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# TOWN AND COUNTRY PLANNING ACT 1990
# SECTION 73A CONTINUATION

**Reference:** H07-0853-16 **Date of Decision:** 18th October 2016

**Applicant:** J C Property Developments Ltd
79 Bedford Road
Wootton
Bedford
MK43 9JB

**Location:** Former Baptist Church Hillgate Gedney Hill Spalding

**Description:** Change of use of former Baptist Chapel to three-bed dwelling with off road parking, including creation of first floor - approved under H07-0379-14. Modification of Conditions 2 and 5 to allow amendments to previously approved plans

## 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 22nd June 2017.

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. 1662-01;
Dwg. no. 1734-1 (Existing Plans and Elevations) accompanying planning permission H07-0379-14;
Dwg. nos. 1662-05A and 1662-06;
Specification of proposed white composite external doors.

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

3 The existing kitchen/anti room window in the Eastern (rear) elevation of the building shall be bricked up to match the adjacent areas of wall, as closely as possible, before the permitted use of the building commences and the window shall thereafter remain so bricked up.

Reason: To safeguard the privacy of adjoining residential garden land.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

4 Before the dwelling is brought into use the courtyard area shall be hard surfaced either with Brindle brick weave paviors set inside a blue brick pavior border, or in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of 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 Policy SG14 of the South Holland Local Plan 2006.

5 Prior to occupation of the dwelling the boundary wall exposed as a result of the demolition of the outbuilding shall be rendered and painted in a finish that matches the existing buff brickwork, as closely as possible.

Reason: To ensure that the adjoining building is made good in the interest of the visual amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG20 of the South Holland Local Plan 2006.

6 The existing uPVC windows shall be removed and replaced with timber windows in accordance with the approved details before the permitted use of the building is commenced and thereafter be so maintained. The windows shall be painted white or cream.

Reason: In the interests of the character and appearance of the development, the visual amenity of the area in which it is set and in the interest of retaining the character of this non-designated heritage asset.
This Condition is imposed in accordance with Policy SG20 of the South Holland Local Plan 2006 and Section 12 of the National Planning Policy Framework 2012.

7 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 without the prior written approval of the Local Planning Authority:
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;
iv) the installation of satellite dishes.

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 SG20 and SG17 of the South Holland Local Plan 2006.

8 The frontage gates and railings shall be retained with a black painted finish.

Reason: In the interest of maintaining the character and appearance of the street scene and this non-designated heritage asset.
This Condition is imposed in accordance with Policy SG20 of the South Holland Local Plan 2006 and Section 12 of the National Planning Policy Framework 2012.

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 advised that the trees adjoining the site are protected by a Tree Preservation Order and that this permission does not authorise any works to these trees.

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.