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# TOWN AND COUNTRY PLANNING ACT 1990
# SECTION 73A CONTINUATION

**Reference:** H05-0636-19 **Date of Decision:** 24th March 2020

**Applicant:** Mr D Goodridge - Invicta Developments Ltd
C/O Richmond House
Main Street
Long Bennington
Newark
NG23 5JR

**Location:** Fleet Mews Orchard Park Fleet Spalding

**Description:** Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities - approved under H05-0077-16 - Removal of Condition 3 relating to affordable housing

## 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:

H05-0636-19:
IDOF/B/19/01 (relevant to this application only in so far as it shows the location of the site)

H05-0077-16:
OH/OR/16/001

H05-0563-11:
IDHH/OR/11/005
IDHH/EB/11/001

IDHH/OR/11/001
IDHH/SB/11/001
IDHH/OR/11/002
IDHH/OR/11/003
IDHH/BP/11/001-A.

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

2 The development shall be constructed in accordance with the details of existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas submitted as part of approved condition compliance application ref. H05-0737-16.

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 listed buildings.
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, 2019.

3 Remediation of contaminated land shall be undertaken as per the details submitted as part of approved condition compliance application ref. H05-0737-16.

Reason: 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.

4 Archaeological site work shall only be undertaken in accordance with the details submitted as part of approved condition compliance application ref. H05-0945-15.

Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5 The applicant shall notify the Lincolnshire County Council Historic Environment Department of the intention to commence at least fourteen days before the start of archaeological work required in connection with condition 4 above in order to facilitate adequate monitoring arrangements. No variation shall take place without prior written consent of the local planning authority.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6 A copy of the final report required in connection with condition 4 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record (or according to an agreed programme). 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.


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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, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7 The development shall be constructed in accordance with the schedule and samples of external materials of construction of building and hard surfaces submitted as part of approved condition compliance application ref. H05-0945-15.

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 setting of adjacent listed buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

8 All new brickwork shall match that of the approved one metre square free standing panel of brickwork - considered as part of approved condition compliance application ref. H05-0945-15 - in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel constructed shall be retained on the site until the development hereby approved has been completed.

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 setting of adjacent listed buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

9 Window cills to the new build elements of the development hereby permitted shall be constructed of natural stone.

Reason: In the interests of the architectural composition and appearance of the development and the setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

10 The guttering to the development hereby permitted shall be of black painted metal construction fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the architectural composition and appearance of the development and the setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the


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National Planning Policy Framework, 2019.

11 For the avoidance of doubt, the new windows shall be traditional, painted timber, box sliding sashes, set at least 10 cm in reveal, with the boxes recessed behind the masonry. The sashes shall have 6/6 panes (or as indicated on the approved plans), solid timber glazing bars and putty effect glazing bead, no decorative horns, no visible trickle vents. They shall be in accordance with the full constructional details submitted as part of approved condition compliance application ref. H05-0945-15 and thereafter so maintained.

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 setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

12 The doors and door frames utilised in the development shall be installed in accordance with the details submitted as part of approved condition compliance application ref. H05-0945-15 and thereafter so maintained.

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 setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

13 All new window frames, glazing bars, doors and external door frames shall be of painted timber construction and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

14 The development shall be constructed in accordance with the details submitted as part of approved condition compliance applications ref. H05-0945-15 and H05-0737-16:
- Eaves and verges
- Gauged brick arches
- Chimney stacks and pots
- Front door canopy
- Waste collection points.

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 setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the

National Planning Policy Framework, 2019.

15 The design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be in accordance with the details submitted as part of approved condition compliance application ref. H05-0945-15. There shall be no variation from the details so approved without the prior written consent of the Local Planning Authority.

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 setting of adjacent Listed Buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

16 Foul and surface water disposal shall be in accordance with the details submitted as part of approved condition compliance application ref. H05-0737-16.

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.

17 All means of enclosure shall be erected in accordance with details submitted as part of approved condition compliance application ref. H05-0737-16.

Reason: In the interests of the character and appearance of the development and the setting of adjacent listed buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

18 The external illumination of all buildings and areas of the site shall be in accordance with details submitted as part of approved condition compliance application ref. H05-0737-16. There shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, the setting of adjacent Listed Buildings, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan, 2019.

19 Where trees are shown on drawing number IDHH/BP/11/001-A (submitted as part of application ref. H05-0563-11) to be retained on 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, without the prior written consent of the Local Planning Authority;
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 without the prior written consent of the Local Planning Authority;
iv) no driveways shall be constructed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority;
v) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development first occupied it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.
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, 2019.

20 The existing hedge along the East boundary of the site shall be retained, maintained and extended and details of any proposed maintenance measures shall be submitted the Local Planning Authority within one month of the date of this decision for written approval. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated and all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the protection of the existing hedges on the site, in the interests of the visual amenity of the locality, and to mitigate potential overlooking in the interests of neighbouring residential amenity.
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, 2019.

21 Prior to the first occupation of the development hereby permitted the private drive and vehicle parking spaces shall be completed in accordance with the details shown on drawing number IDHH/BP/11/001-A, submitted as part of application ref. H05-0563-11.

Note: This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontages.

Reason: In the interests of highway safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

22 Prior to 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 a site management company responsible for the upkeep of grounds, access roadway and footpaths, maintenance of buildings and waste disposal. The management company shall

be formed in accordance with the details so approved before the development is first occupied, and shall thereafter remain in place.

Reason: To ensure that the site is maintained and household waste disposed of in a satisfactory way, in the interests of the amenities of residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

23 Notwithstanding the provisions of the Town & 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 without the prior written approval of the Local Planning Authority:
i) the erection of freestanding curtilage buildings or structures including car ports and garages;
ii) the erection of house extensions including dormer windows, conservatories, garages or car ports;
iii) the erection of walls, fences or other means of enclosure;
iv) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
v) the cladding, rendering or painting of the exterior of the building;
vi) the installation of satellite dishes.

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 setting of adjacent listed buildings.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019, and with national guidance contained in Section 16 of the National Planning Policy Framework, 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



**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.