

PLANNING PERMISSION**(corrected decision notice)**

Name and address of applicant: Harborough District Council Council Offices Adam And Eve Street Market Harborough Leics LE16 7AG	Name and address of agent (if any): Godfrey- Payton 149 St Marys Road Market Harborough Leics LE16 7DZ
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Part I - Particulars of application

Date of application: 13th May 2009 Application number: 09/00556/FUL

Particulars and location of development:

Change of use of agricultural land to allotments, including access, parking fencing and highway improvements, Land At, Moorbarns Lane, Lutterworth, Leicestershire.

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Harborough District Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Statement of reason for grant of Planning Permission (Article 22 of the Town and Country Planning (General Development Procedure) Order 1995

In the opinion of the District Planning Authority, it has been demonstrated that this is a suitable allotment site, and the development hereby approved, due to its siting and appearance, would not adversely affect the form, character and appearance of the surrounding countryside and resident's amenity, nor result in additional traffic which would give rise to a road hazard. The proposal is therefore considered to comply with PPS7, PPS9, PPG17 and policies IN/1, TR/3, and EV/5 of the Harborough District Local Plan and no other material considerations indicate that the policies of the development plan should not prevail.

Conditions and Reasons

1. The development hereby approved shall be begun within 3 years from the date of this permission. Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to review the position at the end of this period.
2. Development hereby permitted shall not commence until the highway improvements to Moorbarns Lane as submitted by the applicant in support of application, have been carried out and approved in writing by the Local Planning Authority. Reason: In the interest of highway safety and to accord with policies IN/1 and TR/3 of Harborough District Local Plan.

3. No development shall commence on site until details of the colour and finish of the approved fencing have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of visual amenity and to ensure that the development will harmonise with its surroundings and to accord with Policy IN/1 of the Harborough District Local Plan.
4. No development shall commence on site until full details of the means of drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure the satisfactory drainage of the site and to require, where possible, sustainable drainage methods to be employed and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPS25.
5. Prior to the commencement of the development the existing gates to the vehicular access shall be removed and any new any gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only and thereafter shall be so maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- In the interests of highway safety and the free flow of traffic and to accord with Policy IN/1 of the Harborough District Local Plan.
6. All details of the proposed development shall comply with Leicestershire County Council design standards. Such details must include parking, servicing, turning facilities, radii, access widths, gradients, visibility and pedestrian splays, signing, surfacing materials and any gates or boundary treatment that will front on to a highway. No development shall commence on site until these details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall be constructed in accordance with the approved details and shall be retained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason:- To secure a satisfactory form of development and in the interests of highway safety and the free flow of traffic and to accord with Policies IN/1, TR/3 and TR/10 of the Harborough District Local Plan.
7. Before the development hereby approved is first used, the parking provisions shown on the approved plan shall be constructed and made available for use. Thereafter be retained for this purpose in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To ensure that adequate parking facilities are provided and maintained and to accord with policies IN/1 and TR/10 of the Harborough District Local Plan.
8. Before first use of the development hereby approved, visibility splays of 2.4 metres by 90 metres shall be provided. These shall be in accordance with the current Leicestershire County Council design standards 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, unless otherwise agreed in writing by the Local Planning

Authority. Reason:- To ensure that an adequate line of vision is provided in the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.

9. Unless otherwise agreed in writing by the local planning authority, prior to the first use of the vehicular access hereby permitted, the existing access shall be permanently closed and the existing vehicular crossings (highway kerbstone arrangement) reinstated to the satisfaction of the Local Planning Authority. Reason:- In the interests of highway safety and to accord with Policy IN/1 of the Harborough District Local Plan.
10. Unless otherwise agreed in writing by the local planning authority, no development shall commence on site until full details of facilities for the secure and covered parking of bicycles have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the first use of the development and so maintained in perpetuity thereafter. Reason:- To ensure adequate provision of facilities and in the interests of promoting non-vehicular modes of transport and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG13.
11. The submitted badger management plan (revised 22/06/09 and 2207/09) shall be implemented prior to the commencement of the development and in perpetuity thereafter. Badger fencing shall be fully installed before any of the works / use hereby permitted commence on site. The fencing shall be constructed as described in the 'Badger Sett Assessment and Management' report (16 April 2009, The Robert Stebbings Consultancy). The fencing must be positioned as detailed in plan ref JJ/01/09/00556/FUL. Reason; To protect the ecology of the site in accordance with PPS9.
12. No development shall commence on site until full details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To control the light at the site in the interests of visual and general amenity of the locality and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG23.
13. No development shall commence on site until full details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. Reason:- To control the light at the site in the interests of visual and general amenity of the locality and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG23.
14. Unless otherwise agreed in writing by the Local Planning Authority (LPA), the existing hedges together with the trees on the site shall be retained and in no way disturbed. Any proposed alterations to the hedges or trees, including any pruning or selective removal and/or replacement, shall be submitted in the form of a detailed scheme to the LPA and be approved in writing. The detailed scheme shall be carried out as approved and maintained in perpetuity, unless otherwise agreed in writing by the LPA. Reason:- To ensure that the existing trees and/or hedges on the site can be retained, to enhance

