Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant	**Name and Address of Agent (if any)**
AF Blakemore and Sons Limited Long Acres Industrial Estate Rose Hill Willenhall West Midlands WV13 2JP	Mr Greg Roberts ADM Limited 3A The Parade Needham Avenue Glen Parva Leicester LE2 9JW

Part I - Particulars of Application

Date of Application	**Application No.**
29 April 2009	09/00321/COU

Particulars and location of development :

CHANGE OF USE FROM LIBERAL CLUB TO CONVENIENCE STORE INCLUDING EXTENSIONS AND ALTERATIONS TO BUILDING.

Burbage Liberal Club 21 Lutterworth Road Burbage Hinckley Leicestershire

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development and change of use by virtue of the design and siting of the shop front, sensitive siting of any external plant/equipment and provision of car parking, would not detrimentally affect the amenities of neighbouring residents and is considered to improve the streetscene. The proposal is therefore considered to be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, Retail 11, T5

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed shop shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

3. Before the use hereby permittted is commenced a scheme for the control of noise for any external plant or machinery shall be submitted to and approved in writing. The plant and machinery shall be installed in accordance with the approved scheme.

4. The shop hereby approved shall not be open to the public outside the hours of 07:00 to 23:00 Monday to Friday, 08:00 to 23:00 Saturdays and 09:00 to 23:00 Sundays and Public Holidays.

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

5. No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 23:00 Monday to Friday, 08:00 to 23:00 Saturdays and 09:00 to 23:00 Sundays and Public Holidays.

6. Before the use hereby permitted is commenced full details of the proposed illumination of the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

7. Prior to the use hereby permitted being implemented, a plan showing details of an uncontrolled pedestrian crossing on Lutterworth Road within vicinity of the site frontage, shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall then be implemented in accordance with the approved drawings, prior to approved use being implemented.

8. No gates shall be erected to the vehicle access

9. Before the use hereby permitted commences the turing and parking spaces shall be surfaced in a hard bound porus material and marked out in accordance with approved drawing 1392/05 D and thereafter retained.

10. Any replacement windows or doors at ground floor level on the road frontage shall be of a type other than outward opening and shall be so maintained in perpetuity.

11. Details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented prior to the application being implemented.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3. To protect the amenities of neighbouring residents in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.

4. To protect the amenities of nearby residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Plan.

5. To protect the amenities of nearby residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Plan.

6. To protect the amenities of nearby residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Plan.

7. The highway fronting the site has no crossing facility for pedestrians and the proposal would be unlikely to lead to an increase in pedestrian crossing movements at this location. The crossing facility is therefore required for the safety of vulnerable road users in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

8. To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

9. To enable vehicles to entre adn leave the site in a forward manner and to ensure that there is adequate off street parking in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. In the interests of safety of users of the highway immediately adjacent to the front wall of the building in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. In the interest of the sustainability of the developmenty and to encourage alternative uses in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5. List of plans used in the determination of this application:- 1392/01, /02, /03, /04, /05 D, /06, /08

6. The developer is asked to provide a information board displaying details of local bus services in the form of timetables within an employee communal area.

7. The developer will be required to centre into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before Highway works commenced.

8. The highway boundary is the wall/hedge/ fence etc fronting the premises and not the edge of the carriageway/ road.

9. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 24 July 2009

NOTES

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

2. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment 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 the 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 the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by 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, 5th September 2003 must be made within **six months** of the date of this notice.

3. If permission to develop land is granted subject to conditions, 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 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.

5. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
c) Factories as defined by Section 175 of the Factories Act 1961.
d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.