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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H14-0455-24 **Date of Decision:** 3rd July 2024

Applicant: Cecil Francis Ltd
Cecil Francis Business Park
Bear Lane
Pinchbeck
Spalding
PE11 3XA

Location: Cecil Francis Business Park Bear Lane Pinchbeck Spalding

Description: Proposed demolition of commercial buildings and HMO and subsequent construction of 3 dwellings and the change of use of offices to dwelling together with a detached garage and associated external works - approved under H14-0706-22. 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 and/or documents:

H14-0455-24
A1534-13 Rev P2

H14-0706-22
Application Form
Oglesby & Limb Ltd. Supporting letter AJO//A1534 dated 13 July 2022
Oglesby & Limb Ltd. Supporting email dated 08 August 2022 17:02
A1534-01 P1
A1534-11 P4

A1534-18 P2
Site Photo of Tarmac Concrete
Site Photo of Parking

H14-0012-22
Application Form
Supporting letter AJO//A1534 dated 7.1.22
Supporting Statement including Heritage Impact Assessment. A1534. December 2021
Flood Risk Assessment Prepared by S M Hemmings Dated 11 January 2022
Supporting letter AJO//A1534 dated 13.2.22
Asbestos Survey 20969. 3 December 2021
Contamination Screening Assessment Form. 21.2.22
A1534-10 P1
A1534-12 P1
A1534-13 P1
A1534-14 P1
A1534-15 P1
A1534-17 P1

H14-0915-22
Application Form
Oglesby & Limb Ltd Covering Letter AJO/A1534 13th September 2022
Heritage Consultancy and Planning Services Ltd T/A Groundworks Archaeology. Written Scheme of Investigation Archaeological Watching Brief. July 2022. Version 1
Construction Management Plan. rev: 001. Issue Date: August 2022
A1534-53 P1
A1534-54 P1
A1534-55 P1

H14-0224-24
Application Form
Covering Letter reference AJO/A1534 dated 13 March 2024
0275-JCE-00-SI-DR-C-3000
0275-JCE-00-SI-DR-C-3100
0275-JCE-00-SI-DR-C-3101
0275-JCE-00-SI-DR-C-3102
0275-JCE-00-SI-DR-C-3103
Schedule of External Materials
A1534-24 Rev B3
A1534-34 Rev B4
A1543-41 Rev P1
Email from agent relating to electricity boxes and heat pump dated 15th May 2024
Ecodan R32 Monobloc Air Source Heat Pump Information Sheet

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

2 Development shall be carried out in accordance with the Construction Method Statement submitted to and discharged under planning application H14-0915-22. Construction and demolition shall be carried out according to those approved arrangements.

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Reason: To avoid the creation of a gap site that would be harmful to the character and appearance of the Conservation Area within which the site is located.
This Condition is imposed in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, December 2023.

3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority (LPA). An investigation and risk assessment must be undertaken in accordance with details to be agreed with the LPA. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the LPA.

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.

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 30 of the South East Lincolnshire Local Plan, 2019.

4 The development shall be carried out in accordance with the Written Scheme of Archaeological Investigation that was submitted to and discharged under planning application H14-0915-22. The archaeological site work shall only be undertaken in accordance with this approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, December 2023. 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 5 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 16 of the National Planning Policy Framework, December 2023.
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 5 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 16 of the National Planning Policy Framework, December 2023.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (S M Hemmings. 11th January 2022), 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:

- The finished ground floor level of the proposed houses with all sleeping accommodation on the first floor should be a minimum level of 4.20m ODN.
- The finished ground floor level of the proposed converted existing building is satisfactory as long as it remains the same level as existing (4.23m ODN).
- Following clearance the finished ground level, which will be the rear gardens to the properties, should be no higher than 3.90m ODN, which is 300mm below the proposed level for the new dwellings.
- All future occupiers of the proposed dwellings should register with the Environment Agency's Floodline Warnings Direct Service to receive telephone flood warnings.

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 2023.

8 The surface water disposal shall be carried out and completed in accordance with the details submitted to and agreed under planning application H14-0224-24. 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 national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

9 The trees shown to be retained, as shown on dwg. no. A1534-11 P4, shall be retained. None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed 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 and adjacent to the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

10 Where trees are shown on dwg. no. A1534-11 P4 to be retained on and adjacent to the site they shall be protected during construction work as follows:

i)chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v)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 trees on and adjacent to the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023

11 Prior to the commencement of the development on Plot 4, details of the method of any excavations relating to Plot 4, below the canopy of the trees shown to retained on dwg. no. A1534-11 P4 within and adjacent to the site shall be submitted to and approved by the Local Planning Authority and carried out in accordance with the approved details. The structural engineer/architect/arboriculturalist with responsibility for the development during construction shall be present during /after hand digging, to ensure that hand digging does take place in accordance with the approved details.

Reason: To ensure the protection of existing trees on and adjacent to the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

12 The development hereby approved shall be carried out in accordance with the external materials submitted to and approved under planning application H14-0224-24. The development shall be constructed in accordance with the materials 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 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, December 2023.

13 The design of all external doors and door frames to be utilised in the development hereby permitted shall be made up of those submitted to and approved under planning application H14-0224-24 and listed under condition 1 of this permission (A1534-53 P1, A1534-54 P1 & A1534-55 P1). The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development 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, December 2023.

14 All window frames to be utilised in the development hereby permitted shall be made up of those submitted to and approved under planning application H14-0224-24 listed under condition 1 of this permission. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development 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, December 2023.

15 The rainwater goods utilised in the development hereby permitted shall be made up of those submitted to and approved under planning application H14-0224-24 and listed under condition 1 of this permission, they shall thereafter so maintained.

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.

16 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.

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This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

17 The design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be made up of those submitted to and approved under planning application H14-0224-24 and listed under condition 1 of this permission. They shall be constructed in accordance with those details.

Reason: To ensure that the Local Planning Authority retains control over these details of the development 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, December 2023.

18 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 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.
iv) 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 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, December 2023.

19 Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 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 subsequently determining to grant planning permission.

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This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch



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@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.