

FILE COPY

Town and Country Planning Act 1990 Planning 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 for the proposal described above, subject to any condition(s) set out below:

- 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;

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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 No. 716.PS.01 and Superceded proposed elevation/floor plan drawings (schedules of external materials only).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 of development 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. Thereafter the renewable energy scheme shall remain fully operational and continue to provide energy to all the dwellings hereby permitted."

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

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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.

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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

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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.

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- 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.

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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.



Paul Jackson
Planning Manager

12th March 2015

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This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation.