Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr T Preston
Vale Farm
Stoke Golding Lane
Higham on the Hill
Nuneaton
Warwickshire
CV13 6ES

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

Part I - Particulars of Application

Date of Application	**Application No.**
17 June 2009	09/00454/FUL

Particulars and location of development :

CONVERSION OF DISUSED AGRICULTURAL BUILDING TO FORM ADDITIONAL BED AND BREAKFAST ACCOMMODATION AND ERECTION OF NEW GARAGE

Vale Farm Stoke Lane Higham On The Hill 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 would be in accordance with the development plan as it would involve the conversion of existing building of structurally sound condition that is capable of being converted without significant extension or rebuilding and a new garage is of acceptable proportions which would not have an adverse effect on the rural character or appearance of the buildings, the wider site, the surrounding countryside, or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, BE20, REC21 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. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed barn conversion and garage 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 samples will include details of the bricks, roofing materials, windows, rainwater goods and re-pointing.

3. This permission relates to the application as revised by amended plan 6189P-01B received by the Local Planning Authority on 13th August 2009.

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

4. 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 10 metres behind the highway boundary and shall be hung so as to open inwards only.

5. Before first use of the development hereby approved 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.

6. Before first occupation of the development hereby approved, the redundant existing vehicular access shall be closed permanently and the existing vehicular crossing reinstated to highway verge to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

7. Before first occupation of the development hereby permitted, car parking provision shall be made within the site on the basis of one parking space for each bed and breakfast unit. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

8. No part of the development hereby approved shall be occupied until visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Stoke Lane (Road/Street/Lane etc). These shall be in accordance with the standards contained in Places, Streets and Movement and the current Local Highway Authority design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays

9. No development shall take place until full details of the 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) planting plans
   (ii) written specifications
   (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
   (vi) implementation programme.

10. 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.

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. For the avoidance of doubt.

4. To enable a vehicle to stand clear of the highway to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

5. 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 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

6. 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.

7. To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

8. 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 policy T5 of the

adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

9. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

10. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 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. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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 shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5. The applicant should be aware that Public Footpath T47 crosses the access drive. The applicant is responsible for ensuring that safe access by pedestrians is maintained at all times. Any damage that may be caused to the current surface of the footpath will be the responsibility of the applicant to repair at his own expense. The applicant is responsible for ensuring that no temporary or permanent structures are installed across the footpath without the written consent of the Highway Authority have first being obtained. Unless a structure is authorised by the Highway authority, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to seek its removal.

6. On the basis of the submitted plans, the details of the visibility splays, car parking and turning facilities are not in accordance with the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'. car parking spaces should have minimum dimensions of 2.4 metres by 5.5 metres.

7. For information regarding the extent of the public highway contact Laraine Hawkins on 0116 3057189

8. Condition 10 relates only to the reinstatement of the hedge that is required to be removed in order to provide the visibility splays to the access.

9. List of plans used in the determination of this application: site location plan, 6189P-01b.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 18 August 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.