



South Derbyshire District Council

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Applicant:

Mr Richard Fletcher
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Foremark Hall
Chestnut Avenue
Foremark
Derby
DE65 6EJ

Reg. No. 9/2015/1167

Local Government Act 1972
Town and Country Planning Act 1990

GRANT OF PLANNING PERMISSION

In exercise of its powers as the Local Planning Authority under the above Acts and related subordinate legislation, the Council hereby gives notice that your application for **DEMOLITION OF AN EXISTING BRICK AND PORTACABIN DINING HALL AND ERECTION OF A NEW BUILD DETACHED DINING FACILITY, ALONG WITH RELOCATION AND INSTALLATION OF A NEW ELECTRICAL SUBSTATION AND ACCESS DRIVE AT FOREMARK HALL CHESTNUT AVENUE FOREMARK DERBY** as shown on the deposited plans and described in the application form received 11/12/2015 is hereby GRANTED, subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with plans/drawings 862:P02, 862:P05 Rev B, 862:P06 Rev B, 862:P07 Rev C, 862:P08 Rev B and 862:P09; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt.
3. Any external lighting to be installed shall be in accordance with the lighting strategy set out in the emec Ecology letter ref: 7556/CT/16 dated 25 January 2016, and maintained as such after its installation
Reason: In recognition of there being protected species identified on site and in order to secure the favourable conservation status of the species.

4. No development shall commence, including clearance of vegetation to facilitate the development, until the trees shown to be retained on the approved plans (in particular trees T1, T3, T4 & G2 as listed in the Tree Survey accompanying the application) have been fenced off with steel mesh fencing to 2.3m high supported by steel scaffold poles staked at 3 metre centres. The fencing shall be retained in position until all building works on adjoining areas have been completed.

Reason: To protect the trees/landscape areas from undue disturbance, in the interests of assimilating the new building into its setting as quickly as possible.

5. There shall be no tipping or deposition of materials within the area fenced under condition 4 above without the prior written authorisation of the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance

6. No development shall commence until a copy of the Natural England Bat Licence Application has been submitted to and approved in writing by the Local Planning Authority, in advance of submission to Natural England.

Reason: In recognition of there being protected species identified on site and in order to secure the favourable conservation status of the species, noting that initial works could lead to unacceptable loss of habitat and impacts.

7. No demolition works shall commence until a copy of the Natural England EPS Bat Mitigation Licence has been submitted to and approved in writing by the Local Planning Authority.

Reason: In recognition of there being protected species identified on site and in order to secure the favourable conservation status of the species, noting that initial works could lead to unacceptable loss of habitat and impacts.

8. No demolition works shall take place until a method statement detailing the nature, extent and manner of works involving the removal of the connecting element between the existing kitchen and server area and the dining hall has been submitted to and approved in writing by the Local Planning Authority. The method statement shall confirm and detail demolition of the connecting element by hand, detail the proposed manner of restoration/making good of the exposed elevation to the Hall including matching materials and finishes to be used, and the extent of any associated internal alterations once fixtures and fittings have been removed. The works shall then proceed in accordance with the approved details and be completed prior to first use of the new dining hall hereby approved.

Reason: In the interests of preserving and enhancing the heritage significance of the Grade I listed Hall.

9. Prior to its installation, full details, drawings and specification of the external staircase shall be submitted to and approved in writing by the Local Planning Authority. The external staircase shall be installed in accordance with the approved details/drawings/specification.

Reason: In the interests of preserving and enhancing the heritage significance of the Grade I listed Hall.

10. No construction works of the dining hall hereby approved shall be carried out until precise details, specifications and, where necessary, samples of all facing materials to be used in the construction of the external walls, openings and roof of the building, and of hard surfaces and surrounding the building, have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: In the interests of preserving and enhancing the setting of the Grade I listed Hall and to safeguard the appearance of the building and the locality generally.

11. No construction works of the dining hall hereby approved shall commence until large scale drawings, to a minimum scale of 1:10, of eaves, soffits, parapets, rainwater goods, glazing and joinery, and cill and lintel details have been submitted to and approved in writing by the Local Planning Authority. The works shall proceed in accordance with the approved drawings.

Reason: In the interests of preserving and enhancing the setting of the Grade I listed Hall, and in the interests of the appearance of the building and the character of the area.

12. Prior to first use of the dining hall hereby approved a scheme of landscaping, which shall include compensatory tree planting north of the dining hall to mitigate for the loss of tree T5 (as listed in the Tree Survey accompanying the application), shall be submitted to and approved by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the setting of the Grade I listed Hall and the wider appearance of the area, recognising that clearance and groundworks would alter presently screened views of the existing building.

Informatives: You are advised:

In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning objections and issues, suggesting amendments to improve the quality of the proposal, meetings and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Authorised Officer of the Council

Date: 19/02/2016

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES



NOTES

WARNING: This is a planning decision notice. It conveys no approval under any other legislation and does not override or supersede or negate that legislation or the need to comply with restrictive covenants under the Civil Law. In particular the necessary approval under the Building Regulations and the Public Health Acts must be obtained before the carrying out of building works. Where the highway, including pavement crossing, is to be altered, the Local Highway Authority (01629 580000) should be consulted for its requirements.

APPEALS TO THE SECRETARY OF STATE:

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission for a minor commercial application (as defined by Schedule 1A of the Town and Country Planning Development Management Procedure Order 2010 (as amended on 1 October 2013)), if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pes.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If as owner of the land you believe that the refusal of permission or approval subject to an unacceptable condition causes the land to become incapable of beneficial use in its existing state and it cannot be made capable of beneficial use by carrying out any development which has, or would be permitted, you may serve on the Council a purchase notice requiring that the Council purchases your interest in the land. (Part VI of the Town and Country Planning Act 1990).

BREACH OF CONDITIONS: Once the permission has been implemented, carrying on the development in breach of any of the conditions imposed on it becomes a prosecutable offence. Therefore you are advised to take careful note of each condition with a view to compliance.

INACCURATE PLANS: If the submitted plans or other information contained in the application referred to in this Notice prove to be inaccurate, the development could be rendered impracticable and any permission granted be made invalid. A further application will be required.

CHANGES IN INTENTION: Any intended variation from the approved plans should be notified to the Council well in advance: a further permission, approval or consent may be necessary. Unauthorised variations may result in enforcement proceedings.

FURTHER INFORMATION: If you have any questions about this notice, please contact Support Services Planning Administration, direct dial (01283) 228706 of the Planning Services Department, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH.