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TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE

Reference: H04-0582-23 **Date of Decision:** 17th August 2023
Applicant: Mrs R Welsh
4 Goxhill Avenue
Donington
Spalding
Lincolnshire
PE11 4SZ
Location: 4 Goxhill Avenue Donington Spalding
Description: Erection of detached bungalow and garage - resubmission of H04-0632-20

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

- 1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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 and/or documents:

663/LP/BP/2023
Design and Access Statement
Application Form
Phase 1 Environmental Site Assessment Report
19-0346.01 - Phase II Environmental Assessment

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

- 3 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
 - ii) the means of access to the site; and
 - iii) the landscaping of the site (including boundary treatment).

The development shall be carried out as approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4 When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority 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 necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Note 2: The applicant is reminded that they have indicated that they intend to retain 2 Cherry trees to the Southern end of the plot, and that resultantly, it will be an expectation of the scheme of planting to ensure that these are retained and maintained.

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 issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

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

- 5 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 6 Before the commencement of the development hereby granted beyond oversight, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

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 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

- 7 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

- 8 The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

- 9 Any new area of hardstanding shall be constructed using porous materials and construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees.

Reason: Use of non-porous surfacing is likely to restrict the access of existing trees to water and nutrient sources as well as restrict gaseous exchange. Therefore, this condition is applied in order to prevent harm to trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

- 10 During the course of construction of the development hereby approved, all trees shall be protected to British Standard BS 5837:2012 and any construction within the root protection area must take place in accordance with the corresponding 'no-dig' methodology.

Reason: In order to prevent damage to Trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

- 11 All trees should be protected to British Standard BS 5837:2012 before any heavy equipment is brought on site for clearance. This is to protect tree canopies and also their roots.

Reason: In order to prevent damage to Trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

- 12 During the course of construction of the development hereby approved, no soil levels shall be altered around the base of trees.

Reason: An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth. It can also increase the distance for water / gaseous exchange to the tree's roots. A lowering of the soil level can expose tree roots. Therefore, this condition is applied in order to prevent harm to trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

- 13 Cement washings shall not be deposited and no equipment shall be stored beneath the canopies/ Root Protection Areas of trees, nor fires lit beneath trees.

Reason: In order to prevent damage to Trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

- 14 In the unlikely event that excavation under the tree canopies/ Root Protection Areas of trees is unavoidable, please note that:

i) Where excavations below the canopy of the tree or within a Root Protection Area are unavoidable, excavations must be carried out by hand and any roots encountered over 25 mm in diameter should be retained. (Where possible, smaller roots should also be retained and great care taken to minimise damage to them). If severance is unavoidable, roots must be cut back using a sharp tool to leave a clean wound to encourage healing.

ii) Exposed roots must not be allowed to dry out during works.

iii) Should the roots be exposed overnight with the likelihood of frost, they must be covered / wrapped with dry sacking for protection. All sacking should be removed before the trench is backfilled.

Reason: In order to prevent damage to Trees which are subject to protection by means of their inclusion within the Conservation Area.

This Condition is imposed in accordance with Policies 28 and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 15 and 16 of the National Planning Policy Framework (2021).

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>

Your attention is drawn to the letter from Black Sluice Internal Drainage Board dated 17 July 2023. You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.



Phil Norman
Head of Planning
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		

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

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.