

Hinckley & Bosworth Borough Council

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Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant

Charles Street Buildings
C/o Agent

Name and Address of Agent (if any)

Brian A Mullin
Marrons Planning
1 Meridian South
Meridian Business Park
Leicester
East Midlands
LE19 1WY

Part I - Particulars of Application

Date of Application

30 July 2015

Application No.

15/00856/CONDIT

Particulars and location of development :

Variation of condition 2 of planning permission 14/01066/FUL (approved plans) to extend internal mezzanine for Unit 3

3 – 5 Hawley Road Hinckley Leicestershire LE10 0PR

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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 undertaken in accordance with the following details submitted to the Local Planning Authority:
 - Location Plan (Dwg No. P002 Rev E) received 23/10/2014
 - Proposed Site Plan (Dwg No. P001 Rev W) received 24/09/2015
 - Proposed Ground Floor Plan (Dwg No. P003 Rev D) received 24/09/2015
 - Proposed Elevations North & South (Dwg No. P010 Rev H) received 15/05/2014
 - Proposed Elevations East & West (Dwg No. P011 Rev G) received 23/10/2014
 - Detailed Soft Landscaping Proposals (Dwg No. W1795 Rev F) received 10/07/2015
 - Hard Landscape Proposals (Dwg No. W1795 1002 Rev H) received 10/07/2015
 - Implementation and Maintenance Details of Landscaping e-mail 14/07/2015
 - Construction Traffic Management Plan received 12/05/2015
 - Complaints Procedure Rev 1 received 21/07/2015
 - Construction Phase Plan 005 received 21/07/2015
 - Tesco Site Access General Arrangement (Dwg No. 100 Rev C) received 12/05/2015
 - Traffic Signs: General: Appendix 12/1 received 11/06/2015
 - Traffic Signs: Road Markings: Appendix 12/3 received 11/06/2015
 - Drainage Layout (Dwg No. 101 Rev D) received 12/05/2015

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

- Diamond Wood & Shaw e-mail 25/05/2015
 - Drainage Information Rear SW Design 12/05/2015
 - Drainage Information areas 1a to 8a 30 year and 100yr received 12/05/2015
2. The development shall be fully carried out in accordance with the agreed Construction Traffic Management Plan received 12/05/2015; Complaints Procedure Rev 1 received 21/07/2015; and Construction Phase Plan 005 received 21/07/2015. These agreed details shall be retained throughout the construction period.
 3. The approved soft and hard landscaping scheme, Detailed Soft Landscaping Proposals (Dwg No. W1795 Rev F) received 10/07/2015 and Hard Landscape Proposals (Dwg No. W1795 1002 Rev H) received 10/07/2015 shall be carried out in accordance with the approved details in the first available planting season following the commencement of development. 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.
 4. The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details in the first available planting season following the commencement of development. 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.
 5. The development shall not be brought into use until the approved scheme, outlined in Tesco Site Access General Arrangement (Dwg No. 100 Rev C) received 12/05/2015; Traffic Signs: General: Appendix 12/1 received 11/06/2015 and Traffic Signs: Road Markings: Appendix 12/3 received 11/06/2015 has been constructed and completed in accordance with the approved details.
 6. The scheme shall be implemented in accordance with the approved details Drainage Layout (Dwg No. 101 Rev D) received 12/05/2015; Diamond Wood & Shaw e-mail 25/05/2015; Drainage Information Rear SW Design 12/05/2015; and Drainage Information areas 1a to 8a 30 year and 100yr received 12/05/2015.
 7. Prior to the first occupation of the development, details of a scheme of decorative and functional external lighting for the development, shall have been submitted to and approved in writing by the Local Planning Authority. Any external lighting shall be directed away from residential properties and shall comply with the recommendations by the Institute of Lighting Engineers/Professionals for the reduction of light pollution. The development shall be fully implemented and completed in accordance with the approved details and retained and maintained thereafter.
 8. Before the development hereby permitted is first used, off-street car parking, cycle parking and service lorry provision shall be made within the application site in general accordance with Proposed Site Plan (Dwg No. P001 Rev W) received 24/09/2015. The parking and service areas shall be surfaced, and marked out prior to the development being brought into use and shall be so maintained at all times.
 9. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
 10. All windows and areas of glazing shall be kept free of permanent screening which would hinder views into the retail unit and/ or the passive surveillance of public areas.

The reasons for the conditions are :-

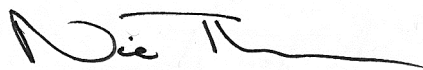
1. For the avoidance of doubt and in the interest of proper planning.
2. In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
3. To ensure that the development has a satisfactory external appearance to accord with Policy BE1 15/00856/CONDIT

(criterion a) of the adopted Hinckley and Bosworth Local Plan.

4. In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
5. To ensure traffic entering the site does not queue back to Hawley Road and adversely affect the flow of traffic in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
6. To ensure sustainable drainage is in place in accordance with Paragraph 100 of the National Planning Policy Framework.
7. In order to prevent unnecessary light pollution or impact on nearby residential properties or the railway line in accordance with Policy BE1 (a and i) of the adopted Hinckley and Bosworth Local Plan.
8. To promote sustainable transport choices and ensure adequate off-street parking provision is provided on site in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
9. To ensure that the proposed development does not cause pollution of controlled waters receptors in the area in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
10. To aid the security of users of the site and satisfactory appearance of the application site in accordance with Policy BE1 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. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
3. 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.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (0116 3050001).



NIC THOMAS
CHIEF PLANNING AND DEVELOPMENT OFFICER

Date : 29 September 2015

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 you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you 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, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at www.planningportal.gov.uk/planning/appeals/online/makeanappeal). 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 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 in accordance with the guidance contained on the planning portal, which can be found using the following link <http://www.planningportal.gov.uk/pcs/>.
5. 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.
6. 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.
7. 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.



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Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. This charge is currently £28 per householder request or £97 for all other applications.

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



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Development Details

Planning application ref:	15/00856/CONDIT
Proposal:	Variation of condition 2 of planning permission 14/01066/FUL (approved plans) to extend internal mezzanine for Unit 3
Site Location:	3 Hawley Road Hinckley Leicestershire LE10 0PR

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
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