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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H11-0730-20 **Date of Decision:** 13th December 2023
Applicant: Mr G Franklin
C/O Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford
NG34 0RA
Location: Pear Tree Farm St James Road Long Sutton Spalding
Description: New dwelling - approved under H11-0245-18. Modification of Condition 2 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 (as amended):

Ref. H11-0245-18
1185-2_PL_LP01
1185-2_PL_BP01
Landscape Review by Robert Doughty Consultancy dated May 2017
Energy Strategy & Sustainability Statement by eb7 Ltd dated 16 February 2018
Flood Risk Assessment by RM Associates dated March 2018 (Version 1)
Preliminary Ecological Appraisal and Bat Roost Potential Survey (Delta-Simons Project No. 17-0252.01) issued February 2018

Ref. H11-1083-18
Preliminary Environmental Risk Assessment by Delta-Simons (Project no. 17-0252.02) dated March 2018

Geo-Environmental Report by Delta-Simons (Project no. 17-0252.03) dated September 2018

Remediation Method Statement by Delta-Simons (Project no. 17-0252.03) dated September 2018

Ref. H11-0730-20

1185-2_PL_BP02 Rev A

1185-2_PL_PL01 Rev A

1185-2_PL_PL02 Rev A

1185-2_PL_GA01 Rev A

1185-2_PL_GA02 Rev A

1185-2_PL_SE01 Rev A

1185-2_BR_GA01 Rev E

1185-2CC_PL_LD01

Materials Schedule (ref. 1185/2 CC2) dated 25/09/2020

Details of Owl Boxes (ref. 1185/2 CC2) dated 25/09/20)

Contamination Investigation Report by Ground Engineering Ltd (Ref. C15075A) dated September 2020

Verification Report by Ground Engineering Ltd (Ref. C15075B) dated August 2022

Further Ground Investigation and Remediation Scheme by Ground Engineering Ltd (ref. C15075C) dated October 2023

1185-2_BR_SE01 Rev G

1185-2_BR_SE02 Rev G

1185-2_BR_SE03 Rev D

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:
 - i) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
 - ii) 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 the area within which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and advice within paragraph 80 of the National Planning Policy Framework, 2023.

- 3 The approved scheme of landscaping/tree planting 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 Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

- 4 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless agreed otherwise in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed 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 existing trees on the site, in the interests of the visual amenity of the locality.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2023.

- 5 The approved scheme of boundary treatment/screening 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 amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2023.

- 6 The new dwelling shall incorporate renewable energy and energy efficiency measures in accordance with details within the approved Energy Strategy & Sustainability Statement. Such measures shall be installed prior to occupation and shall thereafter be retained.

Reason: To define the terms of the permission in the interests of sustainable development and the protection of the environment.

This Condition is imposed in accordance with advice within Paragraph 80 of the National Planning Policy Framework, 2023.

- 7 Notwithstanding the submitted details no further works shall be carried out on the dwelling hereby permitted until a scheme to deal with any contamination of land or pollution of controlled waters, has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing; namely, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion. This shall include details of the proposed verification plan including compliance criteria and monitoring details. No deviation shall be made from this scheme without the express written agreement of the LPA.

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

Note: Your attention is drawn to advice from Environmental Protection dated 6 December 2023 accompanying the application relating to this matter.

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

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 8 Two full copies of a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s) agreed as part of Condition 7 above. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 9 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment, unless otherwise agreed in writing by the Local Planning Authority. In particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set 500mm above existing average ground level at 2.80m ODN;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Note: 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 national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

- 10 Before the new dwelling is commenced at least two Barn Owl boxes shall be installed on the site in accordance with the approved details. They shall thereafter be retained.

Reason: In the interest of nature conservation and because owls are a protected species under the Wildlife & Countryside Act, 1990.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

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 permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>
or contact vehiclecrossings@lincolnshire.gov.uk

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit:
Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>



Phil Norman
Head of Planning
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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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.