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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H11-0665-21 **Date of Decision:** 10th August 2021

Applicant: Mr S Portass
Maple House
7 Edwin Close
Stratton Strawless
Norfolk
NR10 5RY

Location: Rear Of 15, 17 & 19 Market Street Long Sutton Spalding

Description: Residential Development - 3 dwellings - approved under H11-0827-20. 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:

Ref. H11-0665-21
3663-20 01S;
3663-20 02R.

Ref. H11- 0827-20
Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Merchant) dated June 2020;
Heritage Impact Assessment by G R Merchant Ltd (ref. 3663-20) dated September 2020;
Justification Statement by G R Merchant Ltd (ref. 3663-20) dated September 2020;
Historic Building Recording Report by APS (No. 78/14) dated August 2014;
Geo-Environmental Desk Study (Report ref. 0228/1) by Goldfinch Environmental Ltd dated July 2014;
Construction Management Plan by G R Merchant Ltd dated November 2020.

Ref. H11-0106-21
Correspondence from Goldfinch Environmental Ltd (ref. 0228/1/EP/Ltr-01/ds) dated 1 February 2020 relating to contamination.

Ref. H11-0093-21
Residence 9 Windows and Doors Brochure.

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

2 Notwithstanding the provisions of the Town and 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 shall be carried out other than approved by virtue of this permission

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.

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, levels of residential amenity and the visual amenity and character of this part of the Conservation Area within 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.

3 The window frames shall be installed in accordance with the approved details accompanying condition compliance application ref. H11-0093-21.

Reason: 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 The external doors and frames shall be installed in accordance with the approved details accompanying condition compliance application ref. H11-0093-21.

Reason: 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.

5 The rainwater goods utilised in the development hereby permitted shall be coloured black and be either of metal construction or plastic cast iron effect and thereafter so maintained.

DC_FINAL_DECISION - ODB:14

Reason: 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 No part of any rooflight associated with the 3 bed dwellings shall be installed below 1.7 metres above the floor of the room in which the window is installed, and shall be retained as such thereafter.

Reason: To protect the privacy of neighbouring residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 The rooflight on the western (rear) elevation serving the en-suite associated with the 1 bed dwelling shall be obscure glazed and fitted with a restrictor device to restrict all opening parts to 100mm, unless emergency access is required. The obscure glazing and window restrictor device shall be retained in place at all times for the life of the development. Except in an emergency situation the window shall not be opened in excess of 100mm.

Reason: In the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 The development hereby permitted shall not be occupied until the eastern boundary wall has been increased in height by 1.2m in accordance with details shown on dwg. no. 3663-20 02R accompanying the application, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent overlooking of neighbouring residential properties.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

9 Before any dwelling is occupied fencing and associated trellising shall be erected along the southern and north-western boundaries in accordance with the approved details. It shall thereafter be so maintained.

Reason: In order to ensure that the site is adequately screened, in the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

10 The construction process shall be carried out in accordance with the Construction Management Plan accompanying application ref. H11-0827-20.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

DC_FINAL_DECISION - ODB:14

11 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of planning application ref. H11-0827-20, including/plus the following measures, unless otherwise agreed in writing by the Local Planning Authority:
· Finished floor levels shall be set at 4.01m aOD;
· The properties shall be at least 2-storey;
· Flood resilient/resistant construction shall be used up to 460mm above the finished floor levels.
The measures shall be fully implemented before the property to which they relate is first occupied:

Notes:
1. 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);
2. 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.

12 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 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

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection Department immediately.



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.