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TOWN AND COUNTRY PLANNING ACT 1990

PRIOR NOTIFICATION

Reference:	H17-0376-24	**Date of Decision:**	10th June 2024
Applicant:	The Executor of D W Machin (Deceased) C/O Origin Design Studio Ltd Brunel House, Deepdale Enterprise Park Nettleham Lincoln LN2 2LL		
Location:	Pells Yard Coney Garth Farm Surfleet Spalding		
Description:	Conversion of agricultural building into 5 dwellings with associated works		

South Holland District Council hereby give notice that permission has been GRANTED (or equivalent) subject to the following condition(s):

1 The development hereby approved must be completed within a period of 3 years starting with the prior approval date.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order).

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

J2018a-PL-02 A02
J2018a-PL-12 A02
J2018a-SCH-13 A02
J2018a-PL-01 A01
Structural Appraisal Report by JC Consultancy Ltd dated March 2024
Flood Risk Assessment by Origin Design Studio

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

3 No development shall take place until details are submitted of how the private land and public highway will be delineated. Details of all proposed boundary treatments, including those close to the highway as well as those treating residential amenity spaces shall be submitted to the Local Planning Authority for approval. The development shall thereafter be built out in accordance with those agreed details.

Reason: To ensure development is on private land and adequately maintained in perpetuity also in the interest of character and amenity
This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

4 The development shall be carried out in accordance with the submitted Flood Risk Assessment dated October 2023, ref: 'J2018- Revision A01', prepared by Origin Design Studio Ltd and the following mitigation measures it details:

· Finished floor levels of all habitable accommodation shall be set no lower than 1.0 metre above the existing ground level
· Flood resilient construction to a height of 300mm above the predicted flood depth

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed line with Policy 4 of the South East Lincolnshire Local Plan, 2019.

5 Prior to any demolition of outbuildings that are contained either within, or part within the red line boundary shown on the location plan a full photographic building recording of the site shall be carried out which contains:

1. A general view or views of the building in its wider setting.
2. The building's external appearance.
3. The overall appearance of the principal rooms and circulation areas.
4. Any external or internal detail, structural or decorative, which is relevant to the building's design, development and use, with scale where appropriate.
5. Any machinery or other plant, or evidence for its former existence.
6. Any dates or other inscriptions; any signage, makers' plates or graffiti which contribute to an understanding of the building. A transcription should be made wherever characters are difficult to interpret.
7. Any fixtures and fittings.
8. Copies of maps, drawings, views and photographs, present in the building and illustrating its development or that of its site.

This photographic building recording should also contain a written account which provides the precise location of the property as an address and in the form of a National Grid

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Reference, A note of any statutory designations, the date of recording with the name(s) of the recorder(s) and the location of any archive material.

Thereafter, the photographic building recording report shall be submitted to and approved in writing by the Local Planning Authority and submitted to the Lincolnshire County Council Historic Environment Record for archiving within 3 months of completion.

Reason: To ensure that the heritage significance of the host property is properly recorded in its undeveloped state.
This Condition is imposed in accordance with Section 16 of the National Planning Policy Framework, December 2023.

6 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).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be 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). A full copy 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, an exploratory 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 end use. A full copy 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 strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. 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 suspected contamination has been submitted to and agreed in writing by the LPA.

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.

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7 The development hereby permitted shall not be occupied before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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.

8 Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

9 Prior to the first occupation an evacuation plan/risk assessment that would be followed by residents in the scenario of a flood event shall be submitted to and agreed in writing with the Local Planning Authority. The methods of escape shall be implemented and retained for the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed line with Policy 4 of the South East Lincolnshire Local Plan, 2019.

Notes:

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).

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

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.