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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H23-0118-21 **Date of Decision:** 30th March 2021

Applicant: South Lincolnshire Developments Ltd.
C/O Moulton Land & Planning Ltd.
1 Chapel Court
Wansford
Peterborough
PE8 6JF

Location: The Sycamores Farmyard Churchgate Whaplode Spalding

Description: Residential Development - 8 dwellings including private drive - approved under H23-0535-18. 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 must be begun not later than the expiration of three years beginning with the date of this 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:
Application Ref. H23-0535-18
01 (Topographical Survey);
0518/01/vis;
0518/01/PL1fle;
0518/01/PL2fl;
0518/01/PL2el;
0518/01/PL3fl;

0518/01/PL3el;
0518/01/PL5fl;
0518/01/PL5el;
0518/01/PL6fl;
0518/01/PL6el;
0518/01/PL7fl;
0518/01/PL7el;
0518/01/PL8fle;
0518/01/PL Garage;
Soil Test Report - Chemical Analysis dated February 2018;
Planning Statement by Moulton Land & Planning dated May 2018.

Application Ref. H23-0480-19
Bat and Owl Survey by Scarborough Nixon Associates dated September 2018.

Application Ref. H23-0223-20
0518/cmp (Construction Management Plan);
Phase 1 (Desk Study) Report (Reference: 1059/4464/P/P1 Revision 0.0) produced by Humberside Materials Laboratory dated Jan 2020 and associated historical maps and environmental data;
Location of soil samples.

Application Ref. H23-1055-20
External Materials Schedule;
12220-WMS-ZZ-XX-DR-C-39201-S3-P1;
12220-WMS-ZZ-XX-DR-C-39202-S3-P1;
12220-WMS-ZZ-XX-DR-C-39501-S3-P1;
12220-WMS-ZZ-XX-DR-C-39502-S3-P1.

Application ref. H23-0118-21
SLDWh/001;
SLD/pl/Landscape Rev A;
SLD/pl/P4rev-01.

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

3 The external materials of construction of buildings and hard surfaced areas shall be in accordance with details accompanying condition compliance application ref. H23-1055-20, unless agreed otherwise in writing by the Local Planning Authority.

Reason: 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.

4 The approved scheme of landscaping 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

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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.

5 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. 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 existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

6 Those trees 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.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

7 The approved scheme of boundary treatment/screening shall be implemented in full before the development is first brought into use and shall thereafter be maintained.

Reason: In the interests of the character and appearance of the development and the 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.

8 The construction process shall be carried out in accordance with the construction management plan accompanying condition compliance application ref. H23-0223-20, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9 before any dwelling is occupied refuse and recycling storage facilities shall be provided at the site's entrance in accordance with the approved details and shall thereafter be so maintained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal and to avoid pollution and protect residential amenity.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

10 Finished floor levels shall be set 300mm above existing ground level unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in the interest of flood risk and to ensure a satisfactory relationship to existing development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

11 Before any dwelling is occupied the private driveway between that property and the public highway shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory development in the interest of the amenity of future occupiers and also highway safety.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12 Before the access is brought into use visibility splays shall be provided at the site's entrance in accordance with details shown on dwg. no. 0518/01/vis accompanying application ref. H23-0535-18. Thereafter the visibility splays shall be kept free of obstacles exceeding 0.6 metres in height.

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

13 The development shall be carried out in accordance with the approved surface water drainage scheme accompanying condition compliance application ref. H23-1055-20, unless agreed otherwise in writing by the Local Planning Authority, and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

14 Foul water shall be disposed of to the mains sewer.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

15 The development shall be carried out in accordance with the ecological survey accompanying condition compliance application ref. H23-0480-19, including the installation of bird (eg Swift) and/or bat boxes on each property prior to occupation.

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 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 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

The applicant is advised that the existing Sycamore tree upon the site is the subject of Whaplode TPO No. 6. 2010.

This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

Please contact Lincolnshire County Council Streetworks & Permitting team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

Where private drives are proposed as part of any development you should be aware of the requirements laid down in Manual for Streets and Manual for Streets 2.

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.



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.