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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H16-0933-16 **Date of Decision:** 19th December 2016

Applicant: Octagon Developments Ltd
Mail House
Ivatt Way
Peterborough
Cambs
PE3 7PN

Location: 17-21 Winsover Road Spalding Lincs

Description: Demolition of 15-21 Winsover Road and buildings to rear and erect 27 dwellings and replacement shops - approved under H16-0420-16. Removal of Condition 15 relating to bat report and variation 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's: OCT-2875-SUR-001, HER-2875-WD-001, HER-1875-MK-1000A, HER-2875-MK-2000A, HER-2875-MK-3000.
Materials Schedule - REV A.
Protected Species Survey, prepared by Scarborough Nixon Associates Limited (dated March 2014)

Accompanying condition compliance application H16-0934-16:

- Written Scheme of Investigation for Archaeological Monitoring and Recording (Witham Archaeology, 30th August 2016).
- Material Schedule ref: HER/2785.
- Geoenvironmental Desk Study (ref: 0385/1) and associated appendices.

Flood Risk Assessment (Geoff Beel Consultancy August 2009).

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

- 2 The development shall be constructed in accordance with the site level details on approved drawing number HER-2875-WD-001.

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 Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

- 3 The recommendations within the Geo-Environmental Desk Study accompanying condition compliance application ref. H16-0934-16 shall be carried out in their entirety throughout the course of the development and a full closure report shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the submitted details. Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

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 address any pollution and to ensure a satisfactory development.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 4 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (Geoff Beel Consultancy August 2009).

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 Section 10 of the National Planning Policy Framework 2012.

- 5 Prior to the first occupation of any of the dwellings hereby permitted the cycle parking shown on dwg no. HER-2875-WD-001 shall be provided. The stands shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site. This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 6 Before the commencement of the development hereby permitted beyond oversight full details of bin storage and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full

before the development hereby permitted is first brought into use.

Reason: To ensure that adequate secure facilities are provided for the storage of waste and cycles. This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan 2006.

- 7 No part of the development hereby permitted shall be commenced beyond oversight until such time as details have been submitted to and agreed in writing by the Local Planning Authority for the shaping and resurfacing of Short Street and the provision of suitable surface water drainage and street lighting systems. The works, as approved, shall be completed prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure the provision of safe and adequate access to the permitted development. This Condition is imposed in accordance with Policies SG15 of the South Holland Local Plan 2006.

- 8 Prior to the first occupation of any of the dwellings hereby permitted a scheme of parking control shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and thereafter retained.

Reason: To control use of Short Street and prevent unrestricted parking. This Condition is imposed in accordance with Policies SG15 of the South Holland Local Plan 2006.

- 9 The arrangements shown on dwg no. HER-2875-WD-001 forming part of this planning application for the parking/turning/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason: To ensure that adequate facilities for vehicles are provided in the interests of highway safety and to accord with Policy SG14 of the South Holland Local Plan 2006.

- 10 Before the commencement of the development hereby permitted beyond oversight, 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 12 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.

- 11 External materials of construction of buildings and hard surfaced areas shall be in accordance with details approved under condition compliance application H16-0934-16 and the approved plans herewith. The development shall be constructed in accordance

with the schedule and samples 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.

- 12 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 before the commencement of the development hereby permitted beyond oversight 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.

- 13 Prior to the commencement of the development hereby permitted beyond oversight, a programme for the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall specify the order in which the development will take place and the timing of road works necessary to comply with Condition 9.

Reason: In the interests of the architectural and visual integrity of the overall development. This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

- 14 Mitigation measures shall be carried out in accordance with the approved Protected Species Survey, prepared by Scarborough Nixon Associates Limited (dated March 2014).

Reason: In the interest of nature conservation and the provisions of the Wildlife and Countryside Act, 1981.

This Condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

- 15 The development shall be carried out in accordance with the written scheme of archaeological investigation approved under condition compliance application H16-0934-16. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in order to facilitate adequate monitoring arrangements. A copy of the final report shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 16 The Short Street nameplate which is fixed to the side wall of 15 Winsover Road shall be salvaged and re-used on the new building (Block A) in a position agreed in writing by the Local Planning Authority.

Reason: To ensure that a feature of historic interest is retained. This Condition is imposed in accordance with Section 12 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 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>

Your attention is drawn to a number of conditions that require discharging before the development is commenced beyond oversight.



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 Authority 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.