

Sibley, Sally

From: Fidler, Richard
Sent: 11 March 2015 14:57
To: _planningadvice
Subject: FW: s106 Agreement Amendment - Little London Long Sutton (Former Butterfly Park) (SH008.481) H11-0450-14
Attachments: scanned certified copy of s106A amending agreement.pdf

3106

From: Jacqui Berridge [<mailto:Jacqui.Berridge@lincolnshire.gov.uk>]
Sent: 11 March 2015 14:47
To: Fidler, Richard; Wilson, Catherine; Stephen Mason
Subject: s106 Agreement Amendment - Little London Long Sutton (Former Butterfly Park) (SH008.481)

Dear all

The section 106 agreement which relates to the section 73 application for residential development of 87 homes at the former Butterfly park, but subject to a replacement requirement for the sustainability of the properties, has now been completed and a certified true copy is enclosed.

Steve M – can you please ensure that a copy of the agreement is registered in your council's strongroom.

Richard F – provided the Planning Committee approved the application can you please issue the planning permission. Can you also please arrange for a copy of the agreement to be registered at part II of the planning register. Can you also make arrangements for the agreement to be monitored.

Catherine – can you please register the agreement in the local land charges register and let me know once this has been done. The area covered by this agreement is the same as the previous agreement for the former butterfly park dated 7 January 2014, but if you have any trouble at all in identifying the land let me know and I will send a copy of the previous agreement to you.

Many thanks

Jacqui Berridge
Legal Services Lincolnshire
South Holland Branch
Council Offices
Priory Road
SPALDING
Lincs PE11 2XE

01775 761161 x4518 e-mail jacqui.berridge@lincolnshire.gov.uk

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DATED 6 MARCH ~~2014~~ 2015

SOUTH HOLLAND DISTRICT COUNCIL

AND

LINCOLNSHIRE COUNTY COUNCIL

AND

**PETER DENNIS SMEATON, EMMA SOPHIA SMEATON, MICHAEL JOSEPH CROSSE,
MERLE ALICE CROSSE AND PIM TRUSTEES LIMITED**

AND

MOOR SOLAR LIMITED

AND

MOOR DESTINATIONS LIMITED

DEED OF VARIATION

S106 & S106A OF THE TOWN AND COUNTRY PLANNING ACT 1990

**In connection with an Agreement and Planning Obligation made under Section 106 of the
Town and Country Planning Act 1990 (as amended) relating to land at Little London,
Long Sutton, Spalding, Lincolnshire, PE12 9LE**

Certified as a True Copy

LSL
Legal Services Lincolnshire

THIS DEED is made the

6th day of MARCH

2014 2015

BETWEEN: -

- (1) **South Holland District Council** of Priory Road, Spalding, Lincolnshire, PE11 2XE (**District Council**);
- (2) **Lincolnshire County Council** of County Offices Newland Lincoln LN1 1YS (**County Council**);
- (3) **Peter Dennis Smeaton and Emma Sophia Smeaton** both of The Old Tannery, Oakdene Road, Redhill, Surrey RH1 6BT and **Pim Trustees Limited**, incorporated and registered in England and Wales with company number 03531478 as trustees for Moor Leasing SSAS of The Old Tannery, Oakdene Road, Redhill, Surrey RH1 6BT **Michael Joseph Crosse and Merle Alice Crosse** both of The Old Tannery, Oakdene Road, Redhill, Surrey RH1 6BT and **Pim Trustees Limited**, incorporated and registered in England and Wales with company number 03531478 as trustees for M & M SSAS of The Old Tannery, Oakdene Road, Redhill, Surrey RH1 6BT (**Owner**);
- (4) **Moor Solar Limited**, incorporated and registered in England and Wales with company number 07360321 whose registered office is at Old Stables Barn, Iron Row, Burley in Wharfedale, Ilkley, West Yorkshire, LS29 7DB (**Developer**); and
- (5) **Moor Destinations Limited**, incorporated and registered in England and Wales with company number 05981076 whose registered office is at Old Stables Barn, Iron Row, Burley in Wharfedale, Ilkley, West Yorkshire, LS29 7DB (**Tenant**).

1 DEFINITIONS

1.1 In this **DEED** the following words shall have the meaning set out below: -

"Deed" means this deed; and

"Section 106 Agreement" means the agreement dated 7 January 2014 and made in pursuance of Section 106 of the TCPA 1990 and section 111 of the Local Government Act 1972 and section 1 of the

Localism Act 2011 and any other enabling powers between (1) the District Council (2) the County Council, (3) the Owner, (4) the Developer and (5) the Tenant.

