Peter Humphrey Associates Ltd
31 Old Market
Wisbech
Cambs
PE13 1NB

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-1062-19 **Date of Decision:** 8th April 2020

Applicant: Wilf Hammond Homes Ltd
Red House Farm
Dawsmere Road
Gedney Marsh
Spalding Lincs
PE12 9NG

Location: Land Adjacent: 1 Hall Lane Moulton Seas End Spalding

Description: Proposed residential development - 6 dwellings

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 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:

6040/01D
6040/02C
6040/03C
6040/04E
Application Form
Design and Access Statement by PH Architectural
Flood Risk Assessment prepared by S M Hemmings dated 27 November 2017.
Phase I Geo-Environmental Desk Study (Ref: UK19.4517) by EPS dated 5 July 2019.

Phase II Geo-Environmental Assessment (Ref: UK19.4517b) by EPS dated 11 October 2019

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

3 The scheme of landscaping and tree planting shown on dwg. no. 6040/04E shall be carried out and completed in its entirety during the first planting season following practical completion 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.

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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 Where the tree under Tree Preservation Order (Moulton Seas End No. 2) is shown on dwg. no. 6040/04E within the adjacent property No. 15 Hall Lane and to be retained on site they shall be protected during construction work as follows:

i) The Root Protection Areas of all significant trees should be calculated as in British Standard BS 5837: 2012 before any heavy equipment is brought on site for clearance. This is to protect tree canopies and also their roots. The roots can easily be damaged due to the effects of soil compaction, which can alter the amount of oxygen and water which reaches them.

ii) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority

iii) If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

iv) A 'no dig' method should be used where roadways/driveways/paths are likely to be in the Root Protection Areas. A cellular confinement system filled with gravel or other permeable filling is likely to be appropriate as a surface treatment to help prevent compaction of soil over tree roots and allow the free flow of water and oxygen. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees.

v) The soil levels should not be altered around the base of trees. An increase in soil level around the base of a tree can make conditions adjacent to the trunk damp and suitable for fungal growth. It can also increase the distance for water / gaseous exchange to the tree's roots. Obviously a lowering of the soil level can expose tree roots. Both can be detrimental to the health of the tree.

vi) When backfilling in a highway situation, or where tar macadam or a hard surface is being laid, the addition of a granular material mixed with the topsoil or sharp sand (not builders' sand as it is too fine) around the retained roots is suggested. This should allow

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the surface to be compacted for resurfacing without damage to the roots, and should secure a local aerated zone enabling the roots to survive in the longer term.

vii) Foundations must take into account the presence of existing trees in their mature form, and of those planted as part of any landscaping scheme.

Reason: To ensure the protection of significant trees on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

5 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment prepared by S M Hemmings dated 27 November 2017 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:

- Finished floor levels shall be set 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level;

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, 2019.

6 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in 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 each 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.

7 Notwithstanding the details submitted, the following windows shall be obscure glazed using Grade 3 glass and thereafter so maintained:

- First-floor bathroom window on the western side elevation of the proposed dwelling in Plot 1
- First-floor bathroom window on the northern side elevation of the proposed dwelling in Plot 6

Reason: To prevent overlooking 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 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 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 permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

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
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		

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.