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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73A CONTINUATION

Reference: H23-0223-16 **Date of Decision:** 14th April 2016

Applicant: Mr Karl Crick
93 All Saints Road
Peterborough
Cambs
PE1 2QT

Location: Adjacent: Millgate House Ravens Bank Whaplode St Catherines Spalding Lincs

Description: Barn conversion into self-contained dwelling - approved under H23-0139-14 - Modification of Condition 17 to allow amendments to previously approved plans

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 8th September 2017.

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:
-Accompanying planning application ref: H23-0139-14: Dwg. Nos. 2339-001, 2339-02, 2339-003, 2339-004D, 2339-005A and 2339-006F, Flood Risk Assessment, prepared by S M Hemmings (dated 11th October 2013), Protected Species Survey, prepared by Scarborough Nixon Associates Limited (dated January 2014), Structural Appraisal Report, prepared by JC Consultancy (dated OCtober 2013).
-Accompanying condition compliance application ref: H23-0268-15: Dwg. nos. 2339-004E, 2339-005A, 2339-006G, 2339-007, 2339-008, 2339-009, 2126-100 and 2126-101A,

Section 6 of the application form and photograph of brick panel.
-Accompanying condition compliance application ref: H23-1073-15: Dwg. No JC/14/10/2126-2126-100A and JC/13/09/1490-L1 (JC Consultancy Ltd Appendix to Structural Report Ref JC/13/09/1490 dated 11 November 2015).

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

3 Demolition and reconstruction works, including the proposed replacement of any of the existing roof structure and roof timbers shall be carried out in accordance with details approved under condition compliance application H23-1073-15. No works of demolition/reconstruction or replacement of the existing fabric of the building(s) shall be undertaken other than those works so approved.

Note: You are advised that should it become necessary during conversion to undertake works beyond those approved by this condition then this planning permission may become invalid and the development treated as the erection of a new building which will necessitate the submission of a planning application for such. That application will be considered under relevant local planning policies and may not be acceptable.

Reason:Planning permission is only granted for conversion of the existing building(s) by virtue of the architectural and historic quality of the building(s). Significant alteration and reconstruction would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to national guidance contained in Sections 6, 7 and 12 of the National Planning Policy Framework, 2012, and Policies HS7 and HS16 of the South Holland Local Plan 2006.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006.

4 External materials of construction of buildings and hard surfaced areas shall be constructed in accordance with the schedule and samples so approved under condition compliance application H23-0268-15.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

5 All brickwork used in the construction of the development shall match that of the brick panel approved under condition compliance application H23-0268-15. The brickwork panel so constructed shall be retained on the site until the development has been completed.

Note: The choice of brick bond, mortar mix design and pointing technique shall match that existing, as closely as possible, including the use of lime mortar.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

6 All external doors and door frames to be utilised in the development hereby permitted shall be in accordance with details approved under condition compliance application H23-0268-15. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

7 All window frames to be utilised in the development hereby permitted shall be in accordance with details approved under condition compliance application H23-0268-15. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

8 All roof light(s) to be utilised in the development hereby permitted shall be in accordance with details approved under condition compliance application H23-0268-15. The roof light(s) shall be installed in accordance with the approved details and thereafter so maintained.

Note: The applicant is advised that a flush fitting rooflight of traditional design, having a slim metal frame and central vertical glazing bar, would be appropriate.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

9 The design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes utilised in the development hereby permitted shall be in accordance with details approved under condition compliance application H23-0268-15. There shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the architectural and historic character of the existing

buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

10 The proposed soakaway system for the disposal of surface water from the development hereby permitted shall be in accordance with details approved under condition compliance application H23-0268-15. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason:To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan 2006, and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

11 The design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavation on site, inso far as they may affect the ash tree on the adjoining site, shall be in accordance with details approved under condition compliance application H23-0268-15. The development shall be carried out in accordance with the approved details.

Reason. To ensure the protection of the mature ash tree located on the adjoining site (the property known as Millgate House) and in particular to avoid unnecessary damage to its root system.
This Condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

12 The scheme of landscaping and tree planting for the site, including the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance shall be in accordance with details approved under condition compliance application H23-0268-15. The approved scheme 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.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for 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.

13 Boundary treatment shall be in accordance with details approved under condition compliance application H23-0268-15. The approved details so approved shall be implemented in full before the development is first brought into use.

Reason: 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.

14 External illumination of all buildings and areas of the site, including details of luminance and fields of illumination, shall be in accordance with details approved under condition compliance application H23-0268-15 and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the architectural and historic character of the existing buildings and to prevent light pollution.
This condition is imposed in accordance with Policies SG13 and HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

15 Site levels and floor levels of the buildings and hard surfaced areas shall be in accordance with details approved under condition compliance application H23-0268-15. The development shall be constructed in accordance with the details so approved.

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.

16 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment prepared by S M Hennings (dated 11th October 2013) and in particular the following mitigation measures detailed within:
- Finished floor levels shall be set at 3.30m AOD.

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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

17 All new window frames, glazing bars and external door frames shall be of timber construction, painted pebble grey and thereafter so maintained.

Reason: In the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

18 The rainwater goods utilised in the development hereby permitted shall be of metal construction, coloured black and thereafter so maintained.

Reason: In the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.

This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

19 The guttering to the development hereby permitted shall be fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

Reason: In the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

20 Mitigation measures to protect bats, Barn Owls and nesting birds shall be carried out in accordance with the approved Protected Species Survey, prepared by Scarborough Nixon Associates Limited (dated January 2014).

Reason: In the interest of nature conservation and because owls and bats are protected under the Wildlife and Countryside Act, 1981.
This Condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

21 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) the erection of walls, fences or other means of enclosure;
iv) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
v) cladding, rendering or painting external walls.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of the architectural and historic character of the existing buildings, and the character and visual amenity of the locality.
This Condition is imposed in accordance with Policy HS16 of the South Holland Local Plan 2006 and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

22 The Local Planning Authority has acted positively and proactively in determining this application by assessing the application 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 in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at www.sholland.gov.uk/doitonline/plandev/plansearch.aspx

23 Note(s):

24 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.

25 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.

26 The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

27 For the avoidance of doubt, and having regard to the Ash tree on adjacent land, the foundations shall be carried out in accordance with Dwg. No. 2126-101A.

28 The applicant is advised that the use of replacement natural slate for the roof is acceptable.



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.