SOUTH HOLLAND DISTRICT COUNCIL

FILE COPY

Chris Simpkins
Chief Executive
Terry Huggins
Director of Customer Services
Bob Atkins
Director of Corporate Services

Town and Country Planning Act 1990

Planning Permission

Reference: H09/1116/02 Received: 21-OCT-02 Type: FULL

Name: Mr T R Galley
Narberth
Nutts Lane
Holbeach St John
Spalding Lincs PE12 8RP

Agent: Mr T R Galley
Narberth
Nutts Lane
Holbeach St John
Spalding Lincs PE12 8RP

Description: Erection of six 21.6m x 6m buildings and other ancillary structures to be used in conjunction with a rabbit farm

Location : Narberth Nutts Lane
Holbeach St John

South Holland District Council hereby give notice that PERMISSION HAS BEEN GRANTED for the development in accordance with the application and plans submitted, subject to any condition(s) set out below:

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 Before any development is commenced, a scheme of landscaping and tree planting for the site, including details of positions, heights on planting and species of trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

Telephone: (01775) 761161
Fax: (01775) 711253
Email: info@sholland.gov.uk

SOUTH HOLLAND DISTRICT COUNCIL

Chris Simpkins
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satisfactorily.

4 The development hereby permitted shall not include the burning of rabbit waste and/or bedding on site.

Reason: To safeguard the amenities of the locality.

Note(s):

The determined plans are:
Site location plan, 1:1000 block plan and 1:100 elevation/floor plan received on 10 October 2002.
Flood Risk Assessment received on 12 December 02.

Head of Planning & Development
12 FEB 2003 H09/1116/02

This decision refers only to that required for the purposes of the Town and Country Planning Acts and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

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Town and Country Planning Act etc

DRAFT PERMISSION

Reference H09/1116/02 Received: 21-OCT-02 Type: FULL

Name: Mr T R Galley
Narberth
Nutts Lane
Holbeach St John
Spalding Lincs PE12 8RP

Agent: Mr T R Galley
Narberth
Nutts Lane
Holbeach St John
Spalding Lincs PE12 8RP

Description: Erection of six 21.6m x 6m buildings and other ancillary structures to be used in conjunction with a rabbit farm

Location : Narberth Nutts Lane
Holbeach St John

South Holland District Council hereby give notice that permission has been granted (or equiv) on the following condition(s):

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2 Before any development is commenced, a scheme of landscaping and tree planting for the site, including details of positions, heights on planting and species of trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

4 The development hereby permitted shall not include the burning of rabbit waste and/or bedding on

site.

Reason: To safeguard the amenities of the locality.

Note(s):

The determined plans are:

Site Location Plan, Floor Block Plan, ~~and~~ Floor Elevations/Floor Plans received 10/12/2002. ~~and Flood Risk Assessment~~.

Flood Risk Assessment received on 12 Dec 02.

Head of Planning & Development
07 FEB 2003

H09/1116/02

(Similar Development)

N1

TOWN AND COUNTRY PLANNING ACT 1971

PLANNING PERMISSION

REFERENCE : H15/0123/89

DATE RECEIVED : 30 1 89

APPLICANT : Mr Hussey
Eaudyke Road
Quadring Eaudyke
Gosberton
Spalding Lincs

AGENT : East Midlands Design
73 Pilgrims Way
Spalding
Lincs

TYPE : Full GRID REF : 524570 333390

DESCRIPTION : Proposed rabbit rearing units (3 no.)

LOCATION : Eaudyke Road, Quadring Eaudyke

The South Holland District Council hereby gives notice that permission has been granted for the carrying out of the development in accordance with the application and plans submitted, subject to the following condition(s):

1 The development must be begun not later than the expiration of five years beginning with the date of this permission.

Reason: As required by Section 41 of the Town and Country Planning Act 1971

2 Before any development is commenced, a scheme of landscaping and tree planting for the site, including details of positions, heights on planting, and species of trees and shrubs, shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity.

3 The approved scheme of landscaping and/or screening shall be carried out in its entirety within a period of two years beginning with the date on which development of the land is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. The trees, shrubs or bushes shall be adequately maintained by the owner(s) of the land on which they are situated for a period of ten years beginning with the date of completion of the scheme, and all losses shall be made good during that period.

Reason: In the interests of visual amenity and to ensure that the approved scheme is implemented satisfactorily.

Cont/...

IMPORTANT NOTE
This permission refers only to that required by the Town and Country Planning Acts.
If approval is required under the Building Regulations or any other enactment, this must be obtained separately.

