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TOWN AND COUNTRY PLANNING ACT 1990

RESERVED MATTERS

Reference:	H14-0328-21	**Date of Decision:**	25th September 2024
Applicant:	Postland Developments Ltd Poplar Farm Wisbech Road Coates Peterborough PE7 2DU		
Location:	Land Off Milestone Lane Pinchbeck Spalding		
Description:	Residential development of 35 dwellings and associated works - outline approval H14-1311-16. Also consideration of Conditions 3, 5 and 15 of H14-1311-16		

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 and documents:

Application Form
Site Location Plan
Planning Design and Access Statement (Revised 28.04.2022)
Landscaping Maintenance Plan
MLP/22/01.A. Planting Plan
Protected Species Report. HELEN SCARBOROUGH. OCTOBER 2021
Landscaping Planting Schedule, prepared by Jonathan Biggadike
East Midlands Tree Surveys Ltd. Arboricultural Impact Assessment dated 26.8.22
East Midlands Tree Surveys Ltd. BS5837:2012 - Trees in relation to design, demolition and construction. Tree Constraints Report dated 19.07.21
243.D.01H. Site Layout

243.D.14C. Site Layout Plan - Brick and Roof Tile Materials
Facing Materials and Roof Tiles dated 5.10.22 (including drawing no. 243.D.14C)
21027-012 P9. Proposed Private Footpath
21027-013 P11. Off Site Works - General Arrangement
243.D.12B. Double Garage & Single Garage - Plans & Elevations
243.D.03. Plot 3 - The Hornsby - Floor Plans & Elevations
243.D.04A. Plots 5, 6, 7, 8, 25 & 26 - The Chester - Floor Plans & Elevations
243.D.05. Plots 9, 10 & 12 - The Willoughby 2 bed option - Floor Plans & Elevations
243.D.05B. Plot 11 - The Willoughby 3 bed option - Floor Plans & Elevations
243.D.06A. Plots 1, 2 & 24 - The James - Floor Plans & Elevations
243.D.07A. Plots 13, 14, 15, 20 & 23 - The Eaton - Floor Plan & Elevation
243.D.08A. Plots 4 & 35 - The Yorke - Floor Plans & Elevations
243.D.09A. Plots 16, 17, 18, 19, 21 & 22 - The Fulton - Floor Plans & Elevations
243.D.10A. Plots 27 & 34 - The Ashton - Floor Plans & Elevations
243.D.11A. Plots 29 & 30 - The Stanton 1 bed option - Floor Plans & Elevations
243.D.11B. Plots 28, 31, 32, 33 - The Stanton - Floor Plans & Elevations

Unless otherwise required by conditions attached to this permission.

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

2 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.

3 Three swift nest bricks shall be incorporated within the external walls of each two storey dwelling hereby approved and shall be retained thereafter.

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

4 The landscaping and biodiversity measures, as proposed by this application, shall be undertaken in accordance with the details and recommendations outlined within the:

- Protected Species Report. HELEN SCARBOROUGH. OCTOBER 2021
- Arboricultural Impact Assessment. East Midlands Tree Surveys Ltd (Dated 26.8.22)
- BS5837:2012 - Trees in relation to design, demolition and construction. Tree Constraints Report. East Midlands Tree Surveys Ltd (Dated 19.07.21)
- Landscaping Maintenance Plan; and
- MLP/22/01.A. Planting Plan and shall be retained thereafter.

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

5 Notwithstanding the submitted details, before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place, with a specific need for cross-sectional drawings showing the resultant relationship along the southern boundary and to No. 50 Milestone Lane.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

6 Notwithstanding the submitted details, prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details shall take account of the proposed site levels and finished floor levels as required by Condition 5 of this permission.

The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 Notwithstanding the submitted details, before the commencement of the development beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any

flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

8 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C or D of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those expressly authorised by this permission, without express planning permission first having been granted by the Local Planning Authority.

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;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

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

9 Notwithstanding the provisions of Schedule Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those permitted as part of this 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 area.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.

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 11 September 2017 and Deed of Variation dated 27 August 2024 and can only be implemented as a consequence of meeting the provisions of that Agreement.

LCC Highways Note

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.

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

Informative Note

It is noted that the submission contains details in respect of drainage levels which, as detailed within the covering letter prepared by Matrix Planning dated 23 November 2023, have been subject to formal consultation with Lincolnshire County Council and the Internal Drainage Board. The conditions numbered 5, 6 and 7 have been attached partially due to the removal of site levels, to ensure suitable assessment of these matters via planning condition prior to the commencement of development, to adequately prevent unacceptable resultant impact upon neighbour amenity. Conditions have therefore been attached in respect of levels and drainage, so the Local Planning Authority can retain control over, and to ensure the suitability of levels, with a specific need for new cross-sectional drawings showing the resultant relationship along the southern boundary and to No. 50 Milestone Lane; with further consideration also required in respect of drainage details as a result, should these be altered as a result of the level details.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure

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.