

Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

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Spalding
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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H17-1138-21 **Date of Decision:** 29th November 2022
Applicant: RTW Construction & Developments Ltd
C/O Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY
Location: Land To The West Of Coalbeach Lane South Surfleet Spalding
Description: Residential development of 60 dwellings - approved under H17-0236-20.
Modification of Condition 2 to allow amendments to previously approved plans.
Amendment to new developer house type drawings.

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

- 1 The development must be begun not later than 15 September 2024.

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 and documents:

H17-1138-21

Application form
545.LP.01
545.SL.01B
545.AHS.01
545.BT.01B

545.Kin.P.01
545.Pea.P.01
545.Wre.P.01A
545.Mer.P.01A
545.Her.P.01A
545.Rob.P.01A
545.Sta.P.01A
545.Swa.P.01A
545.KinHer.P.01A
545.Mal.P.01B
545.GOL.P.01A
545.DG1.01A
545.SG1.01A
545.TG1.01A
545.Swi.P.01

H17-0236-20

Application form
Protected Species Report
Hillier Ecology Extended Phase 1 Survey Dated February 2020
Hillier Ecology Response Dated 17th August 2020
SITE INVESTIGATION REPORT C14949
Flood Risk Assessment. S M Hemmings B Sc C Eng MICE MIWEM.
Design and Access Statement. March 2020. Project no: 415. Rev B
CLS-SH-SITE SEC - SK1
415-S11-00-SI-SK-C-3500A
415-S11-00-SI-SK-C-9010B
415-S11-00-SI-SK-C-9000B
Drainage Strategy Rev 02
Viability Information. Letter JRM 20046 3.9.20
VIABILITY ASSESSMENT. 23rd MARCH 2020. File Reference: 20046
Viability Information

H17-0162-22 - Conditions 4, 5, 8, 9, 13, 14 & 16 of H17-0236-20

Application form
Construction Management Plan 545.CMP.01 Revision B
Construction Method Statement Revision A JMG April 2022
MANAGEMENT PLAN for General Planting, Public Open Space, Refuse/Recycling
Collection Points & Parking Courts by Studio 11 Architecture - December 2021
1968/LTG/5000/A1
545.SS.01 Revision A
545.SBP.01 Revision A
545.PMP.01 Revision A
545.MRP.01 Revision A
545.LD.01 Revision A
545.LD.02 Revision A
545.LD.03 Revision A
545.LD.04 Revision A

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

- 3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment. S M Hemmings B Sc C Eng MICE MIWEM forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- The finished floor level of all of the proposed buildings shall be raised at least 300mm above the existing ground level with a minimum level of 3.70m OD.
- All dwellings shall have at least two storeys.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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 Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021 (NPPF 2021).

- 4 The proposed boundary treatments hereby approved, as shown on drawing reference 545.BT.01 Rev B, shall be implemented in full before the development is first brought into use and retained thereafter.

Reason: 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 and privacy of nearby occupiers, including impacts to daylight and sunlight.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

- 5 The management of the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be undertaken in accordance with the details approved by condition compliance application H17-0162-22 and are listed above.

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 28 and 32 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

- 6 Where trees are shown to be retained on site they shall be protected during construction work as follows:

- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to

be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made;

ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;

iii)no services shall be routed under the spread of the crowns of the trees to be retained;

iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;

v)if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

- 7 Swift bricks/boxes shall be incorporated within the external walls of the development hereby approved shall be undertaken in accordance with the details approved by condition compliance application H17-0162-22 that are listed above and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy 28 of South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

Informative: Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

If it is not possible to provide swift bricks due to the type of construction or other design constraints, the condition will be modified to require swift boxes.

- 8 The external materials of construction of buildings and hard surfaced areas shall be undertaken in accordance with the details approved by condition compliance application H17-0162-22 that are listed above.

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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

- 9 Before each dwelling (or other development as specified) 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 and the provisions of the NPPF 2021.

- 10 No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays have been completed.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

- 11 The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second or as otherwise agreed by the Internal Drainage Board;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

- 12 The Construction Management Plan "Construction Management Plan 545.CMP.01 Revision B" and Method Statement "Construction Method Statement Revision A JMG April 2022" as approved by condition compliance application H17-0162-22 that are listed above. shall be strictly adhered to throughout the construction period.

Reason: In the interests of the amenity of local residents, to minimise impact on the local road network and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed. 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 4 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

NOTE: The applicant is advised that Thary Lane is not an acceptable route for delivery and other vehicles during construction.

- 13 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

- 14 The detailed design and location of all lighting to be provided to roads and footpaths within the development shall be undertaken in accordance with the details approved by condition compliance application H17-0162-22 that are listed above.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

- 15 Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority 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 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

- 16 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 to the dwellings on plots 3 to 10 (inclusive), plots 20, 51, 59 and 60.

- 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 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.

- 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), no 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:

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. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on

01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 15 September 2021 and can only be implemented as a consequence of meeting the provisions of that Agreement

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>



Phil Norman
Head of Planning
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		

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) 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.