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 Goode
11 Kirfield Drive
Hinckley
Leicestershire
LE10 1SX
UK

Name and Address of Agent (if any)
Mr James Botterill
44 Asfordby Road
Melton Mowbray
Leicestershire
LE13 0HR

Part I - Particulars of Application

Date of Application	**Application No.**
11 February 2009	09/00100/COU

Particulars and location of development :

CHANGE OF USE OF WORK SHOP TO CAR SALES

70 Upper Bond Street Hinckley Leicestershire LE10 1RJ

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 and would not harm the character or appearance of the area, street scene, neighbouring properties or impact on highway safety.

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, EMP1, EMP7 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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. Notwithstanding the submitted details, no part of the development hereby permitted shall be brought into use until a plan illustrating an accetpable boundary treatment to the front of the site is submitted to and approved in writing by the Local Planning Authority.

3. The approved scheme shall be implemented prior to first use of the site and maintained thereafter.

4. Notwithstanding the submitted details, if any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

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

6. Before first use of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

7. Before the development hereby permitted is first used, off-street car parking provision for the benefit of customers, staff and for no.82 Upper Bond Street shall be made within the application site in accordance with the details shown on the submitted plan. The parking area's and manourving facilities shall be surfaced in hard bound, porous material and marked out prior to the development being brought into use and shall be so maintained at all times thereafter.

8. The proposed access shall have a width of a minimum of 5.7 metres for a distance of at least 5 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.

9. No walls, planting, fences or any other obstruction shall be erected or allowed to grow on the Highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

10. Before first use of the development hereby permitted, the wall at the north-east boundary of the site shall be reduced in height to no more than 0.6 metres in height over a distance of 2 metres back from the highway and shall be maintained at this height thereafter.

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

4. 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 policy T5 of the adopted Hinckley and Bosworth Local Plan.

5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

6. To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

7. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area , to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

8. To ensure that vehicles entering or leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

9. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interest of general highway safety.

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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. On the basis of the submitted plans, taking into consideration available L.C.C highway boundary records, the proposal will be positioned within the public highway. The development would reduce the available width of the footway which would not be in the interests of the safety of vulnerable road users (pedestrians). Before development commences an amended plan should be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority correctly showing the boundary of the development site and that no part of the proposal will be positioned within the highway. For information regarding the extent of the public highway contact Laraine Hawkins on 0116 3057189.

6. List of plans used in the determination of this application:-
Site location plan, Drawing 6235P-01

7. A public footpath is adjacent to the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

8. On the basis of the submitted plans, the details of the wall at the north-eastern boundary of the site at the site frontage and the drop down bollards at the highway boundary are not in accordance with the guidance contained in "Highways, transportation and development". Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority.

9. In relation to condition 2, the applicant should consider the use of decorative fencing and low planters as part of the scheme for the front boundary.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 20 April 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.