

North Kesteven District Council
Town and Country Planning Act 1990
PLANNING PERMISSION

Name and Address of applicant:

NGW Playnes Voluntary Settlement 1992
C/o C.J.Pemberton Esq.
Estate Office
Main Street
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Sleaford
NG34 8TQ

Name and Address of agent:

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Sleaford
Lincolnshire
NG34 7EZ

PART 1 - PARTICULARS OF APPLICATION

Date of application: 07/11/2008

Application No: N/06/1100/08

Particulars and location of application: Conversion of barn to residential unit at The Barn, Aunsby, Sleaford

PART II - PARTICULARS OF DECISION

The District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted.

The summary reason for granting planning permission is as follows:

Adopted Local Plan Policy DC7 permits the conversion of existing traditional buildings within the countryside to residential use subject to a number of criteria. The applicant has satisfactorily demonstrated that the building is capable of conversion without significant alteration or re-build and does not require extension. Appropriate measures for the conservation of protected species are proposed and the setting of the barn will be preserved. The application has addressed the reason for refusal of the previous proposal and is considered to accord with the aims and objectives of policies C2, C5, C18, C19, T4, DC7 and LW8 of the adopted North Kesteven Local Plan 2007.

Continued.....

Date: 24th December 2008

Council Offices
Sleaford, Lincs

Signed:



Head of Planning, Economic and Cultural Services

IMPORTANT NOTICE – THIS AFFECTS THIS PLANNING PERMISSION

The planning permission to which this notice refers **MAY** contain the requirement to comply with certain conditions **PRIOR** to any works being commenced, as well as conditions to be met both **DURING** and **AFTER** the completion of the development.

You are hereby advised that non-compliance with **ANY** condition may render this permission invalid and the development itself **UNLAWFUL** and could lead to enforcement action and/or prosecution.

If you are in doubt as to the requirements established by any condition attached to this permission, you are strongly advised to contact North Kesteven District Council Planning Department for clarification prior to the commencement of any works.

The permission hereby granted is subject to the following conditions:

Condition 1:

The development must be begun not later than the expiration of **three years** beginning with the date of this permission.

Reason 1:

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2:

No development shall take place until full details of both and hard and soft landscape works have been submitted to and **agreed in writing** by the district planning authority: these works shall be carried out entirely with the approved details. These details shall include planting plans for new trees and hedgerow, schedules of plants, noting species, plant sizes and proposed numbers/densities were appropriate and the implementation programme.

Reason 2:

To ensure the satisfactory appearance of the site in the interests of visual amenity to accord with policy C19 of the Local Plan.

Condition 3:

No development shall take place before the detailed design of the arrangements for surface water drainage have been **agreed in writing** by the district planning authority and **no building shall be occupied before it is connected to the agreed drainage system.**

Reason 3:

To ensure that surface water run-off from the development will not adversely affect be reason of flooding, the safety, amenity and commerce of the residents of this site to accord with policy C14 of the Local Plan.

Condition 4:

The development shall not take place until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to **and approved** by the district planning authority (DPA) and until the measures approved in that scheme have been implemented. **The scheme shall include all of the following measures unless the DPA dispenses with any such requirement in writing:**

a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary (one copy of which in electronic format if possible) shall be submitted to the district planning authority without delay upon completion;

b) If identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters.

It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use.

Two full copies (one copy of which in electronic format if possible) of the site investigation and findings shall be forwarded to the district planning authority without delay upon completion.

c) Thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the district planning authority, and all requirements shall be implemented and completed to the satisfaction of the district planning authority. **No deviation shall be made from this scheme without the express written agreement of the DPA.** If during redevelopment contamination not previously considered is identified, then the DPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the district planning authority.

d) Two full copies (one copy of which in electronic format if possible) of a full closure report shall be submitted to and **agreed in writing** by the district planning authority. **The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s).**

Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason 4:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, together with those to controlling waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to accord with policy C12 of the Local Plan.

