

Remway Design Ltd
Treetops
The Raceground
Spalding
Lincolnshire
PE11 3AP

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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73A CONTINUATION

Reference: H09-1062-18 **Date of Decision:** 19th December 2018
Applicant: A B R Limited
Carlton
Old Fen Lane
Pinchbeck
Spalding Lincs

Location: 114 Spalding Road Holbeach Spalding
Description: Residential development comprising 7 dwellings - approved under H09-0190-18. Modification of Condition 2 to allow amendments to previously approved plans

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:
2840/01 accompanying planning application ref. H09-0190-18
2840/02B
2840/03 accompanying planning application ref. H09-0190-18
2840/04 accompanying planning application ref. H09-0190-18
2840/05 accompanying planning application ref. H09-0190-18
2840/06
2840/PL1/01B
2840/PL1/02B
2840/PL1/03 accompanying planning application ref. H09-0190-18
2840/PL1/04 accompanying planning application ref. H09-0190-18
2840/PL3/01B
2840/PL3/02B

2840/PL3/03 accompanying planning application ref. H09-0190-18
2840/PL3/04 accompanying planning application ref. H09-0190-18
2840/PL5/01 accompanying planning application ref. H09-0190-18
2840/PL5/02 accompanying planning application ref. H09-0190-18
2840/PL5/03 accompanying planning application ref. H09-0190-18
2840/PL5/04 accompanying planning application ref. H09-0190-18
2840/PL7/01 accompanying planning application ref. H09-0190-18
2840/PL7/02 accompanying planning application ref. H09-0190-18
2840/PL7/03 accompanying planning application ref. H09-0190-18
2840/PL7/04 accompanying planning application ref. H09-0190-18

External Materials Schedule received 8 November 2018

Arboricultural Implications Assessment and Method Statement prepared by Andrew Belson dated 29 July 2016 accompanying planning application ref. H09-0442-16

Flood Risk Assessment by S M Hemmings dated 27 April 2016 accompanying planning application ref. H09-0190-18

Specification for Archaeological Monitoring & Recording by Neville Hall dated November 2017 accompanying condition compliance application ref. H09-0848-18

Phase I Geo-Environmental Desk Study (Issue 1) by EPS (ref. no. UK18.4055) dated 5 June 2018 accompanying condition compliance application ref. H09-0848-18

Phase II Geo-Environmental Assessment (Issue 1) by EPS (ref. no. UK18.4055B) dated 6 August 2018 accompanying condition compliance application ref. H09-0848-18

Remediation Method Statement & Verification Plan (Issue 1) by EPS (ref. UK18.4055C) dated 6 November 2018 accompanying condition compliance application ref. H09-0848-18

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

- 2 None of the existing trees shown to be retained on the site on dwg. no. 2840/02B shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. 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: In the interests of the visual amenity of the locality.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 15 of the National Planning Policy Framework, 2018.

- 3 Those trees shown to be retained on site shall be protected during construction work in accordance with details outlined within the Arboricultural Implications Assessment and Method Statement prepared by Andrew Belson dated 29 July 2016 accompanying planning application ref. H09-0442-16.

Reason: To ensure the protection of those trees to be retained on the site.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 15 of the National Planning Policy Framework, 2018.

- 4 Boundary planting/screening shall be carried out in its entirety in accordance with details shown on dwg. no. 2840/02B prior to occupation of any dwelling. It shall thereafter be

retained in its entirety.

Reason: In the interests of the character and appearance of the development and the amenities of the locality.

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

- 5 Prior to the commencement of construction of any dwelling, the vehicular entrance to the site shall be improved in accordance with details shown on dwg. no. 2840/02B.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 6 Prior to the commencement of construction of any dwelling all obstructions exceeding 0.6 metres high shall be cleared from the land between the highway boundary and the vision splays indicated on drawing number 44/0914/12 accompanying planning application ref. H09-0257-17. The vision splays shall thereafter be kept clear of all obstructions exceeding 0.6 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 7 The development hereby permitted shall be carried out in general accordance with the measures set out in the Flood Risk Assessment accompanying planning application H09-0190-18, plus the following measures:
- Finished floor levels shall be set 300mm above existing ground level at 3.70m AOD;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level;
 - All bedrooms shall be on the first floor.

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

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 national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

- 8 A copy of the final archaeological report required in connection with Condition 9 of planning permission ref. H09-0190-18 shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible

archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

- 9 Prior to occupation of any dwelling a copy of a full environmental 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.

Reason: 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.

- 10 Before any dwelling is occupied a refuse/bin collection area shall be provided on site in accordance with details shown on dwg. no. 2840/02B. It shall thereafter be retained and be made available for use.

Reason: To ensure a satisfactory form of development in the interest of the amenities of the locality.

This Condition is imposed in accordance with Policies SG13 and SG14 of the South Holland Local Plan, 2006.

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>



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.