Allison Homes East
Fleet House
Cygnet Road
Hampton
Peterborough
PE7 8FD

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
SECTION 73A CONTINUATION

Reference: H13-0483-24 **Date of Decision:** 11th September 2024

Applicant: Allison Homes East
Fleet House
Cygnet Road
Hampton
Peterborough
PE7 8FD

Location: Land North Of: Roman Road Moulton Chapel Spalding

Description: Erection of 86 dwellings and associated works - approved under H13-1215-18. Modification of Condition 2 to allow amendments to previously approved plans

South Holland District Council hereby give notice that permission 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1 The development hereby permitted shall be carried out in accordance with the following approved plans/documents as superseded or amended by a subsequent consent(s):

REF. H13-0483-24
Application Form
L181/LP/01
L181/AH/01
L181/SH/01
L181/SITE/01 Rev H
L181/CHARTER/01
L181/LANDSCAPE/01
L181/LANDSCAPE/02
L181/LANDSCAPE/03
L181/LANDSCAPE/04
L000/DSG/02

L000/SG/04
L181/1206/01 Rev D
L181.1305.DS-01
L181/2309/01 Rev D
L181/2435/01 Rev D
L181-C306-D-DS-01
L181-D401-D-DS-01
L181-D404-DS-01
L181-D409-D-DS-01
L181-D409-D-DS-02
L181-M410-D-DS-01
L181.3.5.DS-01
40-01 Rev P20
40-14-01 Rev P10
40-14-02 Rev P10
40-15-01 Rev P10
40-15-02 Rev P10
40-18 Rev P18
40-20 Rev P6
L181/LSP/01
L181/PLANSECTION/01 Rev K
L181/SEC/A-A Rev C
LIBI/SEC/D-D Rev E
L181/SEC/H-H Rev E
L181/SEC/K-K Rev E
L181/SEC/M-M Rev E

REF. H13-0511-24
L181/CMP/01 Rev F

REF. H13-1111-23
Estate and Landscaping Management Plan dated 21 October 2022
Dwg. no. L181/MSTRCON/01 Rev B relating to Estate and Landscaping Management details
Details of Management Company within letter dated 10 October 2022
Details of play area by Proludic Ltd dated 29 April 2022
Email from Allison Homes East dated 26 February 2024

REF. H13-0709-23
Discharge of Conditions Statement by Allison Homes dated August 2023
JBA21/255-01 Rev B
JBA21/255-02 Rev B
JBA21/255-03 Rev B
JBA21/255-04 Rev B
40-02-01 Rev P4 Sheet 1 of 2
40-02-01 Rev P4 Sheet 2 of 2
40-03-01 Rev P5
40-03-02 Rev P5
40-04 Rev P5
40-05 Rev P8

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40-06 Rev P3
40-07-01 Rev P5
40-07-02 Rev P5
40-08 Rev P8
40-12 Rev P9
40-13 Rev P11
40-16 Rev P5
40-17-01 Rev P4
40-17-02 Rev P5
40-17-03 Rev P3
40-19-01 Rev P4
40-19-02 Rev P4
40-19-03 Rev P4
40-19-04 Rev P4
40-19-05 Rev P5
40-19-06 Rev P2
40-19-07 Rev P2
40-21-01 Rev P2
40-21-02 Rev P2
L181/LANDDRN/01 Rev C
L181/PLANSECTION/01 Rev J
L181/SEC/B-B Rev B
L181/SEC/C-C Rev B
L181/SEC/E-E Rev D
L181/SEC/F-F Rev D
L181/SEC/G-G Rev D
L181/SEC/I-I Rev D
L181/SEC/J-J Rev D
L181/SEC/L-L Rev D
L181/SEC/N-N Rev D
L181/SEC/O-O Rev C
L181/SEC/P-P Rev B
L181/SEC/Q-Q Rev D
L181/SEC/R-R Rev E
L181/SEC/S-S Rev E
L181/SEC/T-T Rev D
L181/SEC/U-U Rev A
L181/SEC/V-V Rev A
Construction Management Plan by Larkfleet Homes Ltd dated July 2021
Ground Investigation Report by EPS (ref. no. UK18.4158 Issue 1) dated 26 October 2018
Phase 1 Geo-Environmental Desk Study by EPS (ref. no. UK22.6185 Issue 2) dated 20 January 2023
Remediation Method Statement by Tangent Group dated 14 July 2023
Written Scheme of Archaeological Investigation (Issue 1) by Pre-Construct Archaeology Ltd dated August 2021

