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)**
Ideal Care Homes Ltd & Punch Partnership (PTL) Ltd Helios 47 Leeds West Yorkshire LS25 2DY	Emma Heron LNT Construction Ltd LNT Construction Ltd Helios 47 Leeds West Yorkshire LS25 2DY

Part I - Particulars of Application

Date of Application	**Application No.**
2 June 2011	11/00353/FUL

Particulars and location of development :

DEMOLITION OF PUBLIC HOUSE AND ERECTION OF RESIDENTIAL CARE HOME

The Middlefield Inn Tudor Road Hinckley Leicestershire LE10 0EH

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 its massing, design, scale and appearance considered to positively contribute to the character and appearance of the street scene and would not detrimentally affect the amenities of neighbouring residents. The development has been assessed with regard to the effect upon ecological biodiversity and highway safety, and been found not to detrimentally affect either. The development proposes a residential care home within a residential area which is considered to be a compatible use. The proposal is therefore considered to be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001): - BE1, RET7, CF8, T5, NE2.

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: LE10 0EH-A-01, LE10 0EH-A-02, LE10 0EH-A-04, LE10 0EH-A-05, LE10 0EH-A-06 received on 09 May 2011 and LE10 0EH-03B received on 18 July 2011.

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

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed residential care home 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.

4. No development shall take place until details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan together with beam orientation and a schedule of equipment proposed in the design of the lighting including luminaire type, mounting height, aiming angles and luminaire profiles. The lighting shall be installed in accordance with the agreed details and shall thereafter be retained.

5. Prior to the commencement of development details of the appearance of the proposed bin store proposed for the care home shall be submitted to and approved in writing by the Local Planning Authority.

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

7. No development shall take place until a Risk Based Landfill Gas Assessment has been submitted to and agreed in writing by the Local Planning Authority. Should the Assessment identify any unacceptable risks then a Remedial Scheme and Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. If during development any previously unidentified landfill gas is found then work shall cease on the affected part of the site and reported to the Local Planning Authority within 10 working days. Prior to the recommencement of development an updated Risk Based Landfill Gas Assessment, including an amended Remedial Scheme and Verification Plan for the affected part of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

8. No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

9. For the period of the construction and demolition 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

10. Before the development hereby permitted is brought into use, the existing public house shall be demolished and all materials resulting from the demolition cleared from the site.

11. The access shall be 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

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 5 metres behind the Highway boundary and shall be hung so as to open inwards only.

13. Before any development is commenced on the site, including site works of any description, each of the trees as indicated on appendix 6: Tree Protection Plan of the arboricultural report shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

14. Notwithstanding the submitted landscaping scheme, 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. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure
(iii) other vehicle and pedestrian access and circulation areas.
(iv) hard surfacing materials
(v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
(vi) planting plans
(vii) written specifications
(viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(x) implementation programme.

15. The approved hard and soft landscaping scheme submitted in accordance with condition 14 of this planning permission 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.

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

4. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.

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

6. 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 in accordance with Policy T5 of the Hinckley and Bosworth Local Plan

7. To ensure that risks from land contamination and landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy NE2 of the Hinckley and Bosworth Local Plan.

8. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and therefore in the interests of highway safety and Policy T5 of the Hinckley and Bosworth Local Plan.

10. In the interests of visual amenity in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.

11. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with policy T5 of the Hinckley and Bosworth Local Plan.

12. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the Hinckley and Bosworth Local Plan.

13. The trees on this site form an important boundary feature and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.

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

15. To ensure that the work is carried out within a reasonable period and to protect the protected trees on the site, and thereafter maintained 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. 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- (telephone 0116 3050001.)

6. A public footpath abuts the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

7. 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.



Date : 22 August 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