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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H05-0253-20 **Date of Decision:** 4th September 2020

Applicant: Mr & Mrs M Fairchild
Former Bull Inn Public House
Old Main Road
Fleet Hargate
Spalding Lincs
PE12 8LH

Location: Former Bull Inn Public House Old Main Road Fleet Hargate Spalding Lincs

Description: Kitchen extension and alterations, alterations to flat roof over utility and proposed garage, storage and workshop building

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 the expiration of three years beginning with the date of this permission.

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:

J122-PL-2
Application Form
J122-PL-4
J122-PL-3
Heritage Impact Assessment
J122-PL-1A

J122-PL-5B
J122-PL-6A

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

3 During the course of construction of the development hereby approved, all trees shall be protected to British Standard British Standard 5837:2012 and construction 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 (2019)

4 During the course of construction of the development hereby approved, any soil levels shall not 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 (2019)

5 Cement washings must 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 (2019)

6 Service trenches shall not be constructed under the canopies/ Root Protection Areas of 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 (2019)

DC_FINAL_DECISION - ODB:14

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 applicant is reminded that a Tree Works Application must be made to carry out any future works to trees which are the subject of a Tree Preservation Order, similarly a Conservation Area Notification must be made for works to those trees which are not the subject of an Order but are within a Conservation Area. All tree works would be required to be carried out to British Standard 3998 2010.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.



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@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.