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TOWN AND COUNTRY PLANNING ACT 1990
RESERVED MATTERS

Reference:	H09-1119-22	**Date of Decision:**	27th February 2024
Applicant:	Stirlin Developments Ltd 11 Sadler Court Stirlin Point Sadler Road Lincoln LN6 3RG		
Location:	Land Off Cibus Way South Lincolnshire Food Enterprise Zone Holbeach Spalding		
Description:	Erection of 12 commercial units with associated access road and parking spaces		

South Holland District Council hereby give notice that APPROVAL HAS BEEN GRANTED for the details submitted under the terms of the outline permission, subject to any condition(s) set out below:

1 The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form
8174S-PP-01 Rev: E - Location Plan & Block Plan
8174S-PP-02 Rev: F - Proposed Site Layout, Landscaping & Boundary Details
8174S-PP-03 Rev: C - Units 1-4 Proposed Floor Plans & Elevations
8174S-PP-04 Rev: C - Units 5-9 Proposed Floor Plans & Elevations
8174S-PP-05 Rev: C - Units 10-12 Proposed Floor Plans & Elevations
12520-WMS-ZZ-XX-DR-C-39203-S3-P2 - Levels Layout
12520-WMS-ZZ-XX-DR-C-39203-S3-P2 - Drainage Layout
12520-WMS-ZZ-XX-DR-C-39202-S3-P1 - Drainage Construction Details
12520-WMS-ZZ-XX-DR-C-39203-S3-P2 - Drainage Schedule
13631.02.v1 - Noise Assessment, prepared by Richard Housley of Noise Assess, on behalf of Stirlin Developments Ltd, dated May 2023

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12520-WMS-ZZ-XX-T-39301-S8-P2 - Flood Risk Assessment, prepared by William Saunders dated November 2022
EGE-22-08-09-01 Preliminary (Geo-Environmental) Risk Assessment (PRA), prepared by Evolve Geo-Environmental dated September 2022
EGE-22-08-09-01 - Geo-Environmental Investigation, prepared by Evolve Geo-Environmental dated October 2022
Construction Environmental Management Plan, prepared by Stirlin
8174S/DAS/Nov 2022 - Design and Access Statement, prepared by John Roberts Architects

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

2 Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings 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.

3 The development hereby permitted shall be carried out and operated in accordance with the noise mitigation measures outlined within Section 4.0 of the submitted Noise Assessment Ref: 13631.02.v1 (prepared by Richard Housley of Noise Assess, on behalf of Stirlin Developments Ltd, dated May 2023), with the exception of the acoustic fencing details, and in particular the following measures shall be fully implemented:

- The cumulative noise from any external plant installed to serve the proposed business park should not exceed:
i. 27 dBLAeq,1hr at the closest noise sensitive premises during the daytime, 07:00-23:00hrs.
ii. 20 dBLAeq,15min at the closest noise sensitive premises during the night-time, 23:00-07:00hrs.
- External plant installed on the proposed development should be mounted on the north elevations of the units only.
- HGV and forklift movements in connection with HGV unloading shall only permitted during the proposed operating times of 07:00-18:00 hrs Monday - Friday but not on Saturdays.
- Only electric forklifts shall be used on the site and the yards where they are used shall be smoothly surfaced.
- Dispatch / delivery by vans shall be permitted from the site Monday - Friday 07:00 - 18:00 hrs and Saturdays 07:00 - 13:00 hrs.
- All units in the should operate with their roller shutter doors closed unless the noise levels inside the roller shutter door are low, i.e. no greater than 70 dBLAeq.

Reason: To ensure that undue disturbance is not caused to the amenities of nearby residents and occupants.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire

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Local Plan, 2019.

4 Notwithstanding the requirements of Condition 3 above, before any unit or development hereby permitted is first brought into use, details of the proposed acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. Those measures and works so approved by the Local Planning Authority shall be implemented in full before the development hereby granted is first brought into use.

Note: The details of the acoustic fencing shall be prepared by a qualified noise consultant and shall identify any measures or works necessary to ensure that there is no unacceptable nuisance caused to nearby residential properties. The details shall take into account the comments raised within both the submitted Noise Assessment (Ref: 13631.02.v1) and the comments raised by South Holland Environmental Health Officers.

Reason: To ensure that there is no noise nuisance to nearby residents. 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 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5 The engineering works undertaken for the formation of the access to the development hereby permitted shall include the removal of what will become a redundant vehicular access at the frontage of the site and the replacement of that access with a conventional footway.

The redundant access shall be removed and conventional footway provided prior to the occupation or first use of any unit hereby permitted.

Reason: In the interests of ensuring safe and suitable pedestrian access to the permitted development.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019 and Section 9 of the National Planning Policy Framework.

6 The proposal details the inclusion of three underground cellular (crate-type) tanks for the storage of attenuated surface water run-off from the impervious areas within the proposed development. These tanks shall be enclosed within an impervious membrane to avoid continuous ingress of groundwater into the site's surface water drainage system.

Reason: To ensure suitable means of drainage is maintained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7 Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and

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buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

8 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), and notwithstanding the provisions of Schedule 1 (parts 1 to 8) of the Local Development order, the buildings as identified on the approved plans shall only be used for the following purposes unless express planning permission is granted by the Local Planning Authority for any other use:

- Storage and Distribution (Class B8)
- Financial Services and Professional Services (Class E(c)(i) and Class E(c)(ii) and no other uses specified within Use Class E unless otherwise specified within this condition
- Business - Office, Research and Quiet Industries (Class E(c)(i), Class E(c)(ii) and Class E(c)(iii) and no other uses specified within Use Class E unless otherwise specified within this condition
- Uses as defined by Class E(g) and no other uses specified within Use Class E unless otherwise specified within this condition

The references above (e.g. class E(c)(i) and class E(g)) are in relation to the relevant use classes as defined within the Town and Country Planning (Use Classes Order) 1987 as amended.

Reason: In order to ensure that the buildings are used for the purposes identified within the application and to enable the Local Planning Authority to regulate any changes, in the interest of sustainable development and to accord with the Local Development Order.
This Condition is imposed in accordance with Policies contained within the South East Lincolnshire Local Plan, 2019 and the provisions afforded by the Local Development Order.

9 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 8 of the LDO and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria 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.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10 Before any unit or development hereby permitted is first brought into use, details of the proposed hours of operation for the 12 units shall be submitted to and approved in writing by the Local Planning Authority. The units/development shall not be used except between those agreed hours.

Reason: In the interests of the amenity of local 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/additional information 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

You are advised that all conditions in relation to the South Lincolnshire Food Enterprise Zone (FEZ) Local Development Order (LDO), which was adopted in November 2023, as outlined within Schedule 2, must be complied with. Details must be submitted for approval where required by Schedule 2 of the Local Development Order.



Phil Norman
Head of Planning
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		

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) 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.