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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION

Reference:	H14-0138-25	Date of Decision:	17th July 2025
Applicant:	Mr J Priestley Melbourne Holdings Melbourne Park House Royal Oak Business Park East Road, Sleaford NG34 7EQ		
Location:	Land Off Crossgate Lane Pinchbeck Spalding Lincolnshire		
Description:	Erection of 9 detached bungalows - approved under H14-0042-24. 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 approved must be begun no later than the expiration of three years beginning with the date of the permission granted under reference H14-0348-23 on 21st December 2023.

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 and/or documents:

H14-0138-25

JDA/2025/775/SITE/CEMP.001A Rev A - Site Layout with CEMP
JDA/2025/775/SITE/LIGHTING.001 A - Site Layout with Lighting
JDA/2025/775/SITE/FLOORS/S73/001A Rev A - Site Layout with Floors
JDA/2025/775/SITE/ROOFS.001A Rev A - Site Layout with Roofs

14-1029 - LDG - 00 - S - DR - C - 32201 Rev P01 - Proposed Ground Levels and Contours
14-1029 - LDG - 00 - S - DR - C - 32202 Rev P01 - External Finishes
14-1029 - LDG - 00 - S - DR - C - 32250 Rev P01 - Proposed Private External Construction Details
JDA/2025/775/GARAGES.001 - Detached Garage Details
JDA/2025/775/WD/P1.001 - Bungalow Type A Plot One Details
JDA/2025/775/P2.001 - Bungalow Type B Plot Two Details
JDA/2025/775/WD/P3.001 - Bungalow Type B - Handed Plot Three Details
JDA/2025/775/WD/P4.001 - Bungalow Type C Plot Four Details
JDA/2025/775/WD/P5.001 - Bungalow Type B - Handed Plot Five Details
JDA/2025/775/WD/P6.001 - Bungalow Type C - Handed Plot Six Details
JDA/2025/775/WD/P7.001 - Bungalow Type D Plot Seven Details
JDA/2025/775/WD/P8.001 - Bungalow Type E Plot Eight Details
JDA/2025/775/P9.001 - Bungalow Type A - Handed Plot Nine Details
JDA/2022/775 - February V2 Construction Environmental Management Plan
JDA/2022/775 - February 2025 Landscaping Specification
JDA/2022/775 - February V3 - Materials Schedule
JDA/2022/775 - Biodiversity Mitigation & Enhancement Plan - July 2025 V3
JDA/2024/775/CONDITIONS.001 A REV A. JULY 2025 - Site Layout, Condition Discharge of C3, C10 & C11

H14-0189-24

Specification for Archaeological Monitoring & Recording, by Neville Hall, Freelance Field Archaeologist & Consultant dated February 2024

H14-0042-24

JDA/2022/775/Location.001 - Site Location Plan
JDA/2024/775/SITE/WASTE.001D - Site Layout with Waste Collection Arrangements (Solely in respect of the partially adopted highway)

H14-0348-23

Flood Risk Assessment 78089R2, by GeoSmart Information Ltd, dated, 27 April 2023

Protected Species Report

JDA/2022/775/BOXES.001A - Bird & Bat Boxes

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

3 The materials of the external surfaces (brickwork, finish, roof tiles and windows) of the development hereby permitted, shall be carried out in accordance with those detailed within reference Materials Schedule JDA/2022/775 (V3) Dated, February 2025

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 The development hereby permitted shall be undertaken in accordance with the 'Specification for Archaeological Monitoring & Recording' prepared by Neville Hall, Freelance Field Archaeologist & Consultant dated February 2024 - as approved under reference H14-0189-24.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Section 16 of the National Planning Policy Framework, December 2024. 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 29 of the South East Lincolnshire Local Plan, 2019.

5 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 4 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with Section 16 of the National Planning Policy Framework, December 2024.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6 A copy of the final report required in connection with Condition 4 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 Section 16 of the National Planning Policy Framework, December 2024.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7 The scheme of landscaping and tree planting shown on dwg. nos. JDA/2025/775/SITE/FLOORS/S73/001A Rev A (Site Layout with Floors), JDA/2025/775/SITE/ROOFS.001A Rev A (Site Layout with Roofs) and JDA/2022/775 (Landscaping Specification) February 2025, shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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 and 3 of the South East Lincolnshire Local Plan, 2019.

8 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.

