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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H11-0647-16 **Date of Decision:** 9th August 2016

Applicant: R K Wilson Builders Ltd
 Sandpit Farm
 59 Wisbech Road
 Long Sutton
 Spalding
 PE12 9AQ

Location: Site Adj To 2 Old Brewery Lane Long Sutton Spalding Lincs

Description: Erection of pair of semi-detached dwellings and one dwelling - re-submission of H11-0665-15 - vary Condition 2 of H11-0994-15, adding conservatory to Plot 3.

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. 15/409/PA/007A dated 15 October 2015;
 Dwg. no. 15/409/PA/006 dated 15 October 2015 accompanying planning permission H11-0994-15, as updated by dwg. no. 15/409/PA/007A;
 Flood Risk Assessment prepared by S. M. Hemmings dated 16 July 2015 accompanying planning application H11-0994-15;
 Environmental Test Report (Ref. 15/12/17408) dated 29 December 2015 accompanying condition compliance application H11-0052-16.

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

- 2 The scheme of landscaping approved by virtue of condition compliance application H11-0052-16 shall be carried out in its entirety within a period of six months from the date of this decision notice. 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.

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.

- 3 The materials to be used to the external roof of the development hereby permitted shall be in accordance with details accompanying condition compliance application H11-0052-16.

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 Policy SG14 of the South Holland Local Plan, 2006.

- 4 The development hereby permitted shall be carried out strictly in accordance with the details/recommendations contained within the Environmental Test Report (Ref. 15/12/17408) dated 29 December 2015 accompanying condition compliance application H11-0052-16.

Two copies of a full closure report shall be submitted to and approved in writing by the LPA prior to occupation of any dwelling. The report shall provide verification that any 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 has been fully met.

Reason: To address any pollution and to ensure a satisfactory development.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 5 The development hereby permitted shall be carried out in accordance with the following flood mitigation measures:

- i) Finished floor levels shall be set 500mm above existing ground level at 3.90m AOD;
- ii) The buildings shall be designed to incorporate flood resistant/resilient measures and construction techniques to a depth of at least 800mm above the floor level, plus 600mm demountable flood barriers on doorways;
- iii) The eventual occupiers shall sign on to the Environment Agency's Floodline Warnings Direct Service.

The flood mitigation measures shall be provided prior to the development hereby permitted being brought into use.

Reason: To ensure that the risk of flooding to the development and future occupants is mitigated whilst ensuring that the dwellings have a satisfactory relationship with existing development.

This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012 and Policy SG14 of the South Holland Local Plan, 2006.

- 6 Foul water shall be disposed of via the mains sewer and surface water via Common Pit or soakaways.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policies SG12 and SG13 of the South Holland Local Plan 2006.

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>



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 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.