Studio 11 Architecture
The Boathouse
Harbour Square
Nene Parade
Wisbech
PE13 3BH

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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H22-0886-20 **Date of Decision:** 9th November 2021

Applicant: RTW Construction & Development Ltd.
C/O Studio 11 Architecture
The Boathouse
Harbour Square
Nene Parade, Wisbech
PE13 3BH

Location: Land Off Dean Close/Small Drove Weston Spalding

Description: Residential Development of 1, 2, 3 and 4 bed houses and bungalows - approved under H22-0202-16. Modification of Condition 2 to allow amendments to previously approved plans.

South Holland District Council hereby give notice that permission 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:

Accompanying H22-0202-16:

293.SK2.01H
5278-1
Flood Risk Assessment (prepared by SM Hemmings, Revision A, dated 31st March 2016)
Drainage Strategy (prepared by SM Hemmings, Revision A, dated 19th July 2016)
Heritage Statement (prepared by Studio 11 Architecture, dated February 2016)
Transport Statement (prepared by Studio 11 Architecture, dated February 2016)
Sustainability Statement (prepared by Studio 11 Architecture, dated February 2016)
Geophysical Survey (prepared by Archaeological Project Services, dated October 2016)

Accompanying H22-0886-20:

514.LP.01
514.Dov.P.01 Rev B
514.Dun.P.01 Rev B
514.Fal.P.01 Rev B
514.Her.P.01 Rev A
514.Kin.P.01 Rev C
514.Mer.P.01 Rev B
514.Nig.P.01 Rev C
514.Osp.P.01 Rev B
514.Pea.P.01 Rev B
514.Per.P.01 Rev B
514.Rob.P.01 Rev C
514.Sta.P.01 Rev B
514.Swa.P.01 Rev C
514.Woo.P.01 Rev B
514.Wre.P.01 Rev C
514.SinG.P.01 Rev B
514.DouG.P.01 Rev B
514.TriG.P.01 Rev B
514.TwiG.P.01 Rev B
514.LD.01 Rev D
514.LD.02
514.LD.03 Rev A
514.LD.04 Rev B
514.LD.05 Rev C
514.LD.06
514.BT.01 Rev C
514.BT.02 Rev C
514.BT.03 Rev B
514.BT.04 Rev B
514.BT.05 Rev C
514.POSEW.01 Rev A
514.POSEW.02
514.POSEW.03
514.POSEW.04
514.POSEW.05
1615/01-J
1615/02-F
1615/03-C
1615/04
1615/05-F
1615/06-A
1615/06-C
SD/002-H
SD003-G
SD/004-D
514.CSL.01 Rev B
514.PMP.01 Rev C

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293.MRP.01
Management Plan for General Planting, Public Open Space, Refuse/ Recycling Collection Points & Parking Courts (prepared by Studio 11 Architecture, dated January 2019)
Construction Method Statement (prepared by Seagate Homes, ref. JMG 10/2018)
Phase 1 Desktop Report (prepared by Humberside Materials Laboratory Limited, dated September 2016)
Site Investigation Report (prepared by Humberside Materials Laboratory Limited, dated November 2016)

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

2 The scheme of landscaping and tree planting shown on dwg. no's. 514.LD.01 Rev D, 514.LD.02, 514.LD.03 Rev A, 514.LD.04 Rev B, 514.LD.05 Rev C and 514.LD.06 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.

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.

3 The scheme of boundary treatment shown on dwg. no's. 514.BT.01 Rev C, 514.BT.02 Rev C, 514.BT.03 Rev B, 514.BT.04 Rev B and 514.BT.05 Rev C 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 of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 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 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.

5 No dwellings shall be commenced before the first 50 metres of estate road from its junction with the public highway of Dean Close, as shown on drawing number 293.SK2.01H dated 20 July 2016 (accompanying application ref. H22-0202-16), has been

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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.

6 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 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.

7 The means of foul water disposal shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

8 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (Revision A, dated 31 March 2016) (accompanying application ref. H22-0202-16) and in particular the following mitigation measure detailed within:

-Finished floor levels shall be set no lower than 3.2mAOD.

The mitigation measures shall be fully implemented prior to occupation.

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.

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

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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

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 21 August 2017 (as modified in the Deed of Variation dated 8th September 2021) and can only be implemented as a consequence of meeting the provisions of that Agreement.



Phil Norman
Planning 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.