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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H09-0595-16 **Date of Decision:** 9th August 2016

Applicant: Mr Smith
The Old Church House
Barge Road
Holbeach St Matthews
Spalding
PE12 8EQ

Location: The Old Church House Barge Road Holbeach St Matthews Spalding

Description: Proposed conversion of redundant church into dwelling - approved under H09-0255-16. Modification of Condition 2 to allow amendments to previously approved plans.

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

1 The development must be begun not later than 6 May 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:
Dwg. nos. 2690/01, 2690/02, 2690/03, 2690/04, 2690/05, 2690/07A, 2690/08, 2690/09 and 2690/10 accompanying planning application H09-0255-16;
Dwg no. 2690/06D;
Condition Survey by Hutton+Rostron Environmental Investigations Ltd dated 18 January 2010 accompanying planning application H09-0255-16;
Ecology and Protected Species Survey by Scarborough Nixon dated February 2016 accompanying planning application H09-0255-16.

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

3 The development hereby permitted shall be carried out in accordance with details within the Protected Species Report by Scarborough Nixon dated February 2016 accompanying planning application H09-0255-16. The bat roost units/loft shall be installed in accordance with the approved details prior to occupation.

Reason: To ensure that any bats and bat roosts on the site are protected, or that alternative roosts are provided.
This condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012

4 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped, lopped or pruned without the prior written consent of the Local Planning Authority.

Reason:To ensure the protection of existing trees on the site, in the interest of the visual amenities of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

5 The existing hedge along the South-Western boundary of the site shall not be removed other than as is necessary to facilitate the provision of means of access to the site.

Reason:To ensure the protection of the existing hedge, in the interest of the visual amenities of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

6 Where trees, including the crown spread of the trees, are within 2 metres of construction work, they shall be protected during construction work as follows:
i) chestnut pale or similar fencing 1.2 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, new drains or soakaways shall be constructed under the spread of the crowns of the trees to be retained without submitting details and obtaining the prior written consent of the Local Planning Authority;
iv) 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 is commenced 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 Policy SG18 of the South Holland Local

Plan 2006.

7 All external illumination, including details of luminance and fields of illumination, shall be in accordance with details accompanying condition compliance application H09-0596-16.

Reason:In the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies SG13 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

8 The proposed roof lights shall be installed in accordance with details accompanying condition compliance application H09-0596-16 and thereafter so maintained.

Reason: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 HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

9 No secondary glazing shall be utilised in the development hereby permitted unless approved in writing by 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 visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

10 The following features shall be installed strictly in accordance with details accompanying condition compliance application H09-0596-16:
i) the staircase;
ii) the dividing screens;
iii) the first floor deck and support columns;
iv) the first floor gallery and glass balustrade.

Reason:In the interests of the architectural and historic integrity of the building.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

11 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, other than those approved by virtue of this planning permission, 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, 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;
iv) 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 and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

12 No fixtures such as worktops, kitchen units and built in appliances shall be located in front of or underneath the large windows to the east of the chancel area.

Reason: To ensure that the Local Planning Authority retains control over the future of the development, and in the interests of maintaining the spatial and architectural focus of what was the alter platform and main windows.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

13 Once development has been commenced no material part of the development shall be omitted without the prior written consent of the Local Planning Authority and its development shall be completed (subject to non-material omission) as a whole in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:In the interests of the architectural and visual integrity of the overall development.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2012.

14 The development hereby permitted shall be carried out in accordance with the following flood mitigation measures:
i) Provision of a staircase leading to a safe refuge at first floor level, including associated roof light(s);
ii) All bedrooms shall be at first floor level;
iii) Flood resistant/resilient measures and construction techniques shall be incorporated within the development, including 600mm demountable flood barriers on external doorways;
iv) The eventual occupiers shall sign on to the Environment Agency's Floodline Warnings Direct Service.
The flood mitigation measures shall be provided in accordance with the approved details prior to the development hereby permitted being brought into use.

Reason: To ensure that the risk of flooding to the development and future occupants is minimised whilst retaining the architectural and historic integrity of the building.
This Condition is imposed in accordance with national guidance contained in Sections 10 and 12 of the National Planning Policy Framework, 2012.

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 development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.



Paul Jackson
Place 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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.