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 Adam And Thomas Sanderson<br>100 Newbold Road<br>Desford<br>Leicestershire<br>LE9 9GS | Mr S. Bradwell<br>Trigpoint Conservation & Planning Ltd<br>6 Guildford Way<br>Loughborough<br>Leicestershire<br>LE11 3SE |

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 27 May 2011 | 11/00408/FUL |

**Particulars and location of development :**

CONVERSION OF FARM BUILDINGS TO TWO DWELLINGS

**Farm Buildings And Land Adjoining Garland Lane Farm Garland Lane Barlestone Nuneaton**

**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 use, scale, design, layout, and appearance, would not have an adverse impact on the character or appearance of the existing farm buildings, the surrounding countryside, the amenities of neighbouring residents or highway safety and would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, BE20, NE2, NE5, NE12 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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawing Nos. S/GLF/01, S/GLF/02, S/GLF/03; Amended Site Location Plan at 1:2500 scale received by the local planning authority on 16 June 2011; Amended Block Plan at 1:500 scale received by the local planning authority on 20 June 2011; and Drawing No. S/GLF/04 Rev A received by the local planning authority on 1 July 2011.

3. Notwithstanding the details submitted, this permission relates to conversions of, and extensions and alterations to the existing buildings as submitted in detail in the approved plans and in no way gives consent for extensive demolition and rebuilding of the existing buildings. Prior to any development commencing, full details of the method by which the existing structures are to be supported and retained whilst the works for conversion, extension and alterations hereby permitted are carried out and constructed 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.

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

4. Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed barn conversions 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.

5. Notwithstanding the submitted details, before the development hereby permitted commences full details of all service installations, rainwater goods, doors, windows and conservation roof lights including detailed drawings of style, reveal, cill and header treatment to a scale of 1:20 shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (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 - H inclusive and Part 2 shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

7. The car parking and turning facilities shown within the residential curtilage of the site, for each dwelling, shall be provided before the dwelling is first occupied and shall permanently remain available for such use at all times thereafter.

8. Notwithstanding the submitted details, before first use of the development hereby permitted, the vehicular access to the site shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and provided with 4 metre control radii on both sides of the access and shall be so maintained at all times thereafter.

9. The two stables hereby permitted shall only be used for purposes ancillary to the residential use of the barn conversion hereby permitted and in connection with the occupiers own livestock and no livery/riding school nor other business nor commercial use is permitted.

10. 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.

11. 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.

12. Notwithstanding the submitted details, no development shall commence 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) full details of the means of enclosure and boundary treatments
    (ii) hard surfacing materials
    (iii) planting plans
    (iv) written specifications
    (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
    (vi) implementation programme.

13. 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.

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 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 policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 7.

4. To ensure that the development has a satisfactory external appearance to accord with policy BE20 of the adopted Hinckley & Bosworth Local Plan.

5. To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the agricultural character and appearance of the buildings and their setting to accord with policies BE20 of the adopted Hinckley and Bosworth Local Plan.

6. In the interests of preserving the agricultural character and appearance of the buildings and to accord with policy BE20 of the Hinckley and Bosworth Local Plan.

7. To ensure that adequate off-street parking and turning provision is made available within the site to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

8. To afford satisfactory access to the site in the interests of general highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

9. In the interests of highway safety to accord with policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure the protection of future occupiers of the development hereby approved to accord with Planning Policy Statement 23: 'Planning and Pollution Control' and policy NE2 of the adopted Hinckley and Bosworth Local Plan.

11. To ensure the protection of future occupiers of the development hereby approved to accord with Planning Policy Statement 23: 'Planning and Pollution Control' and policy NE2 of the adopted Hinckley and Bosworth Local Plan.

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

13. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & 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. This planning permission does not allow the carrying out of access alterations within the highway. The highway boundary is the wall/fence/fronting the premises and not the edge of the carriageway/road. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Southern Area Manager. For further information, including contact details, you are advised to visit the County Council website at www.leics.gov.uk/Htd.

6. In relation to conditions 11 and 12, 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.

7. The applicant is advised that public footpath S41 runs along the south east boundary of the application site and must not be obstructed or diverted without first obtaining separate consent from Leicestershire County Council.

8. The septic tank proposal will require the consent of the Environment Agency and must comply with the Agency's conditions. The applicant is advised to consider the use of a packaged treatment plant as an alternative solution.

9. 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.

10. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.



Date : 18 July 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**