Kier Living Ltd
Lysander House
Tempsford Hall
Sandy
SG19 2BD

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-1117-18

Date of Decision: 20th March 2019

Applicant: Kier Living Ltd
Lysander House
Tempsford Hall
Sandy
SG19 2BD

Location: Land To The North Of Witham Road Wygate Park Spalding

Description: Hybrid Application: Full Planning Application for 34 Dwellings and Associated Infrastructure together with an Outline Application for a Community Hall and Car Park

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

1 FULL ELEMENT CONDITIONS

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 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:
520-247_PL_LP101;
520-247_PL_LP102;
520-247_PL_BP101;
520-247_PL_SP101;

520-247_PL_SP102;
520-247_PL_SP103;
520-247_PL_SP104;
520-247_PL_VS101;
CHARLTON - 01;
CHARLTON - 02;
CHARNWOOD - 01;
CHARNWOOD - 02;
HOPWOOD - 01;
HOPWOOD - 02;
ROSEWOOD - 01;
ROSEWOOD - 02;
520-247_PL_GA05 Rev A;
520-247_PL_GA01;
520-247_PL_GA02;
520-247_PL_GA03;
520-246_PL_GA04;
KIER22184-11 Sheet 1 of 2;
KIER22184-11 Sheet 2 of 2;
KIER22184-12A Sheet 1 of 2;
KIER22184-12A Sheet 2 of 2;
Soft landscape specification (prepared by Kier, dated October 2018);
18277-5-100A;
25466 Sheet 1 (Topographical and Utility Survey);
25466 Sheet 2 (Topographical and Utility Survey);
06-STD-EXT-04 Rev A;
06-STD-EXT-05 Rev A;
06-STD-EXT-08 Rev A;
06-STD-EXT-28 Rev A;
Flood risk assessment and drainage strategy (prepared by Woods Hardwick Infrastructure LLP, dated October 2018);
Geo-Environmental Site Investigation (Public Open Space, prepared by BRD Environmental Ltd, dated October 2018);
Contamination Assessment (Community Hall & Retained POS, Wygate Park, Spalding (prepared by BRD Environmental Ltd, dated January 2019);
Letter response to comments from BRD Environmental Ltd (ref. BRD241183-let12, dated 7th January 2019);
Ground Gas Risk Assessment (prepared by BRD Environmental Ltd, dated March 2011);
Site Investigation (Residential Area, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (School Site, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (Open Space, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010); and
Site Investigation (Southern and Eastern Areas, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated August 2012).

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

3 Before the commencement of the development hereby permitted, a scheme to prevent the ingress of hazardous ground gasses to the buildings shall be submitted to and approved by the local planning authority. This should include detailed design, specification and proposed verification schedule. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

4 Prior to the first occupation of any dwelling, two copies of a full closure report shall be submitted to and approved in writing by the local planning authority. The report shall provide verification that the required works regarding ground gas ingress have been carried out in accordance with the approved scheme.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

5 If, during redevelopment, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately. 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 ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

6 Before the commencement of development hereby permitted, details of the landscape management and maintenance schedule for the areas of public open space, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that provision is made for the management and maintenance of communal areas. 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 3, 30 and 32 of the South East Lincolnshire Local Plan, 2019.

7 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 Witham Road 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 of the South East Lincolnshire Local Plan, 2019.

8 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: To reduce the risk of flooding of the 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

9 Before the commencement of the development hereby permitted, details of the levelling of the open space shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed prior to the occupation of the final dwelling.

Reason: To ensure that a suitable standard of open space is achieved, in the interest of health and wellbeing.
The Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

10 Before the commencement of the development hereby permitted, details of additional safety measures to be installed around the swale indicated on dwg. no. 520-247_PL_SP101 shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of any dwelling and shall thereafter be retained.

Reason: To ensure the safety of residents.
The Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

11 No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme in accordance with any approved phasing shall be fully implemented before the first use of the development and shall 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 Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

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 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13 The scheme of landscaping and tree planting shown on dwg. no's. KIER22184-11 Sheet 1 of 2 and KIER22184-11 Sheet 2 of 2 shall be carried out 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.

14 Before each dwelling is occupied, the roads and 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 Public Highway, less the carriageway and footway surface courses. 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 (or other development as specified).

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

15 No part of the development hereby permitted shall be occupied before details of a pedestrian access point on the northern boundary of the site from Tyne Close has been submitted and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: To ensure that provision is made for access from existing properties to open

space within the site, in the interest of health and wellbeing.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

16 No part of the development hereby permitted shall be occupied before details of provision for cycle storage/parking for all approved dwellings shall be approved in writing by the Local Planning Authority.

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.

17 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; and
ii) the erection of house extensions including conservatories, garages, car ports, porches or pergolas.

Reason: To ensure that the same level of protection is afforded to future extensions and freestanding curtilage buildings as the approved scheme in respect of ground gas measures.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

18 OUTLINE ELEMENT CONDITIONS

Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and 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.

19 The development hereby permitted shall be carried out in accordance with the following approved plans:
520-247_PL_LP101;
520-247_PL_LP102;
520-247_PL_BP101;
520-247_PL_SP101;
520-247_PL_SP103;
Flood risk assessment and drainage strategy (prepared by Woods Hardwick Infrastructure LLP, dated October 2018);
18277-5-100A;
25466 Sheet 1 (Topographical and Utility Survey);
25466 Sheet 2 (Topographical and Utility Survey); and
Geo-Environmental Site Investigation (Public Open Space, prepared by BRD

Environmental Ltd, dated October 2018);
Contamination Assessment (Community Hall & Retained POS, Wygate Park, Spalding (prepared by BRD Environmental Ltd, dated January 2019);
Letter response to comments from BRD Environmental Ltd (ref. BRD241183-let12, dated 7th January 2019);
Ground Gas Risk Assessment (prepared by BRD Environmental Ltd, dated March 2011);
Site Investigation (Residential Area, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (School Site, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (Open Space, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010); and
Site Investigation (Southern and Eastern Areas, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated August 2012).

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

20 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
ii) the means of access to the site;
iii) the landscaping of the site;
iv) the means of sewage and surface water disposal;
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, 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 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

21 Before the commencement of the development hereby permitted, a scheme to prevent the ingress of hazardous ground gasses to the building shall be submitted to and approved by the local planning authority. This should include detailed design, specification and proposed verification schedule. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

22 Prior to the first use of the development hereby permitted, two copies of a full closure

report shall be submitted to and approved in writing by the local planning authority. The report shall provide verification that the required works regarding ground gas ingress have been carried out in accordance with the approved scheme.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

23 If, during redevelopment, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately. 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 ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy 30 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

All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

This planning permission is subject to a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 dated 12th March 2019 and can only be implemented as a consequence of meeting the provisions of that undertaking.



Phil Norman
Planning and Building Control 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.