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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H23-1121-17 **Date of Decision:** 17th January 2018

Applicant: Mr J Waterfall
16 Farrow Road
Whaplode Drove
Spalding
Lincs
PE12 0TS

Location: Chapel Gate Whaplode Drove Spalding Lincs

Description: Proposed five-bedroomed house - approved under H23-0705-17. 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 17 September 2020.

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:
Dwg. nos. 3137-17-02E and 3137-17-03D;
Dwg. no. 3137-17-01C accompanying planning application H23-0705-17;
Geo-environmental Desk Study (Report ref 0276/1 dated March 2015) prepared by Goldfinch Environmental Ltd accompanying condition compliance application H23-0294-15.

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

- 3 The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, at the engineering business occupying part of the land edged blue on dwg. no. 3137-17-03D accompanying the application, or in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act, 1990, or a widow or widower of such a person, or any resident dependent(s).

Reason: The site is located in the open countryside where it is local and national policy to restrict new residential development to that which is essential to meet a proven need. The circumstances in this case satisfy such a need in conjunction with the existing business and this condition is therefore imposed to restrict occupancy to a person(s) associated with the business.

This condition is imposed in accordance with Policy HS7 of the South Holland Local Plan, 2006 and advice within Paragraph 55 of the National Planning Policy Framework, March 2012.

- 4 The scheme of landscaping and tree planting shown on dwg. no. 3137-17-03D shall be carried out in its entirety within a period of 12 months beginning with the date on which the new dwelling is commenced. 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 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 Policy SG18 of the South Holland Local Plan 2006.

- 5 The following flood mitigation measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be 300mm above existing ground level;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Note - the applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development: "Improving Flood Performance of New Buildings - Flood Resilient Construction" (Department for Communities and Local Government, 2007).

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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

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 proposed development lies within an area of known archaeology, a large Roman settlement. If anything of archaeological interest is discovered whilst works are being carried out they should be reported to the Historic Environment Officer, Lincolnshire County Council (Tel: 01522 554823).

Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.



Paul Jackson
Place 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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

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.