Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

William Saunders Partnership LLP
Sheppard Lockton House
Cafferata Way
Newark On Trent
NG24 2TN

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H15-1158-19 **Date of Decision:** 10th November 2020

Applicant: Platform Housing Limited
C/O Mr S Stillman
Stuart House - East Wing
St John'S Street
Peterborough
PE1 5DD

Location: 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. Modification of Condition 2 to allow amendments to previously approved plans

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 and documents:

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

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

Notes:

An application under s73 to remove or vary a condition from an existing planning permission is limited to that matter.

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

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.

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 planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 16 July 2019 (H15-0203-19 refers) and a Deed of Variation dated 26 October 2020 (H15-1158-19 refers) 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.