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)**
British Automobile Racing Club	Mr Richard C Hilliar
Mallory Park Centre	The Coach House
Church Road	New Inn
Kirkby Mallory	Nr Billesdon
Leicestershire	Leicestershire
LE9 7QE	LE7 9EL

Part I - Particulars of Application

Date of Application	**Application No.**
5 December 2008	08/01131/FUL

Particulars and location of development:

EXTENSIONS AND ALTERATIONS TO WORKSHOP AND SHOWROOM

Mallory Park Church Road Kirkby Mallory Leicester 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 extend an existing building and be used for similar purposes and would not have an adverse effect on the character or appearance of the surrounding landscape or the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, EMP2, EMP4, NE5, NE12 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. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building unless previously agreed in writing with the Local Planning Authority.

3. No machinery or sound systems shall be operated on the premises between the hours of 7.00p.m. and 8.00a.m. on Mondays to Saturdays nor at any time on Sundays, Bank or Statutory Public Holidays.

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

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

5. The approved soft landscaping scheme shall be carried out in accordance with the approved details and 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.

6. Before any development is commenced on the site, including site works of any description, the tree closest to the rear elevation of the building extension shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle around the tree at a radius from the bole of 4 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the area so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off area, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left un-severed.

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 proposed use does not become a source of annoyance and to protect the amenities of neighbouring properties to accord with policies BE1, EMP2 and EMP4 of the adopted Hinckley and Bosworth Local Plan.

4. To enhance the appearance of the development to accord with policies BE1, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

5. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure that the existing trees on the site are retained and protected to accord with policy BE1 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. In respect of Condition 4, the landscaping scheme should include the planting of native tree species of suitable qualities to screen the development from the wider landscape to the south.

5. In accordance with Section 76 of the Town and Country Planning Act 1990, the developer's attention is directed to the following items regarding the detailed design of the development hereby permitted in relation to buildings to which the Offices, Shops and Railways Premises Act 1963, applies or buildings where the Act is deemed to apply :-

a) Relevant provisions in Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and any subsequent amending legislation, and
b) The Code of Practice for Access for the Disabled to Buildings by the British Standards Institution, reference BS 5810:1979.

7. List of plans used in the determination of this application:-LPA 01; LPA 002.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 6 February 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.