1.2 Where the context so requires:

- 1.2.1 The singular includes the plural and vice versa and words importing the masculine gender only include the feminine gender and extend to include a corporation sole or aggregate;
- 1.2.2 References to any party shall include the party's personal representatives successors in title and permitted assigns of that party (which for the avoidance of doubt shall include the Developer as appropriate) and in the case of the District Council and the County Council the successors to its statutory functions;
- 1.2.3 Where a party includes more than one person any obligations of that party shall be joint and several;
- 1.2.4 Any covenant by any party not to do any act or thing shall be deemed to include a covenant not to cause permit or suffer the doing of that act or thing;
- 1.2.5 References to clauses paragraphs and schedules are references to clauses paragraphs and schedules to this Deed and are for reference only and shall not affect the construction of this Deed.
- 1.2.6 Except to the extent that they are inconsistent with the definitions and interpretations in clause 1.1 of this Deed the definitions and interpretations in clause 1.1 of the Section 106 Agreement shall apply to this Deed.

2 RECITALS

- 2.1 The District Council is the local planning authority for the purposes of the TCPA 1990 (as defined in the Section 106 Agreement) for the area within which the Property (as defined in the Section 106 Agreement) is situated and is the authority by whom the obligations hereby created are enforceable.
- 2.2 The County Council is the local education authority for the County of Lincolnshire
- 2.3 This Deed is made under section 106A of the TCPA 1990 and is supplemental to the Section 106 Agreement.
- 2.4 The Owner is the freehold registered proprietor of the Property subject to the Lease (as defined in the Section 106 Agreement) to the Tenant and the Owner has appointed the Developer to prepare the Property for Development
- 2.5 The Tenant has the benefit of the Lease and has agreed to enter into this Deed to give its consent to the terms of this Deed
- 2.6 The Developer has submitted a planning application under the provisions of Section 73 of the TCPA 1990 for residential development of 87 homes including all associated landscaping access provision and renewable energy systems on the Property subject to variation of condition 3 of the Planning Permission (as defined in the Section 106 Agreement) to replace "Level 6 of the Code for Sustainable Homes" with "Level 6 EN1 Energy and Carbon Dioxide Emissions Standards of the Code for Sustainable Homes" which application has been registered by the District Council under reference number H11-0450-14
- 2.7 The Council has agreed that the Section 106 Agreement shall be varied as set out in clause 3.2 below.
- 2.8 The Parties have agreed to enter into this Deed so as to create planning obligations in favour of the District Council and the County Council pursuant to Section 106 of the TCPA 1990 and to be bound by and observe and perform the covenants agreements conditions and stipulations hereinafter contained.
- 2.9 This Deed is conditional upon:

2.7.1 the grant of the planning permission under reference number H11-0450-14; and

2.7.2 the Commencement of Development

3 OPERATIVE PROVISIONS

3.1 This Deed is made pursuant to Section 106A of the TCPA 1990 Act and all other powers so enabling and is a planning obligation for the purposes thereof and the covenants contained herein shall bind the Property.

3.2 The parties hereto hereby agree that the Section 106 Agreement will be varied as follows:

3.2.1 The definition of "Planning Permission" shall be varied by the addition of the words "marked Annexure 1"

3.2.2 The existing Annexure to the Section 106 Agreement shall be marked "Annexure 1"

3.2.3 The following definitions shall be added to clause 1.1:-

Planning Application (Varied) the application made under section 73 of the TCPA 1990 registered by the District Council under reference number H11-0450-14 for residential development of 87 homes including all associated landscaping access provision and renewable energy systems but subject to variation of condition 3 of the Planning Permission to replace "Level 6 of the Code for Sustainable Homes" with "Level 6 EN1 Energy and Carbon Dioxide Emissions Standards of the Code for Sustainable Homes"

Planning Permission (Varied) the planning permission to be granted by the District Council in respect of the Planning Application (Varied) in the draft form attached as the Annexure marked "Annexure 2"

3.2.3 The draft planning permission marked "Annexure 2" attached to this Deed shall form Annexure 2 to the Section 106 Agreement

3.2.4 Reference in clause 9 of the Section 106 Agreement to "the Planning Permission" shall be deemed to refer to "the Planning Permission and the Planning Permission (Varied)"

3.2.4 All other references in the Section 106 Agreement to "the Planning Permission" shall be deemed to refer to "the Planning Permission or the Planning Permission (Varied)"

