Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

HYBRID PLANNING CONSENT

Name and Address of Applicant
Mr David Ward
The Tin Hat Regeneration Partnership
C/o Wilson Bowden Developments
Cartwright Way Forest Business Park
Bardon Hill
Leicester
LE67 1UB

Name and Address of Agent (if any)
Mr Simon Bacon
TP Bennett LLP
1 America Street
London
SE1 0NE

Part I - Particulars of Application

Date of Application	**Application No.**
5 September 2011	11/00709/HYB

Particulars and location of development :

DEMOLITION OF EXISTING BINGO HALL, RETAIL UNITS AND FORMER TOILET BLOCK. FULL APPLICATION FOR THE ERECTION OF A1 RETAIL UNIT AND ASSOCIATED SURFACE CAR PARKING WITH NEW VEHICULAR ACCESS FOR THE OVERALL SITE. OUTLINE APPLICATION FOR THE ERECTION OF D2 SQUASH CLUB AND SUI GENERIS TERRITORIAL ARMY DRILL HALL AND ASSOCIATED FACILITIES (WITH LAYOUT, APPEARANCE, SCALE AND LANDSCAPING ALL RESERVED FOR FUTURE CONSIDERATION)

Flutters Bingo Rugby Road Hinckley Leicestershire LE10 0AW

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 and would not be detrimental to the occupiers of neighbouring properties, highway safety or protected species. The site represents one of the key regeneration areas in the town centre and its redevelopment, as part of the wider bus station redevelopment would contribute significantly to the Council's vision and primary spatial objectives, brining wider ranging benefits to Hinckley town centre. The site is in a sustainable location within the Hinckley town centre and would meet a identified needs for retail and leisure development in Hinckley and would enhance the character and appearance of the area.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Strategic Objective 2, Policies 1, 5, 20.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, BE13, BE26, NE2, NE12, NE14, T3, T5, T9, T11, Retail 1, Retail 2, Retail 3.

Hinckley Town Centre Area Action Plan (2011):- Spatial Objectives 2, 3, 4, 5, 8, Policies, 9, 11, 13.

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 :-

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

F1. **Conditions in respect of Full Application (F)**

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

F2. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed development have been deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

F3. No development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

i) means of enclosure and boundary treatments
ii) treatment of hard surfacing materials for both the private and public areas
iii) implementation programme.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

F4. 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.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

F5. Prior to the first use of the retail unit hereby approved a Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings and mitigation measures where appropriate. The retail unit shall not be occupied until the works are first installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

Reason: 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 Hinckley and Bosworth Local Plan.

F6. Prior to the first use of the retail unit hereby approved details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The unit shall not be occupied until the lighting has been installed in accordance with the approved details and the lighting shall be maintained and operated in accordance with the approved details thereafter.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

F7. Prior to the first use of the retail unit hereby approved a scheme detailing the siting of a bin store and recycling facilities shall be submitted to and agreed in writing by the Local Planning Authority. The unit shall not be occupied until the works are first implemented in accordance with the approved details and shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Conditions in respect of Outline Application (O)

O1. An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

02. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development in accordance with the horizontal deviation plan drawing no. D0020 P1.
ii) The scale of the building proposed in relation to its surroundings in accordance with the maximum building envelope drawing no. D0051 P1.
iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
iv) The hard and soft landscaping of the site including a scheme and implementation programme for both private and public areas to enhance or protect the site's amenity.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03. The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) Means of enclosure and boundary treatments
ii) The provision and siting of storage, refuse and/or recycling facilities
iii) Implementation programme

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

04. No demolition of the Flutters Bingo Hall façade (as identified on drawing no. D 0113 Rev. P1) shall commence unless and until a replacement scheme is first submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:-

i) Justification of why the existing façade cannot be retained
ii) A high quality alternative design

Should the Local Planning Authority consider the proposed replacement scheme is not acceptable, no demolition can commence of the building as identified within the plan and the scheme shall be implemented in accordance with details to retain the façade as outlined within the Method Statement within Condition WS3. Should the Local Planning Authority consider the proposed replacement scheme acceptable, demolition will be implemented in accordance with the Method Statement as outlined within Condition WS3.

Reason: To ensure that the development has a satisfactory external appearance within this important setting within Hinckley town centre to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

05. No development, excluding demolition, shall commence until the representative samples of the types and colours of materials to be used on the external elevations of the proposed development; shall be

deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

06. No development, excluding demolition, 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.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

07. Prior to the first use of the units hereby approved a Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings and mitigation measures where appropriate. The unit shall not be occupied until the works are first installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

Reason: 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 Hinckley and Bosworth Local Plan.

08. Prior to the first use of the units hereby approved details of any external lighting of the site shall first be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The units shall not be occupied until the lighting shall be installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

Conditions in respect of the Whole Scheme (WS)

WS1. The development hereby permitted shall be carried out in complete accordance with the amended details: Existing Site Plan Drawing No D 0001 Rev. P1; Proposed Demolition Plan Drawing No D0010 Rev; P1; Proposed Building Block Plan Drawing No D0011 Rev. P1; Proposed Detailed Site Plan Drawing No D0012 Rev. P1; Proposed Ground Floor Plan Drawing No D0100 Rev.P1; Proposed Roof Plan Drawing No D0102 Rev. P1; Horizontal Deviation Plan Drawing No D0020 Rev. P1; Maximum Building Envelope Sections C_C & D_D Drawing No D0051 Rev. P1; Sections A_A & B_B Drawing No D0201 Rev. P1; North & East Elevations Drawing No D0152 Rev. P1; South & West Elevations Drawing No D0151 Rev. P1; Topographical Site Plan Drawing No D0013 Rev. P1 received by the Local Planning Authority on 12 September 2011 and additional details; Potential Extent of Retained Façade Drawing No D 0113 Rev. P1 received by the Local Planning Authority on 26 September 2011; Proposed Demolition of Bingo Club Drawing No D0014 Rev. P1 received by the Local Planning Authority on 27 September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

WS2. No demolition of buildings (shown hatched on drawing no. D0010 Rev. P1A) shall commence unless and until a Written Scheme of Investigation for photographic recording has first been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include the following details:-

i) The programme and methodology of the recording
ii) Provision to be made for the publication and dissemination of the photographic recording
iii) Nomination of a competent person or persons/organisations to undertake the recording
iv) The implementation of the works proposed

The Written Scheme of Investigation shall be carried out in accordance with the approved details.

