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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H17-0740-26 **Date of Decision:** 21st October 2026

Applicant: Nna Surfleet Ltd.
C/O Lincs Design Consultancy Ltd.
12 Vickers Lane
Louth
Lincs
LN11 9PJ

Location: Land Off Thary Lane Surfleet Spalding

Description: Residential development of 6 self-build dwellings - approved under H17-0819-24. Modification of Conditions 2, 3 & 9 relating to amendments to previously approved plans, landscaping and boundary treatments

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:

LDC4937 01E - Proposed Site Plan
LDC4937 02C - Plot 3 Plans & Elevations
100 - Plot 4 Plans & Elevations
LDC4937 03A - Plot 5 Plans & Elevations
LDC4937 04A - Plot 6 Plans & Elevations

H17-0819-24

524.PL.01 - Site Location Plan
524.RRS.01 - Refuse & Recycling Strategy
524.RRS.02 - Refuse & Recycling Strategy

524-S11-00-SI-DR-C-9500 Rev A - Anglian Water Section 104 Agreement - Longsection and Manhole Schedule
524-S11-00-SI-DR-C-9000 Rev C - Anglian Water Section 104 Agreement
524-S11-00-SI-DR-C-3000 - Private Drainage Layout
4558.Thary.Studio11.TCP - Tree Constraints Plan
4558.Thary.Studio11.TPP - Tree Protection Plan
Arboricultural Implications Assessment dated 20.10.22
524.CEMP.01 Construction Management Plan

H17-0357-22

Application Form
Flood Risk Assessment (Prepared by S M Hemmings - 07 April 2022)
524.PL.03 Rev A - Plot 1 - Illustrative Floor Plans & Elevations
524.PL.04 Rev A - Plot 2 - Illustrative Floor Plans, Elevations and Section
524.IEIP.01 - Illustrative Ecology Improvements Plan

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

2 The scheme of landscaping and tree planting shown on dwg. no. LDC4937 01E 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 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.

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, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows and dormers.

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

4 The development shall be carried out in accordance with the flood mitigation measures

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set out in the Flood Risk Assessment prepared by S M Hemmings dated 7 April 2022, approved under H17-0357-22.

Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum. The mitigation measures applicable to each dwelling shall be completed before its first occupation and retained thereafter.

Reason: To reduce flood risk to the development and avoid increasing flood risk elsewhere.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan 2019 and Policy F7 of the National Planning Policy Framework 2026.

5 Prior to the commencement of any above-ground works on Plots 3, 4, 5 and 6, details of the proposed finished floor levels for those plots shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Site levels, including the finished floor levels of Plots 1 and 2, shall be provided in accordance with drawing no. 524-S11-00-SI-DR-C-3000 approved under planning permission H17-0819-24 and shall be retained thereafter.

In the event of any conflict between drawing no. 524-S11-00-SI-DR-C-3000 and the replacement house-type drawings approved under this permission, drawing no. 524-S11-00-SI-DR-C-3000 shall take precedence in respect of site and finished floor levels.

Reason: To ensure that appropriate site and finished floor levels are secured in the interests of flood risk mitigation and residential amenity.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and Policy F7 of the National Planning Policy Framework 2026.

6 Prior to the first occupation of Plots 3, 4, 5 and 6, details of the foul and surface water drainage infrastructure required to serve those plots shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the foul and surface water drainage strategy and drawings approved under planning permission H17-0819-24 unless otherwise agreed in writing by the Local Planning Authority where amendments are necessary to accommodate the development hereby permitted.

The drainage infrastructure, including the details for Plots 3, 4, 5 and 6, shall be implemented in accordance with the approved details. The drainage infrastructure serving Plots 1 and 2 shall be implemented in accordance with the approved details under planning permission H17-0819-24, unless otherwise agreed in writing by the Local Planning Authority under the details required by this condition.

The approved drainage infrastructure necessary to serve each dwelling shall be completed and fully operational prior to the first occupation of that dwelling and before any flows from it enter the receiving drainage systems. The drainage arrangements shall thereafter be retained and maintained.