3.3 **IT IS HEREBY AGREED AND DECLARED AS FOLLOWS:**

- 3.3 This Deed shall be construed as one with the Section 106 Agreement.
- 3.4 Subject to clause 3.2 and clause 2.9, the provisions of the Section 106 Agreement continue to be enforceable by the District Council and the County Council and to bind the Property in all respects save for as varied by this Deed.
- 3.5 A person who is not a party to this Deed has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term hereof provided that this clause shall not affect any right of action of any person to whom this Deed is lawfully assigned or in whom it becomes vested in law.
- 3.6 The planning obligations hereby created by this Deed shall be registered as a Local Land Charge.
- 3.7 The Tenant consents to the completion of this Deed and declares that its interest in the property and any assigns shall be bound by the terms of the Section 106 Agreement as varied by this Deed as if it had been executed and registered as a land charge prior to the creation of the Lease
- 3.8 The Developer shall pay to the District Council on or before the date of this Deed the District Council's and the County Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this Deed.
- 3.9 The Owner warrants that no person other than the Owner and the Tennant has any legal or equitable interest in the Property

parties   
IN WITNESS whereof the ~~Developer and the Council~~ have sealed this document as a Deed the day and year first before written

The Common Seal of

South Holland District Council

was hereunto affixed in the presence of:

VICKY THOMSON

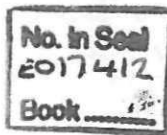
DEMOCRATIC + LEGAL SERVICES

(Name of Authorised Signatory) MANAGER



A handwritten signature in black ink, appearing to be 'Vicky Thomson', written over a dotted line.

(Signature of Authorised Signatory)



The Common Seal of

Lincolnshire County Council

was hereunto affixed in the presence of:

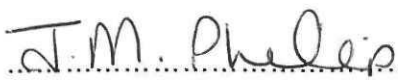
JOHN LEISH MIDDLETON
(Name of Authorised Signatory)

[Signature]
(Signature of Authorised Signatory)

Executed as a Deed by:

Peter Dennis Smeaton


.....
(signature)


.....
Signature of witness

MISS J.M. PHILLIP
.....
Name of witness

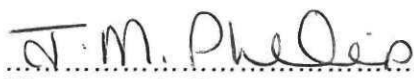
36 RUSSEL ST. SKIPTON.
.....
Address

HOUSEKEEPER
.....
Occupation

Executed as a Deed by:

Emma Sophia Smeaton


.....
(signature)


.....
Signature of witness

MISS J.M. PHILLIP
.....
Name of witness

36 RUSSEL ST. SKIPTON
.....
Address

HOUSE-KEEPER
.....
Occupation

Executed as a deed by

Michael Joseph Crosse

in front of 1.

acting by

Signature of witness

Name of witness

VIVIAN HUGHES

Address 9. ALLENBYS CHASE
SUTTON BRIDGE, SPALDINA
LINES PE12 9SY

Occupation

ADMIN.

Executed as a deed by

Merle Alice Crosse

Signature of witness

Name of witness

9. ALLENBYS CHASE, SUTTON BRIDGE
SPALDINA LINES PE12 9SY

Address

Occupation

(signature)

(signature)

Executed as a deed but not delivered until the date on
the front of this document by

Pim Trustees Limited

acting by

a director in the presence of



Signature of witness

SARAH FARRINGTON

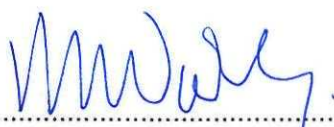
Name of witness

171 BALCOMBE ROAD, HORLEY, RUGBY

Address

BUSINESS ADMINISTRATOR

Occupation


(signature of director)

Executed as a deed but not delivered until the date on the front of this document by

Moor Solar Limited

acting by

a director in the presence of

J.M. Phillip

Signature of witness

MISS J.M. PHILLIP

Name of witness

36 Russel St, SKIPTON

Address

HOUSEKEEPER

Occupation

P. A. J. J. J.
(signature of director)

Executed as a deed but not delivered until the date on the front of this document by

Moor Destinations Limited

acting by

a director in the presence of

J. M. Phillips
Signature of witness

MISS J. M. PHILLIP
Name of witness

36 Russel St. SKIPTON
Address

HOUSE-KEEPER
Occupation

P. D. J. J. J.
(signature of director)

2 *for* *the* *signature*
Annexure¹ - New Planning Permission *LS*

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

contacts:
admin: 01775 764723
dc officers: 01775 764703
s/board: 01775 761161
facsimile: 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

