

ENVIRONMENT AND PLANNING

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NOTICE OF DECISION - REFUSAL OF PLANNING PERMISSION

Lidl UK Gmbh
c/o Bilfinger GVA
Mr Nick Hardy
3 Brindley Place
Birmingham
B1 2JB

Reference No: 15/02004/FM

Application
Registered: 16 December 2015

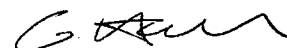
Parish: Heacham

Details: **Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping and associated engineering works at Former Petrol Station And R J Stainsby & Son Site 45 Lynn Road Heacham Norfolk PE31 7HU**

The Town and Country Planning Act 1990 (as amended)
The Town and Country Planning (Development Management Procedure) (England) Order 2015)

Permission is refused for the carrying out of the development referred to above for the following reasons:

1. The proposed development would intensify the vehicular activity of the site which would lead to conflict and interference with the passage of through traffic which would be of detriment to highway safety and to the efficient operation of the highway network. The proposed development is therefore contrary to the NPPF in general and specifically to paragraph 32 of the NPPF, Core Strategy Policy 11 and emerging Development Management Policy DM12.
2. The proposed development, due to its poor design, would have an adverse impact on the landscape and the setting of the North Coast Area of Outstanding Natural Beauty. The development is therefore contrary to the NPPF, Core Strategy Policies CS06 and CS07 and emerging Development Management Policy DM15.



Executive Director, Environment and Planning
On behalf of the Council
9 June 2016

In accordance with the NPPF, in determining this application for planning permission, the Borough Council has approached it in a positive and proactive way, and where possible has sought solutions to problems to achieve the aim of approving sustainable development. Unfortunately, despite this, in this particular case the development is not considered to represent sustainable development, and has been refused for the reasons set out above.

The case officer who dealt with this application was Mrs N Osler, telephone number 01553 616402.

Notes relating to decisions on planning applications:

1. This permission refers only to that under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw order or regulation.
2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to The Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990. Appeals must be made within 6 months unless subject to an enforcement notice (see below). (Appeals must be made on a form which is available from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, telephone 0303 444 50 00). 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 (*), 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 is based on a decision given by him.

Appeal time limits where the same development is subject to an enforcement notice

- 28 days from the date of the refusal or the expiry of the period which the local planning authority (LPA) had to determine the application, where the enforcement notice is served before the application is submitted;
 - 28 days from the date of the refusal or the expiry of the period which the LPA had to determine the application, where the enforcement notice is served before the decision on the application is reached or the determination period has expired; or
 - 28 days from the date the enforcement notice is served, where the enforcement notice is served after the decision or expiry of the period which the LPA has to reach a decision on the application, unless the effect would be to extend the period beyond the usual time limit for cases not involving an enforcement notice.
 - These time limits apply where an enforcement notice has been served no more than two years before the date of the application or where it is served on or after the date of the application, regardless of whether an appeal was lodged against the enforcement notice and provided the notice is not withdrawn prior to the expiry of the time limits outlined above.
3. If permission to develop land is refused or granted subject to conditions, whether by the local authority or by the Secretary of State of 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 or would be permitted, he may serve on the Council or the county 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 him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

(*) The Statutory requirements are those set out in Section 76(6) of the Town and Country Planning Act 1990 namely section 70 and 72(1) of the Act.

5. Time Limits for Appeals

Householder planning applications against refusal or to remove/amend conditions = 12 weeks
Minor Commercial and Advertisement Consent Appeals = 12 weeks
All other appeals = 6 months

For more information please see website: <http://www.planningportal.gov.uk/planning/appeals>