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TOWN AND COUNTRY PLANNING ACT 1990
SECTION 73 MODIFICATION

Reference: H09-1270-18 **Date of Decision:** 1st April 2019

Applicant: Fresca Group - D G M Growers
Oak House
Roman Bank
Holbeach
Spalding Lincs
PE12 8BB

Location: D G M Growers Oak House Holbeach Bank Spalding

Description: Proposed growing and packing house - approved under H09-0399-18. Modification of Conditions 2 and 6 to allow amendments to previously approved plans and change openings on northern and eastern elevations and to include material schedule - Condition 3

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

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Dwg. no. 2136-002-SK1;
Dwg. no. 2136-002-SK2a;
Dwg. no. 2136-002-01;
Dwg. no. 2136-002-02;
Dwg. no. 2136-002-03;
Dwg. no. 2136-002-04;
Dwg. no. 2136-002-05;
Dwg. no. 2136-002-10a;
Dwg. no. 2136-002-15 as revised by dwg. no. 2136-002-20A;
Dwg. no. 2136-002-16 as revised by dwg. no. 2136-002-20A;
Dwg. no. 2136-002-20A;

Dwg. no. 2136-002-21;
External Materials Schedule by C. C. Contracting Ltd dated 17 December 2018.
Flood Risk Assessment by Hafren Water (report ref. 2443/FRA - Version D1) dated November 2017;
Preliminary Ecological Appraisal by Focus Ecology Ltd dated October 2017.

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

2 Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

3 Details of any plant or equipment to be installed on the exterior of the building shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. It shall thereafter be installed in accordance with the approved details.

Note: No plant or equipment shall be installed on the northern and eastern elevations of the buildings facing residential property.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

4 No additional openings shall be formed on the northern and eastern elevations of the buildings other than shown on the approved plans. Fire exits on the northern and eastern elevations shall only be used in an emergency and shall at all other times remain closed.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

5 The access road off Washway Road shall not be used by heavy goods vehicles between the hours of 10pm to 6am.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

6 The entrance off Roman Bank shall be used by staff cars and visitors only. It shall not be used between the hours of 10pm and 6am. No heavy goods or other commercial vehicles shall enter the premises (as outlined in red and blue on the submitted plans) via Roman Bank.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

7 Before the new buildings are brought into use the entrance off Roman Bank shall be re-aligned in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

8 Before the new buildings hereby permitted are brought into use electrical hook up points shall be installed on the premises in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

9 Details of any additional external lighting to be installed on the premises (as outlined in red and blue on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall thereafter be installed strictly in accordance with the approved details.

Reason: To protect the amenity of local residents.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

10 The development hereby permitted shall not be brought into use until a scheme for surface water disposal has been implemented in its entirety in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory disposal of surface water, in the interest of the amenities of the locality and to prevent flooding.
This condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

11 Within one year of the new buildings being brought into use the existing building fronting Roman Bank (as outlined in blue on the submitted plans) shall be demolished in its entirety and associated rubble removed from the site.

Reason: To define the terms of the permission in the interest of the amenities of the locality.
This condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019.

12 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority.

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, 2019.

13 The development shall be carried out in accordance with the recommendations within the ecology report accompanying the application.

Reason: In the interests of ecology and associated habitat of the site.
This condition is imposed in accordance with advice within Section 15 of the National Planning Policy Framework, 2019.

14 Before the development hereby permitted is brought into use signage shall be erected directing heavy goods vehicles visiting the site to the main entrance off Washway Road, and not along Roman Bank, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of residents along Roman Bank.
This condition is imposed in accordance with Policies 2 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 subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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 Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by Environmental Health.



Phil Norman
Planning and Building Control Manager
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		

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.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authroity based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

http://www.planningportal.gov.uk/planning/appeals/planningappeals

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.