SOUTH HOLLAND DISTRICT COUNCIL

B. SMITH M.R.T.P.I., DISTRICT PLANNING OFFICER
CHATTERTON TOWER, WINFREY AVENUE, SPALDING, LINCOLNSHIRE TELEPHONE: SPALDING 761161

Cont/d..
H15/0125/89

4 No power driven machinery which could be heard in nearby residential property shall be used at any time on Sundays nor between the hours of 6 pm and 8 am on other days without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of this residential area.

5 The applicant shall submit to and agree in writing with the Local Planning Authority plans showing the access to the site re-located as far away from the southern boundary of the site as is practicable and the access shall be provided in accordance with the agreed details before the buildings hereby permitted are brought into use.

Reason: The safeguard the amenities of the dwelling to the south of the site.

6 No part of the land or buildings shall be used for the deposit or storage of waste other than an an interim basis, pending its collection and disposal, all in accordance with the details contained in the applicant's letter (dated 31 July 1989) received by 2 August 1989.

Reason: To avoid an accumulation of waste, in the interests of the amenities of the locality.

District Planning Officer
10 August 1989 (C)

NOTE TO APPLICANT

1 This permission is granted in accordance with the application submitted as revised by the drawing 35/132/A/01/B, received by the Local Planning Authority on 9 May 1989.

APPLICATION REFERENCE: H15/0125/89 DATE RECEIVED: 30/1/89

APPLICANT: Mr Hussey
Eaudyke Road
Quadring Eaudyke
Gosberton
SPALDING, Lincs

AGENT: E.M.D.A.
73 Pilgrims Way
SPALDING
Lincs

TYPE: Full

DESCRIPTION: Proposed rabbit rearing units (3 no.)

LOCATION: Eaudyke Road, Quadring Eaudyke

SOUTH HOLLAND
RIGHT TO REPLY
6th June 1989

Parish Council: No objections.

Public Objections: Received from owner of Rosehaven - summarised:

1. Create health hazards associated with drainage, smells and vermin.
2. Create increased traffic. Access inadequate in width.
3. Units will only be 15 yards from my garden and 25 yards from the dwelling.
4. Smells would affect our present amenities and will be unable to use our rear garden. Down wind from proposed units.
5. Access only 3 feet from our kitchen wall.
6. Not convinced of the safety/security of the units.
7. Units should be located to west of existing development instead.
8. Discrepancies on the plan. Existing units are closer to our dwelling than shown.
9. Applicant has built existing units in wrong place to that originally proposed. Deliveries of rubble currently occuring.
10. Smells more noticable from existing units since extractor fans installed. These push out more odours as well as a constant hum at all hours of the day. Extra extractor fans would be intolerable in terms of noise and smell.
11. Rabbit droppings dumped at edge of our boundary.
12. The reason applicant does not want to relocate to west is because he has already started his preparation, therefore, displaying a disregard to planning authority.

CONCLUSIONS

1 The determining issues in this case are:-

(a) Whether the proposed development would significantly effect the existing amenity currently enjoyed by the occupiers of nearby residential properties.

(b) Whether the proposal is acceptable on highway grounds.

2 Planning permission was granted in 1981 for 3 rabbit rearing sheds. Two of these have been completed and the third is currently at foundation level. The applicant has now applied for a further three immediately to the south which consists of fair faced blockwork and natural cladding.

3 The main point of concern is the proximity of the proposed units to the dwelling immediately to the east. The applicant proposes to use deep litter which would be composted and disposed of three to four times a year by a farmer and spread on his land. When the site was inspected, the existing units were omitting a faint smell. A humming noise could also be heard from

the air inlet boxes at intervals, but this was not significant. Nevertheless, given the above and the size of the site, it is my opinion that a more preferable location for the proposed units would be to the west of (or behind) the existing units further away from existing residential development.

4 Although the applicant has submitted amended plans, there are still some discrepancies. For instance the existing units are in fact closer to Eaudyke Road than actually shown. Accurate amended plans will therefore be required before any grant of planning permission. Although the width of the access is also narrower than shown (7.9 metres as opposed to 10.3 metres approximately), County Highways have raised no objections.

5 Considering the objections, the points raised relating to safety/security are not considered to be planning issues. Also, my Enforcement Officer is currently investigating the matters relating to siting of the existing units and the existing rubble on site.

PLANNING OFFICER'S RECOMMENDATION - That the District Planning Officer be authorised to grant permission with the following conditions subject to:-

A The applicant agreeing to re-locate the proposed developments to the west (or rear) of the existing units.

