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 Richard Anderson	Mr Mark Willmott
MRP Hinckley No 1 LP	MRP Development Services Limited
20 Fletcher Gate	20 Fletcher Gate
Nottingham	Nottingham
NG1 2FZ	NG1 2FZ

Part I - Particulars of Application

Date of Application	**Application No.**
26 October 2010	10/00847/FUL

Particulars and location of development :

MIXED USE DEVELOPMENT INCLUDING RETENTION, REFURBISHMENT AND EXTENSION TO EXISTING BUILDINGS AND DEMOLITION OF FACTORY BUILDINGS TO CREATE 48 DWELLINGS AND 6 APARTMENTS WITH ASSOCIATED PARKING

Flude House Rugby Road Hinckley Leicestershire LE10 0QQ

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 or highway safety. The site represents one of the key regeneration areas in the Town Centre, and its redevelopment, as part of a comprehensive scheme, would contribute significantly to the Council's vision and primary spatial objectives, bringing wide ranging benefits to Hinckley Town Centre and to the Borough as a whole. The site is in a sustainable location within the Hinckley Town Centre; would meet an identified need for affordable housing and employment development in Hinckley; and would enhance the character and appearance of the area.

Policy 1 of the Hinckley and Bosworth Core Strategy supports Hinckley's role as a sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides a range of employment opportunities.

Policy 5 of the Hinckley and Bosworth Core Strategy proposes transport interventions to support additional development in and around the Hinckley sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides adequate transport measures to support the development of the site.

Policy BE1 of the Hinckley and Bosworth Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy through a well designed scheme that has regard to the character of the area and proposes a high quality design that contributes to the character of the environment.

Relevant provisions of the development plan include:

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 5, 15, 19, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, EMP1, NE2, NE12, NE14, T5, IMP1, REC2, REC3.

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. This permission relates to the application plans and documents:- MRP/0750/Ppsd/10r, MRP/0750/Ppsd/11c, MRP/0750/Ppsd/12c, MRP/0750/Ppsd/13c, MRP/0750/Ppsd/14c, MRP/0750/Ppsd/15c, MRP/0750/Ppsd/16c, MRP/0750/Ppsd/30c, MRP/0750/Ppsd/31b, MRP/0750/Ppsd/32b, MRP/0750/Ppsd/50a, MRP/0750/Ppsd/51a, MRP/0750/Ppsd/52b, MRP/0750/Ppsd/53b, MRP/0750/Ppsd/43a, MRP/0750/Ppsd/44a, MRP/0750/Ppsd/70, MRP/0750/Ppsd/101d, MRP/0750/Ppsd/102d, MRP/0750/Ppsd/103d, MRP/0750/Ppsd/104d, MRP/0750/Ppsd/105d, MRP/0750/Ppsd/106c, MRP/0750/Ppsd/73e, MRP/0750/Ppsd/74d, MRP/0750/Ppsd/75c, Bir.3260_01, Bir.3260_02, Bir.3260_03 (1 of 2), Bir.3260_03 (2 of 2), Bir.3260_05, Bir.3260_06, Design and Access Support Statement, Phases I & II Environmental Risk Assessment by Geodyne Ltd, Transport Assessment and Travel Plan by Mayer Brown, Tree Assessment Report by FPCR Ltd,, Ecologicial Assessment by FPCR.

3. Prior to the commencement of each phase of development a detailed schedule, including samples, of all external materials and colour finishes shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with those details.

4. Notwithstanding the submitted information no development shall take place within each phase of development until full details of both hard and soft landscape works for the relevant phase of development 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) car parking layouts;
   (iv) other vehicle and pedestrian access and circulation areas;
   (v) hard surfacing materials;
   (vi) minor artefacts and structures (e.g. boundary/retaining walls, canopies, decking, furniture, refuse or other storage units, CCTV, lighting, barriers preventing access/egress, etc.);
   (vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.);
   (viii) planting plans;
   (ix) written specifications;
   (x) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
   (xi) implementation programme.

5. 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.

6. Each phase of development hereby permitted shall not commence until drainage plans for the disposal of surface water, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, for the relevant phases of development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant phase of the development is brought into use.

7. There is a public sewer which crosses the site. No building shall be erected or trees planted within 10 metres of this 1050mm sewer.

8. Notwithstanding the submitted information prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each 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;
- 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 details 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.
The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. Prior to the commencement of each phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation for that phase shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

10. Reports on monitoring and maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

12. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval in writing from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

13. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) Revision A, 09, Ref: NTW/378/FRA, undertaken by BWB Consultancy and the mitigation measures detailed within the FRA.

14. The development hereby approved shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

15. Notwithstanding the submitted information prior to the commencement of the residential development a scheme for noise protection shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- the protection of the proposed dwellings and units from the noise of Rugby Road and Hawley Road; and
- the protection of the proposed dwellings from noise from the proposed commercial premises.

The approved scheme shall be implemented in accordance with the agreed details and before the dwellings are first brought into use.

16. No commercial development shall take place until a scheme for ventilation of the premises, which shall include installation, 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.

17. Prior to commencement of the commercial development, a revised drawing showing the provision of a ghost island junction on Hawley Road, including a pedestrian refuge across the vehicular access to the Flude and Huckerby sites, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

18. Prior to the first occupation of the commercial development, the highway works to provide a ghost island junction on Hawley Road, including a pedestrian refuge across the vehicular access to the Flude and Huckerby sites, shall be completed to the satisfaction of the Highway Authority.

