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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H14-0253-16 **Date of Decision:** 27th April 2016

Applicant: Mr & Mrs I Bates
58-64 Station Street
Donington
Spalding
Lincs
PE11 4UJ

Location: Former The Rowans North Gate West Pinchbeck Spalding

Description: Proposed replacement dwelling - approved under H14-0890-12. Modification of Condition 2 to allow amendments to previously approved plans

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's. 3398-11 and planning statement;
Dwg.nos. 3398-1B, and Flood Risk Assessment (Ref.GCB/BOOR) received 29 October 2012 (approved in connection with planning application ref. H14-0890-12).
Details of bricks received 13 March 2013 (approved in connection with condition compliance application ref. H14-0215-13, to discharge condition 4 of planning permission ref. H14-0890-12).
Dwg.nos. 3398-3 and 3398-4 received 12 March 2013 (approved in connection with condition compliance application ref. H14-0216-13, to discharge conditions 9 and 11 of planning permission ref. H14-0890-12).

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

- 2 The development permitted by this planning permission shall be carried out in accordance

with the approved Flood Risk Assessment (FRA) dated July 2012, ref. GCB/BOOR, specifically;

- No sleeping accommodation will be located on the ground floor.
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as outlined in section 7.5.
- Finished floor levels are set no lower than 3.7m above Ordnance Datum (AOD).
- Flood resilient construction will be incorporated into the development.

The mitigation measures shall be fully implemented prior to occupation of the permitted dwelling.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

This Condition is imposed in accordance with Section 10 of the National Planning Policy Framework 2012.

- 3 The rainwater goods utilised in the development hereby permitted shall be coloured black and of metal construction and thereafter so maintained.

Reason: In the interests of the 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 guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

Reason: In the interests of the architectural composition 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.

- 5 Notwithstanding the submitted details, the new windows in the front and side elevations of the dwelling hereby permitted shall be traditional, painted timber, box sliding sashes, set at least 10 cm in reveal, with the boxes recessed behind the masonry and full constructional details, at a scale of not less than 1:10, or full scale samples shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The windows shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development 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 and HS17 of the South Holland Local Plan 2006.

- 6 The scheme of landscaping and tree planting shown on dwg. no. 3398-2D received by the Local Planning Authority on 29 October 2012 shall be carried out in its entirety within a period of 12 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.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), no garages (other than those shown on the approved plans) car ports or house extensions shall be erected.

Reason: To ensure that the Local Planning Authority retains control over the future extension of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.

This Condition is imposed in accordance with Policies SG14 and HS17 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.