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Spalding
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PE11 2XE
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M Watson
13 Wimberley Way
Pinchbeck
Spalding
Lincs
PE11 3RY

TOWN AND COUNTRY PLANNING ACT 1990

OUTLINE

Reference: H14-0058-17 **Date of Decision:** 20th June 2017

Applicant: Mr & Mrs S Woodfield
25 Market Way
Pinchbeck
Spalding
Lincs
PE11 3PE

Location: 25 Market Way Pinchbeck Spalding

Description: Residential development - erection of two dwellings

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

1 Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:
Drawing No 474/LP/BP/2016 and Flood Risk Assessment (by S.M.Hemmings dated on 31st December 2016).

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

3 No development shall take place without the prior written approval of the Local Planning

Authority of all details of the following matters:
i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
ii) the means of access to the site;
iii) the landscaping of the site;
iv) the means of sewage and surface water disposal;
v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.
This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

4 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate 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). Two full copies 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, a 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 new use. Two full copies 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 requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. 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 suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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 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.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

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 SG13 of the South Holland Local Plan, 2006.

5 When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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 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 SG18 of the South Holland Local Plan, 2006.

6 Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

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.

7 None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. 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.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

8 When application is made to the Local Planning Authority for the approval of reserved matters, that application shall be accompanied by the following details:

i) a plan providing the following information for each tree on site with a trunk diameter exceeding 100mm measured over the bark at a point 1.5 metres above ground level:
-a reference number
-its location
-its species
-an accurately drawn canopy and measurements of its radius
-its approximate height
-an assessment of its general state of health and stability;
ii) details of which trees are proposed to be removed;
iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped until the above information has been submitted to and approved by the Local Planning Authority unless first agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of those trees on the site which are of amenity value, in the interest of the visual amenity of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

9 Where trees are shown on Tree Preservation (Pinchbeck No. 15) Order 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 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 Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

10 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by S.M.Hemmings dated on 31st December 2016) 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:

·If dwellings are single storey, finished floor levels should be at least of 4.1m AOD and safe refuge.
·If dwellings are two storey properties, finished floor levels should be at least of 3.80m AOD, 650 mm above the existing ground levels.
·Flood resistant/resilient constructions should be incorporated to 300mm above the 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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

11 The minimum width of the access shall be 4.1 metres.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

12 When the application is made for approval of the 'Reserved Matters' that application shall show details of the arrangements for the parking/turning/maneuvering/loading/unloading of vehicles within the site. These arrangements shall be provided before the building is occupied and shall be kept permanently free for such use at all times thereafter.

Reason: To enable calling vehicles to wait clear of the carriageway of Burma Ave and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.
This Condition is imposed in accordance with Policies SG14 and SG15 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 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 development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

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 Authroity 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.