SITE AT LAND OFF NUTTS LANE, HINCKLEY

APPEAL BY TAYLOR WIMPEY UK LTD

RULE 6 STATEMENT OF CASE

ON BEHALF OF CREST NICHOLSON

TOWN AND COUNTRY PLANNING ACT 1990

THE PLANNING INSPECTORATE APPEAL REFERENCE: APP/K2420/A/12/2174133/NWF

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1. INTRODUCTION

1.1. This Statement of Case is submitted on behalf of Crest Nicholson as a Rule 6 party in respect of an appeal by Taylor Wimpey UK Limited against the decision of Hinckley & Bosworth Borough Council ('the Council') to refuse planning permission for residential development of 84 dwellings (LPA Ref. 11/00368/FUL) on land off Nutts Lane, Hinckley.

1.2. This Statement of Case is submitted under Rule 6(6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.

1.3. Crest Nicholson are an adjoining landowner concerned that the appeal proposals will have specific implications for both the occupiers of the proposed development and to occupiers of Crest Nicholson's own residential developments to the south (former Hinckley Greyhound site) and to the west (Waterside Park).

2. PROPOSED DEVELOPMENT SUBJECT TO THIS APPEAL

2.1. Planning permission is sought for:

Erection of 84 dwellings incorporating access, public open space, balancing pond, pumping station and associated earthworks, landscaping, car parking and other ancillary works.

2.2. The application was first considered by the Council's Planning Committee at its meeting on 13 December 2011, whereat Members resolved to defer the application for further discussions regarding highway safety.

2.3. The application was subsequently refused at Planning Committee on 7 February 2012 with one reason for refusal as follows:

1. In the opinion of the Local Planning Authority the impact of the development would lead to an increase in pedestrian movements which with the lack of provision of an appropriate safe pedestrian route and crossing, together with the narrow width of the canal bridge and the lack of a proper footway across the bridge would be to the detriment of pedestrian safety. As such the proposal is

contrary to Saved Policy T5 of the Hinckley and Bosworth Local Plan and to central government guidance contained within Planning Policy Guidance 13 (PPG13) Transport.

2.4. The decision letter was issued on 9 February 2012.

3. STATEMENT OF CASE

3.1. Crest Nicholson shall provide evidence in respect of issues about the Transport Assessment prepared in respect of the application and in particular the difficulties of providing a safe and convenient access route, particularly for pedestrians and cyclists, to the north.

3.2. The problems with the substandard nature of the "hardened verge" over the canal bridge on Nutts Lane are clearly identified in the Safety Audit commissioned by the Appellant but the width of the bridge does not permit these problems to be properly addressed.

3.3. Crest Nicholson submits that without the certainty of alternative walking and cycling routes being available the proposals are fundamentally flawed and consequently the decision by the Council to refuse planning permission on highway safety was justified.

3.4. Without prejudice to Crest Nicholson's case in this matter, should the Inspector be minded to allow this appeal, Crest Nicholson respectively submits that there should be a further condition attached to any planning permission requiring appropriate linkages to Waterside Park to be provided and available for public use before any part of the development is occupied.

4. SCHEDULE OF DOCUMENTS

4.1. Documents, policies and other material considerations relevant to the appeal are as follows:

- National Planning Policy Framework (March 2012);
- Hinckley & Bosworth Local Plan (February 2001);
- Hinckley & Bosworth Core Strategy (December 2009);
- Manual for Streets (March 2007);

- Inspector's Report in respect of the Appeal in relation to the Former Greyhound Stadium, Nutts Lane, Hinckley (Appeal Ref. APP/K2420/A/09/2118652); and
- Planning permission for proposed new footpath link at Paddock Way (LPA Ref. 11/01002/FUL)

4.2. In addition to representations made to the Local Planning Authority at the application stage, Crest Nicholson reserves the right to submit any other material which may become apparent before or during the course of the Inquiry.