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 Tony Porter
2-8 Stapleton Lane
Barwell
Leicestershire
LE9 8HD

Name and Address of Agent (if any)
FFBA Ltd
Royal Victoria House
The Pantiles
Tunbridge Wells
Kent
TN2 5TE

Part I - Particulars of Application

Date of Application	**Application No.**
30 October 2008	08/01049/FUL

Particulars and location of development:

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 1 NO. A1 RETAIL UNIT (SHOP), 22 APARTMENTS AND CAR PARKING

Top Range Motors Ltd 2A Stapleton Lane Barwell Leicester 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 the erection of structures overhanging the highway, which lack adequate clearance from the edge of the carriageway. This could result in additional dangers to large/high vehicle users (including bus passengers), which would not be in the best interests of highway safety and contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan.

2. The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development and the proposal, if permitted would consequently result in an unacceptable form of development and could lead to dangers for road users which would be contrary to policy T5 of the adopted Hinckley and Bosworth Local Plan.

3. In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on library facilities, waste facilities and police provision by the proposed development would not accord with Circular 5/05 and Policy IMP1 of the adopted Hinckley and Bosworth Local Plan.

4. In the opinion of the Local Planning Authority, the lack of any definitive measures 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, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space 2008.

5. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided contrary to Planning Policy Statement 3, Policy RES3

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

of the adopted Hinckley and Bosworth Local Plan and the Council's adopted Supplementary Planning Document on Affordable Housing 2008.

NOTES TO APPLICANT :-

1. List of plans used in the determination of this application:- BW01A7, BW02A8, BW03A8, BW04A7, BW05A8, BW06A8, BW07A5, BW09A2, 3012BW10A, Affordable Housing Statement (rec 30/8/08), Design and Access Statement (rec 30/8/08) Planning Statement (rec 30/8/08) and Location Plan 1:1250.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date :16 March 2009

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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