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TOWN AND COUNTRY PLANNING ACT 1990

SECTION 73 MODIFICATION

Reference: H22-0623-17 **Date of Decision:** 18th September 2017

Applicant: Lucksbridge Nurseries
Broadgate Drove
Moulton Chapel
Spalding
Lincs
PE12 0XU

Location: Lucksbridge Nurseries Broadgate Drove Moulton Chapel Spalding

Description: Proposed new glasshouses and 2 new biomass plant rooms- approved under H22-0908-14. Modification of condition 2 to allow amendments to previously approved plans.

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 22 March 2018.

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. no. ATS/120-10-10 (Existing Site Plan) accompanying planning application H22-0908-14;
Dwg. nos. 3082-16-01B and 3082-16-02A;
Dwg. no. ATS/120-10-11 (Biomass Building) accompanying planning application H22-0908-14.

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

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

Reason: The site is located in the open countryside where it is normally 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 and minimise the loss of high quality agricultural land.

- 4 The approved scheme of landscaping indicated on dwg. no. 3082-16-01B shall be carried out in its entirety within a period of 6 months beginning with the date on which development is commenced. 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.

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.

- 5 No deliveries shall be taken at or dispatched from the site outside the hours of 7am to 9pm during the period 15 February to 10 May and 7am to 6pm otherwise.

Reason: To protect the amenity of local residents.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 6 Before any glasshouse hereby permitted is 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 SG13 and SG17 of the South Holland Local Plan 2006.

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

Reason: To protect the amenity of local residents.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan 2006.

- 8 There shall be no entrances or exits on the north, east and west elevations of the northernmost 14 bays.

Reason: To protect the amenity of local residents.

This condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 9 Solid metal cladding shall be constructed on the north elevation strictly in accordance with details shown on dwg. no. 3082-16-02A before any of the northernmost 10 bays are brought into use. It shall thereafter be retained in its entirety.

Reason: To protect the amenity of local residents.

This condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

- 10 Details of external lighting to be installed on the premises 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 Policy SG13 of the South Holland Local Plan 2006.

- 11 Full details of all internal lighting to be installed within the glasshouses 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.

Note: All lighting within the northernmost bays shall be fitted with sensors that automatically switch off lighting when no one is present within that area.

Reason: To protect the amenity of local residents.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan 2006.

- 12 The fuel used for the biomass boiler shall be solely woodchip.

Reason: To define the terms of the permission, in the interest of the amenities of the locality.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

- 13 There shall be no means of access to the site via the existing accesses in the north-eastern and north-western corners of the site, except in an emergency.

Reason: In the interest of highway safety and to protect the amenity of nearby residents.

This Condition is imposed in accordance with Policies SG14, SG15 and SG17 of the South Holland Local Plan, 2006.

- 14 The development hereby permitted shall not be commenced until full details of a scheme for surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety before any part of the development hereby permitted is brought into use.

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 SG11 of the South Holland Local Plan, 2006.

- 15 Before development is commenced full details of a scheme for the disposal of any

additional foul water from the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in its entirety before any part of the development hereby permitted is brought into use.

Reason: To ensure the satisfactory disposal of foul water, in the interest of the amenities of the locality and to prevent pollution.

This Condition is imposed in accordance with Policy SG12 of the South Holland Local Plan, 2006.

- 16 Before any glasshouse is brought into use sectional details of the earth bunds indicated on dwg. no. 3082-16-01B, including details of height, the type of material used and any planting, shall be submitted to and approved in writing by the Local Planning Authority. The earth bunds shall thereafter be constructed in accordance with the approved details.

Reason: In the interest of the amenities of the locality.

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 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>



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 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.