



Appeal Decision

Site visit made on 15 March 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 03 April 2019

Appeal Ref: APP/A2525/W/18/3214473

29 Cranmore Lane, Holbeach, Spalding PE12 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs E Walsh against the decision of South Holland District Council.
 - The application Ref H09-0501-18, dated 23 May 2018, was refused by notice dated 10 July 2018.
 - The development proposed is residential development - one dwelling.
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Decision

1. The appeal is allowed and planning permission granted for residential development one dwelling at 29 Cranmore Lane, Holbeach, Spalding PE12 7HT in accordance with the terms of the application, Ref H09-0501-18, dated 23 May 2018, subject to the attached Schedule of Conditions.

Procedural Matter

2. I note that the South East Lincolnshire Local Plan 2011-2036 Adopted March 2019 (LP) has been adopted since the Council's decision notice was issued. I have therefore made my determination having regard to the LP rather than the former development plan policies cited in the Council's reasons for refusal of planning permission.
3. I have used the description of development on the Decision Notice and Appeal Form as it is more precise than that stated on the Application Form.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

5. An existing extension to No 29 Cranmore Lane (No 29) would be demolished to provide a driveway to the proposed dwelling to the rear of the property. While the driveway would be in close proximity to the side of No 29, given that the proposal is for one dwelling only, the frequency of vehicles passing No 29 would be limited such that it would be unlikely to cause undue noise and disturbance in this regard. Furthermore, the parking area of the proposed development would be a significant distance away from the rear of No 29 such that noise and disturbance from the coming and going of people and vehicles would be unlikely to have a significant effect on the occupiers of No 29 in this regard.

6. The proposed driveway would run in close proximity to the boundary with Nos 27 and 27A Cranmore Lane (No 27 and 27A). However, any noise or disturbance associated with a single dwelling and its parking would not be so significant so as to be harmful given the predominantly residential surroundings.
7. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to noise and disturbance and would accord with LP Policies 2 and 3 which together require development to meet considerations of the impact on neighbouring land uses by reason of noise and disturbance and residential amenity among other things.
8. LP Policy 1 seeks to direct development towards larger settlements and LP Policy 4 relates to flood risk and are therefore not directly relevant to this main issue.

Other Matters

9. While I note local concerns regarding the effect of the proposed development on character and appearance, the Council has not objected on these grounds and from the evidence before me I see no reason to disagree.
10. I note that a previous application for 2 dwellings on the site was refused for reasons including harm to the living conditions of neighbouring occupiers with regard to noise and disturbance. However, this has not altered my decision. Furthermore, in any event, each case must be determined on its own individual merits.

Conditions

11. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance.
12. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. I have not included reference to drawing J098-PL8 as it shows 3d views that are not to scale. I have also not included reference to the Flood Risk Assessment as this is mentioned in a later condition.
13. Conditions relating to the external materials of the building and hard standing as well as conditions relating to landscaping are required to safeguard the character and appearance of the area. With regard to the condition relating to landscaping, the reference to drawing J098-PL 6A has been omitted as the details are not sufficiently precise. The conditions need to be pre-commencement as it relates to works that would be likely to be carried out early in the construction phase.
14. A condition relating to contamination has been attached to assess whether there is any site contamination and address any concerns given that the site is adjacent to an industrial unit and within a flood risk area. Given that any contamination would need to be addressed before the commencement of the construction process, the condition would need to be pre-commencement.
15. Given that the site is located within Flood Zone 3, a condition relating to flooding is required to safeguard the living conditions of future occupiers.
16. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed by e-mail that they approve of the pre-commencement conditions.

Conclusion

17. For the reasons given above, subject to conditions, the appeal is allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J098-PL 5; J098-PL 6A and J098-PL 7.
- 3) No development shall commence until details of the external materials to be used in the construction of the building and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the LPA a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the LPA and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:
 - i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
 - ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or

pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

- 7) The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (FRA) (prepared by Geoff Beel Consultancy, dated February 2018). The mitigation measures set out within the FRA shall be fully implemented prior to occupation.