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TOWN AND COUNTRY PLANNING ACT 1990

RESERVED MATTERS

Reference: H23-0534-23 **Date of Decision:** 25th September 2024
Applicant: Stinders Homes SPV4 Ltd.
Unit 3
Birchwood One Business Park
Birchwood
WA3 7GB
Location: Land North Of First Bungalow Stockwell Gate Whaplode Spalding
Description: Erection of 37 dwellings including road layout, scale, appearance and landscaping - outline approval H23-0827-22

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form
Location Plan
4162/100 Rev: P5 - Site Block Plan
4162/1000 Rev: P2 - House Type 1 Plans & Elevations
4162/2000 Rev: P1 - House Type 2 Plans & Elevations
4162/3000 - House Type 3 Plans & Elevations
4162/4000 Rev: P1 - House Type 4 Plans & Elevations
4162/5000 - House Type 5 Plans & Elevations
4162/6000 - House Type 6 Plans & Elevations
4162/101 Rev: P2 - Landscape Plan
SW 22-150-006 Rev: B - Landscape Management & Maintenance Plan
SW 22-150-REP-01A - Surface and Foul Water Drainage Strategy (dated August 2022)
Biological Impact Assessment (Ref: J3179-0623, prepared by Morgan & Stuckey)

Ecological Consultants, dated June 2023)
Landscape Management Plan Report (dated August 2023)
Habitat Management & Monitoring Plan (Ref: J3179, prepared by Morgan & Stuckey
Ecological Consultants, dated October 2023)

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

- 2 Before the commencement of the development hereby permitted beyond oversight, 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

- 3 Notwithstanding the red outline as shown on drawing no. 4162/100 Rev: P5 (Revised Site Block Plan), the development shall not exceed four direct access points from Stockwell Gate as detailed below, in addition to the single main central access road to the remainder of the application site:

- 1x Access to Plot 1
- 1x Access to Plot 2
- 1x Access to Plot 3
- 1x Access to Plot 9
- 1x Main Access Road

Reason: For the avoidance of doubt and to provide clarity in respect of the submitted drawings.

- 4 Prior to any dwelling hereby permitted being brought into use, the biodiversity and habitat enhancement measures shall be installed/carried out in accordance with the details as specified within:

- Biological Impact Assessment (Ref: J3179-0623, prepared by Morgan & Stuckey Ecological Consultants, dated June 2023)
- Landscape Plan (Drawing No: 4162/101 Rev: P2)
- Landscape Management & Maintenance Plan (Drawing No: SW 22-150-006 Rev: B)
- Landscape Management Plan Report (dated August 2023)
- Habitat Management & Monitoring Plan (Ref: J3179, prepared by Morgan & Stuckey Ecological Consultants, dated October 2023).

The works shall be carried out and completed in its entirety during the first planting season following practical completion of the development and shall thereafter be retained.

All measures carried out in accordance with this condition shall be maintained, managed and monitored in accordance with drawing no. SW 22-150-006 Rev: B, the Habitat Management & Monitoring Plan (prepared by Morgan & Stuckey Ecological Consultants, dated October 2023) and the Landscaping Management Plan (dated August 2023); unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 5 Within a period of five years beginning with the date of completion of the scheme, all trees, shrubs and planting provided as part of the approved biodiversity and landscaping scheme detailed within condition 4 above, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved under the above condition, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

- 6 Notwithstanding condition 7 of the pursuant outline approval (ref: H23-0827-22), the development shall incorporate the filter drains as detailed within the approved Surface Water and Foul Drainage Strategy (Ref: SW 22-150-REP-01A, dated August 2022) and as detailed within the approved plans.

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, December 2023.

- 7 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, and E of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than those expressly authorised by this permission, without Planning Permission first having been granted by the Local Planning Authority.

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions or additions to the roof including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.

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

- 8 Notwithstanding the provisions of Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area within which it is set.

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

- 9 The development hereby permitted shall comprise 11 affordable properties, as required by the Agreement under Section 106 of the Town & Country Planning Act 1990 dated 18th May 2023, under the pursuant Outline Planning permission.

The affordable housing shall be carried out in accordance with the following tenure split and shall be located within the following plots, unless otherwise agreed by the Local Planning Authority.

Affordable Rent:

- 2x One Bed - Plots 36 & 37
- 3x Two Bed - Plots 25, 26 & 27
- 3x Three Bed - Plots 19, 20 & 34

Shared Ownership:

- 2x Two Bed - Plots 28 & 29
- 1x Three Bed - Plot 35

Reason: To ensure that the development provides policy compliant affordable housing, to ensure the Local Planning Authority retains control over the tenure split and for the avoidance of doubt.

This Condition is imposed in accordance with Policies 2, 3 and 18 of the South East Lincolnshire Local Plan, 2019.

- 10 Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 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>

The Outline Planning permission pursuant to this Reserved matters submission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 18th May 2023 and can only be implemented as a consequence of meeting the provisions of that Agreement



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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.