HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

Name and Address of Applicant
Mr & Mrs C B H Orton
71 Paddock Way
Hinckley
Leicestershire
LE10 0FJ

Name and Address of Agent (if any)
The Burton Emery Partnership Ltd
83A Mount Road
Hinckley
Leicestershire
LE10 1AE

Part I - Particulars of Application

Date of Application

2 August 2007

Application No.

07/00930/OUT

Particulars and location of development:

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 11 NO. TOWNHOUSES AND 1 NO. APARTMENT WITH VEHICULAR ACCESS AND PARKING

47 New Street Hinckley Leicestershire LE10 1QZ

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. In the opinion of the Local Planning Authority the proposal would be prejudicial to the comprehensive redevelopment of a key identified regeneration site as indicated in the adopted Druid Quarter Masterplan and Regeneration Strategy (June 2002). The proposal does not acknowledge the objectives of Government Guidance and the Council's policy and objectives in seeking to secure regeneration of the urban core of Hinckley. In particular, the proposal is contrary to Policies EMP1, RES5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

2. In the absence of any evidence or justification to the contrary, it is considered that it has not been sufficiently demonstrated that the proposal would not result in the net loss of an existing employment site to the detriment of achieving the Borough Council's Strategic Objective in providing opportunities for investment in the Borough and promoting economic growth through sustainable development. Specifically, it would conflict with Strategy Objective 1a) of the adopted Hinckley and Bosworth Local Plan, and Employment Policy 5 of the adopted Leicestershire, Leicester and Rutland Structure Plan and the Employment Land and Premises Study (May 2004) which seek to provide an adequate supply of land that is suitable for a range of employment purposes and capable of being developed during the Plan period and also ensuring the reuse of employment sites for mixed use development.

3. In the opinion of the Local Planning Authority the proposal effectively represents overdevelopment of the site as the layout has failed to adequately address all of the constraints the surrounding built form presents. The applicant has failed to demonstrate how they have taken account of the need for good layout and design in terms of separation distances, size of private amenity areas and issues of overlooking. Therefore this type of development is inappropriate in this context and is contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development.

4. The proposed layout results in a development with distances of approximately 8 metres to the rear elevation of the adjacent two-storey industrial unit. In the opinion of the Local Planning Authority, this would create an unsatisfactory living environment for the future occupiers of those dwellings due to the overbearing impact on the private amenity space, an unacceptable relationship in terms of outlook and overlooking. In the absence of any evidence or justification to the contrary, the potential for nuisance from noise and / or odour compounds this unacceptable relationship. Therefore the

proposal is contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and adopted Supplementary Planning Guidance: New Residential Development.

5. In the opinion of the Local Planning Authority the lack of any financial contribution to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996-2016, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Guidance on Play and Open Space (October 2002).

6. In the opinion of the Local Planning Authority, the lack of any definitive financial contribution to address the increase in pressure placed on library facilities, waste facilities, education and health care requirements, the proposed development would not accord with Circular 5/05, Strategy Policy 11 of the adopted Leicestershire, Leicester and Rutland Structure Plan 1996 to 2016 and policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

Date :24 October 2007

PETER F CASH
PROPER OFFICER OF THE COUNCIL