Clive Wicks Associates
36 Boston Road
Sleaford
Lincs
NG34 7EZ

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 73 MODIFICATION

Reference: H23-0362-16 **Date of Decision:** 30th June 2016

Applicant: D Brown Building Contractors Ltd
Seas End Road
Moulton Seas End
Spalding
Lincs
PE12 6JX

Location: Former Green'S Car Park Area Cross Street / Kirkgate Whaplode Spalding

Description: Residential Development and Associated Works - approved under H23-1182-15. Modifications to Conditions 4, 14 and 16 relating to landscaping, construction of a 1.8m wide footway between site's main entrance and Churchgate and public open space management plan.

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 9 March 2019.

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. 11-2078-LP1 dated October 2015;
Dwg. No. 11-2078-101E;
Dwg. Nos. 28915/01F, 28915/02C, 28915/03A and 28915/04A accompanying planning permission H23-1182-15;
Dwg. Nos. 11-2078-100, 11-2078-102, 11-2078-103, 11-2078-104, 11-2078-105, 11-2078-106A, 11-2078-107, 11-2078-108, 11-2078-109 and 11-2078-110C accompanying

planning permission H23-1182-15.

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

3 Before development is commenced, full details of the existing and proposed site levels and proposed floor levels of the 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 details so approved.

Reason: Such details are integral to the development and are required to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

4 The approved scheme of landscaping serving Plots 7 and 8 shall be carried out within 6 months of completion of these dwellings. The remainder of the approved landscape scheme shall be carried out in its entirety within a period of 6 months following completion of the final dwelling. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated and 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.

5 Before development is commenced a fully detailed scheme of boundary screening/treatment, including details of type and height, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any dwelling to which it relates is brought into use and shall thereafter be retained in its entirety.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

6 Before any dwelling is occupied an acoustic screen shall be erected along the northern boundary of the site in the position shown on dwg. no. 11-2078-101E in accordance with full details to be submitted to and approved in writing by the Local Planning Authority, including means of construction. It shall thereafter be retained in its entirety.

Reason: To protect future occupiers from noise and disturbance from the neighbouring vehicle repair workshop.
This Condition is imposed in accordance with policies SG13, SG14 and SG17 of the South Holland Local Plan, 2006.

7 Before the commencement of any dwelling on Plots 6, 7 and 8 a report prepared by a suitably qualified noise consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to

ensure that there is no possible nuisance caused to future occupiers of the properties. Those measures and work so approved by the Local Planning Authority shall be implemented in full before the buildings to which they relate are first brought into use.

Reason: To protect the future occupiers from noise from nearby industrial premises.
This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

8 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no windows, other than those illustrated on the plans hereby approved, shall be formed on the side (north) and rear elevations of the dwellings on Plots 6 and 7.

Reason: To protect the future occupiers from noise from the adjacent vehicle repair workshop.
This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

9 The garage on Plot 7 shall be fully completed in accordance with the approved details prior to occupation of the dwellings on plots 6 and 7.

Reason: To define the terms of the permission and to protect future occupiers from noise from the adjacent vehicle repair workshop.
This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

10 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing.
i) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a conceptual site model and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. 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 suspect contamination has been submitted to and agreed in writing by the LPA.
iv) Two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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.
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.
The applicant's attention is also drawn to the document entitled "Developing Contaminated Land Within Lincolnshire: A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

11 Foul sewage shall be disposed of via the mains sewer

Reason: To ensure a satisfactory form of development in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

12 Surface water shall be disposed of in accordance with the approved scheme.

Reason: To ensure a satisfactory form of development and to prevent flooding, in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policy SG11 of the South Holland Local Plan, 2006.

13 Prior to any of the dwellings on Plots 1 to 6 being occupied the private drive shall be completed 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 SG14 and SG15 of the South Holland Local Plan, 2006.

14 With the exception of Plots 7 and 8, no dwelling shall be commenced until a scheme has been agreed in writing by the Local Planning Authority for the construction of a 1.8 metre wide footway between the site's main entrance and Churchgate, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before the first occupation of any dwelling (with the exception of Plots 7 and 8) hereby permitted.

Reason: In the interest of the safety and convenience of residents.
This condition is imposed in accordance with Policy SG15 of the South Holland Local Plan, 2006.

15 Prior to occupation of any dwelling on Plots 1 to 6 the refuse collection area at the entrance to Cross Street shall be provided in accordance with the approved details and thereafter so maintained.

Reason: To ensure a satisfactory development in the interest of the amenities of the locality.
This condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

16 A management plan for areas of publicly accessible open space, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any dwelling beyond oversite on Plots 1 to 6. The management of these areas shall be carried out in accordance with the details so approved.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

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



Paul Jackson
Place 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.