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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H13-0372-18 **Date of Decision:** 12th November 2018

Applicant: Ashley King Developments Ltd
1 Goodison Road
Spalding
Lincs
PE12 6FY

Location: Land Off Broad Lane Moulton Spalding

Description: Residential development of 39 dwellings - approved under H13-0558-17.
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:

Accompanying planning permission H13-0372-18:
Letter from applicant dated 22nd March 2018;
SL-01 Rev P (18th July 2018);
SPAR 101 Rev A;
SPAR 201 Rev A; and
SPAR 301 Rev A.

Accompanying planning permission H13-0558-17:
CAMB-100;
PR10236-001;
PR10236-002;
PR10236-003;

PR10236-004;
PR10236-005;
PR10236-006;
Letter from applicant dated 8th June 2017.

Accompanying planning permission H13-0013-15:

201.LP.01;
201.K2S2B01-B.P.01;
201.K2S3B01-B.P.01;
201.K2S3B02-B.P.01;
201.K2S3B03-R.36.P.01;
201.K2S4B01-B.P.01;
201.K2S4B02-R.P.01;
201.K2S4B03-B.P.01A;
201.K1S2B03-B.P.01;
201.K1S2B02-B.P.01A;
201.K1S3B02-B.P.01;
201.K1S3B01-B.P.01;
201.Aff-1B2P-01R.P.01;
201.Aff-2B4P-01.P.01;
201.Aff-3B5P-01.P.01A;
201.Aff-3B5P-01&K2S4B02-R.P.01 (please note that house type Aff-3B5P-01 has been superseded by dwg. no. SPAR 101 Rev A which accompanies planning permission H13-0372-18);
201.DSG.P.01;
201.DDG.P.01; and
Flood Risk Assessment (prepared by Geoff Beel Consultancy, dated August 2014).

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

- 2 Measures to deal with any contamination of land or pollution of controlled waters shall be implemented in accordance with details accompanying condition compliance application ref. H13-0512-17.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. 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 SG13 of the South Holland Local Plan, 2006.

- 3 External materials of construction of buildings and hard surfaced areas shall be in accordance with details accompanying condition compliance application ref. H13-0512-17.

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.

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

- 4 The design and positions of all external boxes for gas and electricity supplies and of any

gas flues and soil vent pipes shall be in accordance with details accompanying condition compliance application ref. H13-0512-17.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

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

- 5 The scheme of landscaping and tree planting for the site shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. The scheme shall be carried out, in its entirety, within a period of twelve months, beginning with the date on which development is commenced. 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.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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.

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

- 6 The boundary treatment shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. It shall be implemented in full, before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

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

- 7 The management of publicly accessible open space (to include the Local Area of Play), shall be carried out in accordance with details accompanying condition compliance application ref. H13-0512-17.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted, and that provision is made for the management and maintenance of the open space. 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 Policies SG1 and HS11 of the South Holland Local Plan 2006.

- 8 Landscape management and maintenance of the areas of incidental open space, refuse/recycling collection points and parking courts/private drives, shall be carried out in accordance with details accompanying condition compliance application ref. H13-0512-17.

Reason: To ensure that provision is made for the management and maintenance of communal areas. 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 Policies SG1 and HS11 of the South Holland Local Plan 2006.

- 9 The works to link the footways on the permitted development to the end of the existing footways on Broad Lane and Westmoreland Road shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. No dwelling shall be occupied until such time as the link footway is completed.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 10 Before each dwelling is occupied, the roads and/or footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building, in the interests of residential amenity, convenience and safety.

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

- 11 No dwellings shall be commenced before the first 50 metres of estate road, from its junction with Broad Lane, including the visibility splay, as shown on drawing number SL-01 Rev O, dated January 2017, has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, and to enable calling vehicles to wait clear of the carriageway of Broad Lane. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 12 Before any dwelling is commenced, all of that part of the estate road and associated footways that form 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 details to be submitted to, and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway, and the safety of the users of the site. 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 Policies SG14 and SG15 of the South

Holland Local Plan, 2006.

- 13 Development processes shall be carried out in accordance with the construction management scheme accompanying condition compliance application ref. H13-0512-17, in order to minimise disturbance during the construction process through noise, dust, vibration and smoke.

Reason: In the interests of the amenity of local residents. 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 SG17 of the South Holland Local Plan, 2006.

- 14 Precautions to be taken to prevent the deposit of mud on public highways, by vehicles travelling from the site during construction of the development, shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. These precautions shall be kept available and in full working order, until such time as the Local Planning Authority agrees, in writing to their withdrawal, or the completion of the development.

Reason: In the interests of highway safety during the construction process. 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 Policies SG15 and SG17 of the South Holland Local Plan, 2006.

- 15 Surface water disposal shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. The details so approved shall be implemented, in full, before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. 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 Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

- 16 Foul water disposal shall be in accordance with details accompanying condition compliance application ref. H13-0512-17. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution. 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 Policies SG12 and SG13 of the South Holland Local Plan 2006.

- 17 Finished floor levels shall be set 300mm above average ground levels, in accordance with details accompanying condition compliance application ref. H13-0512-17.

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.

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>

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 28th November 2016 and subsequent Deed of Variation under s.106A of the same Act, dated 2nd November 2018 and can only be implemented as a consequence of meeting the provisions of that Agreement.



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.