Reason: To ensure the buildings to be demolished are recorded for heritage purposes to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

WS3. No demolition of the buildings (shown hatched on drawing no. D0010 Rev. P1A) shall commence until a Method Statement detailing the method of demolition, including the structural requirements for the retention of the Flutters Bingo Hall façade (as identified on drawing no. D 0113 Rev. P1) has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance and character of the area is satisfactory to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

WS4. No development shall commence until details of the site lighting during the demolition and construction works on site has first been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details during construction.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

WS5. No development shall commence until a scheme for protecting nearby dwellings from noise from the proposed demolition and construction has first been submitted to and approved by the Local Planning Authority. The scheme shall be fully operational during demolition and construction works and carried out in accordance with the approved details for the duration of the demolition and construction.

Reason: 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 Hinckley and Bosworth Local Plan.

WS6. No development shall commence until a scheme for the management of dust, light, noise and vibration during the demolition, site preparation and construction works has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: 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.

WS7. Notwithstanding the recommendations of the submitted Geoenvironmental Assessment (Ref: XL02383/R1), received by the Local Planning Authority on 5 September 2011, no demolition or construction shall commence until a Risk Based Land Contamination Assessment has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: To quantify the contamination risks and ensure that risks from land contamination to future users of the site and neighbouring sites are minimised thus ensuring that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning and Pollution Control).

WS8. No development shall commence until a Risk Based Landfill Gas Assessment has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to future users of the site and neighbouring sites are minimised thus ensuring that the land is fit for purpose and to accord with the aims and objectives of PPS23 (Planning and Pollution Control).

WS9. No development shall commence until a scheme to install trapped gullies or a suitable alternative have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason: To protect the water environment to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

WS10. Notwithstanding the information provided, no development shall commence until a detailed drainage scheme including the disposal of surface water and foul sewage and an assessment of the hydrological and hydrogeological context of the development have first been submitted to and approved by the Local Planning Authority and these works shall be implemented in accordance with the approved scheme.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of water pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and the aims and objective of PPS25 (Development and Flood Risk).

WS11. No development shall commence until details of the routing of demolition and construction traffic has first been submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS12. No development shall commence until a security scheme including details of how to address crime is first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details thereafter.

Reason: To ensure the development provides a safe and secure to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

WS13. No development shall commence until a scheme of measures for targeting and utilising local people for construction employment have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. In the event that alternative sources are required, a revised scheme shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details thereafter.

Reason: To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

WS14. For the period of demolition and construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS15. For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site and all demolition and construction related vehicles shall be parked within the site.

Reason: 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.

WS16. 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.

Reason: 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.

WS17. Prior to the first use of any unit hereby approved, a Car Parking Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include the following details:-

i) Details of the management and operation (including any vehicular access gates, barriers or other such obstructions),
ii) Pricing structure (to discourage long stay parking),

iii) Allocation of car parking spaces
iv) Hours of Operations
v) Hours of Customer Opening
vi) Details of Servicing and Deliveries

The development shall be implemented in accordance with the approved Car Parking Management Plan and maintained in full accordance with the approved details thereafter.

Reason: To reduce the possibilities of development of the site leading to on-street parking problems in the area and to reduce the possibilities of conflict between car park users and services vehicles, to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS18. Prior to the first use of any unit hereby approved, car parking and turning provision shall be made within the development site as shown drawing no. E1059-D0012-P1 received by the Local Planning Authority on 12 September 2011. The parking spaces and turning so provided shall not be obstructed and shall thereafter be carried out in accordance with the approved details.

Reason: 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, and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS19. The respective approved hard and soft landscaping schemes shall be carried out in accordance with he 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

Reason: To enhance the appearance of the development to accord with Policy BE1 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. 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.

6. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

7. The full cost of any changes to the existing Traffic Regulation Order on Rugby Road at the site frontage required to facilitate the development shall be borne by the Applicant.

8. Separate advertisement consent would be required for the erection or installation of any advertisements of signage. Should any be illuminated, the intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3 and upon completion of the development, a statement of a suitably qualified contractor would need to be

submitted confirming the installation would be in filly compliancy with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.

9. 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.

10. Any works to trees or shrubs must be undertaken outside of the bird breeding period i.e. work to occur between September and the end of February.

11. In respect of Condition WS7 the Risk Based Land Contamination Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice. If, during the course of development, previously unidentified contamination is discovered, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

12. In respect of Condition WS8 the Risk Based Landfill Gas Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Landfill Gas Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice. If, during the course of development, previously unidentified landfill gas is suspected, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Landfill Gas Assessment for the affected part of the site (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.

13. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in paragraph F7 of Annex F of PPS25 Development and Flood risk and in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

14. During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.



Date : 12 October 2011

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

FULL PLANNING PERMISSION 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

OUTLINE PLANNING PERMISSION 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/). 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 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 permission subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner 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 planning 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 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 BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS 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.

OPNOTES V2