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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H13-0752-23 **Date of Decision:** 18th December 2023
Applicant: F Dring and Sons
C/O Robert Doughty Consultancy Limited
32 High Street
Helpringham
Sleaford
NG34 0RA
Location: Double Roof Farm High Road Moulton Spalding
Description: Change of use of agricultural buildings to use class B8, E (g) (iii) with alterations to some buildings

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:

Application Form
Flood Risk Assessment by RM Associates dated July 2023
Design and Access Statement by Robert Doughty Consultancy reference 1539 1 DAS
LMS dated August 2023
1539-1_PL_GA02
1539-1_PL_GA03

1539-1_PL_GA04
1539-1_PL_GA05
1539-1_PL_GA07
1539-1_PL_GA08
1539-1_PL_GA09
1539-1_PL_GA10
1539-1_PL_GA11
1539-1_PL_GA12
1539-1_PL_GA14
1539-1_PL_GA15 Rev A
1539-1_PL_GA16
1539-1_PL_GA17
1539-1_PL_LP01
1539-1_PL_SP01 Rev A
1539-1_PL_SP02 Rev A

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

- 3 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by RM Associates dated July 2023 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 units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A are first occupied:

- The ground floor levels for the retained buildings shall remain at the existing levels.
- Water, electricity, and gas meters should be located above the predicted flood level. Electrical sockets, heating systems, boiler units and ancillary devices should be installed at least 500mm above the ground floor level to minimise damage to electrical services.
- Electric ring mains should be installed at a high level with drops to ground floor sockets and switches.
- Avoid the use of mineral fibre insulation to the ground floor level (walls & floor) and use a rigid closed cell material instead with low moisture take-up.
- All service entries should be sealed (e.g. with expanding foam or similar closed cell material). Closed cell insulation should be used for pipes which are below the predicted flood level.
- The property owner shall contact the Environment Agency's Floodline on 0345 988 1188 to register the units to receive advance warning of flooding by telephone, mobile, fax, SMS text, email or pager. The Environment Agency aim to issue a 'severe flood warning' approximately 2 hours before existing defences are overtopped.

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 national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

- 4 The external walls, roof and roller shutter door materials of Shed 2a, Shed 2b, Shed 2c, Shed 2d, Shed 4 and Shed 13 shall be constructed in colour and materials to match those of its host building. The development shall be constructed and retained 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.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A shall either be used for agricultural purposes in connection with the existing lawful use, or for Use Class B8 (falling within Schedule 1, Part B, paragraph 8) or for Use Class E (g)(iii) (falling within Schedule 2, Part A, paragraph 1) of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order).

Reason: To prevent over development of the site, to protect the introduction of inappropriate uses and to protect future and nearby residential amenity.

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

- 6 Prior to the first occupation of the use hereby approved, a noise assessment shall be carried in accordance with BS 4142:2014+A1(2019) and shall be submitted to and approved in writing by the Local Planning Authority. It shall assess the existing background noise levels and noise sensitive receptors of nearby residential properties. Regard shall be had to impulsive and short duration noise, including tools, air handling, extraction plant/equipment (mechanical and engineering). Noise from the site assessed in terms of LAeq experienced at the dwellings shall be limited to 5dB above the established background noise levels contained in the approved details.

In the event of a significant observed adverse effect of noise, a package of mitigation measures shall be submitted to and approved in writing within 3 months of the observed noise impact event, to mitigate the noise impact to existing noise sensitive receptors. The approved mitigation measures shall be implemented within 6 months following approval.

Reason: To ensure that there is no observed adverse additional noise impact to nearby residents as a result of that permitted over and above the existing lawful use.

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

- 7 No machinery or power tools, and no overnight operation of internal combustion engine operated vehicle refrigeration motors in association with units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A, shall be operated, no processes shall be carried out on the site, and no deliveries shall be taken at or dispatched from the site outside the hours of 7am to 6pm Monday to Friday, 7am until 2pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

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

- 8 Prior to the installation of any new lighting/external illumination of buildings and areas on the site, a scheme of lighting to include the design, location, details of luminance and field of illumination of the new lighting shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby permitted, and there shall be no additional external illumination other than that so approved. Such a scheme shall be informed by Guidance Note 8/18 - the Bat Conservation Trust's document titled: "Bats and Artificial Lighting in the UK - Bats and the Built Environment Series 2018."

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

This Condition is imposed in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

- 9 Prior to the installation of any additional extract ventilation equipment including any external flues, full details of the design, appearance and location of any such equipment shall be submitted to and approved in writing by the Local Planning Authority. No other equipment other than that so approved shall be installed without the prior written consent of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the area, and to control noise in relation to the amenities of nearby residents.

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

- 10 No storage of materials, machinery, waste or other items shall take place outside units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A on the site.

Reason: To ensure that the amenities of residential occupiers of other premises in the vicinity are protected, particularly in relation to noise.

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

- 11 Prior to the occupation of any of the buildings for the uses hereby approved in units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development. The Biodiversity Net Gain Plan shall include measures to minimise the impact of lighting to sensitive receptors and light spillage for light sensitive species such as bats, in conjunction with site illumination details associated with Condition 8.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of

swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2023.

- 12 Prior to the occupation of the use hereby permitted for Units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A, the approval of the Local Planning Authority is required to a scheme of landscaping for the north east portion of the site indicating, inter alia, the number, species, heights on planting and positions of all the trees/shrubs together with details of post-planting maintenance. Such scheme as is 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.

- 13 Prior to the occupation of each individual unit of commercial accommodation, secure cycle parking shall be installed for that unit and retained thereafter.

Reason: To accord with Policy 7 by encouraging sustainable means of travel ensuring that employees of occupying companies are able to park their cycle securely at their place of work.

This Condition is imposed in accordance with Policy 7 and 36 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>



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.