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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H14-0473-20 **Date of Decision:** 23rd April 2021

Applicant: Melbourne Holdings Ltd
Station Road
Heckington
Sleaford
Lincs
NG34 9NF

Location: Land Off Spalding Road Pinchbeck Spalding

Description: Residential Development of 10 Dwellings - approved under H14-0956-16. Modification of Conditions 2, 10, 11 and 31 and Removal of Conditions 20, 21 and 25.

South Holland District Council hereby give notice that this application 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:

Accompanying H14-0473-20:
776-4_PL_LP01 Rev A
M164-110 Rev B
M164-130
M164-133
M164-230
M164-233
M164-430
M164-433
M164-530
M164-533

3485-001
3485-002
Window sections
Window and door quotation by Benlowe (dated 24th March 2020)
Topographical plan
Flood Risk Assessment (prepared by RM Associates, dated October 2019)
Preliminary Ecological Appraisal (prepared by Delta Simons, dated 7 December 2018)
Block paving details
Outdoor lighting (sconce details)
Pre-Construction Health and Safety Information Plan (prepared by D B Lawrence and Associates Ltd, dated 5 June 2019)

Accompanying H14-0956-16:
776-4-PL_GA01;
Tree Surveys (CBE Consulting, dated 13th September 2016 report refs: P1162B/0916/01 & P1162C/0916/01);
Extended Phase 1 Habitat Survey (Delta-Simons, 16-0323.02, July 2016);
Phase 1 Desk Study Report (Delta-Simons, 16-0323.01, July 2016);
Soakaway Infiltration Report (Delta-Simons, 16-0323.01, 26 July 2016);
Heritage Statement (APS, HS/041); and
Archaeological Geophysical Survey (Pre-Construct Geophysics Ltd, June 2017).

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

2 Notwithstanding the submitted details and for the avoidance of doubt, this permission permits no development whatsoever to the northern side of the current private access road that adjoins Spalding Road and provides access to Otway House and Otway Farm.

Reason: To define the terms of the permission.

3 Archaeological site work shall only be undertaken in accordance with the details submitted as part of approved condition compliance application ref. H14-0616-19.

Reason: To ensure the implementation of an appropriate scheme of archaeological mitigation.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

4 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 3 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, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

5 A copy of the final report required in connection with Condition 3 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, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6 If during the course of development contamination not previously considered is identified, then the Local Planning Authority (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.

Reason: To address any unexpected pollution to ensure a satisfactory development.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7 The development shall be constructed in accordance with the materials details submitted as part of approved condition compliance application ref. H14-0471-20.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 All new brickwork shall match that of the freestanding panel of brickwork constructed for the purposes of, and approved as part of, condition compliance application ref. H14-0471-20 in terms of the type of bricks used, the method of bonding, mortar colour and pointing style. The constructed brickwork panel shall be retained on the site until the development hereby approved has been completed.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

9 The external roofing materials shall be as per the details submitted as part of approved condition compliance application ref. H14-0471-20.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high

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

10 The brick bond to be utilised in the development shall be English Bond or English Garden Wall Bond (ratio 1:5).

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11 All external doors and door frames and surrounds to be utilised in the development hereby permitted shall be in accordance with the details submitted as part of approved condition compliance application ref. H14-0471-20. The doors and door frames shall be thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12 The window frames to be utilised in the development hereby permitted shall be in accordance with the details submitted as part of approved condition compliance application ref. H14-0471-20. The window frames shall be thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13 The roof lights to be utilised in the development hereby permitted shall be in accordance with the details submitted as part of approved condition compliance application ref. H14-0471-20. The roof lights shall be thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14 All new window frames, glazing bars and external door frames shall be of timber construction and thereafter so maintained.