B The receipt of accurate amended plans which reflect this.

1 SC21 (Landscaping scheme).
2 SC27 (Implementation of planting).
3 SC54 (Machinery hours).

Reasons

1 Standard.
2 Standard.
3 Standard.

Note to Applicant

1 This permission is granted in accordance with the application submitted as revised by the plans received by the Local Planning Authority on 17 April 1989.

ADDENDUM

At the meeting held on the 2 May 1989, it was resolved that the District Planning Officer be authorised to grant permission (with conditions) subject to the applicant agreeing to relocate the proposed development to the west of the existing units, and the receipt of accurate plans reflecting this.

I have now approached the applicant in respect of this matter, who has stated that he does not agree with the proposed relocation because of the existance of a thousand gallon septic tank drainage system. He, therefore, wishes to pursue his original proposal, but is prepared to site the nearest unit 30.5 metres from the central point of Rosehaven's rear boundary. Also, he now proposes to relocate all fans to face south west. Accurate amended plans have now been received reflecting this and also making provision for a 2 metre earth bank (to the west of Rosehaven's rear boundary) and a leylandi screen hedge.

It is my opinion, therefore, that determination of the proposal as it stands revolves around the fact of whether the proposed development will significantly affect the existing residential amenity enjoyed by the occupiers of the dwelling to the north east, in terms of noise and smell.

Regarding noise, the fans have now been relocated to the south west. Given this fact, Environmental Health raise no objections subject to a condition being imposed restricting the use of noisy machinery at unsocial hours.

Concerning possible smell, it is recognised that the proposed units are south west of the objectors dwelling and that the prevailing wind is south westerly. Despite this, however, Environmental Health have stated that there is no real history of complaints in relation to such units. Within the units, there would be a continuous cross flow of air from the north east to south west and this should prevent a significant build up of odours. On the occasions I have visited the site, a faint smell could be experienced in relatively close proximity to the fans of the existing units.

The objector is also opposed to the earth bank behind his rear boundary. It is my opinion, however, that there is not sufficient reason to insist upon its removal from the application, providing it is purely earth as stated. The bank would not be visable from the garden of Rosehaven within the relatively near future due to the existance of a conifer screen along the rear boundary. It is my opinion that it would not adversely affect the existing laylandi screen, but may be beneficial in the sense that it would help protect it from the often severe affects of the wind. The bank itself would also constitute a useful noise barrier.

Referring to the other objections raised, matters relating to drainage and vermin are not assentially planning matters. Traffic increase would, according to the applicant, be minimal. I am satisfied with the amended plans in terms of accuracy. Finally, although the existing units are not exactly in the position originally proposed, I do not consider this discrepancy to be material.

By way of a summary, therefore, it is my opinion that the main two issues are possible noise and smell. Regarding the former, the fans are located to the south west. Given this fact and the existance of the earth bank, it is my opinion that noise will not be a significant problem subject to a condition being imposed restricting the use of noisy machinery at unsocial hours. Concerning smell, notwithstanding that the units are located to the south west of Rosehaven, it is considered that there is not sufficient evidence to justify a refusal for this reason alone.

PLANNING OFFICER'S RECOMMENDATION -

A That the sub-committee inspect the site.

B That permission be granted with the following conditions.

Conditions

1 SC21 (landscaping scheme).

2 SC27 (implementation of planting).

3 SC54 (machinery hours).

Reasons

1 Standard.

2 Standard.

3 Standard.

NOTE TO APPLICANT

1 SN1 (amended plans) ... drawing 88/132/A/01/B ... received by the Local Planning Authority on the 9 May 1989.

APPLICATION REFERENCE: H15/0125/89 DATE RECEIVED: 30/1/89

APPLICANT: Mr Hussey
Eaudyke Road
Quadring Eaudyke
Gosberton
SPALDING, Lincs

AGENT: E.M.D.A.
73 Pilgrims Way
SPALDING
Lincs

TYPE: Full

DESCRIPTION: Proposed rabbit rearing units (3 no.)

LOCATION: Eaudyke Road, Quadring Eaudyke

2nd May 1989

Parish Council: No objections.

