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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H23-0761-17 **Date of Decision:** 11th June 2018

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

Location: High Road Whaplode Spalding Lincs

Description: Residential development comprising 33 dwellings - approved under H23-0508-16. 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 must be begun not later than 20th February 2020.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and as this is a S73 Planning Permission.

- 2 Notwithstanding the details of the refuse collection points, the development hereby permitted shall be carried out in accordance with the following approved plans:

031601 PD01 P2
031601 PD03 P6
031601 PD04 D5
031601 PD05 P2
031601 PD06 P2

031601 PD07 P2
031601 PD08 P2
031601 PD09 P2
031601 PD10 P3
031601 PD11 P2
031601 PD12 P3
26115/11 REV T
26115/14 REV H
26115 13C
26115 15F

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

- 3 Except for the dwellings shown as accessed from a private drive arrangement on drawing number PD03 P6, 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 first be submitted to and approved by the Local Planning Authority, 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 4 The development shall be constructed in accordance with the materials set out in the 'Materials Schedule' detailed on 031601 PD12 P3 and 031601 PD05 P2.

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 Policy SG14 of the South Holland Local Plan, 2006

- 5 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.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 6 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 SRC drawing 26115-11T.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 7 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

- 8 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 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 Policies SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 9 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 this planning application 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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 10 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(P3), PD11(P2)). 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 Policy SG14 of the South Holland Local Plan 2006.

- 11 The construction process shall be carried out in accordance with the Pre-Construction Health and Safety Information Plan submitted with the application.

Reason: In the interests of the amenity of local residents. 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 SG17 of the South Holland Local Plan, 2006.

- 12 Before the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of the design and location of secure cycle storage for each dwelling on the site. No dwelling shall be occupied until the approved secure cycle storage has been provided and shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site, in order to encourage cycling as an alternative means of transport to the private car.

This Condition is imposed in accordance with Policy SG15 of The South Holland Local Plan 2006.

- 13 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 as set out in the document entitled 'Reference Condition 15' - submitted with the application shall be made available before commencement of the construction of the development and 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 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 Policies SG15 and SG17 of the South Holland Local Plan, 2006.

- 14 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 - SRC drawings 26115-11T, 26115-13C.

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 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 Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 15 Publicly accessible open space shall be provided and managed in accordance with the details contained within the submitted statement detailing management plan for areas of

publicly accessible open space (submitted Haycroft Homes statement 'Condition 19' & submitted Jonathan Biggadike Landscape Management Plan). The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

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 Policies SG14 and HS11 of the South Holland Local Plan, 2006.

- 16 A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings on site. The management of these areas shall be carried out in accordance with the details so approved.

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 Policies SG14 and HS11 of the South Holland Local Plan 2006.

- 17 The development shall be carried out in accordance with the submitted scheme of biodiversity enhancements (submitted Jonathan Biggadike Biodiversity Enhancements July 2017). 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.

- 18 The landscaping scheme submitted, 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 Policy SG18 of the South Holland Local Plan, 2006.

- 19 Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, 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.

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 Policy SG14 of the South Holland Local Plan, 2006.

- 20 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 SG13 of the South Holland Local Plan, 2006.

- 21 No dwelling on site shall be occupied until details of a refuse management plan including a maintenance schedule for the collection of refuse and recycling and their collection points has been submitted to and approved in writing by the Local Planning Authority. Thereafter refuse shall be collected, and these areas shall be maintained, in accordance with the approved details.

Reason: To ensure that provision is made for the satisfactory management and maintenance of refuse collection.

This Condition is imposed in accordance with Policies SG1 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>

The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

This planning permission is subject to an Agreement 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		

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 Authority 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.