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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H15-0758-20 **Date of Decision:** 27th July 2021

Applicant: Hilljet Construction Ltd.
Stuart House - East Wing
St John'S Street
Peterborough
PE1 5DD

Location: Land Off Main Road Quadring Spalding

Description: Demolition of existing structures and erection of 19 dwellings with access, landscaping and associated works - approved under H15-0203-19 and H15-1158-19. Modification of Condition 4 H15-0203-19 of to allow alternative external materials

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 documents:

H15-0758-20

Application form
11974-WMS-ZZ-00-DR-A-10001-S2-P1
Materials Schedule submitted 07 October 2020 at 13:05
Deed of Variation dated 21 July 2021

H15-1158-19

Application form
11974-WMS-ZZ-00-DR-A-10000-S4-C10
11974-WMS-ZZ-ZZ-DR-A-10410-S4-P1

11974-WMS-ZZ-ZZ-DR-A-10600-S4-C7
11974-WMS-ZZ-ZZ-DR-A-10601-S4-C5
11974-WMS-ZZ-ZZ-DR-A-10603-S4-C6
11974-WMS-ZZ-ZZ-DR-A-10413-S4-P1
11974-WMS-ZZ-ZZ-DR-A-10411-S4-P1
11974-WMS-ZZ-00-DR-A-10001-S2-P1
Deed of Variation dated 26 October 2020

H15-0767-19

Application Form

11974-WMS-ZZ-XX-DR-C-39200-S2-P7
11974-WMS-ZZ-XX-DR-C-39201-S2-P6
11974-WMS-ZZ-XX-DR-C-39203-S2-P4
11974-WMS-ZZ-XX-DR-C-39210-S8-P8
11974-WMS-ZZ-XX-DR-C-39213-S8-P7
Micro Drainage Details - 11974 FEH with crates
Micro Drainage Details - 11974 FEH
Micro Drainage Details - 11974 FSR with crates
Micro Drainage Details - 11974 FSR

H15-0203-19

Application form

Design and Access Statement SE-1095 Dated February 2019
SE-1095 001 A
06-16085-01A Topographical Survey
A0307_01 Tree Survey & Constraints
Tree Survey Table
Flood Risk Assessment Prepared by ARP Associates Report Reference 800/469r1 dated November 2016
Traffic Management Plan Produced by Stephen Smith - Dated 19 June 2019
Section 106 Agreement dated 16 July 2019

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

- 2 The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) prepared by ARP Associates Report Reference 800/469r1 dated November 2016 forming part of this planning application and the following measures detailed within the FRA :

-Finished floor levels to be set at 300mm above the surrounding ground level.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied in the scheme.

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 the National Planning Policy Framework, 2021.

- 3 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling..

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

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

- 4 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 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.

- 5 Where trees are shown to be retained on 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 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, 2021.

- 6 The scheme of landscaping and tree planting for the site shall be carried out in its entirety

within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

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

Notes:

Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 16 July 2019 and Deeds of Variation dated 26 October 2020 and 21 July 2021 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 contact the District Council's Environmental Protection department immediately.

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>

As this S73 continuance permission is compatible with the continued effect of the earlier permission relating to this development scheme then the original conditions not relating to the matters dealt with by this application remain binding, specifically applications referenced H15-0203-19 and H15-1158-19.

The original conditions are only affected if they are discharged or removed. As long as there is nothing in the new S73 permission to affect the continued operation of the previous conditions then they remain in effect.

Phil Norman



Planning 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@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.