From: Dev_PlanningSupport <Dev_PlanningSupport@lincolnshire.gov.uk>
Sent: 09 September 2022 11:20
To: _planningadvice
Subject: DETAILS RESERVED BY CONDITION(S) DECISION NOTIFICATION - PL/0079/22 - LAUREL LODGE FARM, HURN ROAD, HOLBEACH HURN
Attachments: Decision Notice PL_0079_22.pdf

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Dear Sir/Madam

PLANNING APPLICATION NUMBER: PL/0079/22 H09-0872-21
DEVELOPMENT: TO CHANGE THE USE OF EXISTING BUILDINGS TO A PLASTICS PROCESSING FACILITY AND TO CONSTRUCT THREE ADDITIONAL BUILDINGS
LOCATION: LAUREL LODGE FARM, HURN ROAD, HOLBEACH HURN

REFUSAL OF CONDITION NUMBER 5 & 6

Lincolnshire County Council has REFUSED the details reserved by Condition Nos. 5 and 6 for the development referred to above, the Decision Notice is attached which should be placed on your statutory planning register.

Yours faithfully

Technical Support Team
Planning Services
Lincolnshire County Council
County Offices, Newland, Lincoln LN1 1YL
Tel: 01522 782070
Website: www.lincolnshire.gov.uk

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Town and Country Planning Act 1990

REFUSAL OF DETAILS RESERVED BY CONDITION(S)

Name and address of applicant

Midwest Business Park
Hurn Road
Holbeach
PE12 8JB

Name and address of agent (if any)

Mercury House
Willoughton Drive
Foxby Lane
Gainsborough
DN21 1DY

Part I – Particulars of application

Date of Application
27 June 2022

Application No.
H09-0872-21

LCC Ref. No.
PL/0079/22

Particulars and location of development

Application to change the use of existing buildings to a plastics processing facility and to construct three additional buildings at Laurel Lodge Farm, Hurn Road, Holbeach Hurn

Part II – Articles of Condition(s)

Condition 5 Surface and wash-water management scheme and Condition 6 Foul water drainage scheme

Part III – Particulars of decision

The Lincolnshire County Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that the details submitted pursuant to the condition referred to in Part II hereof have been **REFUSED** for the reasons set out overleaf.

Date: 09 September 2022

N McBride

Head of Planning
Lincolnshire County Council

REASONS FOR REFUSAL

Condition 5 Surface and wash-water management scheme

1. Condition 5 requires the submission of a surface and wash-water management scheme to the Waste Planning Authority for approval. The scheme shall include details of all infrastructure to contain, recover and discharge water arising at the site from buildings, hard surfaces, and processes.

   Details were submitted as part of an approval of details application (valid on 29 July 2022) seeking formal approval of details reserved by condition 5.

   The detail submitted was a copy of the Sustainable Drainage Statement already approved subject of condition 1 of planning permission H09-0872-21. However to satisfy the condition, details of all infrastructure to contain, recover and discharge water arising at the site from buildings, hard surfaces, and processes is still required.

   Further information was requested on 04 August 2022, giving the applicant the opportunity to submit the scheme. To date, no scheme has been received from the applicant and in the absence of a scheme, this Authority does not consider there is sufficient detail available and therefore the condition has not been approved.

Condition 6 Foul water drainage scheme

2. Condition 6 requires the submission of a foul water drainage scheme to the Waste Planning Authority for approval. The scheme shall include a feasible drainage strategy detailing the discharge solution including development size, proposed discharge rate (should a pumped connection be required with a minimum pumped discharge rate is 3.8l/s), connecting manhole discharge location and a feasible mitigation strategy.

   Details were submitted as part of an approval of details application (valid on 29 July 2022) seeking formal approval of details reserved by condition 6.

   The details submitted Foul Drainage Assessment 2022/2790 Rev0 were following consultation with Anglian Water found to be deficient in details relating to the point of connection to the public foul network or a pumped rate of discharge.

   Further information was requested on 04 August 2022, giving the applicant the opportunity to submit the details requested by Anglian Water.

To date, no details have been received from the applicant and in the absence of the requested details, this Authority does not consider there is sufficient information available to re-consult and therefore the condition has not been approved.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse the details submitted pursuant to the condition they may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of receipt of this notice. (Appeals must be made either electronically via the Planning Portal at https://www.gov.uk/government/organisations/planning-inspectorate or by using a form which can be obtained by contacting the Customer Support Team on 0303 444 00 00). The Secretary of State has a power to allow a longer period for the giving notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving of a notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by them. Please note, only the applicant possesses the right of appeal.

2. Applicants that want a planning appeal to follow the Inquiry procedure should notify the local planning authority and the Planning Inspectorate at least 10 working days before submitting their planning appeal. Further information and a copy of the template notification form can be found here: https://www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal The form should be emailed to Lincolnshire County Council at dev_planningenquiries@lincolnshire.gov.uk and the Planning Inspectorate at inquiryappeals@planninginspectorate.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, they may serve on the council of the district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

4. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.