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# TOWN AND COUNTRY PLANNING ACT 1990

## FULL

**Reference:** H18-1057-16 **Date of Decision:** 25th January 2017

**Applicant:** Mr & Mrs R Marritt
Marbec
Washway Road
Saracens Head
Spalding Lincs
PE12 8AY

**Location:** Wharf Street Sutton Bridge Spalding

**Description:** Residential development - one dwelling

## 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. nos. 1618-01-A and 1618-02-A.
Flood Risk Assessment by S M Hemmings dated 5 October 2016.

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

3 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.

4 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (dated 5 October 2016) forming part of this planning application and in particular the following mitigation measures:
- Finished floor levels shall be set at 4.8mAOD;
- The dwelling shall be two storey;
- Demountable defences to a height of 600mm shall be fitted to all external doorways;
- Flood resilient and resistant construction measures shall be incorporated throughout the development as stated within.
The mitigation measures shall be fully implemented prior to occupation.

Note: The applicant is advised to register with the Environment Agency's free Floodline Warnings Direct Service in accordance with the recommendation within the Flood Risk Assessment.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

5 Before the commencement of the development beyond oversite a scheme of landscaping and tree planting for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include:
i) Details of which of the existing trees on site are to be retained or removed;
ii) Details of 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 in its entirety within a period of 12 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.

Note: The existing trees at the rear should be retained, where possible, and incorporated within the development.

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.

6 Prior to occupation of the dwelling boundary screening shall be carried out in accordance with details indicated on dwg. no. 1618-02-A accompanying the application. It shall

thereafter be so maintained.

Reason: In order to ensure that the site is adequately screened in the interest of the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

7 No openings shall be formed in the western (side) elevation or at first floor level on the south (rear) elevation of the building.

Reason: To protect the amenity of neighbouring residents.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

8 Before the dwelling is occupied the driveway shown on dwg. no. 1618-02-A shall be constructed on site.

Reason: To ensure a satisfactory form of development in the interest of the amenities of future occupiers.
This Condition is imposed in accordance with Policies SG14 and SG16 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.

It is strongly recommended that the site owners register with the Environment Agency's free Floodline Warnings Direct Service in accordance with the recommendation of the Flood Risk Assessment.

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.