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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H06-0464-16 **Date of Decision:** 28th July 2016

Applicant: Mr & Mrs Noon
Willow House
Church End
Spalding
Lincs
PE12 0BU

Location: Adjacent Willow House Church End Gedney Spalding

Description: Erection of 4 bed detached dwelling

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:
Dwg. no. 226-01SD02A;
Dwg. nos. 22601SK01A, 22601SK02, 22601SK03C and 22601SK04B;
Aboricultural Report prepared by John Wilcockson dated 30 June 2016;
Flood Risk Assessment by Geoff Beel Consultancy (ref GCB/3D Planning) dated June 2016.

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

3 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard 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 appearance of the development, the character and visual amenity of this part of the village and the setting of St Magdalene's Church, which is grade I listed.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

4 Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

5 Those trees shown to be retained within the submitted aboricultural report shall not be cut down, up-rooted, destroyed, topped or lopped unless agreed otherwise in writing with the Local Planning Authority. They shall be protected during construction work as follows:
i)fencing at least 1.2 metres in height shall be provided around the trees to be retained before development is commenced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made. The fencing shall not be removed until the dwelling is complete;
ii)no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii)no services shall be routed under the spread of the crowns of the trees to be retained;
iv)if any retained tree dies or becomes dangerous it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site, in the interest of the visual amenities of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

6 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and in particular the following mitigation measures:
i) finished floor levels shall be set at 3.40m AOD;
ii) the dwelling shall be a minimum of two storeys;
iii) flood resilient and resistant construction measures shall be incorporated throughout the

development.
The mitigation measures shall be fully implemented prior to occupation.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

7 Before the dwelling is occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 226-01SK03C dated 15 March 2016 and retained for that use thereafter.

Reason: To ensure safe access to the site and dwelling in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
This Condition is imposed in accordance with Policies SG14 and SG15 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 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

The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

With regard to the proposed surface water drainage, the applicant should be aware of South Holland Internal Drainage Board's letter dated 9 June 2016, where the surface water is to enter the mains sewer, which enters the Board's system and is disposed of by the Board. Therefore, the applicant will have to apply to South Holland Internal Drainage Board for consent for the additional surface water disposal.

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.