9 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ref: 78089R2, compiled by GeoSmart Information Ltd, dated, 27 April 2023 - of planning approval reference H14-0348-23), unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before any property is first occupied:

- Finished floor levels shall be set no lower than 4.3 metres above Ordnance Datum.
- Flood resilient construction shall be used to a height 300mm above the finished floor levels.

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

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, December 2024.

10 The site levels of the development hereby permitted shall be constructed, graded and retained in accordance with drawing no. JDA/2024/775/CONDITIONS.001 A REV A (July 2025). Unless otherwise agreed in writing with the LPA. Where a house type has been substituted (or reoriented or relocated) as part of this permission, the finished floor levels shall reflect those previously agreed on that plot.

Reason: To reduce the risk of flooding of the development and to ensure appropriate finished site and floor levels of the development, in the interests of the visual and architectural relationship with adjacent development.

This Condition is imposed in accordance with Policy 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

11 The boundary treatments shall be undertaken in accordance with drawing reference JDA/2025/775/SITE/FLOORS/S73/001A Rev A (Site Layout with Floors) and JDA/2025/775/SITE/ROOFS.001A Rev A (Site Layout with Roofs) as well as JDA/2022/775, Materials Specification V3 (dated, February) - Materials Schedule and shall be implemented in full before any of the dwellings hereby permitted are first brought into use.

The boundary treatments shall be retained thereafter.

Reason: 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.

- 12 Notwithstanding any submitted details, before the commencement of the development hereby granted beyond oversite, full details of the means of surface 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, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

- 13 Notwithstanding any submitted details, before the commencement of the development hereby granted, 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 Policy 30 of the South East Lincolnshire Local Plan, 2019.

- 14 The development hereby permitted shall be carried out in accordance with the refuse collection and recycling storage facilities, as shown on drawing nos JDA/2025/775/SITE/FLOORS/S73/001A Rev A (Site Layout with Floors) and JDA/2025/775/SITE/ROOFS.001A Rev A (Site Layout with Roofs), forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority. In particular, the following measures shall be fully implemented before any property is first occupied:

- Installation of dedicated waste collection area, comprising Western Red Cedar Woven Fencing
- Formation of partially adopted highway, as indicated on drawing no. JDA/2024/775/SITE/WASTE.001D (Approved under H14-0042-24)
- The waste collection area shall be used solely on the day of collection and no other location shall be used for the storage of waste.

The waste collection facilities shall be retained thereafter.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East

15 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, and E 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 those expressly authorised by this permission, without Planning Permission first having been granted by the Local Planning Authority.

- 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 or additions to the roof 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 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.

16 Notwithstanding the provisions of Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development 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.

17 The development hereby permitted shall be undertaken in accordance with the Construction Management Plan and CMP ref: JDA/2022/775/CMP.001A as approved under reference H14-0348-23 and Construction Environmental Management Plan, JDA/2025/775/SITE/CEMP.001A Rev A, by John Dickie Associates, submitted as part of this application. .

Reason: In the interests of the amenity of local residents. This issue is integral to the development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18 Construction operations as well as deliveries to and from the site shall not take place

outside the hours of 0800 - 1800 Monday - Friday, 0800 - 1600 Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 19 The pedestrian footway shown on drawing number JDA/2024/775/CONDITIONS.001 A REV A, that runs along the north of plots 1, 2 & 3 shall be formulated, laid and completed, prior to the first occupation of any of the dwellings hereby permitted.

Reason: In the interests of the amenity and Highway Safety.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019

- 20 The scheme shall be carried out in accordance with the Biodiversity Mitigation & Enhancement Plan - July 2025 V3 (JDA/2022/775) unless otherwise agreed in writing with the LPA. It shall be retained thereafter.

Reason: In the interests of the ecology.

This Condition is imposed in accordance with Policies 2, 3 and 28 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>

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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the Highway Authority's website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are not to be voluntarily put forward for adoption as public highways, may still be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

The highway improvement works referred to in Informative 20 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit the website; www.lincolnshire.gov.uk/highways-planning/works-existing-highway

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>

IDB- Development Contributions

Please note Welland & Deepings IDB comments regarding the development contribution to accept flows. This agreement is between the Landowner and the IDB.

Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the

biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Variation of an Existing Permission.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do NOT consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
 - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
 - (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as

specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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@planninginspectorate.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.