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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73A CONTINUATION

Reference: H16-1067-16 **Date of Decision:** 6th December 2016
Applicant: Mr & Mrs M Pepper
1 Maple Grove
Spalding
Lincs
PE11 2LE

Location: Plot Adjacent: 21 Priory Road Spalding
Description: Proposed 2 two-bed flats - approved under H16-0551-12 - Continuation without complying with Conditions 2 and 7 to create a vehicular access

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:
2859-15-10A.

Accompanying planning permission: H16-0551-12:
Archaeological Evaluation received 9 July 2012;
Flood Risk Assessment received 17 July 2012;
Dwg.Nos. WEN/1483/12/00A and WEN/1483/12/02 received 16 August 2012 and
Weston Design Ltd email received 29 August 2012
unless otherwise agreed in writing by the Local Planning Authority.

Accompanying condition compliance application H16-0747-15:
Section 6 of the application form.
Dwg. No's: AJD/1014/15/00 and AJD/1014/15/01.
Site photos of brick panel.

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

- 2 External materials of construction of buildings and hard surfaced areas shall be in accordance with approved details under condition compliance application H16-0747-15.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction 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 Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 3 The type of brick, brick bond and mortar mix to be used in the construction of the development hereby permitted shall be in accordance with the brick panel on site approved under condition compliance application H16-0747-15. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style, unless otherwise agreed in writing by the Local Planning Authority. The brickwork panel shall be retained on the site until the development hereby approved has been completed.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction 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 Policy SG14 of the South Holland Local Plan 2006, and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 4 The development shall be constructed in accordance with the details so approved under condition compliance application H16-0747-15 in respect of:
- Stone lintels and brick window/door head arches;
 - Chimney stacks;
 - Corbelled eaves;
 - Bay window and
 - Vertical and horizontal section showing sash boxes recessed behind the outer leaf of brickwork.

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 Policy SG14 of the South Holland Local Plan 2006, and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 5 All new window frames, glazing bars and external door frames shall be of timber construction, white painted and thereafter so maintained.

Reason: In the interests of the architectural composition and 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 Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

- 6 Proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be in accordance with approved details under condition compliance application H16-0747-15.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

- 7 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment dated 12 July 2012 and the following mitigation measures detailed within the FRA.

- flood resilient and resistant construction techniques are recommended to be used within the development.

- Identification and provision of safe route(s) in and out of the site to an appropriate safe haven, as detailed in the Recommendations section of the FRA.

- Finished floor levels to be set no lower than 4.10 m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning authority.

Note: The applicant is advised that the owners of the property should register with the Environment Agency's Floodline Warnings Direct Service.

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.

- 8 Before the development hereby permitted is first occupied secure cycle provision shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority and the approved scheme shall thereafter be retained.

Reason: To ensure that adequate arrangements are made for cyclists.

This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan 2006.

- 9 All rainwater goods shall be of metal construction, painted black and shall be fixed to the external walls by means of gutter spikes/risers and fall brackets and thereafter so maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the architectural composition and 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 Policy SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

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.