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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H16-0914-16 **Date of Decision:** 21st October 2016

Applicant: D & R Property Services Ltd
5 The Wentworths
Long Sutton
Spalding
Lincs
PE12 9RT

Location: 24 Green Lane Spalding

Description: Residential development for 15 dwellings, approved under H16-0996-15- Modification of 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 hereby permitted shall be carried out in accordance with the following approved plans:

Dwg. No: 2775/15-06E.

Accompanying planning permission H16-0421-15: Dwg. No's: 2775-15-01B, 2775-15-02B and 13514/01,
Flood Risk Assessment (prepared by Geoff Beel Consultancy, dated November 2014) and Environmental and Noise Vibration Assessment (prepared by Acoustic Associates Peterborough, dated December 2014).

Accompanying condition compliance approval H16-0867-15: Dwg. No's: 2775-15-03B, 2775-15-04E, 2775-15-05D and Geoenvironmental Desk Study (prepared by Goldfinch Environmental Ltd re: 0317/1, dated September 2015).

Accompanying condition compliance approval H16-0395-16: Site SHE Management File (RK Wilson Ltd),
Principal Contractor Health & Safety Plan (Dan Grannell), Traffic Management Plan and Fire Safety Plan.

Accompanying condition compliance approval H16-0573-1614015/20B and 14015/21B.

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

2 External materials of construction of buildings and hard surfaced areas shall be carried out in accordance with details accompanying condition compliance application reference H16-0867-15.

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.

3 No development shall commence until measures to deal with any contamination of land or pollution of controlled waters have been implemented in accordance with details accompanying condition compliance application reference H16-0867-15. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

4 Details of the means of surface water disposal shall be carried out in accordance with details accompanying condition compliance application reference H16-0573-16. 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 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.

5 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 approved details accompanying condition compliance application reference H16-0573-16.

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 SG14 and SG15 of the South Holland Local Plan 2006.

6 The design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be carried out in accordance with the details accompanying condition compliance application reference H16-0867-15.

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.

7 The scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be carried out in accordance with the details accompanying condition compliance application reference H16-0395-16.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

8 The development hereby permitted shall be carried out in accordance with the proposed mitigation measures outlined in the submitted Environmental Noise and Vibration Assessment (prepared by Acoustic Associates Peterborough, dated December 2014, in particular Section 7.2 and the accompanying appendices. With specific reference to the proposed acoustic fence, this shall be completed before the occupation of the first dwelling on site and thereafter so maintained.

Reason: In the interests of the amenity of future occupants.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

9 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.

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 Policy SG14 and SG15 of the South Holland Local Plan 2006.

10 No dwellings shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, as shown on drawing number 2775-15-06E 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 Green Lane.
This Condition is imposed in accordance with Policy SG14 and SG15 of the South Holland

Local Plan 2006.

11 The scheme of landscaping and tree planting shown on dwg. no. 2775-15-06E 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.

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.

12 The design and location of secure cycle storage for each dwelling on the site shall be carried out in accordance with the details accompanying condition compliance application reference H16-0867-15.
No dwelling shall be occupied until the approved secure cycle storage has been provided and shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site, in order to encourage cycling as an alternative means of transport to the private car.
This Condition is imposed in accordance with Policy SG15 of The South Holland Local Plan 2006.

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

The applicants attention is drawn to the comments received by Network Rail on 8th June 2015 regarding the responsibilities of the developer in respect of neighbouring railway land.



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.