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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H11-0037-16 **Date of Decision:** 24th February 2016
Applicant: R K Wilson Builders Ltd
Sandpit Farm
59 Wisbech Rd
Long Sutton
Spalding Lincs
PE12 9AQ
Location: Site Adjacent 4 Swapcoat Lane Long Sutton Spalding
Description: Residential development - terrace of 3 houses (2 three-bed and 1 two-bed)
approved under H11-1040-15. 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 must be begun not later than 22 December 2018.

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. No. 15/422/PA/005;
Geo-Environmental Assessment (Ref: UK15.2001) dated 7 October 2015 accompanying planning application H11-1040-15.

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

- 3 Before the commencement of the development hereby permitted beyond oversight a

schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

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 Policy SG14 of the South Holland Local Plan, 2006.

- 4 The scheme of landscaping and tree planting shown on dwg. no. 15/422/PA/005 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 Policy SG18 of the South Holland Local Plan, 2006.

- 5 The first floor window on the northern elevation of the building shall be obscure glazed and thereafter retained.

Reason: In the interest of the amenities of the locality.

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

- 6 Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

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 Policy SG14 of the South Holland Local Plan, 2006.

- 7 The railings along the site's frontage shall be installed in accordance with the approved details prior to any dwelling being brought into use.

Reason: To ensure a satisfactory development in the interest of the visual amenities of the locality.

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

- 8 The recommendations within the Geo-Environmental Assessment accompanying planning application ref. H11-1040-15 shall be carried out in their entirety throughout the course of the development and a full closure report shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is occupied. The report shall provide

verification that the required works regarding contamination have been carried out in accordance with the submitted details. Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To address any pollution and to ensure a satisfactory development.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 9 The development hereby permitted shall be carried out in accordance with the following flood mitigation measures:

- i) Finished floor levels shall be set 300mm above existing ground level;
- ii) The building shall be designed to incorporate flood resistant/resilient measures and construction techniques, including 600mm demountable flood barriers on 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 mitigated whilst ensuring that the dwelling has a satisfactory relationship with existing development.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

- 10 Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before any dwelling is occupied.

Reason: To ensure that the site is adequately drained and to prevent increased risk of flooding.

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

- 11 Foul water shall be disposed of via the mains sewer.

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.

- 12 Before any dwelling is occupied, the access, parking and turning/manoeuvring areas shall be constructed in accordance with details to be submitted to and approved in writing by

the Local Planning Authority and thereafter retained for that use.

Reason: To ensure safe access to the site and each dwelling in the interests of residential amenity and highway safety.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

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>



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.