South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

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
SECTION 73A CONTINUATION

Reference: H22-0843-19 **Date of Decision:** 22nd January 2020

Applicant: South Holland District Council
Council Offices
Priory Road
Spalding
Lincs
PE11 2XE

Location: Land Off Small Drove Weston

Description: Residential development comprising 34 dwellings - approved under H22-0398-18 - Modification of Condition 3 relating to affordable housing

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

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
J1651 (08) 001;
J1651 (08) 02B accompanying application H22-0234-19;
J1651 (08) 03B accompanying application H22-0234-19;
J1651 (08) 010A accompanying application H22-0234-19;
J1651 (08) 011B accompanying application H22-0428-19;
J1651 (08) 012A accompanying application H22-0234-19;
J1651 (08) 013B accompanying application H22-0428-19;
J1651(08) 014A accompanying application H22-0234-19;
J1651 (08) 015B accompanying application H22-0428-19;
J1651 (08) 018A accompanying application H22-0234-19;
J1651 (08) 019B accompanying application H22-0428-19
J1651 (08) 020A accompanying application H22-0234-19;
J1651 (08) 021B accompanying application H22-0428-19

J1651 (08) 022A accompanying application H22-0234-19;
J1651 (08) 023B accompanying application H22-0428-19;
J1651 (08) 024A accompanying application H22-0234-19;
J1651 (08) 025B accompanying application H22-0428-19;
J1651 (08) 026A accompanying application H22-0234-19;
J1651 (08) 027B accompanying application H22-0428-19;
J1651 (08) 40 accompanying application H22-0398-18;
J1651 (08) 50 accompanying application H22-0398-18;
J1651 (08) 51 accompanying application H22-0398-18;
J1651 SK11 accompanying application H22-0398-18;
Ground Investigation Report by Ground Engineering (Ref C14022) dated March 2017 accompanying application H22-0398-18;
Supplementary Ground Investigation Report by Ground Engineering (Ref. C14022A) dated February 2018 accompanying application H22-0398-18;
Flood Risk Assessment by RAB Consultants (Ref. RAB:1570L Version 1.0) dated 10 February 2017 accompanying application H22-0398-18;
Permeability Testing by Solmek Ltd (Ref. S161131) dated 29 November 2016 accompanying application H22-0398-18;
Ecology and Protected Species Survey by Scarborough Nixon Associates Ltd dated August 2017 accompanying application H22-0398-18;
Tree Report by Michael J. Sumner dated 18 July 2017 accompanying application H22-0398-18;
Drainage Strategy Report by William Saunders (Ref 11505/12 Rev B) dated June 2018 accompanying application H22-0398-18;
Details of external materials accompanying condition compliance application ref. H22-0222-19;
Details of foul water strategy and refuse collection shown on dwg. no. 11505 (SK) 03 accompanying condition compliance application ref. H22-0222-19;
Ground Gas Risk Assessment by Delta Simons Environmental Consultants Ltd (Project no. 19-0423.02) dated May 2019 accompanying condition compliance application ref. H22-0515-19;
Letter from EHT & C to D Brown Building Contractors Ltd dated 10 June 2019 relating to ground gas risk assessment accompanying condition compliance application ref. H22-0515-19;
Details of surface water drainage scheme shown on dwg. nos. 11505-(9)06A, 11505-(9)08A, 11505-(9)09A, 11505-(9)13, 11505-(9)30A, 11505-(9)31, 11505-(9)50C, 11505-(9)51B and 11505-(9)52A accompanying condition compliance application ref. H22-0629-19;
Storm Sewer Design by William Saunders accompanying condition compliance application ref. H22-0629-19;
Details of landscaping shown on dwg. no. WSD/19/01A accompanying condition compliance application ref. H22-0676-19;
Details of landscaping shown on dwg. no. WSD/19/02 accompanying condition compliance application ref. H22-0676-19;
Details of estate roads shown on dwg. no. 11505-(9)01-F accompanying condition compliance application ref. H22-0676-19;
Details of estate roads shown on dwg. no. 11505-(9)07-C accompanying condition compliance application ref. H22-0676-19;

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

2 The development shall be affordable housing to meet identified local housing needs as defined within Annex 2 to the National Planning Policy Framework, February 2019.

Reason: To ensure that the affordable dwellings are provided to meet identified local need.
This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2019 and Planning Practice Guidance.

3 The approved scheme of landscaping 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

5 The following flood risk measures shall be fully implemented before any dwelling is first occupied:
- Finished floor levels shall be set in accordance with the approved details;
- 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, 2019.

6 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.

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

7 The development shall incorporate precautionary ecological measures and enhancements as detailed in Section 6 (Summary) of the Ecology and Protected Species Survey accompanying accompanying application H22-0398-18;

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, 2019.

8 Refuse collection points shall be provided in accordance with the approved details before any dwelling(s) to which they relate is brought into use 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.

9 Prior to occupation of any dwelling, remedial action required in relation to landfill gas generation and migration shall be undertaken and a full closure report submitted to and approved in writing by Environmental Protection. The report shall 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 has been fully met.

Reason: To address pollution and to ensure a satisfactory development.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10 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 the approved details.

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

11 The development shall be carried out in accordance with the approved surface water 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 Condition is imposed in accordance with Policies 2, 3 and 4 of the South East

Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 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 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

Your attention is drawn to advice from Lincolnshire Police dated 8 May 2018 accompanying planning application H22-0398-18.



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		

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.