Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr J. Knapp
5 Sketchley Hall Gardens
Burbage
Hinckley
Leicestershire
LE10 3JP

Name and Address of Agent (if any)
George Burton Architecture & Ecology Ltd
The Old Dairy
25 Brookside
Stretton-on-Dunsmore
Rugby
Warwickshire
CV23 9NH

Part I - Particulars of Application

Date of Application	**Application No.**
24 November 2009	09/00915/OUT

Particulars and location of development:

ERECTION OF 62 DWELLINGS AND ASSOCIATED ACCESS

Land South Of 26 To 28 Britannia Road Burbage Leicestershire

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council refuses to permit the carrying out of the development referred to in Part I hereof for the following reason(s):-

1. The proposal, if permitted would result in a significant increase in traffic turning at the Britannia Road/Windsor Street/Coventry Road junction, the Freemans Lane/Windsor Street junction and the Britannia Road/Lutterworth Road junction. The two Windsor Street junctions suffer from severely reduced visibility splays to and from emerging vehicles at times due to parked vehicles. The Britannia Road/Lutterworth Road junction severely lacks adequate visibility to and from emerging vehicles due to the boundary hedge of No.46 Lutterworth Road. To permit the development would therefore be to the detriment of highway safety contrary to Planning Policy Guidance Note 13, Policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's highway design guidance, 'Highways, transportation and development'.

2. In the absence of a completed Archaeological Impact Assessment, the applicant has failed to supply an adequately documented proposal, contrary to Regulation 4 of the Town and Country Planning (Applications) Regulations 1988 and policy BE14 of the adopted Hinckley and Bosworth Local Plan.

3. The applicant has failed to demonstrate that the proposed development will not have an adverse effect on protected species or their habitat as the presence, or otherwise, of protected species and the extent to which they may be affected by the development has not been established. The proposal is therefore contrary to Planning Policy Statement 9: Biodiversity and Geological Conservation and paragraph 99 of the ODPM Circular 06/2005.

4. In the opinion of the Local Planning Authority, the lack of any definitive measures to provide affordable housing and to address the increase in pressure placed on education facilities, health care facilities, civic amenity facilities, library facilities, public play and open space facilities and policing requirements of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies 15 and 19 of the adopted Local Development Framework Core Strategy, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

NOTES TO APPLICANT :-

1. In relation to reason for refusal 2, insufficient information has been submitted to define the character and extent of any archaeological remains present within the site. The absence of this information means that it is not possible to indicate the weight that ought to be attached to preservation of any remains and/or to identify options for minimising or avoiding damage to any remains.

T. M Prowse

Date :23 March 2010

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted on all correspondence.

2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission he may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him 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 as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

2a. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice.

3. If permission to develop land is refused whether by the Local Planning Authority or by the Secretary of State for the Environment 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 the carrying out of any development which has been or would be permitted, he may serve on the Council 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. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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