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 & Mrs J Earp	James Bailey Planning
Osbaston House Farm	9 Hinckley Road
Lount Road	Burbage
Osbaston	Hinckley
Warks	Leics
CV13 0HR	LE10 2AF

Part I - Particulars of Application

Date of Application	**Application No.**
12 August 2009	09/00625/CONDIT

Particulars and location of development :

VARIATION OF CONDITION NO.5 OF PLANNING PERMISSION 07/00391/COU TO INCREASE THE NUMBER OF TENTS FROM FIVE TO NINE.

Osbaston House Farm Lount Road Osbaston 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 and would not be to the detriment of visual amenity, highway safety or the character and appearance of the countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- NE5, BE1, 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. This permission shall relate to the variation of Condition 5 of planning permission 07/00625/COU dated 30 May 2007.

3. Before the erection of the additional tent units hereby permitted, the proposed additional parking spaces and overspill parking area as shown on the approved plan shall be laid out and made available for use and maintained for vehicle parking thereafter.

4. No development shall commence until such time as a plan showing the removal of the conifer hedgerow to the west of the site access with Lount Road has been submitted to and agreed in writing by the local planning authority. The hedgerow shall be fully removed before the first use of the development hereby permitted.

5. No development shall take place until details of a replacement hedgerow (including hedgerow trees) for the site frontage to the west of the access with Lount Road, has been submitted to an agreed in writing

by the local planing authority. The details shall include planting plans, species and implementation programme.

6. The replacement hedgerow shall be implemented in accordance with the approved details. The hedgerow shall 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.

7. Before the development commences, details of maximum achievable visibility splays at the junction of the access with Lount Road shall be submitted to the local planning authority for approval in writing. The approved visibility splays shall be provided in accordance with the standards contained in the current County Council design guide Highways, Transport and Development and shall be provided before the development is brought into use, and shall be so maintained thereafter. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

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 define the permission.

3. To ensure the site benefits from sufficient off street parking, in there interest of highway safety and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

4. The hedgerow impedes the highway visibility to the west of the access and should be removed in accordance with the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

5. To ensure that visual screening of the farmyard is maintained following the removal of the existing hedgerow, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Boys Local Plan.

6. To ensure that visual screening of the farmyard is maintained following the removal of the existing hedgerow, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Boys Local Plan.

7. To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the 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:- 07/14/08 and 07/14/09.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 5 November 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.