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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-1064-15 **Date of Decision:** 11th April 2016
Applicant: Mr & Mrs S Austin
62 Pinchbeck Road
Spalding
Lincs
PE11 1QF

Location: 62 Pinchbeck Road Spalding
Description: Proposed internal alterations, car port and boundary wall

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 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:
dwg. no. 1548-01-D and specification booklet for Terram Geocell.

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

- 3 The trees protected under Tree Preservation Order No. 16,09 1978 are to be retained on site and they shall be protected during construction work as follows:
General requirements:
i) All trees should be protected to 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;

- ii) Cement washings must not be deposited and no equipment should be stored beneath the canopies of trees, nor fires lit beneath trees;
- iii) Service trenches should not be constructed under the canopies of trees;
- iv) New drains and soak-aways should be avoided under the canopies of trees;
- v) Archaeological excavations should be avoided below the canopies of trees;
- vi) Where excavations below the canopy of the tree are unavoidable, excavations must be carried out by hand and any roots encountered over 25 mm in diameter should be retained. (Where possible, smaller roots should also be retained and great care taken to minimise damage to them). If severance is unavoidable, roots must be cut back using a sharp tool to leave a clean wound to encourage healing;
- vii) Exposed roots must not be allowed to dry out during works;
- viii) Should the roots be exposed overnight with the likelihood of frost, they must be covered / wrapped with dry sacking for protection. All sacking should be removed before the trench is backfilled.

Backfilling:

- ix) When backfilling with soil; care must be taken to protect the roots. where tar macadam or a hard surface is not being used, excavated soil should be backfilled and be lightly 'tamped' and usually left 'proud' to the surrounding surface to allow natural settlement.
- x) In some circumstances trenches should be backfilled and compacted by hand to minimise the damage to tree roots. Please refer to National Joint Utilities Group (NJUG) 'Guidelines for the Planning Installation and Maintenance of Utility Services in Proximity to Trees'.
- xi) 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.
- xii) Foundations must take into account the presence of existing trees in their mature form, and of those planted as part of any landscaping scheme.
- xiii) The layout of the proposed development should reflect the requirement for protective fences to be placed at a distance no closer than at least one metre outside of the maximum canopy spread of the tree or as detailed following calculation of the Root Protection Area to comply with British Standard 5837: 2012, as above.

NB: Some species of Acers, e.g. Sycamore, and Tilia (Lime) are prone to infections by aphids in the summer months. The aphids produce a honey-dew substance which drips to the ground. This may be a consideration if long term parking is envisaged, or a patio area or conservatory is being considered.

Reason: To ensure the protection of 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.

- 4 All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the

site in terms of the type of bricks, mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG20 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 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.