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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0903-22 **Date of Decision:** 16th December 2022
Applicant: Opperman Plants Ltd.
C/O Robert Doughty Consultancy Ltd
32 High Street
Helpringham
Sleaford
NG34 0RA
Location: Opperman Plants Ltd 9-15 Mallard Road Low Fulney Spalding
Description: Proposed Glasshouse Development

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

- 1 The development must be begun not later than the expiration of three 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 and documents:
Application Form
Design and Access Statement
Flood Risk Assessment - September 2022 by Robert Doughty Consultancy
1540-1_PL_LP01
1540-1_PL_EL01
1540-1_PL_PL01
1540-1_PL_PL02
1540-1_PL_SP01

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

- 3 Details of the lighting scheme to be installed including any external illumination of buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved. The approved details shall be implemented and retained thereafter.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 4 Prior to commencement of the development hereby permitted, a written report detailing the current condition, capacity and extent of the existing underground system draining the site together with a detailed strategy for the capture, re-use and disposal of surface water run-off from the entirety of the impervious area of the permitted development shall be submitted to and approved in writing by the Local Planning Authority.

The report shall contain the following:

- the results of a camera survey of pipe A and pipe B that traverse the site as shown on plan reference 1540-1_PLP submitted on 23rd November 2022 together with any other pipework that may be discovered, in the course of the survey, to connect into pipe A and/or pipe B.

- an assessment of the condition of all pipes and their capacity to adequately convey to a suitable watercourse, all surface water run-off from the permitted development that is not to be collected and stored for the recycling of water used in the growing process together with the surface water run-off from any catchment areas beyond the application site that are presently drained via the existing system.

The assessment shall include capacity calculations for a 1 in 100 year event plus 40% for climate change.

- details of any repairs or replacement pipes that are within the red line area of the application site that may be needed to sections of pipe that otherwise could adversely affect surface water drainage and a timetable for the completion of those repairs.

- a comprehensive surface water drainage and water recycling scheme based on modelling of the year-round rainfall and irrigation demand for the growing process that demonstrates that, at all times, the nursery drainage infrastructure has the capacity to convey surface water run-off that is in excess of the storage capacity of the lagoon and any other storage facility within the permitted greenhouses to a suitable watercourse, with details of any requirements for restricted rate release based on modelling results.

- detailed drawings of the design, siting and storage capacity of the containers which will capture run off from the roofs of each greenhouse to be recycled within the site, taking into account the results of the modelling of year round rainfall, to demonstrate that water recycling facilities can accommodate potential storm events of 1 in 100 year storm event plus 40% for climate change.

If the drainage pipes are not in a functional state or of insufficient capacity to disperse surface water from the site, the written report shall detail an alternative surface water and water recycling drainage strategy/storage to be implemented for the lifetime of the development to demonstrate that the development will not worsen flooding within the vicinity of the site.

The approved surface water drainage scheme shall be installed and implemented prior to above ground work beginning on site for each phase of development and retained and maintained thereafter.

Reason: To ensure that the proposals do not increase the chance of flooding in the area. This Condition is imposed in accordance with Policy 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Note - Please note that plan reference 1540-1_PLP was submitted for information.

- 5 Prior to above ground work being carried out, 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.

- 6 Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)_{eq15min} 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 Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

- 7 The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Robert Doughty Consultancy dated September 2022 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, 2021.

- 8 The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to

mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- a strategy stating how surface water run off on and from the development will be managed during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

- 9 The use of the buildings shall be confined to agriculture as defined within Section 336 of the Town and Country Planning Act 1990.

Reason: the site is located within the countryside and the use needs to remain within horticultural use.

This condition is imposed in accordance with Policy 1 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 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 viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

The site is within the Internal Drainage District of the South Holland Internal Drainage Board (IDB). You are advised of the need to comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with Conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.



Phil Norman

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		

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@planninginspectorate.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.