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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H16-0710-22 **Date of Decision:** 30th November 2022
Applicant: Mr Wilson
C/O Remway Design Ltd
4 Dairy Close
Pinchbeck
Spalding
PE11 3ZE
Location: Land South East Of Littleworth Drove Lucks Bridge Spalding
Description: Residential Development 9 x 1.5 storey houses - approved under H16-0193-19.
Modification of Conditions 13, 14 & 15 relating to access roads and drainage -
re-submission of H16-0263-21

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:

H16-0710-22

Application form
Site Location Plan 3103 S01

Proposed Drainage Strategy DR-REP-0213
Drainage General Arrangement 0213-JCE-00-SI-DR-C-3000
Maintenance Responsibility Plan 3103-S03 (A1)
Maintenance Responsibilities
Suggested Restrictive Covenant
Sample Service Agreement & Waste Transfer Note

H16-0193-19

Application Form

H16-0621-17

Application Form
2475/01
Flood Risk Assessment Revision A (prepared by SM Hemmings, dated 21 July 2017)
Addendum to Flood Risk Assessment (prepared by SM Hemmings, dated 17 October 2017)

H16-0692-22

Application Form
3103 - S02 (a1) rev G
3103 - S03 (A1)
Sample Service Agreement & Waste Transfer Note
Maintenance Responsibilities
Proposed Drainage Strategy. DR-REP-0213 Revision: 00. 21/06/2022
0213-JCE-00-SI-DR-C-3000

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

- 3 The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
- i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
 - ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
 - iii) the means of foul and surface water disposal;
 - iv) details of landscaping and tree planting;
 - v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies 1, 2, 3 and 6 of the South East

- 4 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 Policies 2 and 3 South East Lincolnshire

Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 5 When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. 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 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 2 South East Lincolnshire Local Plan 2019.

- 6 The approved boundary treatments, as approved by H16-0692-22 set out above 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 2 of the South East Lincolnshire Local Plan 2019.

- 7 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 2 South East Lincolnshire Local Plan 2019.

- 8 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment Revision A (prepared by SM Hemmings, dated 21 July 2017) and Addendum to Flood Risk Assessment (prepared by SM Hemmings, dated 17 October 2017) forming part of this planning application, 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:

- dwellings to have no ground floor sleeping accommodation;
- finished floor levels to be set at 3.10 metres AOD; and
- flood resilient / resistant measures to be incorporated to a minimum of 300mm above finished floor level with 600mm demountable defences.

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 2 and 4 of the South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 9 When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by the following details:

i) a plan providing the following information for each tree on site with a trunk diameter exceeding 100mm measured over the bark at a point 1.5 metres above ground level:

- a reference number
- its location
- its species
- an accurately drawn canopy and measurements of its radius
- its approximate height
- an assessment of its general state of health and stability;
- ii) details of which trees are proposed to be removed;
- iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped until the above information has been submitted to and approved by the Local Planning Authority unless first agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of those trees on the site which are of amenity value, in the interest of the visual amenity of the locality.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 10 Prior to the commencement of the development, a detailed plan setting out proposals for the management of the ecology of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include proposals for the protection of wildlife and its habitat within the site, appropriate mitigation measures, a programme for the implementation, proposals for longer term arrangements and supervision by a qualified ecologist.

Reason: In the interests of the protection of the ecology and associated habitat 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 Policy 28 South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 11 When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/maneuvering/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

Reason: To enable calling vehicles to wait clear of the carriageway of South Drove and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

This Condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 12 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, shall be constructed in accordance with the intentions of the Maintenance Responsibility Plan ref 3103-S03, the Maintenance Responsibilities. 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 2 and 3 South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 13 The private road hereby approved shall be constructed and the management of the road shall be managed and maintained in accordance with the details set out within approved documents Proposed Drainage Strategy DR-REP-0213, Drainage General Arrangement 0213-JCE-00-SI-DR-C-3000, Maintenance Responsibility Plan 3103-S03 (A1) and Maintenance Responsibilities.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the private road serving the development; and to safeguard the visual amenities of the locality and users of the highway.

This Condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan 2021.

- 14 The development shall be carried out in accordance with the approved drainage scheme hereby approved; Proposed Drainage Strategy DR-REP-0213, Drainage General Arrangement drawing ref 0213-JCE-00-SI-DR-C-3000 and Maintenance Responsibility Plan 3103-S03; and no dwelling shall be occupied until the approved scheme has been completed or provided on the site. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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 2, 3 and 4 South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2021.

- 15 The approved details of the means of foul water disposal, as approved by H16-0692-22 set out above, shall be implemented in full before the development 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 Policies 2 and 3 South East Lincolnshire Local Plan 2019.

- 16 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. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along South Drove and residential amenity.

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 Policies 2 and 3 South East Lincolnshire Local Plan 2019.

- 17 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 2 and 3 South East Lincolnshire Local Plan 2019.

- 18 The means of storage and disposal of refuse and recycling shall be undertaken in accordance with the approved details, as approved by H16-0692-22 set out above. The approved scheme shall be fully implemented and 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 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 and 3 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>

Homeowners need to be advised of the Internal Drainage Board requirement for no obstructions within the 9 metre easement strip, preferably within the property deeds.



Phil Norman
Head of Planning
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@planninginspectorate.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.