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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **SECTION 73A CONTINUATION**

**Reference:** H16-1091-20 **Date of Decision:** 9th September 2021

**Applicant:** Burmor Construction Ltd.  
 Burmor House  
 Sunderland Road  
 Northfields Industrial Estate  
 Market Deeping  
 PE8 8FD

**Location:** Land Off Willow Walk Spalding

**Description:** Residential Development of 20 Dwellings - approved under H16-0283-17.  
 Modification of Conditions 2, 12 & 17 relating to highways and levels.

**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 and documents:

H16-1091-20 Residential Development of 20 Dwellings - approved under H16-0283-17.  
 Modification of Conditions 2, 12 & 17 relating to highways and levels.

Application Form received 4.12.20  
 Refuse Collection Indemnity dated 19 August 2021  
 07-0123-005 P8 received 26.8.21  
 18011 1004 P07 received 19.8.21  
 07-0123-020 P4 received 19.8.21  
 07-0123-011 P4 received 19.8.21  
 07-0123-010 P4 received 19.8.21  
 07-0123-008 P4 received 19.8.21  
 07-0123-007 P9 received 19.8.21  
 07-0123-006 P8 received 19.8.21  
 18011 1010 P01 received 23.7.21

18011 4000-P04 Elevations - Plots 01-05 received 21.6.21  
18011 4002-P04 Elevations - Plots 10-14 received 21.6.21  
18011 4003-P03 Elevations - Plots 17-20 received 21.6.21  
07-0123-001 P2 received 14.6.21  
07-0123-009 P4 received 14.6.21  
07-0123-019 P2 received 14.6.21  
Soakaway 1 received 14.6.21  
Soakaway 2 received 14.6.21  
Soakaway 3 received 14.6.21  
Soakaway 4 received 14.6.21  
Soakaway 5 received 14.6.21  
Soakaway 6 received 14.6.21  
Soakaway 7 received 14.6.21  
Soakaway 8 received 14.6.21  
Highways Surface Water Drainage System - 1 in 100 year + 40% Climate Change  
Prepared by G30 Consulting Dated 18th February 2021 received 23.2.21  
07-0123-012 P4 received 23.2.21  
07-0123-018 P3 received 23.2.21

H16-0635-20 - Details of contamination, boundary treatments and refuse arrangements  
(Condition 3 - Contamination; Condition 7 - Boundary Treatments; Condition 9 - Refuse;  
of H16-0283-17)

Application Form

Contamination Report JR/GML18246/VL6-9.17-20. 22 June 2020

Topsoil Analysis Report: Landscape 20 Wisington. TOHA/20/9404/SS

Geo Matters Report. Further analysis and sampling of soils at the site off Willow Walk,  
Spalding. JR/GML18246/SST-L. 27 October 2020

Geo Matters letter JR/GML18246/VL1-5.10-14 dated 17 December 2020

Sampling and Analysis of subsoil capping materials at the site off Willow Walk, Spalding.  
JR/GML18246/SST1. 5 February 2021

Geoff Hobbs Haulage Ltd/CESL Transfer Notes/Conveyancing Notes supplied 23.9.20

07-0123-005 P8

18011 4000 P04

18011 4002 P04

18011 4003 P03

18011 1001 P10

18011 1004 P07

18011 1010 P01

Indemnity dated 19 August 2021

H16-0180-20 CONDITION COMPLIANCE Details of full closure report and landscaping  
(Conditions 3 (iv) and 6 of H16-0283-17)

Application Form received 25.2.20

Topsoil Report BS3882 Total Aggregates Ltd received 25.2.20

Topsoil Analysis Report Landscape 20/Nov 2019 received 25.2.20

H16-1234-19 CONDITION COMPLIANCE Details of boundary treatment (Condition 7 of  
H16-0283-17)

NONE

H16-0923-19 NON MAT AMENDMENT Residential development of 20 dwellings - approved under H16-0283-17 - Amendment to window details on Plots 6, 7, 8, 9, 15 and 16

18011 4001 P04 received 13.9.19

H16-0686-19 CONDITION COMPLIANCE Details of landscaping (Condition 6 of H16-0283-17) - Residential development of 20 dwellings

Application Form received 12.7.19

19.1446.001A received 25.10.19

Geomatters Letter 10 September 2019 JR/AT/GML18246/TL1Rev1 received 12.9.19

Geomatters Letter 17 September 2019 AT/GML18246/RS/1 received 19.9.19

H16-0468-19 CONDITION COMPLIANCE Details of external materials (Condition 4 of H16-0283-17)

