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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H09-0760-17 **Date of Decision:** 12th December 2017

Applicant: D Brown Building Contractors Ltd
Seas End Road
Moulton Seas End
Spalding
Lincs
PE12 6LD

Location: Marsh Road Holbeach Hurn Spalding Lincs

Description: Residential development - erection of 3 pairs of semi-detached two bed houses on rural exception site (approved under H09-0443-14) - Modification of permission to alter plots 1-4 to three bed

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 29 June 2020.

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. 2910-16-01C, 2910-16-02B and 2910-16-03;
Flood Risk Assessment (ref GCB/Merchant dated June 2014) accompanying planning application ref. H09-0443-14;
Archaeological Report compiled by Archaeological Project Services (ref. 8/16) dated January 2016 accompanying planning application ref. H09-0443-14.

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

- 3 Other than those trees shown to be removed on dwg. no. 2910-16-02B no trees shall be cut down, up-rooted, destroyed, topped, lopped or pruned.

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 Policy SG18 of the South Holland Local Plan 2006, national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

- 4 The frontage trees to be retained 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,
 - 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;
 - iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped, 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 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 trees on the site.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

- 5 The approved scheme of new tree/shrub/hedge planting shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and hedges 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 site is adequately landscaped, in the interests of the visual amenities of the rural locality.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

- 6 The approved scheme of screening shown on dwg. no. 2910-16-02B shall be implemented in its entirety prior to occupation of any dwelling to which it relates and shall thereafter be retained.

Reason: To safeguard the amenity of neighbouring residents.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

- 7 Before any dwelling is commenced beyond oversite full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface 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, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan 2006, and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 8 Before any dwelling is commenced beyond oversite details shall be submitted to the Local Planning Authority showing how the highway surface water run-off collected by the existing off-lets in the kerb along the frontage of the application site will be disposed of. The works, as approved, shall be completed prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure that the highway and adjacent land is not adversely affected by reason of flooding by the permitted development.

- 9 Before the commencement of the development beyond oversite, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved 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 SG12 and SG13 of the South Holland Local Plan 2006.

- 10 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ref GCB/Merchant dated June 2014) accompanying planning application ref. H09-0443-14, including the following mitigation measures detailed within:

- i) finished floor levels shall be set at 4.10m AOD;
- ii) flood resilient and resistant construction shall be incorporated within the development up to 300mm above finished floor level;
- iii) safe refuge shall be available on the first floor of the development;
- iv) identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with national guidance contained in Section 10 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>

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 and can only be implemented as a consequence of meeting the provisions of that Agreement

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 Authority 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.