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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 73A CONTINUATION

Reference: H11-0045-23 **Date of Decision:** 4th May 2023
Applicant: Mr Hoey
C/O Swann Edwards Architecture Ltd.
Black Barn, Fen Road
Guyhirn
Wisbech
PE13 4AA
Location: Land West Mcdonald'S Restaurant Vicarage Lane Long Sutton Spalding
Description: Mixed use development comprising of static caravans, cottages, fishing lake, site office, workshop and caravan sales - approved under H11-0420-18.
Modification of Condition 2 to allow amendments to previously approved plans and Condition 5 to allow the maximum number of static caravans on site not to exceed 52

South Holland District Council hereby give notice that permission 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- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, except where superseded/amended by a subsequent consent:

H11-0420-18

Heritage Statement by Swann Edwards Architecture (Job No. SE-571) dated August 2018

H11-0350-19

SE-571-12A

SE-571-13B

SE-571-14B

SE-571-15A

Spectrum Acoustic Report (ref. PJB8651/18507) dated 13 March 2019

H11-0075-20

Planning & Flood Risk Statement by G A Associates (ref: GA3266) dated January 2020

H11-0045-23

SE-571-10J

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

- 2 All static caravans and cottages upon the site shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence.

Reason: To define the terms of the permission and ensure that the development is restricted to short term holiday use only and not used for residential purposes. Residential use would be contrary to the provisions of Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, 2021, which seek to control new residential development in the countryside.

- 3 An up-to-date register of the names, main home addresses, visiting dates and length of stay of all persons staying at the site shall be maintained at all times and be available for inspection by the Local Planning Authority at all reasonable times.

Reason: To define the terms of the permission and to prevent the caravan park from being used as permanent residential accommodation, which would be contrary to the provisions of Policies 1 and 9 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, 2021, which seek to control new residential development in the countryside.

- 4 The maximum number of static caravans upon the site shall not exceed 52.

Reason: To define the terms of the permission and to ensure that the nature, scale and appearance of the development is acceptable.

This Condition is imposed in accordance with Policies 1, 2, 3 and 9 of the South East Lincolnshire Local Plan, 2019.

- 5 The external materials of the development shall be in accordance with details accompanying condition compliance application ref. H11-0350-19.

Reason: 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 Within 3 months of the date of this decision notice, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the next planting season, unless agreed otherwise in writing by the Local Planning Authority. 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 landscaping scheme should include additional hedge/tree planting in the north-eastern corner of the site alongside the internal roadway to the east of the fishing lake to soften the effect of the new development when viewed from the A17/Wisbech Road.

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.

- 7 All external lighting shall be installed strictly in accordance with the approved details accompanying condition compliance application ref. H11-0350-19 prior to practical completion.

Reason: In the interests of visual and residential amenity.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 8 All external/internal acoustic measures to be provided to protect future occupiers from noise generated from traffic noise from the A17 and activity associated with the restaurant to the east shall be fully implemented in accordance with details accompanying condition compliance application ref. H11-0350-19 before any static caravan or holiday cottage is brought into use.

Reason: To ensure a satisfactory level of amenity for future occupiers.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 9 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA), including/plus the following mitigation measures:
- i) Finished floor levels of all caravans shall be set 500mm above existing ground level.
 - ii) The caravans shall be securely anchored to the ground;
 - iii) The cottages shall be 2 storey;
 - iv) Finished floor levels of the cottages shall be set 500mm above existing ground level;
 - v) Flood resilient construction shall be incorporated within the cottages up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007.
- 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 in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2021.

- 10 The development hereby permitted shall be undertaken in accordance with a foul water

drainage scheme which shall first have been approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2021.

- 11 The development hereby permitted shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2021.

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>

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection Department immediately.

The applicant is reminded that an application will need to be made to South Holland District Council for a Caravan Site Licence under the Caravan and Control of Development Act, 1960.

The applicant is strongly advised to prepare a Flood Warning and Evacuation Plan for the site and also to register with the Environment Agency's free Floodline Warnings Direct Service.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

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.