Studio 11 Architecture
Kings Lynn Innovation Centre
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PE30 5BY

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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H17-0819-24 **Date of Decision:** 5th August 2026

Applicant: NNA Surfleet Limited
C/O Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

Location: Land Off Thary Lane Surfleet Spalding

Description: Residential development of 6 self-build dwellings - approved under H17-0357-22. Modification of Condition 3 to remove design requirements of self-build properties and Modification of Condition 16 to remove the requirement of a private refuse collection company

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

1 The development must be begun not later than 10th May 2027, which is the expiration of three years beginning with the date of the original permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

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-9100 Rev A - Private Drainage Details
524-S11-00-SI-DR-C-9000 Rev C - Anglian Water Section 104 Agreement
524-S11-00-SI-DR-C-3202 - Private Drainage Details
524-S11-00-SI-DR-C-3201 - Private Drainage Details
524-S11-00-SI-DR-C-3200 - Private Drainage Details
524-S11-00-SI-DR-C-3010 - Impermeable Area Plan
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
524.PL.02
Flood Risk Assessment (Prepared by S M Hemmings - 07 April 2022)
524.PL.03A - Proposed Site Layout Plan
524.PL.03 Rev A Plot 1 - Illustrative Floor Plans & Elevations
524.PL.04 Rev A
524.PL.05 Rev A
524.PL.06 Rev A
524.PL.07 Rev A
524.PL.08 Rev A
524.IEIP.01
524.PL.09 rev D

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

3 Prior to the occupation of each plot, a scheme of landscaping and tree planting for the site, indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance shall be submitted to and agreed in writing with the LPA.

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 shall be made good as and when necessary.

Reason: To ensure that the proposed self-build properties do not have a material impact on the character and amenity of the surrounding area.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019

4 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.

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.

5 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning permission, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum.

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..

6 Site levels, including the finished floor levels, of all dwellings shall be set in accordance with drawing number 524-S11-00-SI-DR-C-3000 (private drainage layout). They shall be retained thereafter.

Reason: To reduce the risk of flooding of the development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019

7 The foul and surface water drainage strategy shall accord with the approved plans listed within condition 2 of this permission. The approved scheme shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2024.

8 Prior to the first occupation, the ecological improvements outlined within drawing 524.IEIP.01 Ecology Improvement Plan and approved under planning permission H17-

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0357-22, shall be installed, provided and maintained in perpetuity.

Reason: In the interest of ecology, in the interests of its visual 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.

9 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 shall be 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

10 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.

11 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan shown on drawing 524.CEMP.01. The development hereby permitted shall be undertaken in accordance with drawing 524.CEMP.01.

Reason: In the interests of highway safety
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

12 Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 524.PL.03A (Proposed Site Layout Plan) dated 18.05.22, approved under planning permission H17-0357-22, and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: In the interests of safety of the users of the public highway and the safety of the

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

13 The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No. 4558.Thary.Studio11.TPP 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.

14 All retained trees on site shall be protected in accordance with the details provided under drawing number 4558.Thary.Studio11.TPP. Construction works shall adhere to the methodology to protect trees outlined within this plan.

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.

15 The refuse and recycling store shown on drawings 524.RRS.01 & 524.RRS.02 shall be ready for use prior to the occupation of the first dwelling. It shall be retained for the lifetime of the development.

Reason: In the interest of amenity and highway safety
This Condition is imposed in accordance with Policies 2, 3 and 30 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 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

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.

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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 a Legal Agreement under Section 106 of the Town & Country Planning Act 1990 dated 07 May 2024, as varied by a deed of variations dated 17 July 2026, and can only be implemented as a consequence of meeting the provisions of those Agreements.



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.