From: Fairchild Fenton, Diane
Sent: 11 October 2024 19:05
To: _planningadvice
Subject: FW: Proposed tree works at Thary Lane, Surfleet. Fast track approval of tree works to comply with condition 14 of H17-0357-22 due to the extreme seasonal nature of the pruning of walnuts.
Attachments: 524.TWP.01 - Tree Works Plan.pdf; I_ocella_dvTarget_dv_pl_filesH17-0357-22ODBPDF383956 (1).pdf

Please remove any e-mail addresses if appropriate and file contents in public bit of H17-0357-22 and H17-0831-24.

Thank you.

Yours sincerely
Diane.

Diane Fairchild Fenton (Mrs).
Trees and Nature Conservation Officer.
South Holland District Council
T: 01775 764483 after 10.00am.
E: dfairchild@sholland.gov.uk
www.sholland.gov.uk

From: Fairchild Fenton, Diane
Sent: Friday, October 11, 2024 7:00 PM
To: [redacted]
Cc: Bellamy, Kate <kbellamy@sholland.gov.uk>; Simmonds, Mark <Mark.Simmonds@sholland.gov.uk>; Allen, Daniel <Daniel.Allen@sholland.gov.uk>
Subject: Proposed tree works at Thary Lane, Surfleet. Fast track approval of tree works to comply with condition 14 of H17-0357-22 due to the extreme seasonal nature of the pruning of walnuts.

Dear Mr. Marshall,

TOWN AND COUNTRY PLANNING ACT 1990.

Thank you for your request to carry out works to a Blue Atlas Cedar and two walnut trees as on the Tree Works Plan Drawing Number 524.TWP.01 received by e-mail on 26th September 2024 with regard to land off Thary Lane, Surfleet.

The trees are protected under Condition 14 of Planning Permission H17-0357-22 (Please see the attached Decision Notice.):

'14 The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No.4558.Thary.Studio11.TPP to be retained, shall not be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. Should any of the trees die or authorisation be given for their removal, they shall be replaced within six months thereafter with a tree of such size and species which shall first be

agreed in writing by the Local Planning Authority, such a tree will continue to assume the protection afforded to the original under this Condition.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.'

South Holland District Council has No Objection to the works being carried out as described on the Drawing Number 524.TWP.01 (This also includes Pruning in accordance with Drawing 4558.Thary. Studio 11. Arboricultural Method Statement, Date 20/10/2022 where it applies to the Blue Atlas Cedar and two walnut trees. Where the measurement for crown raising differs between both plans, the minimum value to be taken as the correct value) subject to the following:

That the proposed work is carried out within two years of the date of this e-mail of 'No Objection'.

Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.
All cuts to be made back to an existing growth point.

Please be aware.

Walnut trees should only be pruned in late July and early August when they are in full leaf.
If they are holding their leaves well, they may be pruned into September and exceptionally if mild weather and still holding their leaves, into October, but NO later. (If pruning in October proceed with caution, if any sign whatsoever of leaking sap once a branch is cut, pruning works must stop until July.) If pruned at other times of the year, a walnut tree is likely to bleed sap profusely, which very likely will be detrimental to its health.

The **optimum** time to prune Cedars is between November and February but pruning in frosty weather MUST BE AVOIDED. Avoid pruning in the later spring months, March onwards. (Consider when pruning that shoots will not grow from old wood, so keep plenty of greenery on the end of each branch to help cover any 'dead looking' inner core.)

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.

A copy of this correspondence will be held on file references: H17-0357-22 and H17-0831-24.

Yours sincerely

Diane Fairchild Fenton (Mrs).
Trees and Nature Conservation Officer.
South Holland District Council
T: 01775 764483 after 10.00am.
E: dfairchild@sholland.gov.uk
www.sholland.gov.uk

STUDIO 11 ARCHITECTURE

All discrepancies are to be brought to the attention of the below office.

The copyright to this drawing is owned by Studio 11 Architecture.

Key

- Existing Trees to be retained with possible works
- Existing Hedgerows to be retained
- Existing trees to be removed
- Tree Root Protection Zones
- Exisiting Hedge to be removed
- Tree Protection Fencing
- Areas within Root Protection Zone requiring 'hand digging' during construction and work supervised by Arboriculturalist

NOTE: For full details of tree protection see drawing 4558.Thary.Studio11.Arbocultural Method Statement

REVISION	DATE	DRAWN	DESCRIPTION

STUDIO11 architecture

KING'S LYNN INNOVATION CENTRE,
INNOVATION DRIVE, KING'S LYNN,
PE30 5BY

T: 01553 970033
E: design@studio11architecture.co.uk
W: www.studio11architecture.co.uk

CLIENT NNA Surfleet LTD

PROJECT Proposed residential development off Thary Lane, Surfleet

DRAWING Tree Works Plan

DRAWN	PROJECT DESIGNER	PROJECT DIRECTOR
OS	AK	KB

DATE	SCALE	PAPER SIZE
18.09.2024	1:200	A1

DRAWING NUMBER 524.TWP.01

ARCHITECTURE

Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H17-0357-22 **Date of Decision:** 10th May 2024

