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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H12-0639-17 **Date of Decision:** 14th August 2017

Applicant: Mr & Mrs T Baker
49 Lancaster Drive
Long Sutton
Spalding
Lincs
PE12 9BD

Location: Off Church Lane Lutton Spalding

Description: Residential development (proposed five-bedroomed family home and garages) - approved under H12-0048-16 - Modification of Conditions 9 and 11 to change windows to UPVC and rainwater goods to cast iron look-a-like

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 13 March 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. 2857-15-01J, 2857-15-02M, 2857-15-03L and 2857-15-04F and 2857-15-06B;
Flood Risk Assessment (Ref. GCB/Merchant) dated December 2015 accompanying planning application ref. H12-0048-16;
External Materials Schedule dated September 2016 accompanying condition compliance application ref. H12-1187-16 as updated by details accompanying Non Material Amendment ref. H12-0638-17;
Protected Species Survey by Andrew Chick dated March 2016 accompanying condition

compliance application ref. H12-1187-16;
Specification for Archaeological Monitoring Report prepared by Neville Hall (dated October 2016) accompanying condition compliance application ref. H12-1187-16;
Dwg. no. 2857-15-05C as amended by window specifications accompanying planning application H12-0639-17;
Rainwater goods specification accompanying planning application H12-0639-17.

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

3 Prior to occupation of the dwelling hereby permitted the existing buildings on the site shall be demolished and all rubble and associated materials cleared from the site.

Reason: To define the terms of the permission and to ensure a satisfactory development, in the interests of the visual amenities of the locality and the setting of nearby listed buildings.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

4 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, porches or pergolas;
(ii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
iii) the erection of freestanding curtilage buildings or structures including carports and garages.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of the architectural composition and appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

5 A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before development is commenced beyond oversite. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

Note: the applicant is advised that a buff coloured mortar (using white Portland cement or similar and a sharp yellow/orange sand) and a flush, "bagged" finish would be appropriate.

Reason: In the interests of the architectural composition and appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

6 The brickwork on the front elevation shall be constructed in English or English Garden Wall bond with a ratio no greater than 1:3.

Reason: In the interests of the architectural composition and appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

7 The window frames to be utilised in the development hereby permitted shall be installed in accordance with details accompanying the application and shall have a white or cream finish.

Reason: In the interests of the architectural composition and appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

8 External doors and surrounds to be utilised in the development shall conform with details on dwg. no. 2857-15-05C.

Reason: In the interests of the architectural composition and appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

9 The rainwater goods utilised in the development hereby permitted shall conform with the submitted details.

Reason: In the interests of the appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

10 The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

Reason: In the interests of the appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

11 The eaves and chimney stacks shall be constructed in accordance with details on dwg. no. 2857-15-06B.

Reason: In the interests of the appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings, planning permission only having been granted on the basis that the development would achieve a high standard of design and detailing.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

12 The existing frontage wall along Church Lane shall be retained in its entirety.

Reason: In the interests of the appearance of the development, the visual amenity of the area in which it is set and the setting of nearby listed buildings.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

13 The approved scheme of landscaping and tree planting for the site 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 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.

14 Measures to mitigate any harm to protected species involved shall be undertaken in accordance with the recommendations within the Protected Species Survey by Andrew P. Chick (dated March 2016) accompanying condition compliance application ref. H12-1187-16.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

15 Before the new dwelling is commenced details of a barn owl nest box to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The nest box shall thereafter be installed in accordance with the approved details prior to commencement of the dwelling if freestanding or prior to occupation if it forms an integral part of the new dwelling or garage block. The barn owl nest box shall thereafter be retained in its entirety and be made available for use.

Reason: As recommended by the submitted Protected Species Survey, in the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

16 The development hereby permitted shall be carried out in general accordance with the measures set out in the Flood Risk Assessment forming part of this planning application and in particular the following mitigation measures:
i) Finished floor levels shall be set 500mm above existing ground level;
ii) The dwelling shall be a minimum of two storeys;
iii) Flood resilient and resistant construction measures shall be incorporated throughout the dwelling as stated within.
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.

17 The archaeological work on site shall be undertaken in accordance with the approved written scheme of archaeological investigation accompanying condition compliance application ref. H12-1187-16.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

18 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 17 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

19 A copy of the final report required in connection with Condition 17 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper

archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

20 Proposed boundary treatment shall be in accordance with details accompanying condition compliance application ref. HH12-1187-16 and 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.

21 The arrangements shown on dwg. no. 2857-15-01J for the parking, turning, manoeuvring, loading and unloading of vehicles shall be available at all times when the premises are in use.

Reason: To enable calling vehicles to wait clear of the carriageway of Church Lane and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

22 The area identified as a paddock/meadow on dwg. no. 2857-15-01J shall be used as such or as grazing land, meadow or vegetable patch/allotment. It shall not be used as residential garden.

Reason: In the interests of the visual amenity of the area in which the development is set and the setting of nearby listed buildings.
This Condition is imposed in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

23 The development hereby permitted shall not be commenced 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) if identified as being required following the completion of the desk-top study, a site

investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. 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 suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation 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.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy SG13 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

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.