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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73A CONTINUATION

Reference: H20-0296-23 **Date of Decision:** 9th August 2023
Applicant: Scenic Homes
C/O Moulton Land & Planning Ltd.
1 Chapel Court
Wansford
Peterborough
PE8 6JF
Location: Land Adj. Havencombe Chapelgate Sutton St James Spalding
Description: Residential development comprising 30 dwellings with associated estate roads, landscaping & open space - approved under H20-0947-21. Modification of Condition 6 to allow for occupation of dwellings on part of site that is not classified as contaminated i.e. Plots 1 to 12 inclusive before verification report is submitted.

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 the expiration of three years beginning with 24th May 2022 which is the date H20-0947-21 was issued.

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:

H20-0296-23
Application Form
SCE/SSJ/Phase Overlay
Supporting information confirming horse not buried beneath plots 8 and 9.

H20-0689-22

Application Form

External Materials Schedule. Moulton Land and Planning. AJF 07/07/2022.

Email from Alan Finch Moulton Land and Planning. Thu 20/10/2022 12:27 (Meter boxes on front elevations coloured to match the brick colours)

SCE/SSJ/Ash/cond 9

SCE/SSJ/Aspen/cond 9

SCE/SSJ/Birch/cond 9

SCE/SSJ/Hawthorn/cond 9

SCE/SSJ/Holly/cond 9

SCE/SSJ/Laurel/cond 9

SCE/SSJ/Magnolia/cond 9

SCE/SSJ/Maple/cond 9

SCE/SSJ/Oak/cond 9

SCE/SSJ/Willow/cond 9

Geomatters Phase I and Phase II Geo-Environmental Investigation June 2021 - GML21135/2/0 Rev.0.

SW 21-117-101 P1

SW 21-117-102 P1

SW 21-117-121 P1

SW 21-117-122 P1

Construction Management Plan. SCE/SSJ/CMP revA

Elemental GI Ltd. Remedial Method Statement. Dec. 2022. E22108/4/3 Rev 2

H20-0947-21

Application Form

Flood Risk Assessment prepared by Ellingham Consulting Ltd. ECL0456/Shields Wilson. May 2021

Viability Assessment prepared by Maxey Grounds & Co LLP. 21033 . 24 August 2021.

Planning Statement - Incorporating Design & Access Statement & Heritage Impact Assessment. August 2021.

SURFACE WATER DRAINAGE CALCULATIONS. SW 21-117-CAL-01

SCE/SSJ/location

SCE/SSJ/Site Layout revA

SCE/SSJ/PL Section

SCE/SSJ/Ash

SCE/SSJ/Aspen elev

SCE/SSJ/Aspen fl

SCE/SSJ/Birch

SCE/SSJ/DGarage/Store

SCE/SSJ/Hawthorn elev

SCE/SSJ/Hawthorn fl

SCE/SSJ/Holly elev

SCE/SSJ/Holly fl

SCE/SSJ/Laurel

SCE/SSJ/Magnolia

SCE/SSJ/Maple

SCE/SSJ/Oak elev

SCE/SSJ/Oak fl

SCE/SSJ/SGar & DGar
SCE/SSJ Willow elev
SCE/SSJ/Willow fl
21-117-002 P3
21-117-003 P4
21-117-004 P3
005 P2
006 P1
21-117-001 Rev P5

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

- 3 The development hereby permitted beyond oversight shall be constructed in accordance with the materials as approved on 9th December 2022 under reference H20-0689-22.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of 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.

- 4 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ECL0456/Shields Wilson. May 2021) 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 floor level of 2 storey dwellings is 0.3m above surrounding ground level.
- the floor level of single storey dwellings is 0.5m above surrounding ground level.
- there should be 0.3m of flood resilient construction above finished floor level.

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.

- 5 The development hereby permitted shall be in accordance with the scheme to deal with contamination of land or pollution of controlled waters as approved by the Local Planning Authority (LPA) as part of details approved under reference H20-0689-22 approved on 9th December 2022.

No deviation shall be made from the approved scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory 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 30 of the South East Lincolnshire Local Plan, 2019.

- 6 Prior to the first occupation of Phase 2 of the development (Plots 13-30 as shown on plan SCE/SSJ/Phase Overlay) two copies of a verification report shall be submitted to and approved in writing by the Local Planning Authority.

The report shall provide provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 7 The scheme of landscaping and tree planting shown on dwg. no. SCE/ssj/Site Layout A 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.

The existing tree belt to the Eastern boundary shown on dwg. no. SCE/ssj/Site Layout A shall be retained and maintained for the life of the development 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.

- 8 Prior to the occupation of the last dwelling hereby permitted, all areas of publicly accessible open space shown on drawing no. SCE/ssj/Site Layout Rev A, shall be laid out and made available for use 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 Policy 32 of the South East Lincolnshire Local Plan, 2019.

- 9 The design and position 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 as approved on 9th

December 2022 under reference H20-0689-22. There shall be no variation of 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.

- 10 Three swift nest bricks shall be incorporated within the external walls of each of the two storey dwellings hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 11 The development hereby permitted shall be undertaken in accordance with the Construction Management Plan and Method Statement details that were approved on 9th December 2022 under reference H20-0689-22. There shall be no deviation from the approved details.

Reason: In the interests of the safety and free passage of those using the adjacent public highway 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.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 12 The permitted development shall be undertaken in accordance with the approved Estate Road Phasing and Completion Plan as approved on 9th December 2022 under reference H20-0689-22. There shall be no deviation from the approved details.

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.

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

- 13 The scheme for on-site foul water drainage works, including connection point and discharge rate, shall be constructed in accordance with the approved details as approved on 9th December 2022 under reference H20-0689-22. There shall be no deviation from the approved details. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

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

- 14 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 individual 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.

- 15 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.

- 16 Notwithstanding the details submitted, the following landing window shall be obscure glazed using obscured glass and thereafter so maintained:

Plot 1 - northern side elevation.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.

This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2019.

Notes:

Anglian Water Informatives:

(1) INFORMATIVE

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE

Notification of intention to connect to the public sewer under S106 of the Water Industry

Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 19 May 2022 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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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@planning-inspectorate.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.