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)**
Keys Childcare Ltd	Mrs Jill Naylor
Wiseacre	Emery Planning Partnership Ltd
Leicester Lane	4 South Park Court
Desford	Hobson Street
Leicestershire	Macclesfield
LE9 9JJ	Cheshire
	SK11 8BS

Part I - Particulars of Application

Date of Application	**Application No.**
9 March 2009	09/00176/COU

Particulars and location of development:

CHANGE OF USE FROM CLASS C3 DWELLING HOUSE TO CLASS C2 CHILDRENS CARE HOME (AMENDED SCHEME) INCLUDING ALTERATION TO SITE ACCESS

Wiseacre Leicester Lane Desford Leicester Leicestershire LE9 9JJ

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 would be in accordance with the development plan as it relates to the change of use of an existing building and is unlikely to have an adverse effect on the character or appearance of the area, the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, NE5, CF8 and 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. This permission relates to the application as revised by amended plan No. SCP/08166/F/01 Revision E received by the Local Planning Authority on 31st March 2009.

3. The premises shall be used for a Childrens Care Home and for no other purpose, including any other purpose within Class C2 of the Town & Country Planning Use Classes (Amendment) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

4. The vehicular access shall be a minimum of 5 metres wide for at least the first 5 metres behind the highway boundary and have minimum 4 metres control radii at its junction with the adopted road carriageway in accordance with approved plan No. SCP/08166/F/01 Revision E received by the Local Planning Authority on 31st March 2009. The access drive once provided shall be so maintained at all times thereafter.

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

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5. The vehicular access gates shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only in accordance with approved plan No. SCP/08166/F/01 Revision E received by the Local Planning Authority on 31st March 2009.

6. Notwithstanding the submitted details, before first use of the development hereby permitted the access drive and any turning space shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times thereafter.

7. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 45 metres shall be provided on both sides of the junction of the access with Leicester Lane in accordance with the approved plan No. SCP/08166/F/01 Revision E received by the Local Planning Authority on 31st March 2009. Once provided the visibility splays shall be so maintained at all times thereafter and nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

8. The existing car parking and turning areas within the curtilage of the site shall not be obstructed and shall permanently remain available for such use at all times.

9. The existing vehicular access shall be permanently closed within one week of the new access being brought into use and the existing vehicular crossing reinstated to highway verge to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

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 define the permission.

3. To ensure that the use remains compatible with the surrounding area, to safeguard amenities of neighbouring properties and in the interests of highway safety to accord with policies BE1, NE5, CF8 and T5 of the adopted Hinckley and Bosworth Local Plan.

4. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

5. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

6. To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

7. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

8. To ensure that adequate off-street parking and turning provision is available to reduce the possibilities of the development leading to on-street parking and to ensure that vehicles may enter and leave the site in a forward direction in the interests of highway safety to accord with policies BE1, NE5, CF8 and T5 of the adopted Hinckley and Bosworth Local Plan.

9. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in the interests of highway safety to accord with policies BE1, NE5 and 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. The applicant is advised that the '5 metres' distance referred to in conditions 4, 5 and 6 above, relate to the highway boundary and not to the edge of the carriageway.

6. List of plans used in the determination of his application:- 7468 Site Location Plan; SCP/08166/F/01 Rev. E; 7468 Ground Floor Plan; 7468 First Floor Plan; Buxted 5 Bar Field Gate.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 5 May 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.

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