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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference:	H09-0304-18	Date of Decision:	31st July 2018
Applicant:	Mr R Bradley 9 Langton Road Great Bowden Market Harborough Leics LE16 7EZ		
Location:	28a Battlefields Lane South Holbeach Spalding		
Description:	Proposed residential development (retrospective)		

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. no. 2970-16-10L (Location Plan and Site Layout Plan);
Floor Plans and Elevations on dwg. no. 2970-16-15;
Flood Risk Assessment by Geoff Beel Consultancy (Revised Final Report ref. GCB/Merchant) dated May 2018;
Geo- environmental Desk Study (Report ref. 0376/1) by Goldfinch Environmental Ltd dated June 2016.

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

- 2 The development hereby permitted shall be carried out in accordance with the recommendations set out in the Flood Risk Assessment by Geoff Beel Consultancy (Revised Final Report) dated May 2018 forming part of this planning application, including/plus the following:
- Finished floor levels shall be set in accordance with details shown on dwg. no. 2970-16-

10L accompanying the application;

- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007.

- The development shall be two storey.

The mitigation measures shall be fully implemented prior to occupation.

Note:

Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service and to prepare a Flood Warning and Evacuation Plan following discussion with South Holland District Council Emergency Planners.

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 14 of the National Planning Policy Framework, 2018.

- 3 The scheme of landscaping and tree planting shown on dwg. no. 2970-16-10L shall be carried out in its entirety within a period of four months from the date of this decision notice. It shall be maintained by the owner or owners of the land on which it is 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 Policy SG18 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2018.

- 4 The first floor landing windows on the side elevations shall be obscure glazed using Grade 4 glass or above and shall be non-opening below a height of 1.7 metres when measured from the floor level of the landing. The windows shall thereafter be so maintained.

Reason: To prevent overlooking, in the interest of the amenity of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2018.

- 5 Before any dwelling is occupied close boarded boundary fencing shall be provided on site in accordance with details shown on dwg. no. 2970-16-10L accompanying the application. It shall thereafter be retained.

Reason: To protect the amenity of neighbouring residents and also the character/appearance of the locality.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006 and advice within Section 12 of the National Planning Policy Framework, 2018.

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 developer's attention is drawn to page 20 of the Environmental Report regarding unanticipated contamination.



Phil Norman
Planning and Building Control 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 Authority 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.