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The Planning Hub
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79 Gertrude Road
West Bridgford
Nottingham
NG2 5DA

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0003-16 **Date of Decision:** 4th July 2016

Applicant: Country Court Care Ltd
Millennium House
Dukesmead Industrial Estate
Werrington
Peterborough
PE4 6ZN

Location: Former Goodfellows School Spalding Common Spalding

Description: Proposed care home facility (C2) including new access, car parking areas, amenity space and associated landscaping

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The proposal will have a significant adverse impact on the character of the surrounding area by way of its layout, scale, form and design. As such, it is considered that the proposal would result in the overdevelopment of the site. The proposal is therefore considered contrary to Policy SG14 of the South Holland Local Plan, 2006. This policy indicates that new development should make a positive contribution to the character and appearance of the locality. It is in accordance with advice contained within Section 7 of the National Planning Policy Framework 2012, specifically Paragraph 58, which states that new development should respond to local character.

2 The proposal would have an adverse impact on trees within the site which would result in the loss of protected trees preserved through Spalding Tree Preservation Order No. 68 2005. The loss of these protected trees would have an unacceptable impact upon the character and appearance of the local area. Also with tree canopies potentially overhanging or touching the proposed building due to future growth, it is highly likely that the applicant would want further trees removed or severely pruned due to overshadowing

or concerns regarding safety or damage including potential structural damage. The proposed development therefore conflicts with Local Plan Policy SG14 as the loss of the trees would adversely effect the character and appearance of the locality and section 11 of the National Planning Policy Framework 2012, as the benefits of the proposed development are not considered to outweigh the harm to the natural environment.

3 The proposal will not provide outdoor amenity space of sufficient quality or quantity for future occupants. The proposal is therefore considered contrary to Policy SG17 of the South Holland Local Plan, 2006. This policy strives to protect the quality of residential amenity. It is also contrary to the National Planning Policy Framework 2012 which also seeks, particularly in paragraphs 9, 17 and 58 to improve the conditions in which people live, work, travel and take leisure, and prevent development which would undermine quality of life.

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:
dwg. no's. 0074-(10)002-A00,
0076 (21)004-A00, 0076- (20)002-A01, 0076 (21)002-A01,
0076 (21)005-A00, 0076 (20)003-A01, 0076 (21)003-A00,
0076 (20)001-A01 and 0076 (21)001-A00
0176-(10)001-A00,
2014.5563.SK03B,
Topographical survey, tree constraints plan,
Drainage assessment (dated January 2016),
Arboricultural Impact Assessment Ref: 120616 0461 AIA V1 005 V1 (prepared by Wharton Tree and Ecology Consultants Ltd dated June 2016)
Pre-development tree condition survey (prepared by Amber Arboricultural Consultancy dated 11 May 2015),
Protected species survey,BS 5837:2012 (prepared by Andrew P. Chick MPhil dated April 2015)
Flood risk assessment (prepared by RM Associates, version 2 dated December 2015)
Noise impact assessment (dated 21st May 2015)
Transport statement (revised December 2015)
Notice under Article 13,and e-mails from the agent (dated 5 February 2016 and 25 February 2016 re noise impact)



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.