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Ashley King (Developments) Limited
Manor Farm
Fen Road
Holbeach
Lincolnshire
PE12 8QA

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H13-0558-17 **Date of Decision:** 26th July 2017

Applicant: Ashley King (Developments) Limited
Manor Farm
Fen Road
Holbeach
Lincolnshire
PE12 8QA

Location: Land Off Broad Lane Moulton Spalding Lincolnshire

Description: Residential development of 39 dwellings - re-submission of H13-0746-14 - approved under H13-0013-15. Modification to 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 must be begun not later than 30th November 2019.

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:
Letter from applicant dated 8th June 2017.
Dwg. No's: SL-01E (June 2017) and CAMB-100
Dwg. No's: PR10236-001, PR10236-002, PR10236-003, PR10236-004, PR10236-005, PR10236-006.

Accompanying planning permission H13-0013-15 - Dwg No's: 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.K1S2B02-B.P.01, 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, 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.

3 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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 has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

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.

4 Before the commencement of the development hereby permitted beyond oversite a schedule 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 materials 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.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

5 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

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.

6 Notwithstanding the submitted information, before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority 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.

7 Notwithstanding the submitted information, prior to its installation, details of the proposed boundary treatment, including a schedule of materials and details of the size and species

of any hedging shall be submitted to, and approved in writing by the Local Planning Authority, and the details so approved 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.

8 Before the commencement of development hereby permitted, a management plan for the areas of publicly accessible open space (to include the Local Area of Play), including management responsibilities and maintenance schedules, shall be submitted to, and approved in writing by the Local Planning Authority. The management of these areas shall be carried out in accordance with the details so approved.

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.

9 Before the commencement of development hereby permitted, details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts/private drives, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

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.

10 No development shall take place before detailed drawings have been approved by the Local Planning Authority for the provision of footways, to link the footways on the permitted development to the end of the existing footways on Broad Lane and Westmoreland Road. 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.

11 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.

12 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 201/SL.01H, dated 02/12/15, 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.

13 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.

14 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, before the development commences, and the construction process shall be carried out in accordance with the scheme so approved.

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.

15 Details of the 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 submitted to, and approved in writing by the Local Planning Authority, before the development commences. These facilities shall include the provision of wheel washing facilities, where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the

development, and 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.

16 Before the commencement of the development hereby granted, full details of the means of surface water disposal shall be submitted to, and approved in writing by the Local Planning Authority. 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 10 of the National Planning Policy Framework, 2012.

17 Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. 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.

18 Finished floor levels shall be set 300mm above average ground levels, in accordance with details to be submitted to, and approved in writing by the Local Planning Authority.

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 10 of the National Planning Policy Framework, 2012.

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 26th July 2017 and can only be implemented as a consequence of meeting the provisions of that Agreement.



Paul Jackson
Place 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 Authroity 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.