Reason: In the interests of the architectural composition and appearance of the

development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design. .
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

15 The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal construction and thereafter so maintained.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

16 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 architectural composition and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 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 as per the details submitted as part of approved condition compliance application ref. H14-0471-20. There shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18 The development shall be constructed in accordance with the large scale details relating to eaves, chimneys, verges and parapets submitted as part of approved condition compliance application ref. H14-0471-20.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

19 The landscaping scheme submitted as part of approved condition compliance application ref. H14-0616-19 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

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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.

20 The scheme of boundary treatment submitted as part of approved condition compliance application ref. H14-0471-20 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

21 The external illumination of all buildings and areas of the site shall be in accordance with the details submitted as part of approved condition compliance application ref. H14-0616-19. There shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the architectural and historic character of the Conservation Area and to prevent light pollution.
This Condition is imposed in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan, 2019.

22 The construction process shall be carried out in accordance with the Pre-Construction Health and Safety Information Plan submitted as part of approved condition compliance application ref. H14-0471-20.

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.

23 The development shall be carried out in accordance with the surface water drainage scheme submitted as part of approved condition compliance application ref. H14-0616-19 and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

24 Foul water disposal shall be in accordance with the details submitted as part of approved condition compliance application ref. H14-0616-19. 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.

25 The development shall be constructed in accordance with the details of site levels and floor levels submitted as part of approved condition compliance application ref. H14-0471-20.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

26 The development shall be constructed in accordance with the details of the infrastructure to ensure the availability of water supplies to the Fire Service in the event of an emergency submitted as part of approved condition compliance application ref. H14-0616-19. The details as approved, including timings, shall be fully implemented before the development is first brought into use and shall be retained thereafter.

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

27 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by RM Associates, dated October 2019) 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:

- Finished floor levels for the proposed dwellings shall be set no lower than 300mm above ground levels at 3.20mAOD
- Flood resilient construction measures shall be incorporated throughout the development
- The dwellings shall be two storey

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, 2019.

28 Where trees are to be retained on site they shall be protected prior to site clearance and 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 or the Root Protection Area (RPA), whichever is the greatest. 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

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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)soil levels should not be altered around the bases of trees;
v)no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
vi)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 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, 2019.

29 The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Tree Surveys covering the site (CBE Consulting, dated 13th September 2016 report refs: P1162B/0916/01 & P1162C/0916/01) (accompanying application ref. H14-0956-16) as relates to trees within the site boundary.

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.

Note: the applicant is reminded that a number of trees are situated within the Pinchbeck Conservation Area and, as such, any works to these trees requires the standard 6 weeks notification in writing by the Local Planning Authority and are not automatically approved as part of the development hereby permitted. Please note also that two oak trees are subject to Pinchbeck Tree Preservation Order No.16 2017 and an application will be required for any proposed works.

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 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

30 The existing hedge along the western boundary of the site shall be retained and maintained in accordance with the details submitted as part of approved condition compliance application ref. H14-0616-19. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated in perpetuity and all losses shall be made good as and when necessary.

Reason: To ensure the protection of the existing hedges on 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, 2019.

31 The development hereby permitted shall be carried out in accordance with the recommendations of the approved Extended Phase 1 Habitat Survey (Delta-Simons, 16-0323.02, July 2016) accompanying application ref. H14-0956-16.

Reason: In the interests of nature conservation, species protected under the Wildlife and Countryside Act, 1981 and 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 advice within Section 15 of the National Planning Policy Framework, 2019.

32 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.

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, permission having been granted on the basis that the development would deliver a high quality of design.
This Condition is imposed in accordance with Policies 2 and 3 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

To prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of the nearby Anglian Water pumping station.

Prior to the submission of details for any access works within the public highway you must contact the Head of Highways on 01522 782070 for application, specification and

construction information.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 10th January 2019 accompanying application ref. H14-0956-16 (and subsequent Deed of Variation dated 19th April 2021 accompanying this permission) and can only be implemented as a consequence of meeting the provisions of that Agreement.

Phil Norman
Planning and Building Control 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.