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Mr & Mrs Simmons
Mulberry Barn
Torrington Lane
Fleet
Spalding Lincs
PE12 8NJ

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H05-0064-19 **Date of Decision:** 21st February 2019

Applicant: Mr & Mrs Simmons
Mulberry Barn
Torrington Lane
Fleet
Spalding Lincs
PE12 8NJ

Location: Mulberry Barn Torrington Lane Fleet Spalding

Description: Proposed barn conversion - approved under H05-0709-18 - Modification to Condition 2 to allow amendments to previously approved plans and Condition 10 to change colour of external timber door and window frames to dark grey

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 permission reference H05-0709-18 (28 August 2021).

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:

SD-027-2A
Unreferenced elevation and floor plan received 17 Jan 2019
SD16-054-1A (H05-0709-18 refers)
Preliminary Structural Report by Sidebottom Richardson Cheng Ltd dated February 2017. (H05-0709-18 refers)

Protected Species Survey by Andrew P Chick dated July 2018. (H05-0709-18 refers)
Flood Risk Assessment by Geoff Beel Consultancy (ref. GCB/Status Design) dated January 2017. (H05-0709-18 refers)

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015(as amended), (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 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 SG14 and SG17 of the South Holland Local Plan, 2006.

4 Before the commencement of the development hereby permitted, elevational and cross sectional plans of the building at a scale of not less than 1:100 illustrating the extent of any proposed demolition and reconstruction including the proposed replacement of any of the existing roof structure and roof timbers shall be submitted to and approved in writing by the Local Planning Authority. No works of demolition/reconstruction or replacement of the existing fabric of the building 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 by virtue of the architectural and historic quality of the building. Significant alteration and reconstruction would be tantamount to the erection of a new dwelling in the open countryside which would be contrary to the National Planning Policy Framework, 2018, and Policies HS7 and HS16 of the South Holland Local Plan, 2006. 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 HS16 and SG20 of the South Holland, Local Plan 2006.

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 the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance;
ii) Details of which of the existing trees on site are to be retained or removed.
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.

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 All new and replacement brickwork utilised in carrying out the development hereby permitted shall match as closely as possible that of the principal existing building on the site in terms of the type of brickwork, mortar mix and method of bonding.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

7 Before the development is commenced beyond oversite and notwithstanding details accompanying the application full details of the materials to be used to the roof of the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority, and all roofing materials used in the development shall conform to the details so approved.

Note: the external roofing material shall be traditional slates or pantiles (not concrete).

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

8 Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be constructed in timber and installed in accordance with the approved details.

Note: the doors should be constructed in vertical boarded timber.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South

Holland Local Plan, 2006.

9 Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

10 Notwithstanding details accompanying the application, all new window frames, glazing bars and external door frames shall be of timber construction, dark grey in colour and thereafter so maintained.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

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

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

12 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 visual integrity of the overall development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies HS16 and SG20 of the South Holland Local Plan, 2006.

13 The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay

upon completion.
ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note
The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory 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 SG13 of the South Holland Local Plan, 2006.

14 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 (and host application H05-0709-18) and the following mitigation measures:
- safe refuge shall be provided on the first floor;
- flood resilient construction shall be incorporated up to 300mm above finished floor level.

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 the National Planning Policy Framework, 2018.

15 The development hereby permitted shall be carried out strictly in accordance with the recommendations within the Protected Species Survey by Andrew P Chick accompanying

the host application H05-0709-18.

Reason: In the interest of nature conservation and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance with advice within the National Planning Policy Framework, 2018.

16 Development shall not be commenced on site during the period of March to October inclusive.

Reason: To ensure that the development is not commenced during the Barn Owl nesting season in accordance with the provisions of the Wildlife and Countryside Act, 1981.
This condition is imposed in accordance with advice within Section 11 of the National Planning Policy Framework, 2012.

17 At least 1 month before any other development is commenced two barn owl boxes shall be constructed on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. They shall thereafter be retained on site and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn Owls currently residing within the building and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance with advice within the National Planning Policy Framework, 2018.

18 Before the building is occupied a Barn Owl loft shall be installed within the building in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The Barn Owl loft shall thereafter be retained within the building and be permanently made available for use for that purpose.

Reason: To ensure the protection of Barn Owls currently residing within the building and in accordance with the provisions of the Wildlife & Countryside Act. 1981.
This condition is imposed in accordance with advice within the National Planning Policy Framework, 2018.

Notes:

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 in the public highway in association with this application. This will enable Lincolnshire County Council to assist you in the coordination and timings of such works.

The site is within the South Holland IDB Internal Drainage District (IDD) and therefore the Board's byelaws apply. The Byelaws for the Board (see link htt ps:/ / www.wlma.org.uk/ uploads/SHIDB Byelaws.pdf) and detailed maps of the district (see link https:// www .wlma.org.uk/ uploads/ 210-SHIDB Index.pdf) (including which watercourses are adopted by the Board) are available on the website of the South Holland IDB Internal Drainage District .

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 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 such as owls and bats 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).



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.