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

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

G R Merchant Ltd
Unit 4 Wrights Mews
12a Park Road
Holbeach
Spalding
PE12 7EE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H06-1173-22 **Date of Decision:** 27th January 2023

Applicant: Bourne & Axam Property Services Ltd
Orchard House
The Village
Orton Longueville
Peterborough
PE2 7DN

Location: Land Off Pinstock Lane Gedney Spalding Lincolnshire

Description: Residential Development - re-submission of H06-0896-22

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 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 and documents:

-Application Form
-4052-22 02B
-Flood Risk Assessment by Ellingham Consulting dated December 2022

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

3 Prior to the commencement of development, a detailed levels survey of the site, recording

existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The finished floor level of the dwelling shall be set at a minimum of 0.3m above surveyed existing ground level with 0.3m 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 with the Local Planning Authority.

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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

4 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.

5 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.

6 Before above ground work beyond oversite commences, full details of ecological biodiversity measures that benefits biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be provided in accordance with the details so approved and shall be retained thereafter.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as the use of bat and barn owl roost boxes, and integrating nesting opportunities into the building and by planting that benefits invertebrates. The use of swift bricks would help to minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

7 Prior to the occupation of the dwelling hereby permitted the design and location of a cycle rack shall be provided to be located either on an external wall of the garage, within the garage or within the curtilage of the dwelling, in a position which shall be approved in writing by the Local Planning Authority. The approved cycle rack shall be installed and retained thereafter.

Reason: To ensure that adequate secure facilities are provided for cyclists using the dwelling.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

8 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, or pergolas;
ii) the erection of house extensions including dormer windows, conservatories, additional garages or car ports.

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.

9 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.

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 permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application.

The application form, costs and guidance, can be found on Lincolnshire County Council's website, accessible via the following link:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb

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https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit Lincolnshire County Council's website via the following link:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management.

Please see the following information from South Holland Internal Drainage Board in relation to their Byelaws:

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)

The applicant has indicated that they intend to dispose of surface water via infiltration, however, the IDB cannot see that the viability of this proposal has been evidenced. The IDB recommends that ground investigation is 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, following the drainage hierarchy the IDB expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Please note that the IDB recommend that any discharge is 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)

The IDB note that the applicant intends to dispose of foul water to a main sewer. Should the applicants 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

The IDB note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) is adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Please note the following information taken from the Flood Risk Assessment submitted with this application:

The developer should ensure that the eventual occupier of the dwelling is sufficiently aware of the risk of flooding, and the standard of the existing defences. The Environment Agency operates a flood warning system for properties at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property.

Floodline Warnings Service is a national system run by the Environment Agency for broadcasting flooding warnings.

The occupier of the dwelling should register to receive flood warnings. During an exceedance event it is anticipated that sufficient time would be available to take precautionary actions to limit the potential impact of flooding. Should there be a failure of the Lutton Leam Tidal Sluice and conditions were such to put properties and land at risk of flooding, the Internal Drainage Board would take emergency action to maintain the drainage level of service by using temporary pumping equipment.

It is recommended that surface water run-off is managed so that stormwater from the development will not increase the flood risk elsewhere.



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.