

Seagate Homes
Holbeach Manor
Fleet Road
Holbeach
PE12 7AX

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73 MODIFICATION

Reference: H16-0551-22 **Date of Decision:** 24th August 2022

Applicant: Seagate Homes
Holbeach Manor
Fleet Road
Holbeach
PE12 7AX

Location: Millfield Nursery Spalding Common Spalding

Description: Residential Development - approved under H16-0107-21. Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75/76).

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The determined plans and documents are:

H16-0551-22 SECTION 73

Application Form
External Material Schedule. 3rd Issue 05.06.2022
Construction Method Statement. Issue 4 - 11.03.2022
MNSC-SH-SP-CMP-1000-D
MNSC-SH-SP-RSL-1001-E
MNSC-SH-SP-SBL-1002-E
MNSC-SH-SP-TMP-1007
MNSC-SH-SP-MRP-010-A
MNSC-SH-SP-MP-1003-A
0211 P04

0212 P04
0213 P01
0200 P04
0201 P04
0202 P04
0203 P04
0204 P04
0205 P04
0206 P04
0207 P04
0208 P04
0209 P04
0210 P04
12175-WMS-ZZ-XX-DR-C-39201-S8-P12
12175-WMS-ZZ-XX-DR-C-39510-S8-P7
12175-WMS-ZZ-XX-DR-C-39511-S8-P6
12175-WMS-ZZ-XX-DR-C-39512-S8-P6
12175-WMS-ZZ-XX-DR-C-39513-S8-P5
12175-WMS-ZZ-XX-DR-C-39514-S8-P4
12175-WMS-ZZ-XX-DR-C-39515-S8-P4
12175-WMS-ZZ-XX-DR-C-39516-S8-P5
12175-WMS-ZZ-XX-DR-C-39517-S8-P5
12175-WMS-ZZ-XX-DR-C-39518-S8-P5
12175-WMS-ZZ-XX-DR-C-39519-S8-P5
12175-WMS-ZZ-XX-DR-C-39520-S8-P5
12175-WMS-ZZ-XX-DR-C-39521-S8-P5
12175-WMS-ZZ-XX-DR-C-39522-S8-P6
12175-WMS-ZZ-XX-DR-C-39523-S8-P4
12175-WMS-ZZ-XX-DR-C-39524-S8-P5

H16-0107-21 SECTION 73

Application form

Flood Risk Assessment Prepared by S M Hemmings Dated 15th February 2021

MNSC-SH-SP-AR-002

Deed of Variation dated 22.9.21

H16-0021-21 SECTION 73

Application form

Covering letter 06.01.2021

AS2129/1

H16-0668-16 OUTLINE

1201-01-LP01

H16-0225-21 CONDITION COMPLIANCE

Application form

Management Plan - March 2021

Photograph of Bicycle Storage

Combined Phase I Desk Study & Phase II Exploratory Investigation D38185 20th August 2019

Drainage Statement 12175-WMS-ZZ-XX-RP-C-39210-S8-P2

MILLFIELD NURSERY, SPALDING FOUL WATER PUMP STATION TO THE SSG DCG

V2 STANDARDS - PROJECT 715281 B

12175-WMS-ZZ-XX-DR-C-30001-S2-P1

H16-0543-21 CONDITION COMPLIANCE

Application form

WITHAM ARCHAEOLOGY: WRITTEN SCHEME OF INVESTIGATION FOR AN HISTORIC BUILDING RECORDING: SITE CODE: SCSP21: 7 March 2021

WITHAM ARCHAEOLOGY: Historic Building Recording (Draft): April 2021

WITHAM ARCHAEOLOGY: Written Scheme of Investigation - Archaeological Trial Trench Evaluation: SITE CODE: SCSP21: 7 March 2021

H16-0984-19 RESERVED MATTERS

All plans and documents superseded by S73, H16-0021-21

H16-1070-20 RESERVED MATTERS

Application form

Supplementary Design Statement

MNSC-SH-SP-AR-002

AS2129/1

12175-WMS-ZZ-XX-RP-C-39210-S8-P2-DRAINAGE_STATEMENT

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

- 2 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.

- 3 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 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, and in order to consider the impacts upon the nearby listed building, The Old Cottage.

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.

- 4 Provision shall be made for swift nest boxes to be designed into the dwellings. The nest boxes shall be retained for the duration of the development.

Reason: In order to contribute to the biodiversity of the area. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and guidance contained in the National Planning Policy Framework, 2021.

Notes:

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 5 March 2018 subject to a Deed of Variation dated 22 September 2021. This permission can only be implemented as a consequence of meeting the provisions of that Agreement.

The applicant is reminded of the conditions of outline consent H16-0668-16 that still apply.



Phil Norman
Head of Planning
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.