Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H08-0257-22 **Date of Decision:** 13th May 2022

Applicant: RTW Construction & Development
C/O Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

Location: Site Adj. Silverdene Boston Road Gosberton Spalding

Description: Residential Development of 18 Dwellings - approved under H08-0218-20. Modification of Condition 1 to allow amendments to previously approved plans.

South Holland District Council hereby give notice that permission 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:

Accompanying application ref. H08-0257-22:

525.OUT.01
556.SK.03B
556.SK.4.A
556.SK.5 A
556.SK.6

Accompanying application ref. H08-0218-20:

A1435-01 Rev A
A1435-18 Rev A
A1435-19 Rev B

A1435-15
A1435-16
A1435-17
20117/20 Rev E
(90)001 Rev B
(90)002 Rev B
(96)001 Rev B
(96)002 Rev B
N0653(03) 001A
N0653(03) 002
A1435(MS) - 10
Surface and Foul Water Drainage Assessment (prepared by Sidebottom Richardson Cheng Ltd, Rev B, dated 29 April 2020)
Supplementary Ground Investigation Report (prepared by Sidebottom Richardson Cheng Ltd, dated April 2020)
Heritage Statement (prepared by Archaeological Project Services, dated January 2020)
Email correspondence with agent re affordable housing mix (dated 17 July 2020 and 22 July 2020)

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

2 The development hereby permitted shall be undertaken in accordance with the Construction Management Plan and Construction Management and Method Statement approved by virtue of condition compliance application ref. H08-0259-22.

The approved measures shall be strictly adhered to throughout the construction period.

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 during construction and to ensure that suitable traffic routes are followed.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3 Archaeological investigation shall be undertaken in accordance with the Written Scheme of Investigation for Archaeological Monitoring and Recording approved by virtue of condition compliance application ref. H08-0371-22.

Reason: To ensure that an appropriate scheme of archaeological investigation is adhered to 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.

4 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 3 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

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National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5 A copy of the final report required in connection with Condition 3 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.

6 Notwithstanding the submitted schedule of materials, specific details of the bricks and tiles to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted beyond oversite.

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.

7 No dwelling shall be occupied before details of the means of storage and disposal of refuse/recycling for properties located on private drives have been submitted to and approved in writing by the Local Planning Authority.

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.

8 The development hereby permitted shall be managed and maintained in accordance with the details contained within the Management Plan for General Planting, Public Open Space, Refuse/Recycling Collection Points & Drainage approved by virtue of of condition compliance application ref. H08-0259-22.

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

9 Before the commencement of the development hereby permitted beyond oversite, details of a scheme for the provision of bird, bat and owl boxes to be installed within the site, as well as provision for hedgehogs to travel around the site, shall be submitted to and

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approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the completion of the development hereby approved, and shall thereafter be retained.

Reason: To enhance the potential for the site to be used by birds, bats, owls and hedgehogs.
This Condition is imposed in accordance with Section 15 of the National Planning Policy Framework, 2021.

10 The annexe above the garage forming part of the development shall be and shall remain incidental to the use of the dwelling sited on Plot 18, shall not be sold or let off separately, and shall be used only by members of the family of the occupier of that dwelling.

Reason: Independent occupation of the annexe would be tantamount to the formation of a new dwelling in the open countryside, which is identified as an area of development restraint in the South East Lincolnshire Local Plan, 2019.
This Condition is imposed in accordance with Policy 1 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



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.