T A C Architects
14 Old Fendike Road
Weston Hills
Spalding
Lincolnshire
PE12 6DD

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

FULL

Reference: H08-0515-22 **Date of Decision:** 14th November 2022

Applicant: Mr P Waudby
Riseholme Farm
Gosberton Risegate
Spalding
PE11 4ET

Location: Riseholme Farm Gosberton Risegate Spalding

Description: Erection of one dwelling

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:

Application Form
Design & Access Statement
Flood Risk Assessment Prepared by S M Hemmings Dated 9th May 2022
22/611/PA/008A
22/611/PA/007A

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

3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment dated 9th May 2022 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- The ground floor level of the new dwelling should be at least 300mm above the existing ground level and a minimum of 300mm above the level of Risegate Road, south of the development site.

- Occupiers of the property should register with the Environment Agency's Floodline Warnings Direct Service to receive automated early warnings of potential flooding.

- On site surface water drainage should be discharged into soakaways if ground conditions are satisfactory and these should be designed to BRE Digest 365 and approved under Building Regulations. If it is demonstrated that soakaways will not work satisfactorily then a surface water drainage system should be designed which would discharge the attenuated surface water into the IDB watercourse on the eastern boundary of the site, subject to consent from Welland and Deeping IDB.

- Surface water drainage associated with the site must flow away from the railway with no ponding of adjacent water adjacent to the boundary. Any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 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 shall commence unless and until drawings showing finished floor levels set 300mm above average ground levels are submitted to and approved in writing by the Local Planning Authority.

Note:The submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in 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 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.

5 No above ground work shall commence unless and until a schedule of external materials in relation to the colour, finish, and texture of all new materials to be used on all external surfaces 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 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.

6 Prior to its installation, notwithstanding the position and height of the feather edged fencing as shown on plan reference 22/611/PA/008A, details of the colour and materials of proposed boundary treatments along the front of the site, together with any additional signage that may be required in association with the Gosberton Level Crossing (as required by Network Rail), shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail and the details so approved shall be implemented in full before the development is occupied and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining land to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7 The refuse and recycling storage facilities at the front boundary of the property as shown on plan reference 22/611/PA/008A and approved under this Decision Notice, shall be provided before occupation of the approved dwelling and shall thereafter be so maintained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8 The hedgerow as shown on the northern boundary, together with the 9 trees as shown within the existing paddock on plan reference 22/611/PA/008A are to be retained in perpetuity in situ as part of the landscaping associated with this development. Prior to occupation of the development hereby permitted, a landscaping scheme for the remainder of the site indicating, inter alia, the number, species, heights of planting and positions of all the trees and shrubs, together with details of post-planting maintenance shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following occupation 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.

Note: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain

will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

9 Prior to practical completion full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

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 buildings. The use of swift bricks on new developments would help 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.

10 Notwithstanding the details submitted, the bathroom window to the ensuite to bedroom 3 on the western flank elevation shall be finished in obscured glazing and thereafter so maintained, 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: In the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2021.

11 Other than those shown on the approved plans, no new windows or rooflights shall be formed on the western flank elevations and/or western flank roofslopes of the dwelling, 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: In the interests of the amenity to nearby residents.
This Condition is imposed in accordance with Policies 2 and 3 off the South East Lincolnshire Local Plan, 2019.

12 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate

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all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

13 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 12 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

14 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

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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.

15 No lighting (either temporary or permanent) shall be erected on the external walls of the dwelling or garage, or utilised/erected within the external curtilage of the dwelling hereby approved without the prior consent in writing of the Local Planning Authority in consultation with Network Rail.

Reason: In the interests of amenity and to ensure that lighting does not affect the operation of the nearby railway.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

16 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology 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: As a result of the proximity of the proposed development to the operational railway boundary and due to railway safety.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

17 No above ground work to commence until a noise assessment, undertaken by a suitably qualified person to determine the extent of the existing noise sources in the area that could have a significant adverse impact on the proposed development, including noise from the railway line, is submitted to and approved in writing by the Local Planning Authority. This assessment should include a scheme of sound insulation details including acoustic window details, reveal depths and dimensions to protect the residential dwelling from any identified excessive noise and/or vibration ingress from the railway line. The approved details shall be implemented prior to first occupation taking place and retained thereafter for the lifetime of the development.

Reason: In the interests of residential amenity of future occupiers of the property with regards to the proximity to the railway line, and to ensure the details are acceptable to the Local Planning Authority.
This Condition is imposed in accordance with Policies 2 and 30 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

Network Rail have provided the following comments:

Gosberton Level Crossing
As the development is in proximity to the Gosberton Level Crossing it is imperative that this does not impact on the safe operation of the crossing or crossing users at any time. Additional signage may be required at the developer's expense for traffic exiting the development site, and corresponding signs to Risegate Road, positioned further back than the proposed location for the exit point. This will provide warning of the crossing to the occupants of and visitors to the new dwelling. See condition 6.

Works in Proximity to the Operational Railway Environment
Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with Network Rail's Asset Protection Team prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed may include construction methodology, any earthworks and excavations, any use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during the works. See condition 16.

Drainage
It is imperative that drainage associated with the site does not impact or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail. See condition 3.

Boundary Treatments, Landscaping and Lighting
Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Information on boundary treatments are therefore required. See condition 6.

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to the boundary there should be at a minimum distance greater than the height at maturity from the boundary. Any hedge planted adjacent to the railway boundary fencing for

screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. The landscaping scheme should take account of Network Rail's requirements and the species unacceptable to them if planting is to occur close to their boundary. See condition 8.

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the colour and location of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. See condition 15.

Railway Noise Mitigation

The developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for the dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. See condition 17.



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		

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.