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)**
Mr Arek Kulakowski	JVH Town Planning Consultants Ltd
Broomhills Farm	Houndhill Courtyard
Desford Lane	Houndhill
Peckleton	Marchington
Leicestershire	Staffordshire
LE9 7RB	ST14 8LN

Part I - Particulars of Application

Date of Application	**Application No.**
1 May 2009	09/00323/FUL

Particulars and location of development:

REMOVAL OF ONE BARN AND CONVERSION OF EXISTING BARNS INTO TWO DWELLINGS AND GARAGE/STORE.

Broomhills Farm Desford Lane Peckleton Leicestershire LE9 7RB

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 as it would involve the conversion of existing buildings of structurally sound condition that are capable of being converted without significant extension or rebuilding and would not have an adverse effect on the rural character or appearance of the buildings, the wider site, the surrounding countryside, or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, BE16, BE20, NE2, NE5, NE14 and 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. No development shall take place until the applicant, or their agents or successors in title, has 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.

3. Notwithstanding the submitted information, no development approved by this permission shall be commenced until a further ecological assessment by a suitably qualified person, carried out during the appropriate season, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall fully consider the impact of the development on bats and potential roosts on the site, together with a mitigation plan where necessary. No development shall take place except in accordance with the approved details.

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

4. 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 first being occupied.

5. 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 unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6. Notwithstanding the submitted details, before any development is commenced full details of the method of disposal of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

7. 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.

8. Notwithstanding the submitted drawings, details of the proposed windows and doors shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The development shall be implemented in accordance with the approved details.

9. The insertion of all rooflights shall be of a 'conservation style' and shall not protrude above the plane of the roof slope. No additional breaches other than those depicted on the approved plans to the external fabric of the building, including any ducts, vents or flues, shall be implemented without the prior written consent of the Local Planning Authority.

10. 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.

11. 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.

12. The existing buildings to the south of the proposed garage/store shall be demolished and removed from the site as indicated on the proposed site plan No. KUL/001/01 B prior to first occupation of either of the dwellings hereby approved.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (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 unless planning permission for such development has first been granted by the Local Planning Authority.

14. This permission relates to the conversion of the existing buildings to two dwellings and does not give or imply consent for any demolition and rebuilding of the structures. This permission shall be implemented in accordance with the details submitted in the Structural Method Statement unless otherwise previously agreed in writing by 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. To ensure satisfactory historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

3. To ensure that any potential adverse impact on protected species is minimised and appropriate mitigation measures are in place prior to the development of the site to accord with Planning Policy Statement 9 (Biodiversity and Geological Conservation).

4 & 5. To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan

6. To ensure satisfactory provisions are made for the drainage of the site to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7 - 9. To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.

10. To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

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

12. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

13. To safeguard the rural character and appearance of the site and in the interests of visual amenity to accord with policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan.

14. To define the permission and to ensure that the development is in accordance with Planning Policy Statement 7 and policies NE5 and BE20 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 6th 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. In relation to conditions 4 and 5, advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

5. In relation to condition 6, the applicant is advised that foul water drainage should be disposed of via a package sewage treatment plant, sized to accept inflow from the existing farmhouse and the additional two dwellings, subject to the availability of a suitable receiving ditch or watercourse. The sewage treatment plant will require the consent of the Environment Agency and must comply with the Agency's conditions.

   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 newer, 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.

6. In relation to condition 8, all windows and doors shall be recessed and constructed of timber.

7. In relation to condition 10, the landscaping scheme shall include the planting of native species and provide full details of the schedule of plants including species, plant sizes and proposed numbers/densities together with written specifications and an implementation programme.

8. List of Plans used in the determination of this application:- Site Location Plan; Survey Drawing Nos. 11252/1; 11252/2; 11252/3; 11252/4; 11252/5; 11252/7; 11252/8; 11252/9; Proposed Site Plan No. KUL/001/01 B; Proposed Elevation and Floor Plan Nos. KUL/001/02; KUL/001/03; KUL/001/04; KUL/001/06.

9. The applicant is advised that this permission relates to residential conversion of the existing buildings and in no way implies permission for any demolition and rebuilding of the existing structure. Care should therefore be taken when carrying out the conversion works.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 5 June 2009

NOTES

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

2. 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 or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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.

4. 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.

5. 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.
d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.