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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H14-0219-22 **Date of Decision:** 6th April 2023

Applicant: Charlotte Properties Ltd.
Cherry Cottage
14 Wexford Road
Oxton
Wirral
CH43 9TB

Location: The Bell Inn 33 Church Street Pinchbeck Spalding

Description: Conversion of the ex-Bell Public House into five flats and the development of nine detached bungalows to the rear

South Holland District Council hereby give notice that permission 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 and/or documents:
Application Form
3170-S08
3170 EB01
3170 EB02
ASC.21.567
3170 EB05 Rev A
Site Levels Plan - Existing
3170-S02 Rev C

3170-S03 Rev C
3170-S04 Rev C
3170-S05 Rev C
3170-S06 Rev C
COTT-01 Rev A
COTT-02 Rev A
LANG-01 Rev A
LANG-02 Rev A
MAN-02
MAN-01
OAK-02 Rev A
OAK-01 Rev A
BRAUN-01 Rev A
BRAUN-02 Rev A
EGG-01
EGG-02
RUT-01
BP/21/01
Tree Survey Details - 3170-S07 (A2) Rev C
Tree Survey - 02/09/2021
Desk Based Heritage Impact Assessment (Prepared by Neville Hall - August 2021)
Heritage Impact Assessment (Prepared by Jonathan Biggadike - January 2022)
Heritage Impact Statement 2 - Photographic Record of Defects, Vandalism & Damage (Prepared by Jonathan Biggadike - January 2022)
Ecology & Protected Species Survey Report (Prepared by Helen Scarborough - June 2021)
Ground Investigation Report - SW 21-199-GI-01 (Prepared by Shields Wilson - December 2021)
Planting Schedule (Prepared by Dragonfly Building Conservation & Landscape Design Ltd - 19th January 2022)
Planning Statement & Design & Access Statement (Prepared by Matrix Planning - February 2022)
RUT-02
3170-EB03 Rev B
Flood Risk Assessment Rev A (Prepared by S M Hemmings Dated 11th April 2022)
SW 21-199-CAL-01A
21-199-102 Rev P2
21-199-103 Rev P2
21-199-110 Rev P4
21-199-111 Rev P4
3170-EB06 Rev B
3170-S01(a2) Rev F
3170-EB04 Rev B

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

3 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

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Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.

4 The scheme of landscaping and tree planting shown on dwg. no. BP/21/01 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.

5 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and 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 and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6 Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire

Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

7 A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Church Street and residential amenity.

Reason: In the interests of the amenity of local residents. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 Notwithstanding the levels shown on Drawing No. 21-199-100 Rev P3 & 21-199-101 Rev 2 before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the 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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9 The development shall be carried out in accordance with the approved Flood Risk Assessment (Prepared by S M Hemmings - 11th April 2022) and the following mitigation measures it details:
· Finished floor levels of the bungalows shall be set no lower than 3.20 metres above Ordnance Datum (AOD) with flood resilient construction to a height of 300mm above the predicted flood depth.
· Finished floor levels of the Public House shall remain at 4.10 metres AOD. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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, 2021.

10 Prior to the commencement of works on site archaeological trial trench evaluation is required, because of the high potential for as yet unrecorded medieval remains to survive in this central position within the medieval settlement adjacent to the parish church. The evaluation should consist of trial trench excavation and should provide sufficient information to enable the local planning authority to make a reasoned decision regarding the potential impacts on below ground heritage assets of archaeological interest.

Reason: For historical and archaeological interest.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019, as well as Section 16 of the National Planning Policy Framework, 2021.

11 Before the commencement of the development hereby permitted beyond oversite full details of the private refuse/recycling collection contractor service shall be submitted to and approved in writing by the Local Planning Authority. The approved details of the private refuse/recycling collection contractor service shall be implemented upon first occupation of any dwelling and thereafter the development shall be served in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the method and storage of household waste on site, 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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12 The two sycamore trees and ash tree marked on Appendix 2 of Tree Survey dated 02-09-2021 to be retained, shall not be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. Should any of the trees die or authorisation be given for their removal, they shall be replaced within six months thereafter with a tree of such size and species which shall first be agreed in writing by the Local Planning Authority, such a tree will continue to assume the protection afforded to the original under this Condition.

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 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, 2021.

13 The two sycamore trees and ash tree marked on Appendix 2 of Tree Survey dated 02-09-2021 to be retained shall be protected during construction work as follows:

i) Before commencement of any development, chestnut paling or similar fencing 1.5 metres in height shall be provided around the perimeter of the Root Protection Area as calculated in British Standard 5837:2012, of all trees to be retained.
No materials, equipment, site huts, fuels or other items shall be placed or stored within the

areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made nor any fires lit.

ii) Before commencement of any development, details of the means of construction, drainage and surfacing of the access drive, including a method statement for the protection of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The access drive shall be completed in its entirety in accordance with the approved details before the dwelling is occupied.
Note: It is advised that a 'no dig' method should be used where roadways / driveways / paths are likely to be in the Root Protection Areas. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees. Tarmacadam is not an appropriate material to site near the base of trees. A cellular confinement system filled with gravel or other permeable filling is required.

iii) Where access is essential in close proximity to the retained trees and is likely to cause soil compaction, temporary ground protection should be used.

iv) The soil levels should not be altered around the base of the retained trees.
Note: 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, which can be detrimental to the health of the tree.

Reason: In the interest of preserving existing trees on site and the character of the surrounding area.
This Condition is imposed in accordance with Section 15 of the National Planning Policy Framework, 2021.

14 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.

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

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 6 April 2023 and can only be implemented as a consequence of meeting the provisions of that Agreement.

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 application guidance, approval and specification details, please visit:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb
or contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

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.

For further guidance please visit:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.



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.