Town and Country Planning Act 1990

DRAFT PERMISSION

Reference: H11-0450-14 Received: 28th May 2014 Type: SEC 73 MODIFICATION

Name: Moor Solar Ltd
Old Stable Barn
Iron Row
Burley In Wharfedale
LS29 7DB

Agent: idpSEArch Limited
9 Hoddins Way
Long Sutton
Spalding
Lincs
PE12 9JB

Description: Proposed residential development comprising 87 dwellings and associated works and to include renewable energy systems (approved under H11-0398-12) - Variation of Condition 3 to replace "Level 6 of the Code for Sustainable Homes" with "Level 6 EN1 Energy and Carbon Dioxide Emissions Standards of the Code for Sustainable Homes"

Location: The Butterfly And Wildlife Park Little London Long Sutton Spalding

South Holland District Council hereby give notice that permission has been granted (or equivalent) on the following condition(s):

- 1 The development must be begun not later than 26 January 2017.

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 and documents approved under planning permission H11-0398-12:
Email from Dr J Harrall describing earth bund to southern boundary received 16 September 2013;
Dwg. No. 716.PB.10;
Dwg. No's. 716.PB.02(A), 716.PB.03(A), 716.PB.05(A), 716.PB.06(A) and 716.PB.07(A);
Environmental Appraisal (dated 07 October 2012), Noise Impact Assessment ref: HM:2499/R1 and Bat Survey Report (dated October 2012);
Ecology Report ref: 2011/11/082 Rev.A, Flood Risk Assessment ref: 9X0917/R001/303895/PBor,
Transport Assessment and Travel Plan ref: 9X0917/A, and Tree Survey, Arboricultural Implications Assessment and Arboricultural Method Statement ref: 2003.AIA.LongSutton.RH/A and Dwg. No's. 716.PL.01_Rev.D, 716.PL.02-C, 716.PL.04 Rev.A, 2003.AIA/A and 2003.TPP/A;
Contamination Risk Assessment ref: SES/SA/LSBP/1#1;
Sutton Park Planting Schedule_Rev A 06.06.12;
Dwg. No. 716.PS.01 and Superceded proposed elevation/floor plan drawings (schedules of external materials only).

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

- 3 Notwithstanding the submitted details, no development shall take place until an interim certificate following a design stage review, based on design drawings, specifications and commitments, has been issued by an appropriately qualified officer to the Local Planning Authority, indicating the following:

that all the proposed dwellings are capable of achieving Level 6 EN1 Energy and Carbon Dioxide Emissions standards of the Code for Sustainable Homes, or whatever comparable level or standard (which) prevails at that time.

The development shall be carried out in accordance with the details so approved, and prior to the first occupation of the development a certificate, following a post-construction review, shall be issued by an appropriately qualified officer to the Local Planning Authority, indicating that the relevant code level has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for Energy and Carbon Dioxide Emissions the equivalent level of measure to Level 6 of the Code shall apply to the development hereby permitted.

Reason: In order to ensure that the development delivers very high standards of sustainability, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policy SG7 of the South Holland Local Plan 2006."

- 4 Prior to the commencement a scheme of implementation for the provision of the wind turbines, solar panels and other renewable technologies as detailed in the approved plans set out in condition 2 of this planning permission, or any alternative plan (of equivalent kW peak output) for the production of on-site renewable energy that has been agreed by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme of implementation shall ensure that the occupation of the dwellings is undertaken commensurate with the provision of the renewable energy scheme. A minimum of 100kW peak output of on-site renewable energy shall be available before the occupation of the tenth house and the renewable energy scheme in its entirety shall be fully operational before the occupation of the 60th dwelling.

Reason: In order to ensure that the development delivers on-site renewable energy production, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policy SG7 of the South Holland Local Plan 2006.

- 5 Before the first occupation of the development hereby permitted, the applicant shall submit to and have approved in writing by the Local Planning Authority a management plan for all areas of

publicly accessible open space, green corridors, sustainable urban drainage system, surface water drainage catchment areas, allotments, orchard, solar photovoltaic panels, wind turbines, roadways and footpaths and household waste and recycling collection. The management of those areas and site infrastructure and servicing shall be carried out in perpetuity in accordance with the details so approved.

Reason: To ensure that provision is made for the provision and management of public open space, site infrastructure, and household waste collection, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policy SG11, SG13, SG14, SG17, SG18 and HS11 of the South Holland Local Plan 2006.

