Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr F. Brogan
Glebe House
Long Street
Belton
Leicestershire
LE12 9TP

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
26 September 2011	11/00750/EXT

Particulars and location of development :

EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/01001/FUL FOR THE DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF 2NO TWO STOREY DWELLINGS WITH ASSOCIATED GARAGES AND PARKING

Sycamore Farm 29 Main Street Barton In The Beans Nr. Nuneaton 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 by virtue of the previous application and the changes in policy since the last permission would not result in a different decision being reached and therefore would be in accordance with the development plan as it would not adversely affect visual amenity or the character or appearance of the site or the wider area, residential amenity of neighbouring dwellings or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies RES5, BE1, T5, NE2, NE12 and REC3.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 13 and Policy 24

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: HMD/PD/0164/02; HMD/PD/0164/03; HMD/PD/0164/04 REV A received by the local planning authority on 27 October 2008 and amended plan HMD/PD/0164/01 REV A received by the local planning authority on 27 November 2008.

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

3. The development hereby approved shall be implemented in accordance with the approved external materials schedule as submitted in the letter received by the local planning authority on 17 December 2010 and shall be constructed of Terca 'Kassandra/Renaissance' red facing bricks (50%/50% mix) and small Blue Staffordshire roof tiles.

4. 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.

5. The development hereby approved shall be implemented in accordance with the approved soft landscaping schedule, specification and maintenance plan and landscaping layout drawing no. HMD/PD/0198/PD/01A received by the local planning authority on 4 February 2011 and the additional planting specification details contained in the email dated 15 March 2011.

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. The development hereby approved shall be implemented in accordance with the approved hard surfacing details as submitted 17 December 2010 and shall be constructed with black tarmacadam to the principal private road and parking areas, a separating granite cobblestone rumble strip and patio areas laid in Marshall 'Tegula' paviours.

8. No dwelling hereby permitted shall be occupied until the boundary treatments as detailed on the approved plans Drawing Nos. HMD/PD/0164/01 Rev A and HMD/PD/0164/04 Rev A have been completed and once provided they shall be maintained as such at all times thereafter.

9. Before the first occupation of any dwelling hereby permitted, the vehicular access, pedestrian and vehicle access points and all roadways, turning areas and parking spaces shall be laid out in accordance with the approved details and maintained as such at all times thereafter.

10. 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 to E inclusive shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

11. The development hereby approved shall be implemented in accordance with the specific details of windows, doors, verges and eaves, garage doors, boundary walls and fences received by the local planning authority on 11 August 2010 and 17 December 2010.

12. No development shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the local planning authority, in order to ensure that the land is fit for use as the development proposes.

    a The Risk Based Land Contamination Assessment shall be carried out in accordance with current best practice.
    b 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.
    c 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.
    d. The development shall be implemented in accordance with the approved details and retained as such at all times in the future, unless otherwise agreed in writing by the local planning authority.

The reasons for the conditions are :-

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

2. 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 ensure that the development is not to the detriment of the privacy and amenities of neighbouring dwellings and to ensure that the development maintains the character of the street scene, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

5. To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

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

8. In the interests of visual amenity to accord with Policy NE12 of the adopted Hinckley and Bosworth Local Plan

9. To ensure vehicles can access the site, turn and park within the site, in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure that extensions and alterations do not become a source of detriment to neighbouring occupiers' amenity, due to the restricted plots size, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

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

12. To protect the amenities of the future occupiers of the site and neighbouring properties and to ensure that risks from potential land contamination as a result of the previous uses of the site are minimised to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 23 Planning and Pollution Control.

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 permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

6. This planning permission and planning permission 08/01001/FUL are subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government

Act 1972 attached to planning permission 07/01424/FUL. Further advice can be obtained from Hinckley and Bosworth Borough Council: Law and Governance Section on 01455 255831.

7. Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop the footpath the appropriate legal steps must be taken before development commences.

8. 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.



Date : 21 November 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