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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H23-0723-19 **Date of Decision:** 5th December 2019

Applicant: Haycroft Homes Ltd
Seas End Road
Moulton Seas End
Spalding
Lincs
PE12 6JX

Location: Land Adjacent And Part Rear: 355 High Road Whaplode Spalding

Description: Residential development - approved under H23-0761-17. Modification of Condition 2 to allow amendments to previously approved plans

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:

Accompanying H23-0508-16:
Flood Risk Assessment (prepared by Geoff Beel Consultancy, dated May 2016)

Accompanying H23-0761-17:
PD01 P2
PD06 P2
PD07 P2
PD08 P2
PD09 P2
PD12 P3
26115/13 Rev C
26115/15 Rev F

Documents relating to Conditions 15, 17, 19, 23 of H23-0508-16
Pre-Construction Health & Safety Information Plan (prepared by Torney Ltd, dated August 2017)
Landscape Management Plan (prepared by Jonathan Biggadike, dated July 2017)
Biodiversity Enhancements (prepared by Jonathan Biggadike, dated July 2017)
Stage One Environmental Desk Study and Non-Technical Summary (prepared by Stuart Guy Consulting, dated March 2017)
Sitecheck Data (Landmark Information, dated February 2017)
Environmental Noise Assessment (prepared by Acoustic Associates, dated January 2017)

Accompanying H23-0723-19:
PD03 P9
PD04 P9
PD05 P4
PD10 P4
PD11 P4
PD12 P4
PD14 P2
26115/11 Rev V
26115/14 Rev L

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

2 Except for the dwellings shown as accessed from a private drive arrangement on drawing number PD03 P9, 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 in accordance with the details submitted and approved as part of condition compliance application ref. H23-0343-19. 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.

3 The development shall be constructed in accordance with the materials set out in the 'Materials Schedule' detailed on dwg. no's. PD12 P4 and PD05 P4.

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.

4 No dwellings shall be occupied before the first 60 metres of estate road from its junction with the public highway, including visibility splays has been completed.

DC_FINAL_DECISION - ODB:14

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.

5 Prior to the occupation of any dwelling hereby permitted, a 1.8 metre wide footway shall be provided along the south side of High Road, between the site entrance and the end of the existing footway on High Road in accordance with dwg. no. 26115/11 Rev V.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.
This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

6 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 safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7 The development shall be undertaken in accordance with the submitted drainage scheme and no dwelling hereby permitted shall be occupied until that drainage scheme has been completed. The drainage scheme shall be retained and maintained in full, in accordance with the submitted drawings.

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

8 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (prepared by Geoff Beel Consultancy, dated May 2016) forming part of planning application ref. H23-0508-16 and in particular the following mitigation measures:
-Finished floor levels of all dwellings shall be set no lower than 300mm above ground level.

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, 2019.

9 External boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be installed only in accordance with the details on plans PD06(P2), PD07(P2), PD08(P2), PD09(P2), PD10(P4), PD11(P4) and PD14(P2) 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.

10 The construction process shall be carried out in accordance with the Pre-Construction Health and Safety Information Plan submitted and approved as part of application ref. H23-0761-17.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11 No dwelling shall be occupied until the means of secure cycle storage approved under condition compliance application ref. H23-0343-19 has been provided and shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

12 The precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development submitted and approved as part of application ref. H23-0761-17 shall be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

13 With regard to the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas, the development shall be constructed in accordance with the details so approved as shown on dwg. no's. 26115/11 Rev V and 26115/13 Rev C.

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

14 The management and maintenance of areas of publicly accessible open space and any outdoor play areas shall be carried out in accordance with the details submitted and approved as part of condition compliance application ref. H23-0343-19.

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Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

15 The development shall be carried out in accordance with the scheme of biodiversity enhancements (Jonathan Biggadike Biodiversity Enhancements July 2017) submitted and approved as part of application ref. H23-0761-17. The details as approved shall be carried out in their entirety within 30 months of the commencement of development.

Reason: To enhance and contribute to biodiversity in accordance with the guidance within the NPPF.

16 The landscaping scheme submitted and approved as part of application ref. H23-0761-17, prepared by Jonathan Biggadike (July 2017), shall be carried out in its entirety within a period of 30 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.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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.

17 The boundary treatment submitted and approved as part of condition compliance application ref. H23-0343-19 shall be implemented in full before the development is first brought into use.

Reason: 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 ground works shall commence along the eastern boundary of the site ensuring that, for this area and the whole site, in the event that contamination is found at any time when carrying out the approved development that was not previously identified work must stop immediately and it must be reported immediately to Environmental Protection and in that event an investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Protection. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Protection. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Protection which shall accord with the procedural guidance of the Environmental

Protection Act 1990 Part 11A.

Work shall only restart once the remediation scheme is approved by the Local Planning Authority and all development on site shall be carried out in accordance with the scheme.

The applicant's attention is also drawn to the document entitled "Developing 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 30 of the South East Lincolnshire Local Plan, 2019.

19 Refuse shall be collected, and collection points shall be maintained, in accordance with the details submitted and approved as part of condition compliance application ref. H23-0786-18.

Reason: To ensure that provision is made for the satisfactory management and maintenance of refuse collection.
This Condition is imposed in accordance with Policies 2, 3 and 30 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 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

This planning permission is subject to an Agreement (as amended) under Section 106 of the Town & Country Planning Act 1990 and can only be implemented as a consequence of meeting the provisions of that Agreement.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).



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.