Public Objections: Owner of Rosehaven - (summarised)

1. Create health hazards associated with drainage, smells and vermin.
2. Create increased traffic. Access inadequate in width.
3. Units will only be 15 yards from my garden and 25 yards from the dwelling.
4. Smells would affect our present amenities and will be unable to use our rear garden. Down wind from proposed units.
5. Access only 3 feet from our kitchen wall.
6. Not convinced of the safety/security of the units.
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3. The main point of concern is the proximity of the proposed units to the dwelling immediately to the east. The applicant proposes to use deep litter which would be composted and disposed of three to four times a year by a farmer and spread on his land. When the site was inspected, the existing units were omitting a faint smell. A humming noise could also be heard from the air inlet boxes at intervals, but this was not significant. Nevertheless, given the above and the size of the site, it is my opinion that a more preferable location for the proposed units would be to the west of (or behind) the existing units further away from existing residential development.

Cont/...

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4. Although the applicant has submitted amended plans, there are still some discrepancies. For instance the existing units are in fact closer to Eaudyke Road than actually shown. Accurate amended plans will therefore be required before any grant of planning permission. Although the width of the access is also narrower than shown (7.9 metres as opposed to 10.3 metres approximately), County Highways have raised no objections.
5. Considering the objections, the points raised relating to safety/security are not considered to be planning issues. Also, my Enforcement Officer is currently investigating the matters relating to siting of the existing units and the existing rubble on site.

PLANNING OFFICER'S RECOMMENDATION - That the District Planning Officer be authorised to grant permission with the following conditions subject to:-

A. The applicant agreeing to re-locate the proposed developments to the west (or rear) of the existing units.
B. The receipt of accurate amended plans which reflect this.

1. SC21 (Landscaping scheme).
2. SC27 (Implementation of planting).
3. SC54 (Machinery hours).

Reasons

1. Standard.
2. Standard.
3. Standard.

Note to Applicant

1 This permission is granted in accordance with the application submitted as revised by the plans received by the Local Planning Authority on 17 April 1989.

Cont/...

4. Although the applicant has submitted amended plans, there are still some discrepancies. For instance the existing units are in fact closer to Eaudyke Road than actually shown. Accurate amended plans will therefore be required before any grant of planning permission. Although the width of the access is also narrower than shown (7.9 metres as opposed to 10.3 metres approximately), County Highways have raised no objections.
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B. The receipt of accurate amended plans which reflect this.

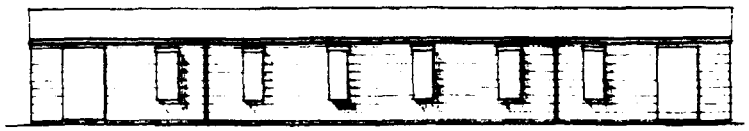
1. SC21 (Landscaping scheme).
2. SC27 (Implementation of planting).
3. SC54 (Machinery hours).

Reasons

1. Standard.
2. Standard.
3. Standard.

Note to Applicant

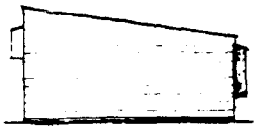
1 This permission is granted in accordance with the application submitted as revised by the plans received by the Local Planning Authority on 17 April 1989.



