

Persimmon Homes East Midlands
Persimmon House
19 Commerce Road
Peterborough
PE2 6LR

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H22-1249-21 **Date of Decision:** 24th March 2022
Applicant: Persimmon Homes East Midlands
Persimmon House
19 Commerce Road
Peterborough
PE26LR
Location: Land North West Of High Road Weston Spalding
Description: Residential development for the erection of 150 dwellings and associated open space and infrastructure - re-submission of H22-1135-20

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 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:
Site Location Plan
SPAL/WEST/PPL/100 Rev P
WE/CP/01 Rev J
Q6906_B Buffer Zone Plan
Q6906_B LEAP Proposal
DY-WD16-01
AM-WD16-01
WL-WD06-01
WL-WDC06-01

KL-WD16-01
 HL-WD16-03
 RN-WD16-03
 EN-WD16-03
 DM-WD16-01
 SW-WD16-01
 SW-WDC06-01
 CW-WDC16-01
 SN-WD16-01
 BH-WD16-01
 GW-WD16-01
 MS-WD16-01
 2064 2/1
 2064 2/2
 House Types Pack (dated November 2021)
 G336-PD-01
 G653-PD-01
 1003-278-04 Rev D
 1003-00-05 Rev B
 1003-02-02 Rev A
 1003-02-04 Rev A
 WES/MCP/001
 SPAL/WEST/PPL/100 Rev N (in so far as it relates to vehicle tracking)
 1003-05-01
 1003-05-02
 1003-05-03
 1003-05-04
 SPAL/WEST/PPL/100 Rev P (in so far as it relates to the layout of affordable housing units)
 E21136/100 Rev P2
 TR1
 Photograph of sub station
 SPAL/WEST/CMP/100
 SPAL/WEST/38/100
 Construction Method Statement (prepared by Persimmon Homes, dated November 2021)
 Design and Access Statement (prepared by Persimmon Homes, dated November 2021)
 Ecological Appraisal (prepared by FPCR Environment and Design Ltd, dated 7th April 2020)
 Phase 1 Desk Study (prepared by RSK Environment Limited, dated 20th November 2019)
 Phase 2 Geo-environmental and Geotechnical Site Investigation (prepared by RSK Environment Limited, dated 14th May 2020)
 Transport Assessment (prepared by Bancroft Consulting, revised October 2020)
 Housing Statement (prepared by Persimmon Homes, dated February 2022)
 Noise Impact Assessment (prepared by Spectrum Acoustic Consultants, Rev 3, dated 19th October 2021)
 Management of Open Space and Sustainable Urban Drainage Systems (prepared by Persimmon Homes, dated November 2021)
 Open Space Assessment (prepared by Persimmon Homes, dated November 2021)
 Parking Statement (prepared by Persimmon Homes, dated November 2021)
 Planning Statement (prepared by Persimmon Homes, dated November 2021)

Specification for strip, plan and sample recording (prepared by Archaeological Project Services, dated March 2020)

Street Scene - Plots 4-94

Street Scene - Plots 54-65

Flood Risk Assessment (prepared by Amazi Consulting Ltd, dated 26th November 2021)

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

- 3 Notwithstanding the submitted drawings, prior to the commencement of any part of the development hereby permitted, detailed engineering drawings for the alterations and highway improvements to High Road in the vicinity of the proposed entrance to the permitted development shall be submitted to and approved in writing by the Local Planning Authority. The submitted engineering drawings shall show how the existing Ghost Island Right-turn Lane serving Wimberly Close will be altered to allow vehicles to turn safely into both Wimberly Close and the permitted development and shall include details of how the existing bus stop on High Road will be will be relocated to a safe and suitable position away from the new junction into the permitted development.

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

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

- 4 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles;
- the on-site loading and unloading of plant and materials;
- the on-site storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy for the management of surface water run-off and the protection of sustainable drainage features during construction. This should include details demonstrating how the drainage systems (permanent or temporary) will connect to an outfall (permanent or temporary) during construction.

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.

- 5 Before each dwelling 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.

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.

- 6 No dwelling (or other development as specified) shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, have been completed to binder course level.

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.

- 7 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, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

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

- 8 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;
- 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, 2019.

- 9 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include the following measures unless the LPA dispenses with any such requirement in writing:

A remediation method statement comprising details of ground gas protection measures to be installed. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this 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 agreed 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.

- 10 Prior to the first occupation of the development, two full copies of a suitably detailed ground gas verification report shall be submitted to, and approved in writing by, the Local Planning Authority. 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 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 Condition 30 of the South East Lincolnshire

- 11 Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority 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.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.0 (or any successor).

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, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

- 12 Notwithstanding the details of boundary treatment indicated on dwg. no. WE/CP/01 Rev J, details of fencing to be provided to the edge lanes shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved 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.

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

- 13 A final (as agreed with a management company) copy of a maintenance schedule for the areas of publicly accessible open space, the proposed Local Equipped Area for Play, landscaping and drainage features, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The maintenance of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made for the management and maintenance of the areas concerned.

This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

- 14 The development hereby permitted shall be carried out in accordance with the proposed acoustic mitigation measures set out in Section 6 of the submitted Noise Impact Assessment (prepared by Spectrum Acoustic Consultants, Rev 2, dated 30th November 2020).

Reason: In the interests of residential amenity.

This Condition is imposed in accordance with Policies 2 and 3 of the South East

- 15 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

- 16 A copy of the final report required in connection with the necessary archaeological work above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

- 17 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from 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.

- 18 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Amazi Consulting Ltd, dated 26th November 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:

- Finished floor levels shall be set no lower than 3.6 metres AOD
- The proposed dwellings shall have at least two storey

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.

- 19 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.

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>

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 24th March 2022 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@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.