Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

Mrs L Duffield
55 Backgate
Cowbit
Spalding
Lincs
PE12 6AP

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H01-0520-16 **Date of Decision:** 2nd August 2016

Applicant: Mrs L Duffield
55 Backgate
Cowbit
Spalding
Lincs
PE12 6AP

Location: Plots 1 And 2 Rear: 55 Backgate Cowbit Spalding

Description: Erection of 2 single-storey dwellings - approved under H01-0807-12. Modification of Condition 8 to allow acoustic fencing in lieu of screen wall

South Holland District Council hereby give notice that this application 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:
Specification and photos of acoustic fencing submitted under application H02-0520-16.

1:1250 scale (enlarged from 1:2500) location plan and dwg.no's. 1059/01, 1059/02 and 1059/03
submitted under planning reference H01-0807-12;

The archaeological monitoring report prepared by APS in January 2016, and the proposed wording of the legal agreement which sets out the details for the repair and maintenance of the shared drive submitted under planning reference H01-0045-16;

E-mail from applicant dated 11 March 2016 and section 8 of the application form submitted under planning reference H01-0212-16.

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

2 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 of planning reference H01-0807-12 in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

3 A copy of the final report required in connection with Condition 3 of planning reference H01-0807-12 shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

4 Notwithstanding the landscaping details submitted under planning reference H01-0807-12 on dwg. no's. 1059/02 and 1059/03, the two silver birch on the north boundary nearest the proposed building plot should be omitted from the landscaping plan due to their close proximity to proposed dwellings.

Reason: To ensure that the development is adequately landscaped without causing harm to the built environment.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

5 The residents' management agreement concerning future responsibilities for maintaining the private drive serving the development shall be in accordance with details accompanying condition compliance application ref: H01-0045-16. None of the dwellings hereby permitted shall be occupied other than in accordance with the management agreement so approved.

Reason: In the interests of clarity, and to ensure that the private drive is suitably maintained in the future.
This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

6 The hereby approved acoustic fencing shall be retained in perpetuity.

Reason: To mitigate noise and disturbance associated with residents vehicle movements, in the interests of neighbouring amenity. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

7 The driveway should be retained at a minimum of 4.1 metres wide for the first 10 metres

into the site.

Reason: In the interests of highway safety and to accord with Policy SG15 of the South Holland Local Plan 2006.

8 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.
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 SG14 and SG17 of the South Holland Local Plan 2006.

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



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 Authroity 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.