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Reason: To ensure the satisfactory disposal of foul and surface water, to prevent pollution and to avoid increasing flood risk.
This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan 2019 and Policies F7 and F8 of the National Planning Policy Framework 2026.

7 Before the first occupation of any dwelling, the ecological improvements shown on drawing 524.IEIP.01, originally approved under H17-0357-22 and carried forward under H17-0819-24, shall be installed in full.

The approved ecological improvements shall be retained and maintained for the lifetime of the development.

Reason: To secure the approved measures for wildlife.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan 2019 and Policy N2 of the National Planning Policy Framework 2026.

8 The boundary treatments shown on drawing LDC4937 01E, approved under this permission, shall be installed before the first occupation of the dwelling to which they relate and retained thereafter.

Boundary treatments serving communal areas shall be installed before the first occupation of any dwelling and retained thereafter.

Reason: To protect the character and appearance of the development and the privacy of occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Policies DP3 and P3 of the National Planning Policy Framework 2026.

9 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.

10 All construction works shall be carried out in accordance with the Construction Management Plan and associated construction management measures shown on drawing no. 524.CEMP.01 approved under planning permission H17-0819-24, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of nearby occupiers during the construction phase of the development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Policy TR6 of the National Planning Policy Framework 2026.

11 Before the access is first brought into use, all obstructions exceeding 0.6 metres in height above the adjacent carriageway level shall be removed from within the visibility splays shown on drawing LDC4937 01E - Proposed Site Plan.

The visibility splays shall thereafter be retained and kept free from any obstruction exceeding 0.6 metres in height above the adjacent carriageway level.

Reason: To ensure that adequate visibility is available at the site access in the interests of highway safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019 and Policies TR4 and TR6 of the National Planning Policy Framework 2026.

12 The two walnut trees, blue Atlas cedar and Norway maple identified for retention on drawing 4558.Thary.Studio11.TPP, approved under H17-0819-24, shall not be cut down, uprooted, destroyed, topped or lopped without the prior written approval of the Local Planning Authority.

If any of these trees dies or its removal is approved, it shall be replaced within six months with a tree of a size and species first approved in writing by the Local Planning Authority. Any replacement tree shall be subject to the same protection and replacement requirements.

Reason: To protect retained trees and the appearance of the area.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Policies N2 and N3 of the National Planning Policy Framework 2026.

13 All retained trees shall be protected in accordance with drawing 4558.Thary.Studio11.TPP, approved under H17-0819-24.

All construction works shall follow the tree protection methods set out in that plan. The protection measures shall remain in place for the periods specified in the approved plan.

Reason: To prevent damage to retained trees during construction.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Policies N2 and N3 of the National Planning Policy Framework 2026.

14 The refuse and recycling store shown on drawings 524.RRS.01 and 524.RRS.02, approved under planning permission H17-0819-24, shall be completed and made available for use prior to the first occupation of any dwelling.

Where the refuse and recycling store approved under those drawings cannot be provided as a consequence of the development hereby permitted, details of an alternative refuse and recycling storage facility shall first be submitted to and approved in writing by the

Local Planning Authority. The approved facility shall be provided prior to the first occupation of any dwelling and shall thereafter be retained and kept available for refuse and recycling storage for the lifetime of the development.

Reason: To provide suitable refuse and recycling storage and to protect amenity and highway safety, in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019 and Policies DP3 and TR4 of the National Planning Policy Framework 2026.

15 Before Plot 3 is first occupied, the first-floor bathroom window in its rear elevation shall be fitted with obscure glazing to a minimum privacy level of 3 and shall be non-opening below 1.7 metres above the internal finished floor level. These measures shall be retained thereafter.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting it, no additional windows or other openings shall be inserted in the rear elevation or rear roof slope of Plot 3 without express planning permission.

Reason: To protect the privacy of neighbouring occupiers, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and Policy P3 of the National Planning Policy Framework.

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 17th July 2026 and can only be implemented as a consequence of meeting the provisions of that Agreement



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@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://appeal-planning-decision.service.gov.uk/before-you-start**. 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.