Broadgate Homes Ltd
Broadgate House
Broadgate
Weston Hills
Spalding
PE12 6DB

Council Offices
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Spalding
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# TOWN AND COUNTRY PLANNING ACT 1990
# SECTION 73 MODIFICATION

**Reference:** H01-0961-21 **Date of Decision:** 20th October 2021

**Applicant:** Broadgate Homes Ltd
Broadgate House
Broadgate
Weston Hills
Spalding
PE12 6DB

**Location:** Land To Rear Of 75 Backgate Cowbit Spalding

**Description:** Residential Development comprising 4 detached bungalows & garages - approved under H01-0203-20. Modification of Condition 11 in relation to finished floor levels & cross sections

## 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 20 October 2023.

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 and documents:

H01-0961-21

Application form
1901-FPA-01
1901-PC-01C

H01-0203-20

Application form
Planning Statement. Hume Planning Consultancy. February 2020
Design and Access Statement. 1901-DAS-01
Flood Risk Assessment. RM Associates. January 2020 Version 1
Drainage Statement. Hall Infrastructure Design Ltd. 1-11.02.20
Heritage Statement Prepared by Archaeological Project Services APS Report No. HS/106
Protected Species Report. Inspired Ecology Ltd. December 2019
1901-PL-04
1901-PL-2+3G
1901-PL-03
1901-PL-01
1901-PL-1+4G
1901-PL-02
19-234-01
1901-FPA-02
1901-FPA-04

H01-1163-20

Application Form
Construction Management Plan - December 2020. 1901-CMP-01
Drainage Statement - V 2 - 11-12-20
1901-FPA-03E

H01-0032-21

Application Form
APS. WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGICAL MONITORING AND RECORDING AT 75 BACKGATE COWBIT LINCOLNSHIRE. NOVEMBER 2020

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

3 The construction process shall be carried out in accordance with the Construction Management Plan - December 2020. 1901-CMP-01.

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.

4 Precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be undertaken in accordance with the Construction Management Plan - December 2020. 1901-CMP-01 and 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


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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 3 of the South East Lincolnshire Local Plan, 2019.

5 The scheme of landscaping and tree planting shown on drawing referenced 1901-FPA-03E shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All existing trees shown on drawing referenced 1901-FPA-03E and proposed trees, shrubs and bushes shall be retained and maintained with traditional techniques 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.

Any replacement of hedging shall be compensated by re-planting at least the amount lost using native species such as blackthorn, common hawthorn, wild cherry and bird cherry. Any new hedgerows planted shall also comprise these native species.

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, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2021.

6 The details of the proposed boundary treatments approved by drawings referenced 1901-PC-01C and 1901-FPA-03E 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 and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 Where trees and hedges are shown on drawing referenced 1901-FPA-03E to be retained on site or adjacent to the site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)if any tree which is to be retained dies or is to be removed it shall be replaced within twelve months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.


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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 15 of the National Planning Policy Framework, 2021.

8 The recommendations for ecological retention and enhancement as set out within the Protected Species Report. Inspired Ecology Ltd. December 2019 shall be implemented prior to the occupation of the first dwelling and retained in perpetuity.

- A total of six bat roosts shall be installed within the new buildings. These should be placed on the northern and southern elevations.

- Two house sparrow boxes shall be installed within the development.

- The fencing installed shall accommodate routes for hedgehogs.

Reason: This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and the national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

9 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
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 15 of the National Planning Policy Framework, 2021.

10 The development shall be constructed and retained in accordance with the site levels details approved within drawings referenced 1901-FPA-01 and 1901-PC-01C.

Reason: To reduce the risk of flooding of the development.
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

11 The Surface Water Disposal details approved by Drainage Statement - V 2 - 11-12-20 shall be implemented in full before the development hereby permitted is first brought into use.

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, 2021.

12 The Foul Water Disposal details approved by Drainage Statement - V 2 - 11-12-20 shall be implemented in full before the development hereby permitted is first brought into use.


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Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

13 Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing referenced 1901-FPA-03E and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

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 Policy 2 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2021.

14 The refuse and recycling storage facilities at the rear of the property as shown on drawings referenced 1901-PC-01C and 1901-FPA-03E shall be fully implemented before the occupation of each dwelling and shall thereafter be retained. Refuse shall not be stored at the front of the property.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

15 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 and the National Planning Policy Framework, 2021.

16 Archaeological investigation of the site shall take place in accordance with the APS. WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGICAL MONITORING AND RECORDING AT 75 BACKGATE COWBIT LINCOLNSHIRE. NOVEMBER 2020.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 29 of the South East Lincolnshire Local Plan, 2019.

17 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 connection with Condition 16 above 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.

18 A copy of the final report required in connection with Condition 16 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.

19 Notwithstanding the provisions 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.

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 including dormer windows, conservatories, garages, car ports 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 and the National Planning Policy Framework, 2021.

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


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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).

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.



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@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.