- 6 Noise from the wind turbines shall not exceed a level of 5dB(A) (LA90,10 minute) above background noise level (LA90, 10 minute) when measured at any residential facade not within the application site.

Reason: To prevent noise pollution, to ensure that existing and future residential amenity is protected.

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

- 7 Notwithstanding the submitted Flood Risk Assessment, finished floor levels shall be set at 4.4m above Ordnance Datum (AOD).

Reason: To ensure that the development is protected from the risk of flooding.

This Condition is imposed in accordance with national guidance set out in Section 10 of the National Planning Policy Framework 2012.

- 8 Before the commencement of the development hereby permitted, the applicant shall submit to and have approved in writing by the Local Planning Authority details (at a scale of not less than 1:100) of the design and position of all garages as shown on the amended layout drawing 716.PL.01_Rev.D (received 09 November 2012). The development shall be carried out in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over this detail of the development, no details having been submitted.

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

- 9 The scheme of landscaping and tree planting shown on Dwg. No. 716.PL.04 Rev.A (received on 09 November 2012) shall be carried out in its entirety before the first occupation of the development hereby permitted. 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 ten 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 and that that landscaping is afforded time to mature, in the interests of its visual amenity and that of the area in which it is set, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

- 10 Before the commencement of the development hereby permitted, and notwithstanding the submitted details, a schedule and samples of external materials of construction of 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 schedule and 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, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

- 11 The walls to be rendered shall be smooth rendered and painted a final colour which shall be approved in writing by the Local Planning Authority before the development is commenced, and thereafter so maintained. Such rendering and approved final colouring shall be completed before the development hereby permitted is first occupied.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction and final colour 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, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials. This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

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.

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, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area within which it is set, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

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

- 14 Before the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of the design and location of secure cycle storage for each dwelling on the site. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site, in order to encourage cycling as an alternative means of transport to the private car, permission only having been granted as a Departure to the wider provisions of Policies SG2, SG4, HS4, HS7 and EC3 of the South Holland Local Plan 2006 on the basis of the schemes exceptional environmental and architectural credentials.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 15 Before the commencement of the development hereby permitted, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, the prevention of crime and a reduction in the fear of crime, to prevent light pollution and to ensure that the development is adequately lit. This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 16 No development shall take place until such time as the detailed designs of the arrangements for surface water drainage and disposal have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety of those using the adjacent highway, local residents or residents of the permitted development.

This Condition is imposed in accordance with Policy SG11 of the South Holland Local Plan 2006.

- 17 The wind turbines hereby permitted shall all be of the same height and rotor diameter, shall not exceed 25m in height to the blade tip, shall rotate in the same direction and shall be positioned so that the swept area of the blades is at least 20m away from the edge of the adjacent orchard.

Reason: In the interests of the visual amenity of the locality and to mitigate any potential impact on foraging bats.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and guidance set out in Section 11 of the National Planning Policy Framework 2012.

- 18 The ground mounted solar photovoltaic panel array shall not be installed until such time as the 3m high earth-bund to the southern boundary has been constructed and planted. The bund shall thereafter be so maintained.

Reason: To mitigate the potential impact of glare from the solar photovoltaic panels, in the interests of local residential amenity.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 19 No other part of the development hereby permitted shall be commenced until such time as the junction onto Little London, including the visibility splays, as shown on the amended layout drawing 716.PL.01_Rev.D (received 09 November 2012) has been completed.

Reason: To ensure the provision of safe and adequate access to the permitted development.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 20 Before the commencement of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority a follow-up protected species survey conducted by a licensed ecologist, paying particular attention to existing trees on the site that are to be removed, in order to assess whether further mitigation measures are required. The development shall be carried out in accordance with the survey and any recommendations so approved.

Reason: To ensure that the impact of the development on habitat that has the potential to be being used by protected species is mitigated.

This Condition is imposed in accordance with guidance set out in Section 11 of the National Planning Policy Framework 2012.

- 21 Before the commencement of the development hereby permitted, a detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority and the construction process shall thereafter be carried out in accordance with the scheme so approved.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the application 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 in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Note(s):

Where a Condition requires the approval of a sample (for example a brick, tile or surfacing material) you should arrange for the sample to be delivered to the application site for inspection and approval by the case officer. We are unable to accept samples delivered to the Council's offices.

Your attention is drawn to the existence of a Section 106 Planning Obligation regulating the development hereby permitted.

The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

Head of Planning & Development
30th January 2015

H11-0450-14