19. Prior to the first occupation of any dwelling hereby permitted, the highway works to provide 6 metre kerbed radii of the junction of Willowbank Road and Rugby Road as shown on Mayer Brown Limited drawing no. MRPFLUDE.1/01 rev D shall be completed to the satisfaction of the Highway Authority.

20. Prior to the first occupation of any part of the development site, the highway works to provide pedestrian crossing points on Rugby Road and Hawley Road as shown on Mayer Brown Limited drawing no. MRPFLUDE.1/01 rev D shall be completed to the satisfaction of the Highway Authority.

21. Prior to the first occupation of any part of the development site, the developer shall carry out a review of the existing Traffic Regulation Orders on both sides of Hawley Road between its junctions with Rugby Road and Station Road with the intention of introducing no waiting restrictions.

22. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the Flude/Huckerby or Alton sites they shall be set back a minimum distance of 15.0 metres behind the Highway boundary and shall be hung so as to open inwards only.

23. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the access to the car park on the unadopted section of Willowbank Road they shall be set back a minimum distance of 5.0 metres behind the Highway boundary and shall be hung so as to open inwards only.

24. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

25. The gradient of the access drives to the commercial development shall not exceed 1:12 for the first 15.0 metres behind the Highway boundary.

26. Prior to first occupation of the commercial development, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

27. Prior to first occupation of the Alton site hereby approved, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

28. The existing vehicular accesses shall be closed permanently within one week of the new accesses being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

29. For the period of the construction of the development within the site, 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.

30. Before the development commences, details of the routeing of construction traffic shall be 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 unless otherwise agreed in writing by the Local Planning Authority.

31. 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.

32. Notwithstanding the submitted details no part of the commercial development shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall thereafter be operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

33. Before first occupation of any dwelling hereby permitted, car parking provision shall be made within the development site on the basis of Mayer Brown Limited drawing no. MRPFLUDE.1/01 rev D. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

34. Before first occupation of each phase of the commercial development, car parking provision associated with each phase shall be made available within the site on the basis of Mayer Brown drawing no. MRPFLUDE.01/01 rev D including the existing car park accessed from Willowbank Road. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

35. Before first use of each phase of development hereby permitted, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use thereafter to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

36. Before first use of the commercial development hereby permitted the access drives to the commercial development and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres behind the Highway boundary and shall be so maintained at all times.

37. Before first use of the each phase of development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of all accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be maintained thereafter.

38. Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

39. Any windows or doors at ground floor level on the road frontage shall be of a type other than outward opening and shall thereafter be so maintained.

40. The overall amount of A3 floorspace shall not exceed 67 sqm square metres in total, including mezzanine floors.

41. The overall amount of D1 floorspace shall not exceed 1,095 square metres in total, including mezzanine floors.

42. No residential development shall commence until details of how the proposed dwellings accord with the Leicestershire Police Secure by Design standards have been submitted to and agreed in writing by the Local Planning Authority. The dwellings shall be constructed in strict accordance with the approved details and maintained that way thereafter and a copy of the Police compliance certificate shall be provided to the Local Planning Authority once issued 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. To define the permission.

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

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

6. To ensure that the development is provided with 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 to comply with Policy NE14 of the Hinckley and Bosworth Local Plan.

7. To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system to comply with Policy NE14 of the Hinckley and Bosworth Local Plan.

8. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

9. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

10. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

11. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

12. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

13. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

14. To ensure the protection of controlled waters to accord with Policy NE14 of the Hinckley and Bosworth Local Plan.

15. To ensure that the use remains compatible with the surrounding area to accord with Policy BE1 of the Hinckley and Bosworth Local Plan.

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

17. In the general interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

18. In the general interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

19. In the general interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

20. In the interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

21. In the general interests of Highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

22. 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 to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

23. 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 to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

24. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

25. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

26. 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 Hinckley and Bosworth Local Plan.

27. 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 Hinckley and Bosworth Local Plan.

28. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

29. 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 Hinckley and Bosworth Local Plan.

30. 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 Hinckley and Bosworth Local Plan.

31. 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 Hinckley and Bosworth Local Plan.

32. To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

33. 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 to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

34. 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 to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

35. In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

36. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

37. In the interests of pedestrian safety to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

38. 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 to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

39. In the interests of the safety of users of the Highway immediately adjacent to the front wall of the building to accord with Policy T5 of the Hinckley and Bosworth Local Plan.

40. To protect the employment status of the site to accord with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan.

41. To protect the employment status of the site to accord with Policy EMP1 of the adopted Hinckley and Bosworth Local Plan.

42. To ensure the development is built to a secure standard and to the satisfaction of Leicestershire Police, in accordance with the requirements of Policies BE1 and IMP1 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. This planning permission is subject to a Section 106 Agreement.

6. 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).

7. This planning permission is subject to a Section 106 Agreement and subsequent deed of variation.

8. With reference to condition No. 6 above the scheme you are referred to the comments of The Environment Agency dated 23 November 2010.

9. Your attention is drawn to the attached comments of the Borough Council's Environmental Health Officer (Pollution).

10. With reference to condition No. 32 above :

The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site.

The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

11. With reference to condition No. 38 above:

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. Your attention is drawn to the attached comments of Leicestershire County Council Director of Environment and Transport.

13. Your attention is drawn to the attached comments of Severn Trent Water Limited with reference to Condition No. 7 above.



Date : 25 January 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 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 or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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.

4. 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.

5. 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