Framework
3 Marine Studios
Burton Waters
Lincoln
LN1 2WN

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: H22-0398-18 **Date of Decision:** 2nd August 2018

Applicant: Housing Development Project Manager
South Holland District Council
Council Offices
Priory Road
Spalding Lincs
PE11 2XE

Location: Land Off Small Drove Weston Spalding

Description: Residential development comprising 34 dwellings

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 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:
Dwg. no. J1651 (08) 001;
Dwg. no. J1651 (08) 02A;
Dwg. no. J1651 (08) 03A;
Dwg. no. J1651 (08) 010;
Dwg. no. J1651 (08) 011;
Dwg. no. J1651 (08) 012;
Dwg. no. J1651 (08) 013;
Dwg. no. J1651(08) 014;

Dwg. no. J1651 (08) 015;
Dwg. no. J1651 (08) 018;
Dwg. no. J1651 (08) 019;
Dwg. no. J1651 (08) 020;
Dwg. no. J1651 (08) 021;
Dwg. no. J1651 (08) 022;
Dwg. no. J1651 (08) 023;
Dwg. no. J1651 (08) 024;
Dwg. no. J1651 (08) 025;
Dwg. no. J1651 (08) 026;
Dwg. no. J1651 (08)0 27;
Dwg. no. J1651 (08) 40;
Dwg. no. J1651 (08) 50;
Dwg. no. J1651 (08) 51;
Dwg. no. J1651 SK11;
Ground Investigation Report by Ground Engineering (Ref C14022) dated March 2017;
Supplementary Ground Investigation Report by Ground Engineering (Ref. C14022A) dated February 2018;
Flood Risk Assessment by RAB Consultants (Ref. RAB:1570L Version 1.0) dated 10 February 2017;
Permeability Testing by Solmek Ltd (Ref. S161131) dated 29 November 2016;
Ecology and Protected Species Survey by Scarborough Nixon Associates Ltd dated August 2017;
Tree Report by Michael J. Sumner dated 18 July 2017.
Drainage Strategy Report by William Saunders (Ref 11505/12 Rev B) dated June 2018;

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

3 The development shall be affordable housing to meet identified local housing needs as defined within Annex 2 to the National Planning Policy Framework, 2018. It shall remain affordable in perpetuity.

Reason: To ensure that the affordable dwellings are provided to meet identified local need, and remain affordable in perpetuity.
This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2018 and Planning Practice Guidance.

4 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of 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 materials so approved.

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.

5 Before the commencement of the development beyond oversite a scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local

Planning Authority. It shall include:
i) Details of the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance;
ii) Details of which of the existing trees on site are to be retained or removed.
Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. 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 Policy SG18 of the South Holland Local Plan, 2006.

6 A fence of 1.8 metres in height shall be erected along the eastern and southern boundaries of the site in accordance with details accompanying the application before any dwelling is occupied and shall thereafter be so maintained.

Reason: In order to ensure that the site is adequately screened, in the interests of the amenity of the area in which it is set.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

7 The following flood risk measures shall be fully implemented before any dwelling is first occupied:
- Finished floor levels shall be set at 3.2m aOD or 0.3m above existing ground level, whichever is higher.;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007.
The mitigation measures shall be fully implemented prior to occupation.

Note: Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

8 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and to ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policies SG12 and SG13 of the South

Holland Local Plan 2006.

9 The development shall incorporate precautionary ecological measures and enhancements as detailed in Section 6 (Summary) of the Ecology and Protected Species Survey accompanying the application.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2018.

10 Before development is commenced beyond oversite full details of the location and construction of refuse collection points shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be provided before any dwelling(s) to which they relate is brought into use and shall thereafter 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.

11 The development shall not be commenced until details of an investigation of the potential for landfill gas generation and migration has been submitted to and approved in writing by the Local Planning Authority. Before occupation, any remedial action required shall be taken to safeguard future occupiers of the dwelling.

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 SG13 of the South Holland Local Plan, 2006.

12 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.
This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

13 No development shall take place until a surface water drainage scheme for the site, based upon an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:
a) 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;
b) Provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare;
c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
d) 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.

The development shall be carried out in accordance with the approved drainage scheme and 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 site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. 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 SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

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

You are advised to contact Lincolnshire County Council as the Local Highway Authority for approval of the road construction specification and programme before carrying out any works on site.

Your attention is drawn to advice from Lincolnshire Police dated 8 May 2018.

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.