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)**
Mr Mark Ketcher	Mr Robert Williams
White Gate Farm	Alder Mill
Mythe Lane	Sheepy Road
Witherley	Atherstone
Atherstone	Warks
Leicestershire	CV9 3AH

Part I - Particulars of Application

Date of Application	**Application No.**
23 January 2009	09/00043/FUL

Particulars and location of development :

IMPROVEMENTS TO EXISTING ACCESS AND PROPOSED NEW ACCESS AND LANDSCAPING BUND

White Gate Farm Mythe Lane Witherley Atherstone 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 and would not have an adverse effect on the character or appearance of the countryside area, the amenities of the occupiers of the neighbouring property or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 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. Notwithstanding the submitted plans, within one month of the date of this planning permission, full details of both soft landscaping and surfacing works shall 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) proposed finished levels, contours and cross sections
(ii) means of enclosure
(iii) hard surfaced areas
iv) hard surfacing materials
(v) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
(vi) planting plans
(vii written specifications
(viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(ix) implementation programme.

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

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

3. This permission relates to the reprofiling of the existing material on the site to create a landscaping bund and does not grant consent for the importation of any additional material without further planning permission being sought from the Local Planning Authority

4. Notwithstanding the submitted details, the proposed access shall have an effective width of a minimum of 6 metres for a distance of 14 metres behind the carriageway boundary and be provided with 8 metre control radii on both sides of the access. The access drive once provided shall be so maintained at all times.

5. 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 14 metres behind the carriageway boundary and shall be hung so as to open inwards only.

6. 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.

7. 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.

The reasons for the conditions are :-

1. The submitted plans are considered to be not adequate. To enhance the appearance of the development to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

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

3. For the avoidance of doubt.

4. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, to accord with policy T5 of the Hinckley & 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. In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

6. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users. In the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

7. To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users. In the interests of highway safety to accord 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:- site location plan,Drawing 198/28/3/C and 198/28//3/D

6. The applicant is advised that a public footpath (T21) crosses the proposed access drive. the applicant is responsible for ensuring that pedestrians are able to gain access safely along the line of the footpath at all times including during construction of the new access drive. Before any works are carried out within the confines of the footpath, the applicant should notify the Rights of Way Inspector for the area, Mr A Perry, Area Highway Office, Mountsorrel or on 0116 305 0001. Any damage that may be caused to the current surface of the footpath while the development is being carried out will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority. The applicant will be responsible for ensuring that no additional structures are installed either on a temporary or a permanent basis across the route of the footpath without the written consent of the Highway Authority having first been obtained. This would apply in the case of any boundary features which the applicant may be intending to erect alongside the proposed access drive. Unless a structure has been authorised it constitutes an unlawful obstruction to the right of way and the Highway Authority would be obliged to require its immediate removal.

7. Condition 1 is required because the submitted information is not acceptable. The hard surfaced areas need to be kept to a minimum and commensurate in scale with the agricultural holding. Planting of native species should be provided along the new access track. Further details of the site, boundary treatment and proposed landscape bund need to be submitted for consideration.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 23 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.