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the development and to safeguard the appearance of the area and to accord with Policies IN/1 and EV/19 of the Harborough District Local Plan.

15. No development shall commence on site until a detailed design and method statement has been submitted to and approved in writing by the Local Planning Authority (LPA). This statement shall include existing and proposed ground levels, layout and depths of all foundations, service trenches, drains, landscaping and other groundworks, and all revisions of such. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the LPA. Reason:- The site is likely to contain important archaeological remains and to accord with Policy IN/1 of the Harborough District Local Plan and the aims and objectives of PPG16.
16. No development shall commence on site until a detailed design and method statement has been submitted to and approved in writing by the Local Planning Authority. Such statement, shall include existing and proposed ground levels, and layout and depths of all foundations, service trenches, drains, landscaping and other groundworks, and all revisions of such. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Reason:- The site is likely to contain important archaeological remains and to accord with the aims and objectives of PPG16
17. The soil management improvement plan as submitted by the applicant in support of application shall be fully implemented and approved in writing by the Local Planning Authority. Reason: To ensure that the site is as suitable alternative allotment site to the existing.
18. Unless otherwise agreed in writing by the local planning authority, a management plan shall be submitted to and approved in writing for the badger foraging area on site and also for the proposed new planting. The approved management plan(s) shall be fully implemented concurrent to the development hereby permitted. Reason; To protect the ecology of the site in accordance with PPS9.
19. Badger surveys shall be completed annually prior to the commencement of works / development and / or the commencement of the use hereby permitted. If the status of badgers on the site changes this shall be reported the local planning authority and the approved mitigation measures shall be revised accordingly to be submitted to and approved in writing by the local planning authority. The use / development shall only proceed in accordance with any approved revisions. Reason; To protect the ecology of the site in accordance with PPS9.

Notes to Applicant

1. The Applicant will be required to enter into a Section 278 Agreement with the Highways Authority to secure the delivery of the highways works.

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2. You are advised not undertake any works to trees or hedgerow during the bird-breeding season (March to end of August) unless it can be proven by a suitably experienced ecologist that there are no nesting birds present.



Development Control Manager

NOTES

1. Please quote the application number in any communication.

2. **APPEAL TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Transport, Local Government and the Regions under section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so **within six months of the date of this notice, or within 12 weeks in the case of householder development**, using a form which you can get from the Planning Inspectorate, Room 301 - Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0117 372 6372. www.planning-inspectorate.gov.uk. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. **PURCHASE NOTICES**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the 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. **OTHER CONSENTS**

This permission relates only to the Town and Country Planning Act and does not give consent to demolish or to carry out alterations to a listed building or to demolish an unlisted building within a conservation area for which separate consent under the Planning (Listed Buildings and Conservation Areas) Act 1990 is required. Amongst other things the consent of the District council may also be required under the Building Regulations and if the proposal affects land within the limits of the highway the separate consent of the Highway Authority will also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

5. **SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS AND BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED: ACCESS AND PROVISION FOR DISABLED PERSONS**

Your attention is drawn to the requirements of the Chronically Sick and Disabled Persons Act 1970 (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 that provision has been made for disabled persons with the building. Your attention is also drawn to the 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. 0171 6299000) and (insofar as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings".

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 and Disabled Persons Act 1970 applies.
- (b) **Offices, Shops and Railway Premises** as defined in the Offices, Shops and Railway Premises Act 1963 or premises deemed to fall within that 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.

6. **THE PARTY WALL ACT 1996**

If the plans hereby approved involve the carrying out of building work along or close to the boundary you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

THIS PERMISSION DOES NOT ENTITLE YOU TO DO ANYTHING FOR WHICH THE CONSENT OF SOME OTHER LANDOWNER, PERSON OR PUBLIC AUTHORITY IS REQUIRED