Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Benchmark
Unit 4
Wharf Yard
Coventry Road
Hinckley
Leicestershire
LE10 0NQ

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
19 March 2012	11/00808/FUL

Particulars and location of development :

DENTAL LABORATORY AND CLINIC WITH TWO OFFICE UNITS AND NINE APARTMENTS WITH VEHICULAR ACCESS AND PARKING

5 Wharf Yard Hinckley Leicestershire LE10 0NQ

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 according to their degree of consistency with the National Planning Policy Framework, 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 is considered characteristic of the surrounding area and would not be detrimental to visual amenity, residential amenity, highway safety, protected species or flooding and is considered to enhance the character of the Ashby de la Zouch Canal Conservation Area.

Hinckley & Bosworth Local Plan (2001):- Policies EMP4, RES5, BE1, BE7, NE12, NE14, REC6, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 1, 19, 24.

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 following details: Site Location & Block Plans Drawing No. 3929/01; Site Layout Plan Drawing No. 001 B; General Arrangement Drawing No. 3929/03 rev. L; End Elevation Drawing No. 003 A; Planting Scheme Drawing No. 002; Cross Section Through Site Drawing No. 3634/05; plan showing

the location of the commercial bin received by the Local Planning Authority on 19 March 2012.

3. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed building 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 until full details of the window and door styles, reveals, cills, header treatments and materials of construction are first submitted to and approved in writing by the Local Planning Authority, the works shall then be implemented in accordance with the approved details.

5. No development shall commence until full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) are first submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

6. Notwithstanding the submitted plans no development shall take place until full details of both hard and 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:

a) Means of enclosure and boundary treatments
b) Hard surfacing materials
c) External Lighting including bollard lighting
d) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
e) Written Specifications
f) Implementation programme

7. 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.

8. No development shall commence until the 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.

9. The lower pains within the first and second floor windows in the southern elevation, as indicated on Drawing No. 3929/03 rev L shall be fitted with obscure glazing and the window shall be top opening only, fitted prior to the first occupation and use of the units hereby approved and shall be retained as such at all times thereafter;

   The obscurely glazed first and second floor windows, within the eastern elevation, as indicated on Drawing No. 3929/03 rev L shall be fitted with obscure glazing and shall be non opening, fitted prior to the first occupation and use of the units hereby approved and shall be retained as such at all times thereafter;

   The obscurely glazed first floor window in the northern elevation, as indicated on drawing no. 003 rev A shall be fitted with obscure glazing and shall be top opening only, fitted prior to the first occupation of the use of the residential units hereby approved and shall be retained as such at all times thereafter;

   The obscurely glazed second floor window in the northern elevation, as indicated on drawing no. 003 rev A shall be fitted with obscure glazing and shall be non opening, fitted prior to the first occupation of the use of the residential units hereby approved and shall be retained as such at all times thereafter.

10. No development shall commence unless and until a Code for Sustainable Homes 'Pre- Assessment' for each plot is carried out by a qualified code assessor, demonstrating that the residential units hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the residential units hereby approved, a

'Final Certificate' demonstrating that the units have been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

11. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. Prior to first use and occupation of the buildings hereby approved, the scheme shall be implemented in accordance with the approved details.

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 1 Classes A to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.

13. Notwithstanding details shown on the permitted plans, before the first use and occupation of the buildings hereby approved, details of secure cycle parking provision shall first be submitted to and agreed in writing with the Local Planning Authority and provided prior to the first occupation of the residential units hereby approved, and shall be maintained that way thereafter.

14. Before first use and occupation of the buildings hereby approved, the driveway and areas to be used by vehicles as shown as 'rough tarmac' on drawing no. 001B shall be surfaced with tarmacadam, concrete or similar hard bound material (as agreed by condition 6) and shall be maintained that way thereafter.

15. The garage(s)/carport to be provided, shall remain available for car parking thereafter.

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 Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

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6. To enhance the appearance of the development to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan.

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

8. To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

9. To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

11. To ensure that the development provides a satisfactory means of drainage to reduce the risk of creating, or exacerbating any existing, flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

12. To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

13. In the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

14. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

15. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 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 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. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

6. 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.

7. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the more recently developed, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

If soakaway disposal is found to be impracticable the applicant should investigate the possibility of discharging clean surface water (or overflow surplus from the rainwater harvesting tank) to the canal basin, by negotiation with British Waterways.

Access roads, parking and turning areas, paths and outdoor assembly areas should be constructed in 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, discharging to an approved outlet - in this case the canal basin, subject to British Waterways' agreement.

8. Should permission be granted, you are reminded to comply with the conditions of application reference: 11/00809/CON.

Date : 2 May 2012

SIMON WOOD
HEAD OF PLANNING

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