Condition 5:

The approved landscaping scheme shall be **carried out within 6 months of the date of the first occupation of any building or completion of development** whichever is the sooner **unless otherwise agreed in writing** by the district planning authority. Any trees or plants / grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size, and species or quality, **unless the district planning authority gives written consent to any variation.**

Reason 5:

To ensure the satisfactory appearance of the site in the interests of visual amenity to accord with policy C19 of the Local Plan.

Condition 6:

No operations that involve the destruction and removal of vegetation or buildings (or part of a building) shall be undertaken during the month of March to August inclusive, unless **prior written approval** has been granted by the district planning authority, once they are satisfied that breeding birds will not be adversely affected.

Reason 6:

In the interest of wildlife to accord with policy LW8 of the Local Plan.

Condition 7:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification):

(a) No external alterations shall be carried out to the dwelling

(b) No extensions shall be carried out to the dwelling

(c) No garages or outbuildings shall be erected within the curtilage of the dwelling

(d) No vehicle standing space or hard standing shall be provided within the curtilage of the dwelling

(e) No gates, walls, fences or other structures shall be erected along any boundary to the curtilage of the dwelling

(f) No means of vehicular access shall be constructed to the curtilage of the dwelling

(g) No windows or dormer windows shall be added to the dwelling

other than those expressly authorised by this permission, unless planning permission for such development has been granted by the district planning authority.

Reason 7:

In the interests of the preservation of the character of this rural building in accordance with policy DC7 of the Local Plan.

Condition 8:

The arrangements shown on the approved plan **61689/03 rev A** received on 7th November 2008 for the parking/turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

Reason 8:

To enable calling vehicles to wait clear of the carriageway of **Village Street** and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with policy T4 of the Local Plan.

Condition 9:

All windows and doors shall be in timber and thereafter retained in that form. **No development shall take place** on any part of the site to which any part of this permission relates until details of the windows and doors shall be provided at a scale of 1:20 for the **agreement in writing** of the district planning authority. **The details shall also indicate the finish of the windows and doors.**

Reason 9:

To ensure that the appearance of the completed development respects the special character and appearance of the barn to accord with policy DC7 of the Local Plan.

Condition 10:

Before the access is brought into use the existing hedge shall be lowered to a height not exceeding 1.0m above the edge of the carriageway on each side of the access and thereafter the visibility splay shall be kept free of obstacles exceeding 1.0m in height.

Reason 10:

In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with policy T4 of the Local Plan.

Condition 11:

The development hereby approved shall not be commenced until details of the proposed surfacing materials for the first 10m of the proposed access, have been submitted to and approved in writing by the District Planning Authority. The development shall be carried out in accordance with the approved details.

Reason 11:

In the interests of highway safety and to accord with Policy T4 of the Local Plan.

Condition 12:

Two barn owl nesting boxes shall be constructed as part of the barn conversion in accordance with the specifications given in the Ecology Report and the Design and Access Statement.

Reason 12:

In the interests of the conservation of protected species to accord with Policy LW8 of the Local Plan.

Condition 13:

Bat roosting provision shall be provided as part of the refurbishment of the main roof of the barn in accordance with the specification given in the Design and Access Statement,

Reason 13:

In the interests of the conservation of protected species to accord with Policy LW8 of the Local Plan.

Informatives:

1. Prior to the commencement of any access works within the public highway you should contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
2. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
3. In connection with the discharge of condition 4 above, the applicant is advised that the phased risk assessment shall be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA.

The applicant's attention is also drawn to the document entitled "Developing Land within Lincolnshire – A guide to submitting planning applications to develop land that may be contaminated", which may be obtained through the Local Environmental Health Department.

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1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for Transport, Local Government and the Regions in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for Transport, Local Government and the Regions, The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or from their website www.planning-inspectorate.gov.uk. The Secretary of State has the 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 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, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him
 2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for Transport, Local Government and the Regions, 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 carrying out of any development which has been or would be permitted, he may serve on the Council of the district in which the land is situated 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
 3. 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

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.