Materials Schedule Job No: 18011

H16-0197-19 CONDITION COMPLIANCE Details of Conditions 3 (contamination of land or pollution of controlled waters), 4 (external materials of construction), 5 (external boxes for gas and electricity supplies and of any gas flues and soil vent pipes), 8 (landscape management and maintenance schedule), 9 (means of storage and disposal of refuse and recycling), 10 (construction management to minimise disturbance during the construction process), 11 (prevent the deposit of mud on public highways), 15 (surface water drainage scheme), 16 (design and location of all lighting) & 17 (existing and proposed site levels and proposed floor levels) of H16-0283-17

Application Form received 22.2.19

Email of agent Burmor Projects dated 15 April 2019 13:37 confirming hours of working received 15.4.19

Traffic Route Map (large scale) received 22.2.19

Traffic Route Map (small scale) received 22.2.19

SITE SET UP PLAN received 22.2.19

18011 1001 P04 (layout) received 22.2.19

Remedial Method Statement GML18246/4/1 Revision 1 received 23.4.19

Construction Management Plan received 22.2.19

1830 LTG 5000 Street Lighting Layout received 22.2.19

Lighting Design Report 1830 12 February 2019 received 22.2.19

Drainage Strategy Report by G30 Consulting Document Reference DSR/001 Dated 22nd November 2018 received 8.3.19

Environmental Factual & Interpretive Report Project No.: 4926 received 2.4.19

Exploratory Hole Layout Plan GML18246 005 received 23.4.19

H16-1218-18 SEC 73 MODIFICATION. Residential Development of 20 Dwellings - approved under H16-0283-17. Modification of Condition 2 to allow amendments to previously approved plans and Conditions 13 and 14 relating to

None. Overtaken by current decision.

H16-0283-17 FULL Residential development of 20 dwellings

Application form received 38.3.17

358.SL.01A received 4.8.17

358.P1.01A received 4.8.17

358.P1.02A received 4.8.17

358.P6.01A received 4.8.17

358.P8-01A received 4.8.17

358.P10.01A received 4.8.17

358.P10-02A received 4.8.17

358.P15.01A received 4.8.17

358.P17.01A received 4.8.17

358.P17.02A received 4.8.17

358.DSP.01A received 4.8.17

358.LP.01. received 26.10.17

Flood Risk Assessment Rev C (Hemmings, 27th March 2017) and Drainage Strategy Rev A (Hemmings, 17th July 2017).

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

- 2 The approved cycle sheds, boundary treatments and ground floor privacy screens as approved by plans refs 07-0123-005 P8 and 18011 1004 P07 shall be installed prior to the first occupation of each individual dwelling and retained as approved for the duration of the development. Any replacement or repairs to cycle sheds, boundary treatments and ground floor privacy screens as a result of damage or wear and tear shall be undertaken within one month of identification of the need for replacement or repair, and shall be installed to replicate the details approved by plan ref 18011 1004 P07, and retained for the duration of the development.

Reason: In order to ensure that the site is adequately screened, 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.

- 3 Notwithstanding the details included within the Construction Management Plan received 22.2.19 (H16-0197-19 refers) the hours of construction working shall be confined to:

Monday to Friday: 8am to 6pm

Saturdays: 8am to 1pm

Sundays and bank holidays: No work permitted.

as agreed by the Email of agent Burmor Projects dated 15 April 2019 13:37

Reason: In the interests of the residential amenity of adjoining occupiers. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan

- 4 The scheme of landscaping and tree planting shown on drawing 19.1446.001A received 25.10.19 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.

- 5 The means of storage and disposal of refuse and recycling shall be undertaken in accordance with the indemnity agreement dated 19 August 2021.

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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 6 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), none of the following developments or alterations shall be carried out.

- 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.

- 7 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 further walls, fences or other means of enclosure other than those illustrated on the plans forming part of the 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 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.

#### 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>

For the avoidance of doubt the bricks to be used to the external walls of the development hereby permitted are as follows:

#### External Walls:

Above DPC - Wienerberger 'Berkshire Red'

Below DPC - Wienerberger 'Bournville Buff Blend'

#### Roof:

Material 01 - Slim profile interlocking concrete roof tile - colour 'Grey'

Material 02 - Slim profile interlocking concrete roof tile - colour 'Terracotta'

#### First Floor Bay Windows:

Composite Lead Effect Cladding - colour 'Grey'

#### Windows:

UPVC Double Glazed - colour 'White'

#### Front Entrance Doors:

Composite door set - colour 'Black'

#### Rear Entrance Doors:

UPVC Double Glazed - colour 'White'

#### Rainwater Goods:

Gutters - UPVC - colour 'Black'

Downpipes - UPVC - colour 'Black'

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 25 July 2018, and Deed of Variation dated 9 September 2021 and can only be implemented as a consequence of meeting the provisions of that Agreement



**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](mailto: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](mailto: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.