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)** |
|---|---|
| Evans Bros Ltd | Hayward Architects Ltd |
| Units 1 - 4 Brunel Road | 19 Station Road |
| Hinckley | Hinckley |
| Leicestershire | Leicestershire |
| | LE10 1AW |

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 6 December 2011 | 11/00743/FUL |

**Particulars and location of development :**

DEMOLITION OF EXISTING FARM BUILDINGS AND ERECTION OF 6 NO. DWELLINGS

**Land Adjacent 35 Sapcote Road Burbage Leicestershire**

**Part II - Particulars of decision**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of the surrounding form of development, the siting of the proposed dwellings and distances between the proposed and existing dwellings would not detrimentally affect the streetscene, character of the area, function of the Green Wedge, amenities of neighbouring residents or highway safety

Hinckley and Bosworth Borough Council Local Development Framework, Core Strategy (2009) :- Policies 4, 6, 16, 19, and 24

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policies RES5, NE2 , BE1, T5, T9, IMP1

**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 numbers 11/46/ 02D, 04C, 06C, 07B, 08D, 09B, 12, 13A and 15 received 06.12.11

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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. 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 to plots 3, 4, 5 and 6 within Schedule 2, Part 1, Classes, A, E and F shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

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

6. 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.

7. No development shall commence on site until such time as the existing and 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.

8. Before any development commences the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority:

   1) A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses, including landfill gas
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

   2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

   Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved

9. If, during the development, contamination not previously identified is found to be present, development must cease and the Local Planning Authority Notified within 10 working days of the contamination being discovered. Prior to the recommencement of development a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Strategy) shall be submitted to and approved by the Local Planning Authority.

10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use,

11. For the period of the construction 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.

12. Prior to the occupation of the first dwelling the shared driveway shall have 4 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be maintained at all times

13. No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

14. 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) no extensions or alterations (falling within Schedule 2, Part1, Classes A, B and C) to the front elevation of plots 1-6 inclusive shall be carried out unless planning permission for such development has first been granted by the Local Planning Authority

15. 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 to Plot 2 within Schedule 2, Part 1, Class A, shall not be carried out unless planning permission for such development has first been granted 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 & Bosworth Local Plan.

4. To protect the openness and function of the green wedge in accordance with Policy 6 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

5. To ensure that the development has a satisfactory visual appearance in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that the development has a satisfactory visual appearance in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure that the proposal has a satisfactory external appearance in accordance with BE1 of the adopted Hinckley and Bosworth Local Plan.

8. The site is within 250m of two former landfill sites and given the previous use the condition is required to protect future occupiers from pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

9. The site is within 250m of two former landfill sites and given the previous use the condition is required to protect future occupiers from pollution in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

10. 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 pollution in

accordance with Policy EN2 of the adopted Hinckley and Bosworth Local Plan.

11. 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 adopted Hinckley and Bosworth Local Plan.

12. 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 wit Policy T5 of the adopted Hinckley and Bosworth Local Plan,

13. In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

14. To protect the design, appearance, parking and amenities of neighbouring residents in accordance with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

15. To protect the amenities of neighbouring residents in accordance 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 landscaping scheme should provide for some screening betweeen plots 2 and 3.

6. It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

7. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.

   If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

8. 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.

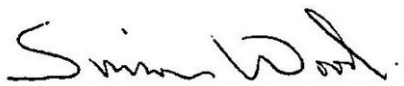
Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

9. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Area Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Guide" (Htd) at www.leics.gov.uk/Htd.
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

   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.)

10. 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.

11. The applicant is requested to liaise with the Highways department regarding finding a solution to deter the parking of vehicles on the verge to the front of the site.



Date : 11 January 2012

**SIMON WOOD**
HEAD OF PLANNING

## 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**