Charles Nash
35 Bower Hall Drive
Steeple Bumpstead
Nr Haverhill
Suffolk
CB9 7ED

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference:	H06-0080-23	**Date of Decision:**	28th April 2023
Applicant:	Debnam Brickworks Ltd 108 Ashley Road Newmarket Suffolk CB8 8DB		
Location:	Rear Of Charter Lodge Charters Lane Long Sutton Spalding		
Description:	Erection of single storey dwelling - approved under H06-0990-22. Modification of Condition 2 to allow amendments to previously approved plans		

South Holland District Council hereby give notice that permission 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 the original permission reference H06-0990-22: 5th January 2022

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 and documents:

H06-0800-23:
Application Form
Planning/Design & Access Statement dated January 2023
LS/1 Rev B
LS/2 Rev B
LS/8 Rev A
LS/10 Rev B

LS/13 Rev D

H06-0990-22:
Flood Risk Assessment as approved under reference

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

3 The finished floor level of the dwelling shall be set at a minimum of 0.3m and a maximum of 0.45m above surveyed existing ground level with 1m of flood resilient construction incorporated into the building fabric and design above finished floor level unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing by the Local Planning Authority.

Should the finished floor level need to be increased above 0.45m above existing ground level, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum including drawings showing the resulting ground, floor levels and overall building heights following construction of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority prior to above ground work taking place.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

4 No above ground work should commence unless and until a schedule of external materials, including brick type and roof tiles plus any hard or permeable surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 Where trees are shown on drawing number LS/13 Rev D to be retained on site, including the mature trees in the rear garden and on the boundary, they shall be protected during construction work as follows:

a) For paths, driveways and roadways in the 'Root Protection Area' of Trees (Please see British Standard 5837:2012), a 'No Dig' method of construction should be used. A cellular confinement system filled with gravel or other permeable filling should be employed as a surface treatment to prevent compaction of soil over tree roots and allow the free flow of water and oxygen. In some circumstances this may be used in conjunction with rubberised porous paving materials. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees.

b) 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 their roots.

DC_FINAL_DECISION - ODB:14

The roots can easily be damaged due to the effects of soil compaction, which can alter the amount of oxygen and water which reaches them. Feeder routes are generally in the top 18 inches of soil, and there is often a concentration of roots near the canopy drip line. If encroachment in the Root Protection Area cannot be avoided, a ground protection product should be used to prevent ground compaction.

c) Cement washings must not be deposited and no equipment should be stored beneath the canopies/Root Protection Areas of trees, nor fires lit beneath trees.

d) Service trenches should not be constructed under the canopies/Root Protection Areas of trees.

e) New drains and soak-aways should be avoided under the canopies/Root Protection Areas of trees.

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

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 25mm 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.

g) Backfilling:
When backfilling with soil; care must be taken to protect the roots.

i) In a highway situation, or where tar macadam or a hard surface is being laid, the addition of a granular material mixed with the topsoil or sharp sand (not builders' sand as it is too fine) around the retained roots is suggested. This should allow the surface to be compacted for resurfacing without damage to the roots, and should secure a local aerated zone enabling the roots to survive in the longer term.

ii) In a non-highway situation or where tar macadam or a hard surface is not being used, excavated soil should be backfilled and be lightly 'tamped' and usually left 'proud' to the surrounding surface to allow natural settlement.

iii) In some circumstances trenches should be backfilled and compacted by hand to minimise the damage to tree roots.

iv) Please refer to National Joint Utilities Group (NJUG) 'Guidelines for the Planning Installation and Maintenance of Utility Services in Proximity to Trees'.

h) The soil levels should not be altered around the base of trees. An increase in soil level

DC_FINAL_DECISION - ODB:14

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. Obviously a lowering of the soil level can expose tree roots. Both can be detrimental to the health of the tree.

i) Foundations must take into account the presence of existing trees in their mature form, and of those planted as part of any landscaping scheme.

j) The layout of the proposed development should reflect the requirement for protective fences to be placed at a distance no closer than at least one metre outside of the maximum canopy spread of the tree or as detailed following calculation of the Root Protection Area to comply with British Standard 5837: 2012, as above.

k) Some species of Acers, e.g. Sycamore, and Tilia (Lime) are prone to infections by aphids in the summer months. The aphids produce a honey-dew substance which drips to the ground. This may be a consideration if long term parking is envisaged, or a patio area or conservatory are being considered.

l) A Tree Works Application must be made to carry out works to trees which are the subject of a Tree Preservation Order. All tree works to be carried out to British Standard 3998 2010.

m) All tree works to be carried out to British Standards 3998 2010.

Reason: To ensure the protection of trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

6 The scheme of landscaping and tree retention shown on drawing number LS/13 Rev D 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.

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

7 Before above ground work beyond oversite commences, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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.

8 Before above ground work beyond oversite commences, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9 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;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

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 2 and 3 of the South East Lincolnshire Local Plan, 2019.

10 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 individual 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.

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 by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning

permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

When the site is cleared for construction, please be aware of restrictions under the Wildlife and Countryside Act 1981 (as amended), particularly with regard to nesting birds and roosting bats:

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 on Tel: 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 , or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.

Comments from the South Holland Internal Drainage Board:
The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

Byelaw 3 (Surface Water):
Surface water is to be via infiltration, however the viability of this proposal has not been evidenced. Ground investigation is recommended to be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, should the applicant propose to discharge surface water to a watercourse, consent would be required under Byelaw 3. Any discharge should be in line with the non-statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water):
Disposal of foul water is to be via a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991:
There appears to be no riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Comments from Anglian Water:
The applicant should check for Anglian Water assets which cross or are within close

proximity to the site. Any encroachment zones should be reflected in the site layout. The applicant can do this by accessing Anglian Water's infrastructure maps. Please see Anglian Water's website for further information:
https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/

Please note that if diverting or crossing over any of Anglian Water's assets permission will be required from them. Please see Anglian Water's website for further information:

https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets



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.