Acoustic Associates, dated April 2021).

The acoustic barriers recommended, and indicated on dwg. no. 75-BT-01 Rev L, shall be installed prior to the occupation of any dwelling and retained for the lifetime of the development.

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

19 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

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).

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

The permitted development requires the formation of a new/amended vehicular access to plot 81 (as shown as plot 8 on dwg. 936 002 Rev A) off Foxes Low Road. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit

https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb or contact vehiclecrossings@lincolnshire.gov.uk

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.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 28 February 2022 and can only be implemented as a consequence of meeting the provisions of that Agreement.



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@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.