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Lincs
PE12 7AP

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H17-1035-17 **Date of Decision:** 7th August 2018
Applicant: M Parker & Son Ltd
Dozens Bank
Pode Hole
Spalding
Lincs
PE11 3LX
Location: Off Sunnydale Close Surfleet Spalding Lincs
Description: Residential development for 26 dwellings including roads, footpaths and open spaces - approved under H17-0652-15. 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 must be begun not later than the expiration of 3rd April 2020.

Reason: As the application is a Section 73 variation and 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:

Drawing Numbers:

SD-14-019-6 Rev M
Ribble.REV G
Vole.Rev E

Tweed.Rev F
Medway.Rev J
Hawthorn.NB.Rev D
Stour.S.Rev D
Thames.Rev H

Discharge of Conditions planning approval H17-0732-17.

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

- 3 With regard to Flood Risk mitigation the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 4 With regard to details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17. The development shall be constructed in accordance with the details so approved.

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.

- 5 With regard to the arrangements for foul and surface water disposal to separate systems the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17 and the details so approved shall be implemented in full before there are any flows into the receiving systems.

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, SG12 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 6 With regards to the means of storage and disposal of refuse and recycling the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17. The approved scheme shall be fully implemented before any dwelling is first occupied 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 SG13 and SG17 of the South Holland Local Plan, 2006.

- 7 With regard to the arrangements for future management and maintenance of the proposed streets within the development the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17 . (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established).

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure 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 SG14 and SG15 of the South Holland Local Plan, 2006.

- 8 With regard to the boundary treatment, including the materials, and details of the size and species of any hedging, The development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17, and the details so approved 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 SG14 of the South Holland Local Plan, 2006.

- 9 The areas of publicly accessible open space shall be carried out in accordance with the details approved under H17-0732-17. The areas so approved shall be laid out and made available for use in accordance with that approval of details and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan, 2006.

- 10 The areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be carried out in accordance with the details approved under H17-0732-17. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

- 11 The 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 shall be carried out in accordance with the details approved under H17-0732-17. 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.

- 12 The development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17 in relation to the external materials of construction of buildings and hard surfaced areas.

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.

- 13 The Biodiversity and Ecology Management Scheme shall be carried out in accordance with the details approved under H17-0732-17.

Reason: To ensure biodiversity is enhanced in accordance with Section 11 of the NPPF 2012.

- 14 Archaeological investigation, reporting and archiving shall be carried out in accordance with the details approved under H17-0732-17

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

- 15 Unless this requirement is dispensed with in writing by the Local Planning Authority 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 connection with Condition 14 above in order to facilitate

adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 16 Construction management shall be carried out in accordance with the details approved under H17-0732-17 including the approved working methods relating to:

- parking for all vehicles associated with construction including employees cars;
- access for all construction traffic;
- hours of working;
- measures to control dust, noise, vibration and smoke;
- measures to prevent mud and debris entering the public highways by construction traffic including wheel washing facilities.

Construction shall be carried out only in strict accordance with the approved details.

Reason:

In the interests of the amenity of local residents during the construction process.

This condition is imposed in accordance with policy SG17 of the South Holland Local Plan 2006.

- 17 With regard to any land contamination the development hereby permitted shall be carried out in accordance with the details approved under H17-0732-17.

Reason: 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.

- 18 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. 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 SG14 and SG15 of the South Holland Local Plan, 2006.

- 19 No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number SD-14-019-6 Rev M dated 23 May 2017 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 Sunnydale Close.

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

- 20 Surface water drainage shall be carried out in accordance with the details approved under H17-0732-17.

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 SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 21 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 in accordance with the details approved under H17-0732-17 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.

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 development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated Tuesday 7 August 2018 and can only be implemented as a consequence of meeting the provisions of that Agreement.



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 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.