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

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

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H16-0778-18 **Date of Decision:** 31st October 2018

Applicant: Country Court Care Ltd
Millennium House
Dukesmead Industrial Estate
Werrington
Peterborough Cambs
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 - approved under H16-1037-16 - Modification of Condition 2 to allow amendments to previously approved plans and increase (100mm) to height of lower roof sections for constructional purposes

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 1 February 2020.

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:
Dwg. no's.
20 001 Rev A01 Proposed Ground Floor Layout
21 002-A03 Proposed Elevations
20 002-A01 Proposed 1st Floor Layout
20 003-A02 Proposed 2nd Floor Layout

10 002-A02 Proposed Site Plan
21 001 Rev A02 Proposed Elevations
20 002 Rev A01 Proposed Elevations
Arboricultural Impact Assessment version V2 (dated October 2016),
Protected Species Survey (prepared by Andrew P. Chick MPhil dated April 2015),
Transport Assessment (prepared by Bancroft Consulting dated April 2015 (revised December 2015)),
Noise Impact Assessment (produced by ENS Ltd and dated 21st May 2015),
Topographical Survey,
Flood Risk Assessment (prepared by RM Associates Version 1 October 2016),
Drainage Assessment (prepared by Construction Design Solutions Revision A dated December 2016), and
'Euro Alu' window specification sheet.

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

3 No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

4 The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

5 A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as

part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

6 The development hereby permitted shall be carried out in accordance with the measures set out in the approved Flood Risk Assessment (dated October 2016), and in particular the following measures detailed within:

- Finished floor levels shall be set at 3.2 metres AOD;
- Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 600mm above finished floor levels.

The mitigation measures shall be fully implemented prior to occupation.

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.

7 Prior to the commencement of the development hereby permitted there shall be submitted to and approved in writing by the Local Planning Authority details of a scheme for the provision of 5 bat boxes for the roosting of bats The approved scheme shall be implemented prior to the commencement of development hereby approved, and shall thereafter be retained. Furthermore, the development shall be carried out in accordance with the findings and recommendations of the approved Protected Species Survey prepared by Andrew P. Chick dated April 2015.

Reason: To ensure that the loss of wildlife habitat is mitigated as part of the development.
This Condition is imposed in accordance with Section 11 of the National Planning Policy Framework 2012.

8 An Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority to detail how the necessary tree protection will be implemented and the details so approved shall be implemented in full before the commencement of development hereby permitted.

Reason: To ensure that the trees are adequately protected, 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.

9 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external

materials of construction 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 of the South Holland Local Plan, 2006.

10 Details of the design of all external doors, window frames and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold, cill and lintol detailing, and means of opening. The doors, door frames and window frames 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 of the South Holland Local Plan, 2006.

11 All new window frames, glazing bars and external door frames shall be of timber construction with aluminium coated exteriors with white finish, and thereafter so maintained.

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.

12 The rainwater goods utilised in the development hereby permitted shall be coloured black 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

13 Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies SG11, SG12 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

14 Prior to the commencement of the first use of the development hereby permitted details of the covered cycle racks to be provided in the vicinity of the building, to include the design and positions design and in positions shall first be submitted to and approved in writing by

the Local Planning Authority. The cycle racks shall thereafter be so maintained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.
This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

15 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.

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 of the South Holland Local Plan, 2006.

16 A scheme of landscaping and tree planting 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.

For the avoidance of doubt, the submitted landscaping scheme should observe the recommendations within the submitted Protected Species Report regarding habitat creation.

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.

17 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, and thereafter maintained.

For the avoidance of doubt, Network Rail have also stipulated the following:
The boundary between the proposed care home and the railway should be secure at all times. If any works to the mutual boundary are proposed, whether temporary or permanent, the applicant must contact Network Rail's Asset Protection Project Manager. The applicant should take into account the requirements for Network Rail as advised in their letter dated 8th November 2016.

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.

18 An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the adjacent railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Such provision should be made at each turning area/ roadway / car parking area adjacent to the railway, and thereafter maintained.

Reason: In the interests of safety of the users of the car park and facilities therein. This condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan 2006.

19 Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved.

For the avoidance of doubt, details submitted shall be mindful of the recommendations within the submitted Protected Species Report regarding light. In addition where new lighting is to be erected adjacent to the operational railway the potential for drivers to be dazzled must be eliminated. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies SG14 and SG17 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



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		

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.