H A Architectural Services
Merton Cottage
94 High Street
Ketton
Lincs
PE9 3TE

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

RESERVED MATTERS

Reference: H11-0552-22 **Date of Decision:** 16th December 2022

Applicant: Stinders Homes SPV1 Ltd/PJK Magpie Close Ltd.
Unit 3
Birchwood One Business Park
Birchwood
WA3 7GB

Location: Land Adjacent 36 Lime Walk Long Sutton Spalding

Description: Erection of 70 Dwellings - outline approval H11-1264-18

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
4149/100 Rev. P4
4149/101 Rev. P12
4149/103 Rev. P1
4149/110 Rev. P6
4149/1000
4149/2000
4149/3000
4141/4000
4149/5000
4149/6000
4149/7000
4141/8000
8939-102-001 Rev. B
1:200 Cross-Section

Email from H A Architectural Services dated 13 September 2022 concerning ground levels

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

2 Notwithstanding the submitted plans, the closeboarded fencing to be erected along the north-eastern boundary of the rear gardens of plots 3 and 14 shall be 2 metres in height, with its base at garden level (ie, 3.3m aOD). It shall be constructed in its entirety before the development is first brought into use and shall thereafter be retained.

Reason: To ensure a satisfactory development and to prevent overlooking, in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2021.

3 The rooflight on the rear elevation of the dwelling on plot 14 shall not be installed below 1.7 metres above the floor of the room in which it is located and shall be retained as such thereafter.

Reason: To define the terms of the permission and to protect the privacy of neighbouring residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 There shall be no pedestrian link alongside plot 45 to the play area to the east.

Reason: To ensure a satisfactory development in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to protect residential amenity, mitigate against the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction;
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

Reason: In the interests of residential amenity, the safety and free passage of those using the adjacent public highway 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6 Notwithstanding the details shown on the submitted drawings, provision shall be made at the Lime Walk junction for the safe crossing of Lime Walk by pedestrians and wheelchair users.

Reason: To ensure the permitted development is safely and adequately accessible by all users.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 Notwithstanding the details shown on the submitted drawings, no parts of the adoptable highway shall be constructed using permeable pavement.

Reason: Permeable pavement has not been demonstrated to be effective for the management of surface water drainage on this site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 Notwithstanding the detail shown on the submitted drawings, provision shall be made for the location of utility company services other than placing such services longitudinally under the adoptable carriageway.

Reason: To avoid the need for the public highway to be closed in order to facilitate future access to maintain or connect to utility company services.
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

Note: This consent is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 accompanying outline planning permission ref. H11-1264-18 and can

only be implemented as a consequence of meeting the provisions of that Agreement

Note: The applicant is reminded that Conditions 6, 7 and 12 of outline planning permission ref. H11-1264-18 must be discharged through a separate condition compliance application as these are not Reserved Matters.

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. 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. For guidance, please refer to https://www.lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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. For further guidance please visit our website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

The formation of the access onto Lime Walk will require the construction of a bridge or culvert over the existing roadside watercourse. This watercourse is owned by the Internal Drainage Board, who will determine the minimum capacity of the flow through this structure, but in any event, it is unlikely that the 525 mm diameter pipe, shown on the submitted details, will be sufficient. This will mean the structure will have to be adopted by the highway authority. The Applicants are advised to engage with the Structures Team at Lincolnshire County Council at an early stage as the design requirements for such structures are very onerous and the approval process can therefore take a considerable time to be successfully concluded.

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. The Board's Officers have reviewed the amended documents submitted in support of the this planning application and have noted works which require Land Drainage Consent from the Board as outlined below:

Byelaw 3 (Surface Water)
The applicant proposes to discharge surface water to a watercourse at 2l/s. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and it is recommended that the applicant contacts the IDB to make an application for this consent at their earliest convenience.

Byelaw 3 (Treated Foul Water)
Note that the applicant intends to dispose of foul water to a main sewer. Should the

applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
Note the presence of a Board Maintained and owned watercourse (K16 Lutton Eau) adjacent to the western site boundary. The amended document drawing number: 4149/101 Rev. P12 (HA architectural services, 28/11/2022) indicate that the proposal has changed from a culvert to a bridge, while the amended drainage design drawing no. 8939-102-001 Rev. B (Barter Hill Partnership, 17/11/2022) now indicates a culvert is proposed. Depending on the details of the proposed bridge/culvert, consent will be required either under Section 23 of the Land Drainage Act 1991 (and byelaw 4) or under Byelaw 10, and it is recommended that the applicant contacts the IDB to make an application for this consent at their earliest
convenience.

Byelaw 10
Note that the applicant intends to construct an access road and drainage infrastructure within 9 metres of the aforementioned Board Maintained and owned watercourse as indicated on plan 8939-102-001 Rev B Preliminary Drainage Strategy Phase 1 (Barter Hill Partnership, 17/11/2022). To enable this proposal, consent would be required under Byelaw 10, and it is recommended that the applicant contacts the IDB to make an application for this consent at their earliest convenience.

It is not clear from amended documents whether or not the applicant is proposing any land raising, trees or indeed an attenuation pond within 9 metres of the aforementioned Board maintained and owned watercourse. It is unlikely that the Board would approve an application for any of the above listed works therefore, due to the lack of clarity on this and the proposed distances from the Board maintained drain it is at this point impossible to determine whether or not this proposal is acceptable under the Board's Planning and Byelaw Strategy.



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.