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TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H09-0235-18 **Date of Decision:** 27th April 2018

Applicant: Managers Office Eventus
Sunderland Road
Northfields Industrial Estate
Market Deeping
Peterborough Cambs
PE6 8FD

Location: Terry Rudd Motorcycles Barrington 43 Fen Road Holbeach Spalding

Description: Change of use from B1 (Business) to D2 (Assembly / Leisure) . No building works to be taking place outside the premises. Internal work short term to update the premise to a gym.

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 The application site is outside of the physical development boundary of Holbeach, there is no footway connection between the site and the footway network within the town and it is not on a regular public transport route. Consequently it is considered likely that a high proportion of visitors to the proposed gym, and staff members, would use their cars to travel to and from the site. This, no matter the distance of travel involved, would be contrary to one of the core planning principles to make the fullest use of public transport. The reliance on the motor car would also increase carbon emissions, contrary to the requirements of the environmental role of planning.

Furthermore, the details submitted in support of this application fail to provide sufficient evidence that adequate space is available within the application site to accommodate the parking of those vehicles during peak operating times. This deficiency is likely to result in the indiscriminate parking of vehicles along the carriageway and verges of Fen Road. Such parking of vehicles is likely to lead to unsafe conditions in terms of pedestrian and

vehicle movement in the vicinity of the site, cause erosion of highway verges and have an adverse impact upon visual and residential amenity on the southern approach to the town.

Moreover, it is not considered that the applicant has provided sufficient justification that the proposal is necessary in that location and that no alternative site exists to accommodate the proposed use.

The proposal is therefore contrary to Policies SG1, SG2, SG4, SG14 and SG15 of the South Holland Local Plan (2006), as well as Paragraphs 7, 8 and 17 of the National Planning Policy Framework (2012).

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. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans/details are:
Site location plan;
Dwg. No. 3149-4;
Car parking map (showing number and arrangement of parking spaces); and
Email from agent re. estimated numbers of members.



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 Authroity 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.