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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference:	H04-0050-25	Date of Decision:	23rd April 2025
Applicant:	Loosegate Developments Seas End Road Moulton Seas End Spalding Lincolnshire PE12 6JX		
Location:	Off Maple Way Donington Spalding Lincolnshire		
Description:	Residential Development of 6 Dwellings - Approved under H04-0429-22. Modification of Condition 2 to allow for an extended rear projection to Plot 1 and Condition 5 to change private bin collection to Local Authority bin collection		

**South Holland District Council hereby give notice that permission has been GRANTED
(or equivalent) subject to the following condition(s):**

1 The development hereby approved must be begun no later than the expiration of three years beginning with the date of the permission granted under reference H04-0429-22 on 12 September 2022.

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/or documents:

H04-0050-25
3655-20 01M - Block Plan & Site Location Plan
3655-20 03D - Plot 1, Floor Plans & Elevations
Justification Statement by G R Merchant Ltd dated January 2025

H04-0429-22

17420/01 - Topographical Survey Showing Underground Electric Cables

3655-20 04 - Floor Plans & Elevations - Plot 2

3655-20 07 - Floor Plans & Elevations - Plot 3

3655-20 06 - Floor Plans & Elevations - Plot 4

3655-20 05 - Floor Plans & Elevations - Plot 5

3655-20 02 - Floor Plans & Elevations - Plot 6

Flood Risk Assessment, prepared by Ellingham Consulting Ltd, dated November 2021

Drainage Statement, prepared by William Saunders, dated April 2022, Ref: 12446-WMS-ZZ-XX-RP-C-39201-S8-P2

12446 - WMS - ZZ - XX - DR - C - 39200 - S8 - P2 - Drainage Layout

Phase 1 Desk Study, prepared by T.L.P Ground Investigations, dated 6th December 2021

Phase 2 Intrusive Ground Investigation Report, prepared by T.L.P Ground Investigations, dated 6th January 2022

H04-1155-22

Construction Management plan by D Brown

3655-20 Ecology Management Scheme by G R Merchant Ltd

3655-20 External Material Schedule by G R Merchant Ltd dated November 2022

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

3 The materials of the external surfaces (brickwork, finish, roof tiles and windows) of the development hereby permitted shall be carried out in accordance with those detailed within the application form and approved plans of application H04-1155-22.

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 2024.

4 The construction process shall be carried out in accordance with the approved Construction Management Plan and Method Statement within application H04-1155-22.

Reason: In the interests of the safety and free passage of those using the neighbouring estate roads and 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 during construction.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5 The development hereby permitted shall be carried out in accordance with the refuse collection and recycling storage facilities, as shown on dwg. no. 3655-20 01M, forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority. In particular, the following measures shall be fully implemented before any property is first occupied:

- Installation of dedicated waste collection area, comprising 1.8m close boarded fence
- The waste collection area shall be used solely on the day of collection and no other location shall be used for the storage of waste.

The waste collection facilities shall be retained thereafter.

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.

6 The scheme of landscaping and tree planting shown on approved plans on dwg. no. 3655-20 01M shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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, in the opinion of the Local Planning Authority, 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 The boundary treatments shown on dwg. no. 3655-20 01M shall be carried out and completed in its entirety 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.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 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 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 development, additions and alterations, 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 Section 12 of the National Planning Policy Framework, December 2024.

- 9 The development shall be carried out strictly in accordance with advice specified within the approved Ecology Management Scheme within application H04-1155-22. The recommended bio-diversity enhancement measures shall be installed prior to occupation.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2024.

- 10 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.

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 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 application guidance, approval and specification details, please visit:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

or 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.

For further guidance please visit:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>



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@planninginspectorate.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.