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)**
Ms Gayner Johnson	Hayward Architects Ltd
14 Dean Road	19 Station Road
Hinckley	Hinckley
Leicestershire	Leics
LE10 1LG	LE10 1AW

Part I - Particulars of Application

Date of Application	**Application No.**
10 June 2011	11/00454/FUL

Particulars and location of development :

DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF ONE NEW DWELLING.

New House Farm Stapleton Lane Dadlington 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. It is considered that sufficient justification has been put forward to merit the requirement for a replacement dwelling in this countryside location. By virtue of its scale, size and bulk the proposed replacement dwelling is considered to be proportionate to the existing dwelling and in terms of its siting is not detrimental to the character and appearance of the open countryside, to highway safety, to residential amenity or to the protected trees on the site. Therefore the proposed replacement dwelling is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- BE1, RES10, NE5, NE12, 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 01E (Site Location Plan),11A (Existing Plans and Elevations), received 10 June 2011 and 05S (Proposed Plans and Elevations), 12C (Garage Plans and Elevations) and 03Q (Block Plan) received on 14 October 2011 and 18A (Site Layout Plan) and KL.129.003 A (Landscaping Plan) received on 04 November 2011.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed replacement dwelling 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.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5. A phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.

6. The car parking and any turning facilities shown within the curtilage of the proposed dwelling shall be provided in accordance with Drawing 03 Q and shall thereafter permanently remain available for such use .

7. The applicant shall confirm in writing to the Local Planning Authority the date on which the compensatory bat roosts have been completed to the replacement dwelling hereby approved and such roost facilities shall thereafter be retained.

8. The development shall be carried out in strict accordance with the mitigation measures for the safeguarding of bats included in the 'Bat Survey and Report for New House Farm, Stapleton Lane, Dadlington' produced by Ecolocation dated 02 November 2011.

9. None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

10. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details shown on drawing number KL.129.003 A received on 04 November 2011. All works which form part of the approved landscaping scheme shall be completed within the first planting season following the occupation of the replacement dwelling. 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.

11. Notwithstanding the submitted information, before development commences on site details of the method of constructing the areas of hardstanding for the parking area to the north of the proposed detached garage identified on the Block Plan (03Q) shall be submitted to and approved in writing by the Local Planning Authority. The method of construction shall include a no-dig design and be carried out in accordance with the approved scheme.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 2 Classes A and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

13. Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the replacement dwelling hereby approved can be constructed to a minimum of Code Level 3 be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to 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. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4. In the interests of visual amenity and to ensure that the development has a satisfactory external appearance to accord with policy BE1of the adopted Hinckley & Bosworth Local Plan.

5. To ensure that the demolition of the existing dwelling doesn't prejudice the comprehensive redevelopment of the remainder of the site, to prevent the establishment of a separate unit of residential accommodation where residential development is strictly controlled, to protect features of nature conservation and to reduce the possibility of deleterious material being deposited with the highway, in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation and policies BE1, T5, RES10 and NE5 of the Hinckley and Bosworth Local Plan 2001.

6. To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

7. To ensure that provision is made within the proposed replacement dwelling for the roosting of species of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

8. To ensure that provision is made within the proposed replacement dwelling for the roosting of species of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

9. The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees at all times, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure that the landscaping work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan

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13. In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy

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 6 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. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

6. Access drives, parking and turning areas, paths and patios should be constructed using a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharged to an approved outlet.

7. The hard surfacing of at least 5m of the access, driveway and turning space behind the highway cannot be completed until such time that the existing dwelling is demolished.

8. With reference to condition 5 above the phasing scheme shall include:-

i) timetable for demolition
ii) timetable for the implementation of the parking and turning provision.



Date : 16 November 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. 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, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. 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. 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.

4. 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.

5. 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.

6. 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.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES – V2.1