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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0566-18 **Date of Decision:** 16th November 2018
Applicant: Tanglewood Lincolnshire Ltd
2 Endeavour Park
Wyberton
Boston
Lincs
PE21 7TQ
Location: Tanglewood Cedar Falls Care Home Little London Spalding
Description: Building to house a biomass boiler system and pellet storage area, to provide up to 220kW energy to the Care Home (retrospective)

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 documents and plans:
Planning Application Form
0059.001 Cedar Falls Care Home - Design and Access Statement
0059/002 Cedar Falls Care Home - Flood Risk Assessment
BioWIN Brochure
FRA App 1 Environment Agency Flood Information ref CCN/2018/86946
Appendix 1 - Boiler Brochure (ETA PE-K 70 to 220kW)
Appendix 2 - Exempt Appliances
Appendix 3 - Ofgem Emissions Certificate BLT 0050/17 dated 20/02/2017
Appendix 4 - Emission Calculations - Cedar Falls
NT13503/059/01 Site Location Plan
NT13503-059-03 Proposed Site Plan
NT13503/059/05B Proposed Elevations
NT13503/059/06A Proposed Floor and Roof Plan

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

- 2 Within 3 months of the permission hereby permitted the additional cladding shall be installed and the extract ventilation flue shall be resited in accordance with approved plans refs Dwg. no. NT13503/059/05B and Dwg. no. NT13503/059/06A and the flue shall be resprayed colour RAL 1001 Semi. 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 character and appearance of the development, the visual amenity of the area in which it is set and the amenities of nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

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

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006

- 4 Within 4 months of the permission hereby permitted a fire hydrant shall be installed and operational, in accordance with details to be submitted and approved by the Local planning Authority.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

- 5 No biomass fuel deliveries shall be taken at the site outside the hours of 8.00am to 5.00pm nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policy SG17 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 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



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 Authority 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.