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## **TOWN AND COUNTRY PLANNING ACT 1990**

### **FULL**

**Reference:** H05-0108-24 **Date of Decision:** 1st July 2024  
**Applicant:** Larkfleet Group Ltd  
C/O Planning Potential Ltd  
Magdalen House  
148 Tooley Street  
London  
SE1 2TU  
**Location:** Serenity Lakes Land At Lowgate Fleet Spalding  
**Description:** Erection of Storage Block

**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 and/or documents:

Amended Application Form  
L188/SITE/15  
Flood Risk Assessment by Larkfleet Group  
L188/SITE/01 Rev O  
L188/SITE/13 Rev C

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

- 3 Before above ground work hereby permitted beyond oversite a schedule of external materials of construction of the storage block and any associated 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

- 4 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Larkfleet Group 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 to be 3.9m AOD

-The ground floor slabs should consist of concrete slabs with 150mm thickness and should be ground supported.

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

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 Section 14 of the National Planning Policy Framework, December 2023.

- 5 Unless the Local Planning Authority dispenses with these requirements in writing, the development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall set out details of the proposed means of surface water, grey water from the washing machines and any foul water disposal to separate systems. 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 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 Section 14 of the National Planning Policy Framework, December 2023.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in

writing by the LPA. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the Local Planning Authority.

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 30 of the South East Lincolnshire Local Plan, 2019

- 7 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), storage block hereby permitted shall not be used for purposes other than storing items, maintenance equipment or materials associated with the use of the site for holiday purposes, as an ancillary building to the wider site and for no other purpose contained within the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order). The storage block shall not be used separately to the main use, shall not be open to the public and shall not be used for residential or residential occupation for holiday purposes. For the purpose of this condition, 'holiday purposes' means occupancy by the same person, groups or persons of family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: To ensure that the Local Planning Authority retains control over the future use of the building, and to ensure that the development is restricted to a storage use for maintaining the holiday accommodation and is ancillary to the main use, related to short term holiday use of the wider site, in the interests of amenity, and noise.

This Condition is imposed in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 5 of the National Planning Policy Framework, December 2023.

- 8 No lighting (either temporary or permanent) shall be erected on the external walls of the storage block or erected within the external curtilage of the storage block hereby approved without the prior consent in writing of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over these matters, in the interests of the visual and residential amenity of the overall development, and to prevent light pollution.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 9 The scheme of landscaping and the planting of five replacement trees, with three of the trees being semi-mature, as shown on drawing L188/SITE/01 Rev O, hereby 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 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 No storage of materials, machinery, waste or other items shall take place outside of the storage block identified on L188/SITE/01 Rev O on the site.

Reason: To ensure that the amenities of nearby residential occupiers in the vicinity are protected, and to protect the visual amenity of the locality.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 11 The washing and drying machines as part of the storage block are not to be available to visiting members of the public or holiday occupants of the site, and are to be used by staff associated with use of the wider site only.

Reason: To minimise noise and disturbance.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 12 No machinery, power tools, washing machines or tumble dryers shall be operated within or in the vicinity of the storage block hereby approved before 7am on weekdays and Saturdays nor after 6pm on weekdays and 2pm on Saturdays, nor before 10 am on Sundays and Bank/Public Holidays nor after 4pm on on Sundays and Bank/Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 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 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>

Information from the IDB:

Byelaw 3 (Surface and Foul Water):

At present, the applicant has indicated on the application form that they intend to dispose of surface water via a pond/lake, which is connected to the wider drainage network. However, in the Flood Risk & Drainage Addendum, the applicant has stated that surface water runoff will be directed to drainage ditches along the site boundaries. Regardless of which option the applicant chooses to dispose surface water to, these proposals will require consent under Byelaw 3. The applicant is advised to contact the IDB to discuss this matter at their earliest convenience. Please note that discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS). The Board is unlikely to grant consent for discharges in excess of greenfield rate.

Section 23, Land Drainage Act, 1991

There is a riparian non maintained IDB Board watercourse adjacent to the western site boundary. An access culvert is proposed to alter this. Consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.



**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](mailto: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 |                                   |                            |

<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](mailto: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

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.