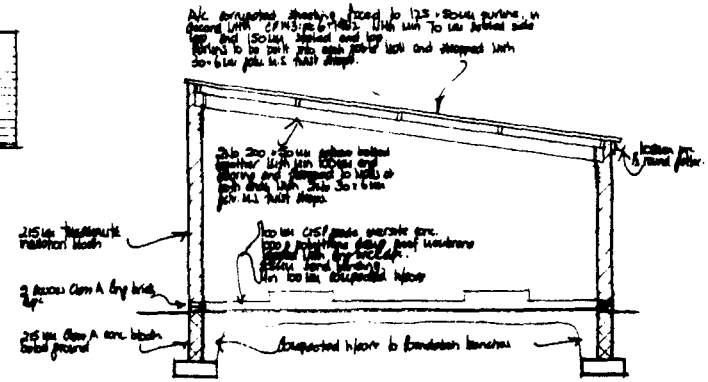
South West



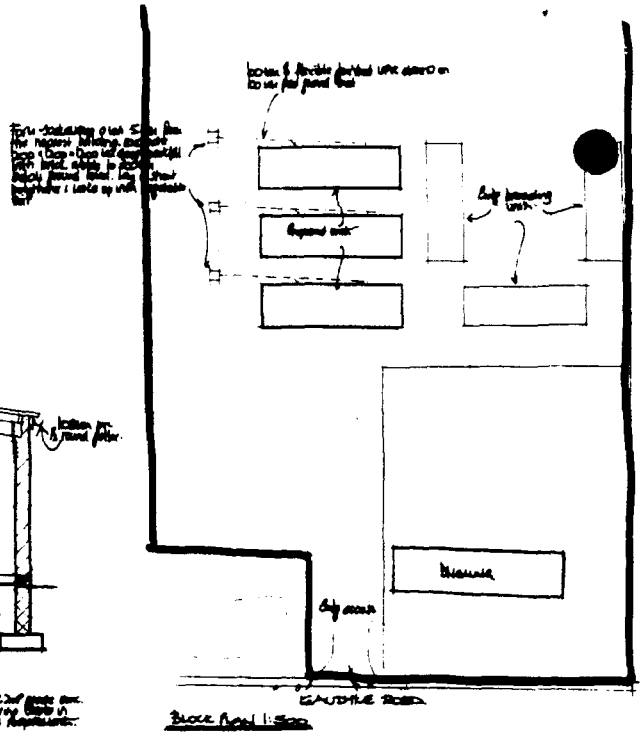
North East



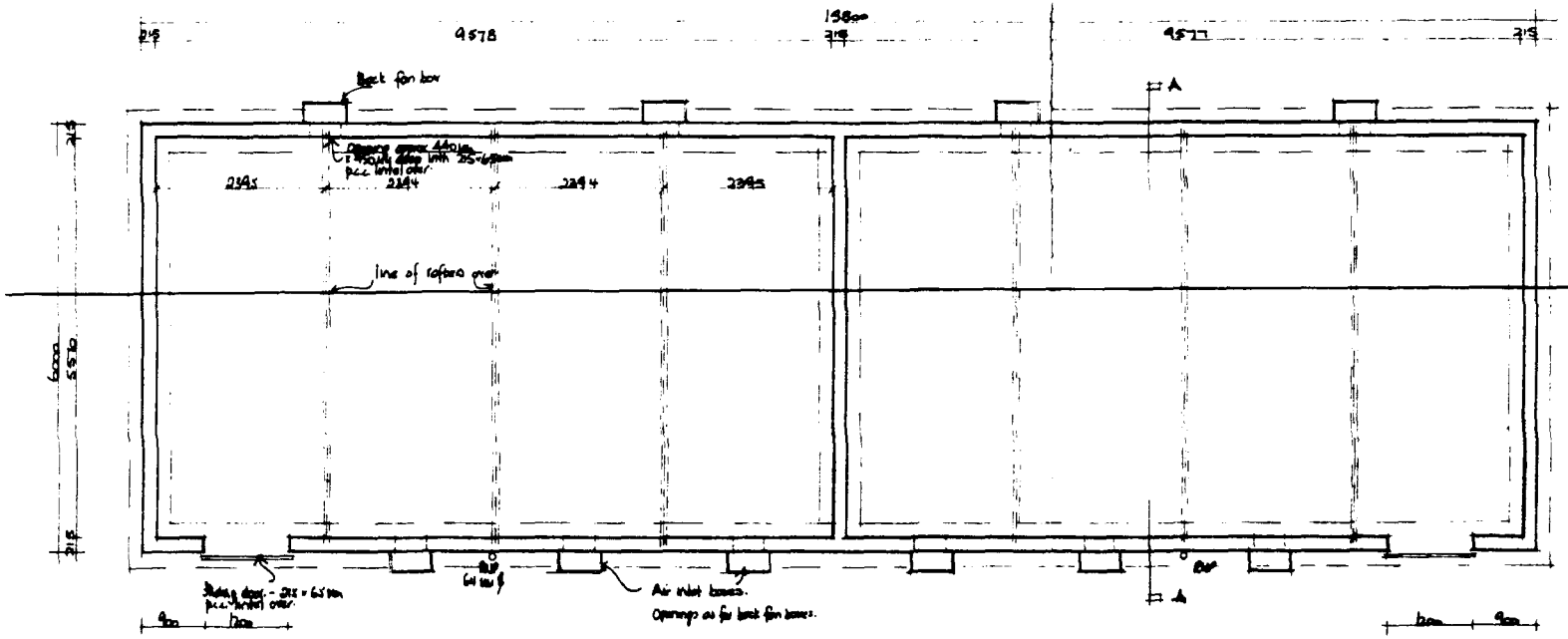
North West



Section A-A.



Block Plan 1:500



East Midlands Design Associates	
78 PILGRIMS WAY, SPALDING. LINCS. PE11 1LT tel: SPALDING (0775) 67968	
Project	PROPOSED RABBIT BREEDING UNITS (2nd) at BALDYKE ROAD, BALDYKE, ASWARDBY for MR. HUSSEIN
Drawing	PLAN, SECTION & ELEVATIONS
Scale 1:50 & 1:100	Date Jan 89
Project No 88/132/A	Drawing No 01.