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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference:	H14-1017-25	Date of Decision:	16th January 2026
Applicant:	Venture Business Space Ltd. Studio 140 Monocle 184 Ferensway Kingston Upon Hull HU1 3UT		
Location:	The Bell Inn 33 Church Street Pinchbeck Spalding		
Description:	Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear - approved under H14-0219-22. 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:

8738s/PA51A - Proposed Residential Site Plan

H14-0219-22

3170-S08 - Site Location Plan
ASC.21.567 - Elevations, Sections & Internals - Survey Plan
3170 EB05 Rev A - Proposed Elevations
COTT-01 Rev A - Proposed Elevations - Cottesmore
COTT-02 Rev A - Proposed Floor Plan - Cottesmore
LANG-01 Rev A - Proposed Elevations - Langham
LANG-02 Rev A - Proposed Floor Plans - Langham
MAN-02 - Proposed Floor Plan - Manton

MAN-01 - Proposed Elevations - Manton
OAK-02 Rev A - Proposed Floor Plan - Oakham
OAK-01 Rev A - Proposed Elevations - Oakham
BRAUN-01 Rev A - Proposed Elevations - Braunston
BRAUN-02 Rev A - Proposed Floor Plans - Braunston
EGG-01- Proposed Elevations - Egleton
EGG-02 - Proposed Floor Plans - Egleton
RUT-01 - Proposed Elevations - Rutland
3170-S07 (A2) Rev C - Tree Survey Details
02/09/2021 - Tree Survey
August 2021 - Desk Based Heritage Impact Assessment - Neville Hall
January 2022 Heritage Impact Assessment Jonathan Biggadike
January 2022 - Heritage Impact Statement 2 - Photographic Record of Defects, Vandalism & Damage
Ecology & Protected Species Survey Report dated June 2021
SW 21-199-GI-01 - Ground Investigation Report - December 2021
February 2022 - Planning Statement & Design & Access Statement
RUT-02 - Proposed Floor Plans - Rutland
Amended Flood Risk Assessment Rev A Prepared by S M Hemmings Dated 11th April 2022
SW 21-199-CAL-01A - Surface Water Drainage Calculations
21-199-103 Rev P2 - Proposed Maintenance Plan
3170-EB06 Rev B - Proposed Layouts
3170-EB04 Rev B - Proposed Elevations

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

- 2 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and 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 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 2024.

- 3 Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance as well as provision for a communal outdoor space associated with the apartments.

Such scheme as is approved by the Local Planning Authority 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, in the opinion of the Local Planning Authority, shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual and residential amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

- 4 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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.

- 5 Before the commencement of the development hereby permitted beyond oversite, full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2024.

- 6 A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Church Street and residential amenity.

Reason: In the interests of the amenity of local residents. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

- 7 Notwithstanding the approved plans, prior to the commencement of the development hereby permitted, other than conversion works to the Bell Inn, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the 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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2024.

- 8 The development shall be carried out in accordance with the approved Flood Risk Assessment (Prepared by S M Hemmings - 11th April 2022) submitted under planning application H14-0219-22 and the following mitigation measures it details:

- Finished floor levels of the bungalows shall be set no lower than 3.20 metres above Ordnance Datum (AOD) with flood resilient construction to a height of 300mm above the predicted flood depth.
- Finished floor levels of the Public House shall remain at 4.10 metres AOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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.

- 9 Prior to the commencement of works on site (other than conversions works to the Bell Inn), archaeological trial trench evaluation is required, because of the high potential for as yet unrecorded medieval remains to survive in this central position within the medieval

settlement adjacent to the parish church. The evaluation should consist of trial trench excavation and should provide sufficient information to enable the local planning authority to make a reasoned decision regarding the potential impacts on below ground heritage assets of archaeological interest.

Reason: For historical and archaeological interest.

This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019, as well as Section 16 of the National Planning Policy Framework, December 2024.

- 10 Prior to the first occupation of any residential unit hereby permitted, full details of the private refuse/recycling collection contractor service shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the private refuse/recycling collection contractor service shall be implemented upon first occupation of any dwelling and thereafter the development shall be served in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the method and storage of household waste on site, 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 11 The two sycamore trees and ash tree marked on Appendix 2 of Tree Survey dated 02-09-2021 and submitted as part of planning application H14-0219-22 are to be retained, shall not be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. Should any of the trees die or authorisation be given for their removal, they shall be replaced within six months thereafter with a tree of such size and species which shall first be agreed in writing by the Local Planning Authority, such a tree will continue to assume the protection afforded to the original under this Condition.

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, December 2024.

- 12 The two sycamore trees and ash tree marked on Appendix 2 of Tree Survey dated 02-09-2021 and submitted as part of planning application H14-0219-22 to be retained shall be protected during construction work as follows:

- i) Before commencement of any development, chestnut paling or similar fencing 1.5 metres in height shall be provided around the perimeter of the Root Protection Area as calculated in British Standard 5837:2012, of all trees to be retained.

No materials, equipment, site huts, fuels or other items shall be placed or stored within the

- ii) Before commencement of any development, details of the means of construction, drainage and surfacing of the access drive, including a method statement for the protection of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The access drive shall be completed in its entirety in accordance with

the approved details before the dwelling is occupied.

Note: It is advised that a 'no dig' method should be used where roadways / driveways /paths are likely to be in the Root Protection Areas. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees. Tarmacadam is not an appropriate material to site near the base of trees. A cellular confinement system filled with gravel or other permeable filling is required.

- iii) Where access is essential in close proximity to the retained trees and is likely to cause soil compaction, temporary ground protection should be used.
- iv) The soil levels should not be altered around the base of the retained trees.

Note: An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth; it can also increase the distance for water / gaseous exchange to the tree's roots, which can be detrimental to the health of the tree.

Reason: In the interest of preserving existing trees on site and the character of the surrounding area.

This Condition is imposed in accordance with Section 15 of the National Planning Policy Framework, December 2024.

13 Prior to the commencement of development on plot 8, a full suite of plans including, floor plans and elevations shall be submitted to and agreed in writing with the Local Planning Authority. The plans shall be a handed version of the Braunston house type (already approved on plot 7). The dwellings shall be completed in accordance with those agreed details.

Reason: In the interests of character and amenity.

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

14 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.

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>

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.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 6th April 2023 as part of planning permission H14-0219-22 and can only be implemented as a consequence of meeting the provisions of that Agreement

Should unexpected contamination be discovered on the site at any time, the applicant is advised to stop development and to contact the District Council's Environmental Protection department immediately.



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 team for further information on 01775 764557 or bcadmin@sholland.gov.uk

BUILDING REGULATIONS 2010:

The plans given approval as part of this application, may require the provision of additional information or amendment to show compliance the relevant requirements of the Building Regulations 2010. Typical circumstances include, highly glazed extensions achieving compliance with requirement L1 (Conservation of fuel and power) which may influence the areas of glazed elements/ building elevations, or requirement B1 (Means of warning and escape) which may influence an internal layout for fire safety purposes. Please contact the Building Control team 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.