Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

A & H Nurseries Ltd
Poplar Farm
Old Fendyke Road
Sutton St James
Spalding Lincs
PE12 0HE

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H20-0322-18 **Date of Decision:** 12th June 2018

Applicant: A & H Nurseries Ltd
Poplar Farm
Old Fendyke Road
Sutton St James
Spalding Lincs
PE12 0HE

Location: Poplar Farm Old Fendyke Sutton St James Spalding

Description: Proposed glasshouse, including 2 lagoons

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 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:
1:2500 location plan;
1:1250 site plan;
1:500 Block Plan (new glasshouse) dated 27 February 2018;
New glasshouse elevations dated 27 February 2018;
Flood Risk Assessment by RM Associates dated March 2018 (Version 1).

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

3 The use of the building shall be confined to agriculture as defined within Section 336 of the Town and Country Planning Act, 1990.

Reason: The site is located in an area where it is the policy of the Local Planning Authority not to permit new development unless it is appropriate and essential in that location, particularly in conjunction with agriculture.
This Condition is imposed in accordance with Policy SG4 of the South Holland Local Plan, 2006 which seeks to protect the countryside.

4 Existing hedgerows along the northern eastern boundary and south eastern boundary fronting Broadgate shall be retained and maintained at a height of at least 2 metres. In the event of the existing hedgerow(s) being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants 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.

Reason: To ensure the protection of the existing hedges on the site and to help integrate the development into the rural landscape, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 11 of the National Planning Policy Framework, 2012.

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

Reason: To safeguard the amenity of nearby residents.
This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

6 Prior to the installation of any external/internal lighting (other than fire exits) details of its position, luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority. It shall thereafter be installed in accordance with the submitted details.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development and to prevent light pollution.
This Condition is imposed in accordance with Policies SG14 and 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 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

The applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development; namely, 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (Department for Communities and Local Government, 2007). You are also advised to refer to sign up to the Environment Agency's free Floodline Warnings Direct Service and to prepare a flood evacuation plan.



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.