Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr M Palmer
Manor House
Manor Lane
Peckleton
Leicester
Leicestershire
LE9 7RJ

Name and Address of Agent (if any)
Miss Marie Stacey
Fisher German
The Grange
80 Tamworth Road
Ashby De La Zouch
Leicestershire
LE65 2BW

Part I - Particulars of Application

Date of Application	**Application No.**
27 April 2009	09/00315/COU

Particulars and location of development :

CHANGE OF USE OF AGRICULTURAL BARN TO CLASS B1 OFFICE INCLUDING EXTENSIONS

Manor House Manor Lane Peckleton Leicester 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 would be in accordance with the development plan. Resultant of the scale, design and materials used there are considered no material impacts on either visual or residential amenity, the character of the countryside or on highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, T5, B20, EMP4

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. P38.2 - 008A received by the Local Planning Authority on 10th June 2009.

3. The premises shall not be used other than for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

4. No development shall commence until details of the highway improvement works to provide two passing bays on Manor Lane and to improve visibility at the junction of Manor Lane with Kirkby Lane/Main Street shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the development hereby approved is first brought into use and shall thereafter be maintained.

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

5. Before first use of the development hereby permitted the access drive shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 10 metres behind the Highway boundary and once provided shall be so maintained at all times thereafter

6. No development shall commence on site until full details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority and these works shall be implemented in accordance with the approved scheme prior to first occupation. The scheme shall be thereafter maintained. These details shall include planting plans, written specifications, schedules of plants, noting species, plant sizes and proposed numbers together with an implementation programme.

7. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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.

The reasons for the conditions are :-

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

2. For the avoidance of doubt

3. To ensure that the use remains compatible with the surrounding area and in the interests of road safety to accord with policies BE1, EMP4 and NE5 of the Hinckley & Bosworth Local Plan.

4. To afford adequate visibility at the junction to cater for the expected volume of traffic joining the existing highway network and to afford adequate passing provision along Manor Lane in the interests of general highway safety to accord with policies BE1, BE20, EMP4 and NE5 of the adopted Hinckley and Bosworth Local Plan.

5. 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 BE20, EMP4 and NE5 of the adopted Hinckley and Bosworth Local Plan.

6. To enhance the appearance of the site and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

7. To ensure that the development has a satisfactory external appearance to accord with policy BE1, NE5 of the adopted Hinckley & 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:- P38.2/006; P38.2/20090407-B; P38.2 - 008A

6. In relation to Condition 6, the details should include the planting of native species appropriate to this rural location to help to screen the building and new access from the wider landscape including post and rail fencing and native hedgerows and trees.

7. A watching brief for protected species, including nesting birds shall be maintained throughout the course of the development, and if any protected species are discovered on-site during construction, work should cease whilst professional advice is sought.

T. H Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 12 June 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.