REF. H13-1215-18
1:2500 Location Plan
SL-01 Rev E

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1206/A00/DS
1207/L00/DS
L000/2110/DS
L00/2224/DS Rev B
2307/L00/DS
L000/2308/DS
2318/DS
2318b/DS
L00/2324/DS
L00/2328/DS
L00/2329/DS1
L00/2329/DS2
L00/2401/DS
2404/L00/DS
L00/2409/DS
L00/2430/DS
2432/A00/DS
L00/2434/DS
2435/L00/DS
2510/L00/DS/AS/02
2510/L00/DS/AS/01
L00/2513/DS
L000/DG/01
L000/DG/02
L000/SG/05
Transport Assessment by ADC Infrastructure Ltd (Ref: ADC1892-RP-A)
Flood Risk Assessment by RSK (Ref: 881565-R1(02) - FRA) dated April 2019
Archaeological Desk-Based Assessment by CGMS Heritage (Ref: MF/24826/01) dated September 2018
Archaeological Evaluation Report No. R14069 by Pre-Construct Archaeology Ltd dated March 2020
Arboricultural Report by AWA Tree Consultants (Ref: AWA2421) dated October 2018
Protected Species Report by Lockhart Garratt (Ref: 18-0898 - Version V1) dated 16 July 2018

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

2 The development shall be constructed in accordance with the approved schedule of external materials of construction of buildings and hard surfaced areas.

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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3 The approved scheme of landscaping shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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

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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, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 Boundary treatment/screening shall be in accordance with details shown on dwg. no. L181/CHARTER/01 and Section Plans accompanying this application (ref. H13-0483-24). Screening along the western boundary shall consist of 1.8 metre close boarded fencing on 300mm concrete gravel boards (total height 2.1 metres above ground level).

Reason: For the avoidance of doubt and to define the terms of the permission, in the interests 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 and national guidance contained within the National Planning Policy Framework, December 2023.

5 Proposed finished floor levels of the buildings and proposed site levels of the highway, hard surfaced areas and garden/amenity areas shall be strictly in accordance with details shown on dwg. nos. 40-14-01 Rev P10 and 40-14-02 Rev P10 (External Works) accompanying this application (ref. H13-0483-24). The development shall be constructed and retained in accordance with the details so approved.

Reason: For the avoidance of doubt and to define the terms of the permission in the interests of the character, appearance and amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework, December 2023.

6 The construction process shall be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment, unless otherwise agreed in writing by the Local Planning Authority. In particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set at least 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

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

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risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

8 A full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria has been fully met.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9 Management of the areas of publicly accessible open space shall be carried out in accordance with the approved details.

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 Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

10 An equipped children's play area shall be provided within the site in accordance with the approved details, and thereafter so maintained.

Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

11 The approved scheme for the storage and disposal of refuse and recycling shall be fully implemented before any dwelling to which it relates is occupied and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12 Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed in accordance with the approved details. 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 that a safe and suitable standard of vehicular and pedestrian access

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is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

13 No dwelling shall be commenced before the first 60 metres of estate road from its junction with Roman Road, including visibility splays, has been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

14 Before any dwelling is commenced, all of that part of the estate road and associated footways that forms 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 the approved details.

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 Policy 2 of the South East Lincolnshire Local Plan, 2019.

15 No dwelling shall be occupied until the approved surface water drainage scheme has been completed or provided on the site in accordance with the approved details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: 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.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

16 No dwelling shall be occupied until land drains have been provided along the eastern and western boundaries of the site in accordance with the approved details. They shall thereafter be retained and maintained in full working order.

Reason: To ensure a satisfactory development and alleviate surface water run-off onto neighbouring property, in the interests of the amenities of the locality.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework, December 2023.

17 Prior to the occupation of any dwelling, the foul water drainage works relating to that dwelling must have been carried out in complete accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision

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of suitable water infrastructure.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

19 The development shall be carried out in accordance with the recommendations within the approved Extended Phase 1 Survey Report.

Reason: In the interest of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

20 Archaeological work shall be carried out on site in accordance with the approved written scheme of archaeological investigation and a copy of the final report shall be submitted to the Local Planning Authority and the Lincolnshire Historic Environment Record within 3 months of the work being carried out. 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, December 2023.
This Condition is imposed in accordance with Policy 29 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 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

This planning permission is subject to a Deed of Variation to a Section 106 Agreement dated 5th September 2024 and can only be implemented as a consequence of meeting the provisions of that Agreement.

The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. 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. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

Your attention is drawn to correspondence from the South Holland Internal Drainage Board dated 14 June 2024. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are reminded that any amendments must respect those Bye-laws. Please contact the Drainage Board directly for further information.

All drainage works within the spread of the preserved Sycamore tree to the rear of Plot 115 and also neighbouring trees along the western boundary in particular should be carried out by hand and care taken not to damage tree roots whatsoever.

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan, or

(c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented

development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at
https://www.gov.uk/guidance/biodiversity-net-gain.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Variation of a planning permission

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and

(b) the conditions subject to which the planning permission is granted:

(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and

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(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

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.