Studio 11 Architecture
King'S Lynn Innovation Centre
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King'S Lynn
PE30 5BY

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference:	H05-1124-21	**Date of Decision:**	18th February 2022
Applicant:	Belmont Contractors Ltd. C/O Studio 11 Architecture Innovation Drive King'S Lynn PE30 5BY		
Location:	Land Off Old Main Road Fleet Hargate Spalding		
Description:	Residential development of 9 dwellings - approved under H05-1235-18. Modification of Condition 10 relating to Flood Risk Assessment.		

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 the expiration of three years from 21 February 2019.

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:
H05-1124-21
356.PL.03E;
356.P.Linc.01A;
356.P.Hylt.01C;
356.P4.Lanc.01;
356.P5.Col.01A;
356.P6 &7.Hylt.01;
356.P8.Col.01A;
356.P9.Lanc.01B;

356.FH.100C;
356.FH.102D;
356.FH.104J;
356.FH.105E;
356.FH.106D;
356.FH.110F;
356.FH.200G;
356.FH.202C;
356.FH.203C;
356.FH.204A;
356.FH.205E;
356.FH.300I;
356.FH.302E;
356.FH.304D;
356.FH.305D;
356.FH.306E;
356.FH.307B;
356.FH.500A;
500.EWP.01A;
500.EWP.02A;
500.EWP.03;
500.ISS.01;
500.SS.01;
500.SS.02A;
500.BTP.01D;
500.LD.01C;
3672.Fleet Hargate Drainage Studio 11.TPP Rev A;
500.MP.01A;
38917/10D;
38917/12 A;
Specification for Archaeological Monitoring & Recording Report by Neville Hall dated November 2019;
Combined Phase I Desk Study and Phase II Exploratory Investigation by GeoDyne Ltd (Project No. D37124) dated 31 October 2017;
Letter from GeoDyne Ltd (ref. D37124/PK) dated 25 September 2020 titled "Ground Gas Report";
Letter from GeoDyne Ltd (ref D37124/PK) dated 28 September 2020 titled "Supplementary Soil Sampling";
External Material Schedule by Studio 11 Architecture;
Technical Information Sheets by Munster Joinery UK Ltd entitled Hardwood Sliding Sash Windows (Sheet no. 12.02 Rev B) dated 1 February 2016;
Technical Information Sheets by Munster Joinery UK Ltd entitled Timber Prestige Hardwood Windows (Sheet no. 11.01 Rev C) dated 1 December 2019;
Window Sections (Prestige Hardwood/Nordic Pine Casement Window);
Technical Information Sheets by Munster Joinery UK Ltd entitled Prestige Hardwood Doors (Sheet no. 8.01 Rev B) dated 1 February 2016;
Construction Method Statement by Studio 11 Architecture dated 8 February 2022.;

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356.SG.01;

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Heritage Statement by Studio 11 Architecture (Project 356) dated May 2017;
Flood Risk Assessment by S M Hemmings dated 26 April 2017.

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

3 The window frames shall be installed in accordance with the approved details and painted white or cream. They shall thereafter be so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

4 All new window frames and glazing bars shall be of timber construction and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the development and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

5 The external doors shall be installed in accordance with the approved details and shall thereafter be so maintained. All external doors, frames and surrounds shall be of timber construction.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

6 The approved scheme of landscaping shown on dwg. no. 500.LD.01C shall be carried out in its entirety within a period of twelve 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.

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 national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

7 Prior to commencement of any dwelling beyond oversite, and notwithstanding the details accompanying the application, full details of all new fencing shall be submitted to and

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approved in writing by the Local Planning Authority. The approved scheme of fencing shall be completed in accordance with the approved details prior to occupancy of any dwelling and shall thereafter be retained.

Note: All rear and side fencing associated with plots 8 and 9 should be set on a dwarf brick wall to prevent water penetration onto adjoining land and also to prevent the fence from deteriorating. The dwarf wall/fencing along the eastern boundary associated with plots 8 and 9 should have a total height of 2 metres.

Reason: In the interests of the character and appearance of the estate and also the amenity of future occupiers and neighbouring residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8 Proposed site levels and finished floor levels of the buildings and hard surfaced areas shall be in accordance with details shown on dwg. nos. 500.EWP.01A, 500.EWP.02A and 500.EWP.03.

Reason: In the interests of the amenity of adjacent residents, its visual and architectural relationship with adjacent development and also flood risk.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2021.

9 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment including/plus the following measures, unless otherwise agreed in writing by the Local Planning Authority. The measures shall be fully implemented before the property to which they relate is first occupied:
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Notes:
The applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development: "Improving Flood Performance of New Buildings - Flood Resilient Construction" (Department for Communities and Local Government, 2007).
Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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, 2021.

10 Prior to commencement of any dwelling beyond oversite details of surface water drainage facilities (eg, drainage channel or French drain) to be installed along the front/side of the dwellings and associated garages on plots 8 and 9, including outfall, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be installed in accordance with approved details prior to occupancy of either

dwelling on plots 8 and 9.

Reason: To prevent ponding during heavy/prolonged periods of heavy rainfall, in the interests of the amenity of future occupiers.
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, 2021.

11 The management of the areas coloured in yellow on dwg. no. 500.MP.01A shall be carried out in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of these areas.
This Condition is imposed in accordance with Policies 3, 4 and 28 of the South East Lincolnshire Local Plan, 2019.

12 The construction process shall be carried out in strict accordance with the approved Construction Method Statement.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

13 None of the existing trees shown to be retained on dwg. no. 500.LD.01C, including the two preserved Oaks, shall be cut down, up-rooted, destroyed, topped or lopped other than in accordance with details outlined within the approved Tree Protection and Method Statement. 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 3, 4 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

14 Those trees shown to be retained on site on dwg. no. 500.LD.01C. shall be protected during construction work in accordance with details shown on the Tree Protection Plan (dwg. 3672 Fleet Hargate Drainage Studio 11. TPP Rev. A) accompanying the application.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 3, 4 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

15 All drainage works to be carried out within the spread of the trees to be retained on the site shall be carried out strictly in accordance with details shown on the Tree Protection Plan (dwg. 3672 Fleet Hargate Drainage Studio 11. TPP Rev. A).

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

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This Condition is imposed in accordance with Policies 3, 4 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

16 Before each dwelling is occupied, the roads and 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 public highway, 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 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 Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019.

17 No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays (as illustrated on drawing number 356.PL.03E) have been completed.

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 Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019.

18 Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019.

19 Before any dwelling is occupied the existing bus stop shall be re-located in accordance with details shown on dwg. no. 356.FH.500 Rev A.

Reason: To ensure satisfactory facilities for public transport within the settlement.
This condition is imposed in accordance with advice within Section 9 of the National Planning Policy Framework, 2021.

20 No dwelling shall be occupied until the surface water drainage scheme has been completed or provided on the site in accordance with the approved details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: 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.
This Condition is imposed in accordance with Policies 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019. and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

21 The approved scheme of foul water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policies 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

22 Before any dwelling is commenced a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

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.

23 A full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

24 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing prior to commencement of archaeological work required in accordance with the approved Specification for Archaeological Monitoring and Recording Report 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.

25 A copy of the final archaeological report required in connection with Condition 23 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.

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 applicant is reminded that two Oak trees at the rear of the site are the subject of Fleet Hargate Tree Preservation Order No. 8, 2017. The remaining trees are protected by virtue of being within Fleet Hargate Conservation Area.

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

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.