

Remway Design Ltd
Treetops
The Raceground
Spalding
Lincolnshire
PE11 3AP

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TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL REQUIRED BY CONDITION OF PERMISSION

Reference: H03-0139-21 **Date of Decision:** 29th March 2021
Applicant: Mr E Whitfield
C/O Remway Design Ltd.
Treetops
The Raceground
Spalding
PE11 3AP
Location: Railway Cottage Counter Drain Drove Tongue End Spalding
Description: Details of wildlife survey (Condition 5 of H03-0915-20)

South Holland District Council hereby give notice that CONSENT HAS BEEN GRANTED for the details submitted for the purpose of conditions attached to the planning permission.

Notes:

The determined documents are:

Application form
Preliminary Ecological Appraisal by Helen Scarborough February 2021

In order to accord with this consent, the preparation works and the development are to be undertaken in accordance with the Protected Species Report February 2021, specifically:

- All contractors working on the buildings shall be briefed on the legal protection afforded to bats and their places of shelter and on how to proceed if a bat is discovered during the course of the work.

- Four bat boxes (Tanglewood design) shall be installed on mature trees located to the north of the cottage - these should be installed as soon as possible. Advice relating to positioning of bat boxes will be provided by the ecologist.
- Adjacent trees are to be retained for use by commuting/foraging bats and ensure minimal lighting around the new build property (normal household security lighting is acceptable)
- Avoid placing external lighting that illuminates the newly installed bat boxes.
- Do not undertake work/demolition until either a precautionary daylight check has been undertaken (if work commences outside of the active season) or a dusk and/or dawn survey (if during the active season). Further updated advice can be provided by an independent ecologist following these checks.
- A purpose-built bat loft shall be installed within the new build property. This dedicated bat loft will have attic trusses rather than preformed trusses and will be lined with bituminous felt (and not breathable membrane). Two bat access slates will be installed on either roof slope in the approximate location of the existing gaps in the lead flashing associated with the chimney. An independent ecologist can provide advice when the bat loft is being installed and photographic evidence will be provided to the Local Authority.
- Any works to the cottage and garden should ideally commence outside the active nesting season which typically runs from March through to late August.

The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).



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@planninginspectorate.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.