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G R Merchant Ltd
Unit 4 Wrights Mews
12a Park Road
Holbeach
Spalding Lincs
PE12 7EE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H23-0211-19 **Date of Decision:** 23rd April 2019

Applicant: Mr & Mrs D Tointon
271 High Road
Whaplode
Spalding
Lincs
PE12 6TG

Location: Off Millgate Whaplode Spalding

Description: Residential development (2 dwellings) - re-submission of H23-1065-18

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:
3398-18-10;
3398-18-11;
3398-18-12B;
3398-18-13D;
3398-18-14;
External Materials Schedule within the Design and Access Statement (Ref: 3398-18 - Revision A) by G. R. Merchant dated February 2019;
Plan of Trees to be Felled;

Protective Tree Barrier Details;
Percolation Test Results;
Ecology and Protected Species Survey by CGC Ecology dated January 2019.

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

3 The scheme of landscaping and tree planting shown on dwg. no. 3398-18-13D 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.

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 2 of the South East Lincolnshire Local Plan, 2019.

4 Other than those trees shown to be removed on dwg. no. 3398-18-13D none of the existing trees on land outlined in red and blue on the submitted plans shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

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 Policy 2 of the South East Lincolnshire Local Plan, 2019.

5 Where trees are shown on dwg. no. 3398-18-13D to be retained on the site they shall be protected during construction work as follows:

i) fencing shall be provided around the spread of the trees to be retained before development is commenced in accordance with the submitted details. 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,
ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii) no services shall be routed under the spread of the crowns of the trees to be retained, unless agreed otherwise in writing by the Local Planning Authority;
iv) driveways within the spread of the frontage Oak tree shall be dug by hand and care taken not to damage any tree roots whatsoever. Under no circumstances shall a machine dig be allowed within the spread of the Oak tree.

Reason: To ensure the protection of preserved trees on the site.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

6 Finished floor levels shall be set 300mm above existing ground level unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of flood risk and the development's visual and architectural relationship with adjacent 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 Policy 2 of the South East Lincolnshire Local Plan, 2019 and advice within Section 14 of the National Planning Policy Framework, 2019.

7 Details of foul and surface water drainage hereby approved shall be implemented in full before the dwelling to which they relate is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

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

The applicants are advised that trees upon the site are the subject of Whaplode Tree Preservation Order No. 8, 2017.

The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail developmentmanagement@lincolnshire.gov.uk.

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.



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.