Applicant: NNA Surfleet Limited
C/O Studio 11 Architecture
Kings Lynn Innovation Centre
Innovation Drive
Kings Lynn
PE30 5BY

Location: Land Off Thary Lane Surfleet Spalding

Description: Residential development of 6 self-build dwellings

South Holland District Council hereby give notice that permission 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:
Application Form
524.PL.01
524.PL.02
Design and Access Statement - 524 (Prepared by Studio 11 Architecture - March 2022)
Flood Risk Assessment (Prepared by S M Hemmings - 07 April 2022)
524.PL.03A - Proposed Site Layout Plan
524.PL.03 Rev A Plot 1 - Illustrative Floor Plans & Elevations
524.PL.04 Rev A
524.PL.05 Rev A

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524.PL.06 Rev A
524.PL.07 Rev A
524.PL.08 Rev A
524.IEIP.01
Arboricultural Implications Assessment (Prepared by Andrew Belson - 20 October 2022)
4558.Thary.Studio11.TPP
524.PL.09 rev D
Section 106 Completed Document - Asprey
Completed 106 Document - Tunnard

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

3 Prior to the commencement of works on site, full details of the self-build properties shall be submitted for assessment by the Local Planning Authority. The submitted plans should include floor plans, elevations and materials of construction.

As part of the submission the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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 proposed self-build properties do not have a material impact on the character and amenity of the surrounding area.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4 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), none of the following developments or alterations shall be carried out.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration 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 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5 Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum.

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Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

6 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

Finished floor levels shall be no lower than 3.6 metres above Ordnance Datum.

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 Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

7 Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

8 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

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increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023.

9 Prior to occupation the ecological improvements outlined within drawing 524.IEIP.01 Ecology Improvement Plan shall be installed / provided and maintained in perpetuity.

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, and that Biodiversity Net Gain will be achieved.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

10 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and 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 retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11 The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

12 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement which shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle movements and how the drainage of the site is to be managed during the construction stage of the permitted development and shall include;
· the phasing of the development to include access construction;
· the on-site parking of vehicles of site operatives and visitors;
· the on-site loading and unloading of plant and materials;

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· the on-site storage of plant and materials used in constructing the development;
· wheel washing facilities;
· a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using Thary Lane and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

13 Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 524.PL.03A (Proposed Site Layout Plan) dated 18.05.22 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height. So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

14 The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No. 4558.Thary.Studio11.TPP to be retained, shall not be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. Should any of the trees die or authorisation be given for their removal, they shall be replaced within six months thereafter with a tree of such size and species which shall first be agreed in writing by the Local Planning Authority, such a tree will continue to assume the protection afforded to the original under this Condition.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, December 2023.

15 The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No. 4558.Thary.Studio11.TPP to be retained shall be protected during construction work as follows:

i) Before commencement of any development, chestnut paling or similar fencing 1.5 metres in height shall be provided around the perimeter of the Root Protection Area as calculated in British Standard 5837:2012, of all trees to be retained.
No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made nor any fires lit.

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ii) Before commencement of any development, details of the means of construction, drainage and surfacing of the access drive, including a method statement for the protection of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. The access drive shall be completed in its entirety in accordance with the approved details before the dwelling is occupied.
Note: It is advised that a 'no dig' method should be used where roadways / driveways / paths are likely to be in the Root Protection Areas. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees. Tarmacadam is not an appropriate material to site near the base of trees. A cellular confinement system filled with gravel or other permeable filling is required.

iii) Where access is essential in close proximity to the retained trees and is likely to cause soil compaction, temporary ground protection should be used.

iv) The soil levels should not be altered around the base of the retained trees.
Note: 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, which can be detrimental to the health of the tree.

Reason: In the interest of preserving existing trees on site and the character of the surrounding area.
This Condition is imposed in accordance with Section 15 of the National Planning Policy Framework, December 2023.

16 Notwithstanding any details submitted within the approved plans, prior to the occupation of any dwelling hereby permitted, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority, along with full details of the proposed bin collection store. The management arrangements must be via private collection and the bin collection point must comprise a store.

These management arrangements and bin collection details shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

NB: It is not possible for South Holland's waste collection services to collect via private drives and as such, this could not occur for this development. Therefore, the development would otherwise result in the siting of a significant volume of waste bags placed within a prominent location on the public highway. A private waste collection must therefore be provided.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Notes:

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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

This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 07 May 2024 and can only be implemented as a consequence of meeting the provisions of that Agreement.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application.

For application guidance, approval and specification details, please visit:
https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb
or contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit the following links:
Traffic Management - https://www.lincolnshire.gov.uk/traffic-management
Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits

Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

Phil Norman
Assistant Director - Planning and Strategic Infrastructure
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

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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		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

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giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

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.

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