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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H11-0011-16 **Date of Decision:** 2nd March 2016

Applicant: Nationwide Produce plc
C/O Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford
NG34 0RA

Location: Cowpers Gate (South) Long Sutton Spalding

Description: Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) 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 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:
Dwg. nos. 889-05-LP01, 889-05-SP01 and 889-05-BP01 dated 30 November 2015.

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

3 Permanent space shall be provided at all times within the site for the parking, turning, loading and unloading of all vehicles.

Reason: In the interests of highway safety.
This Condition is imposed in accordance with Policy SG16 of the South Holland Local Plan 2006.

4 Prior to the commencement of the use hereby approved odour arrestment equipment shall be installed, operated and effectively maintained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

5 Prior to the commencement of the use hereby approved details of the areas to be used for outside storage shall be submitted to and approved in writing by the Local Planning Authority. All area(s) shall be hard surfaced, sealed and drained.

Reason: To safeguard the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

6 The area(s) of outside storage agreed under Condition 5 above shall not be used for the storage of waste vegetables or vegetable by-products and in any other case for storage of goods over 3 metres in height.

Reason: To safeguard the amenities of the locality.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan 2006.

7 The use hereby approved shall only operate between the hours of 06.00hrs and 24.00hrs Monday to Friday inclusive and between 06.00hrs and 14.00hrs on Saturdays and Sundays.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

8 All stationary refrigerated vehicles on site shall, if continued to be used for refrigeration purposes, be operated from electric hook-ups only.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

9 Between 18.00hrs and 06.00hrs of consecutive days the noise from fixed plant and machinery shall not exceed a level equivalent to 45dB LA eq 5 minutes as measured on the boundary with the rear (eastern) residential curtilage of White House Farm, Cowpers Gate, Long Sutton.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

10 Prior to the commencement of the use hereby permitted details of the storage and disposal of waste products shall be submitted to and approved in writing by the Local Planning Authority. All waste products shall be stored and disposed of in accordance with the approved scheme.

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

11 Before the commencement of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives written consent to any variation.

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.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan 2006.

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



Paul Jackson
Place 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.