Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr David Lockhart
Byrons Covert
Bosworth Road
Wellsborough
Nuneaton
Leicestershire
CV13 6PB

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
2 February 2011	11/00069/FUL

Particulars and location of development :

FORMATION OF NEW VEHICLE ACCESS AND ERECTION OF 2M HIGH GATES

Byrons Covert Bosworth Road Wellsborough Nuneaton 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 by virtue of its siting, scale and design would not have detrimental impact on the character and appearance of the existing dwelling or the countryside and would meet highway safety and would be in accordance with the development plan.

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

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. The existing access shall be closed permanently within 1 week of the new access being brought into use.

3. The access drive shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

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

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

5. No development shall take place until details of the type and colour of gates, side panels and posts are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

6. The materials to be used on the pillars shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.

7. Notwithstanding the submitted details, no development shall commence until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

   (i) Details of the landscaping along the boundary of the existing access to be closed.
   (ii) Planting plans.
   (iii) Written specifications.
   (iv) Schedules of tress and hedge, noting species, sizes and proposed numbers where appropriate.
   (v) Implementation programme.

8. The approved soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of ten years from the date of planting. During this period any trees and hedge which die or are damaged, removed, or seriously diseased shall be replaced by trees and hedge of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

9. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

   Drawing - LPA-01 Revision A - Received on 09/05/2011
   Site Location Plan - Received on 28/03/2011
   Block Plan Revision C - Received on 16/05/2011

The reasons for the conditions are :-

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

2. In the interest of road safety to accord with Policy BE1 and T5 of the Hinckley & Bosworth Local Plan

3. To ensure that the development has a satisfactory access surface, to accord with Policy T5 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 & Bosworth Local Plan.

5. To ensure that the development has a satisfactory external appearance to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure that the development has a satisfactory external appearance to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

7. To ensure that the development has a satisfactory external appearance and assimilates with the character of the surrounding landscape, to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

8. To ensure that the development has a satisfactory external appearance and assimilates with the character of the surrounding landscape, to accord with Policy BE1 & NE5 of the adopted Hinckley & Bosworth Local Plan.

9. For the avoidance of doubt and in the interests of proper planning.

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 6 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 new driveway should not encroach on the effluent dispersal pipe network associated with the septic tank.



Date : 23 May 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

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

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. As this is a decision to grant planning permission subject to conditions for a householder application, if you want to appeal against your Local Planning Authority's decision then you must do so within 12 weeks 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, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Householder Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. 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.

4. 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.

5. 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.

6. 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.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES – V2.1