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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H16-0576-21 **Date of Decision:** 9th September 2021

Applicant: The Glenholme Group
79 High Street
Eton
Windsor
SL4 6AF

Location: Halmer Court 108 Halmer Gate Spalding

Description: Proposed 61 bedroom care home approved under H16-0008-19. Modification of Conditions 2 and 19 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:

Accompanying H16-0576-21:
SL(5)500 Rev I
BPH L1 Rev G

Accompanying H16-0008-19:
G5105 SLP01;
G5105 SLP2;
G5105 41 Rev A;
G5105 42 Rev C;
G5105 43 Rev A;
G5105 51 Rev A;
G5105 52 Rev B;
G5105 53 Rev A;
G5105 81;

G5105 82;
G5105 101 Rev B;
G5105 102;
G5105 103 Rev A;
G5105 104;
G5105 105;
G5105 901;
G5105 902;
10090 (Topographical Survey);
Drainage Search Plan;
DWA/001 (Tree Survey Plan);
Flood Risk Assessment (prepared by S M Hemmings, dated 26th November 2018);
Surface Water Drainage Strategy (prepared by W A Consulting Engineers, dated December 2018);
Infiltration Testing Results (prepared by Sub Surface North East Ltd, dated 21st December 2018);
Drain Survey (prepared by Drain Doctor, dated 30th October 2018);
Greenfield Run-off Calculation (prepared by HR Wallingford, dated 21st December 2018);
Drainage Calculations (prepared by Ward Associates, dated December 2018);
Arboricultural Survey Report (prepared by Hill-fort Tree Care, dated 25th October 2018); and
Walkover Survey and Desk Study (prepared by Sub Surface North East Ltd, dated November 2018).

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

2 Two full copies of a full closure report (relating to land contamination) shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason: To ensure that any polluted land has been satisfactorily addressed.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

3 The drainage scheme indicated on dwg. no. SL(5)500 Rev I 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 Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

4 The development hereby permitted shall be constructed in accordance with the levels details approved by virtue of condition compliance application ref. H16-0524-19.

Reason: To reduce the risk of flooding of the development.
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning

DC_FINAL_DECISION - ODB:14

Policy Framework, 2021.

5 The CCTV scheme approved by virtue of condition compliance application ref. H16-0679-20 shall be implemented, managed and maintained in accordance with the approved scheme and programme.

Reason: In the interests of community safety and residential amenity
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019, and national guidance contained in Section 8 of the National Planning Policy Framework, 2021.

6 The external lighting scheme approved by virtue of condition compliance application ref. H16-0679-20 shall be implemented in accordance with the approved scheme.

Reason: In the interests of amenity and public safety.
This condition is imposed in accordance with Policy 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 Flood Risk Assessment (prepared by S M Hemmings, dated 26th November 2018) forming part of application ref. H16-0008-19, 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:

- The finished floor level of the upper ground floor level shall be set at a minimum of 5.20m OD;
- Demountable defences shall be installed to all external doorways to protect the building up to a depth of 600mm above the finished floor level; and
- Flood resilient construction should be included to a height of 300mm above the predicted flood depth.

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 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, 2021.

8 The lower ground level of the development hereby permitted shall be used non-habitable accommodation only and as annotated on dwg. no. G5101 101 Rev S (accompanying Non-Material Amendment application ref. H16-1111-20) and for no other habitable accommodation.

Reason: To ensure that there is no sleeping or vulnerable accommodation on the lower ground level or order to protect inhabitants from the 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, 2021.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no extensions to provide additional habitable/living accommodation shall be

DC_FINAL_DECISION - ODB:14

erected.

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 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, 2021.

10 The cycle storage facility indicated on dwg. no. G5105 52 Rev D (accompanying Non-Material Amendment application ref. H16-1111-20) shall be completed prior to the first use of the development hereby permitted.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

11 The obscure glazing to be installed on the western elevation of the building to the first floor terrace shall be installed prior to first use of the development hereby approved and retained for the lifetime of the development.

Reason: In the interests of maintaining the privacy of the neighbouring residential properties.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

12 The scheme of landscaping and tree planting shown on dwg. no. BPH L1 Rev G 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 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.

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

DC_FINAL_DECISION - ODB:14



Phil Norman
Planning 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		

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.