

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr Terry Poulton
70 Leicester Road
Hinckley
Leicestershire
LE10 1LT

Name and Address of Agent (if any)
Mr Simon Cheshire
Simon Cheshire Planning
34 Adrian Drive
Barwell
Leicester
Leicestershire
LE9 8GA

Part I - Particulars of Application

Date of Application	**Application No.**
27 January 2011	11/00058/EXT

Particulars and location of development :

EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF THE EXTANT PLANNING PERMISSION (08/00037/FUL)

Land Between Upper Bond Street, Druid Street And Neale's Yard Hinckley Leicestershire LE10 1RT

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 by virtue of the previous application and changes to policy since the last planning permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policies IMP1, RES3, RES5, BE1, BE7, BE16, T5, T9, REC3, NE17

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): Policies 1,15,16,19,24

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

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: plans 5921B-06B AND 08A received 10th March 2008 by the Local Planning Authority and 02B received on 26 March 2008.

3. Demolition of the factory shall not take place until the applicant or their agents or successors in title have secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

4. Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site being first occupied.

6. If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

7. 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.

8. 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.

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

10. Notwithstanding the submitted drawings, detail drawings and specifications of the proposed windows, doors, surface treatment of the Puffer building north gable, car park lighting, bin storage and the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

11. Notwithstanding the submitted drawings, detail drawings and locations of the proposed pedestrian safety barriers and the separation bollards between the residential and commercial vehicle areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

12. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only

13. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

14. For the period of the construction of the development the vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

15. Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of the dwelling and shall be retained for these purposes thereafter.

16. Before first occupation of the dwellings hereby permitted, the access drive, car parking and turning space shall be surfaced with hard bound material (not loose aggregate) and so maintained at all times. The specification of the material to be agreed in writing with the Local Planning Authority.

17. Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

18. No more than 10 apartments shall be occupied before office scheme is completed.

19. Notwithstanding the submitted drawings, no gates shall be erected to the vehicular access to Druid Street.

20. Notwithstanding the submitted drawings, all doors and windows at ground floor on the road or footpath frontages shall be of a type other than outward opening and thereafter shall be so maintained.

21. Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.

22. Before the development hereby permitted is first used, off-street parking provision shall be made within the application site in accordance with the submitted plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

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 satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.

4. To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.

5-6 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.

7-8 To safeguard the residential character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9-10 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

11. In the interests of road safety and to ensure that the proposed use does not become a source of annoyance to future and nearby residents to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.

12-13 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

14. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy T5 of the Hinckley & Bosworth Local Plan.

15. In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

16-17 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

18. To ensure the development is completed within a reasonable period of time to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

19. To enable a vehicle to stand clear of the Highway in order to protect the free and safe of traffic, including pedestrians, in the public highway and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

20-21 In the interests of the safety of users of the public highway to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

22. To ensure that adequate off-street parking facilities are available and to accord with policies BE1 and T5 of 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. The application site lies within the boundary of the Druid Street Conservation Area and the Local Authority will be anticipating that high quality traditional materials, such as granite sets, will be used for all ground surfacing.

6. 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.

Date : 28 April 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