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)**
Groby Lodge Estate Partnership	Mr A Thomas
C/o Thomas Taylor Planning	Thomas Taylor Planning
Castle House	Castle House
South Street	South Street
Ashby De La Zouch	Ashby De La Zouch
Leicestershire	Leicestershire
LE65 1BR	LE65 1BR

Part I - Particulars of Application

Date of Application	**Application No.**
16 November 2010	10/00901/EXT

Particulars and location of development :

EXTENSION OF TIME FOR THE IMPLEMENTATION OF EXISTING PLANNING PERMISSION REF. 07/01477/COU

Groby Lodge Farm Markfield Road Groby Leicester 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 relates to the sympathetic conversion of existing suitable buildings and would not have an adverse impact on the character or appearance of the buildings or the surrounding landscape, highway safety, ground or surface water drainage or biodiversity. Any conflict with government guidance in sustainability terms is considered to be outweighed by the positive impacts of bringing these historic buildings back into use and securing their long term future together with providing additional employment opportunities arising from the proposed development.

Planning Policy Statement 9: Biodiversity and Geological Conservation

Local Development Framework: Core Strategy (2009):- policies 14 & 21

Hinckley & Bosworth Borough Council Local Plan (2001) :- policies EMP4, BE1, BE16, BE26, NE5, NE7, NE12, NE13, NE14, NE19, T5 and T11

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

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

3. There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site unless otherwise agreed in writing by the Local Planning Authority.

4. Notwithstanding the submitted details, prior to any development commencing, a report providing full details of the structural condition of the buildings together with full details of the method by which the existing structures are to be supported and retained whilst the works for conversion and repair hereby permitted are carried out shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved method statements.

5. No development shall take place until the applicant has secured the implementation of an appropriate programme of historic building recording in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The development shall be undertaken only in full accordance with the approved written scheme

6. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of the fieldwork.

7. Before any development commences, a Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The remediation works shall then be completed in accordance with the approved details.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

9. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

10. Notwithstanding the submitted details, no development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by of the Local Planning Authority. The scheme shall incorporate sustainable drainage principles to reduce flood risk and improve water quality, and shall be implemented in accordance with the approved programme and details.

11. No part of the development hereby approved shall be occupied until details of a Green Commuter Travel Plan containing a travel to work, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the Local Planning Authority. The Green Commuter Travel Plan shall then be implemented in accordance with the approved details.

12. Prior to the development commencing, access improvements to the sites Ratby Lane junction shall be provided as shown on the approved drawing No. 03.1712.38B. Nothing shall be allowed to grow above a height of 0.9 metres above carriageway level within the visibility splays.

13. Prior to development commencing details of the treatment of the bridleway / footway / cycleway link from the buildings to the A50 Markfield Road, Groby shall be submitted to and approved in writing by the Local Planning Authority and shall include measures to restrict all vehicular access to the application site from the A50 and any street lighting. The development shall then be carried out in accordance with the approved details.

14. Prior to the development commencing details of road traffic signing for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

15. The car parking and lorry parking shown within the site shall be provided before the development is brought into use and shall thereafter permanently remain available for such use.

16. The premises shall not be used other than for purposes falling within Classes B1 and B8 (as shown on the approved drawing No. 03.1712.29B) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

17. Before development commences full details of the provision to be made for landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

18. 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.

19. Before any development commences on site full details of the proposed illumination of the site and access roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

20. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:10000 scale; Block Plan Dwg. No. 03.1712.29B; Plan and Elevations Dwg. Nos. 03.1712.33C; 03.1712.34C 03.1712.35B; 03.1712.36C; Site Access Dwg. No. 03.1712.38B received by the local planning authority on 8 January 2008 and amended Plans and Elevations Dwg. Nos. 03.1712.30C and 03.1712.37C received by the local planning authority on 6 March 2008.

21. The development hereby approved shall be carried out in accordance with the mitigation measures contained within the submitted Great Crested Newt (Triturus Cristatus) Surveys carried out May - June 2011 and Follow-up Bat Emergence and Activity Surveys dated June 2011 by Thomas Taylor Planning Ltd.

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

3. To ensure that the site has a satisfactory external appearance and does not deteriorate into an untidy condition to accord with policies NE5 of the adopted Hinckley and Bosworth Local Plan.

4. To enable the local planning authority to retain control over this important detail in the interests of preserving the character and appearance of the buildings and ensure satisfactory development to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 7.

5. To ensure satisfactory historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure satisfactory archaeological investigation and recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure that the site is suitable for its intended use, and to protect surface and groundwater quality in the area to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

8. To prevent pollution of the water environment to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

9. To prevent pollution of the water environment to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

10. To prevent the increased risk of flooding to accord with policy NE13 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 25 'Development and Flood Risk'.

11. In the interests of sustainable development and to promote alternative modes of travel to the site to accord with policy T3 of the adopted Hinckley and Bosworth Local Plan.

12. To afford adequate visibility at the junction to cater for the expected volume of traffic joining the existing highway network and to provide safe harbourage for right turning vehicles in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. In the interests of highway and pedestrian safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

14. In the interests of highway safety to provide directional signing to the development 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 accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

16. To ensure that the use remains compatible with the surrounding area and does not become a source of annoyance to nearby residents to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17. To enhance the appearance of the development to accord with policies BE1, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

18. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1, NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.

19. To ensure that the development has a satisfactory external appearance and is in keeping with the rural character of the area to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

20. For the avoidance of doubt and in the interests of proper planning.

21. To ensure the protection of protected species on the site in accordance with Planning Policy Statement 9: Bio diversity and Geological Conservation.

NOTES TO APPLICANT :-

1. Bats have been recorded within the site and 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.

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 proposal is situated in excess of 45 metres from the Highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

6. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

7. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

8. In relation to condition 14, with regard to the required traffic signing you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign in the Highway. Before you draw up a scheme, the Area Managers' staff (Tel. 01455 287202) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.

9. In relation to condition 13, a public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

10. In relation to conditions 5 and 6, the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the local planning authority. To demonstrate that the implementation of the WSI has been secured, the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

11. Nesting birds and bats have been recorded as being present on site. You are reminded that these are protected by European and National legislation.



Date : 11 October 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