Hinckley & Bosworth Borough Council

A Borough to be proud of

Planning (Listed Buildings and Conservation Areas Act) 1990

CONSERVATION AREA CONSENT

Name and Address of Applicant
Midlands Co- Operative Society
Midlands Co- operative Society
C/o Agent

Name and Address of Agent (if any)
Mr Adam Stephenson
Henry Mein Partnership
12 Clarendon Street
Nottingham
NG1 5HQ

Part I - Particulars of Application

Date of Application	**Application No.**
1 June 2011	11/00455/CON

Particulars and location of development:

DEMOLITION OF NO. 84 AND 86 MAIN STREET AND BUILDINGS TO REAR OF 78 AND ERECTION OF 6 NEW DWELLINGS AND 4890 SQUARE FOOT OF RETAIL.

The George Inn 78 Main Street Markfield Leicestershire LE67 9UU

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, it is considered that the demolition of the building would not be detrimental to the character and appearance of the Conservation Area and would be in accordance with the development plan subject to compliance with the conditions attached to this consent.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE8

The Hinckley and Bosworth Borough Council grants Conservation Area Consent for the execution of the works referred to in Part I hereof in accordance with the application and plans submitted subject to the following condition(s) :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and agreed with the Local Planning Authority and full planning permission has been granted for the re-development for which the contract provides.

3. No development shall take place until a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works.

4. Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

5. For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan

6. Demolition and Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

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 protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.

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4. To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

5. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted 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. 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.



Date : 7 June 2012

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 conservation area consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 10 of the Planning (Listed Building & Conservation Areas) 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, Hawk Wing, Room 3/23, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/planning/appeals/.) You must use a Conservation Area Consent 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 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 10 of the Planning (Listed Building & Conservation Areas) 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 conservation area consent 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 works which have 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 Section 32 of the Planning (Listed Building & Conservation Areas) Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is 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 27 of the Planning (Listed Building and Conservation Areas) Act 1990.

6. This consent relates to planning control only and is without prejudice to any other statutory consents or approvals that may be required under the Building Regulations or other enactment's.

7. The obtaining of conservation area consent for the demolition of a building does not free the applicant from his duty to give specific notice of the intended demolition to the Local Planning Authority under Section 29 (3) of the Public Health Act 1961.

8. Attention is drawn to Section 8 of the Planning (Listed Building & Conservation Areas) Act 1990 the effect of which may not be undertaken (despite the terms of the consent granted by the Local Planning Authority or the Secretary of State for the Environment) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Saville Row, London W 1, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that it has completed its record of the building or that it does not wish to record it.

9. This consent does not grant or imply permission for any material change in the use of the building(s) to which it relates, nor for the redevelopment of the site of the building(s) after its (their) demolition.

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