Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr Lee Griffin
Bloor Homes Ltd
14 Charter Point Way
Ashby Business Park
Ashby De La Zouch
Leics
LE65 1NF

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
29 June 2011	11/00489/FUL

Particulars and location of development :

PROPOSED DEMOLITION OF N0. 71 DRAGON LANE AND ERECTION OF 94 DWELLINGS WITH ASSOCIATED GARAGES, CAR PARKING AND INFRASTRUCTURE

71 Dragon Lane Newbold Verdon Leicester Leicestershire LE9 9NH

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 as it: would contribute to the current shortfall in the five year housing land supply and to the shortfall of dwellings required in Newbold Verdon; would not have an adverse impact upon the character and appearance of the countryside; would not have an adverse impact upon highway safety, flooding, ecology, and archaeology or residential amenity; and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley & Bosworth Local Plan (2001):- Policies NE5, REC6, BE7, RES5, IMP1, BE1, REC2, REC3, NE14, T3, T5, T9, T11.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 7, 14, 16, 19, 24.

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with amended application details as follows:-

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

Site Layout Drg No V141_EM_01F Received by the Local Planning Authority on the 30.09.11

House Type Refs:-

Drg Refs:- 4259SPC – SK07 Rev B, 4258HC- SK05 Rev A, 4258C – SK05 Rev A, 5351H – SK06 Rev B, 4252W – SK10 Rev A, 4253 – SK08 Rev A, 4253H – SK08 Rev A, 4256H – SK05 Rev B, 4260 – SK05 Rev B, 4260H – SK05 Rev B, 4260 – SK07 Rev B, 4262 – SK05 Rev B, 42622H – SK05 Rev B, 4262C – SK07, 4262HC – SK07, 4266 – SK08 Rev B, 4257 – SK05 Rev B, 4257H – SK05 Rev B, 4252 – SK08 Rev B, 4252H – SK08 Rev B, 4252W – SK08 Rev B, 3253H – SK08 Rev A, 3252 – SK10 Rev B, 3252 – SK08 – 56, 3250 – SK08 Rev C, 3250 – SK10 Rev C, 2B3P – FP – 74-75-76, 2B3P – EL – 74-75-76, 2B3P – WF – SK01, 2B4P – SK01 Rev B, 2B3P – SK01 Rev A, 2B3PW – SK01 Rev A, 5251QH Rev B, 2B4P – 1B2P QH-FP, 2B4P – 1B2P QHEL, 4266H-SK08 Rev B, 5250SP – SK06 Rev A, 5250HSPC – SK06, 5351H – SK01 Rev B Received by the Local Planning Authority on the 30.09.11, Drg Refs :- 4259SPC – SK05 Rev B, 06.4213a Received by the Local Planning Authority on the 19.03.12

Landscape Plan ref:- 11/174-01 received by the Local Planning Authority on the 12.09.11

Front Entrance Wall Detail Drg No V141_D_01 Received by the Local Planning Authority on the 14/6/11

Boundary Details Drg No V141_D_ 02 Received by the Local Planning Authority on the 14/6/11

Flood Risk Assessment Ref:- 'June 2011 – Final' Received by the Local Planning Authority on the 14/6/11

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials

4. No development shall commence on site until such time as the proposed ground levels of the site and proposed finished floor levels havbeen submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5. Notwithstanding the details submitted no development shall take place until full details of both hard and soft landscape works 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. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
(vii) planting plans
(viii) written specifications
(ix) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(x) implementation programme.

6. The hard and soft landscaping scheme shall be carried out in accordance with the details provided. The soft landscaping 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.

7. 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.

8. Before the first occupation of any dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2011, reference number V141-AR, compiled by Bloor Homes and the following mitigation measures detailed within the FRA:

1. A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates as detailed in Section 15.1: Residual Risk assessment & Mitigation;

2. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance as detailed in section 15;

The SuDS scheme shall:

* Incorporate the utilisation of soakaway and / or above ground permanently wetted balancing areas or other sustainable drainage techniques;
* Have the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
* Address responsibility for the future maintenance of drainage features.

3. Finished floor levels should be set no lower than 150mm above ground levels as detailed in section 15.2.

10. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

11. The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

12. 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.

13. Any garages, once provided, shall thereafter permanently remain available for car parking.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in the interests of proper planning

3. To ensure that the development has a satisfactory external appearance to accord with policy of the adopted Hinckley & Bosworth Local Plan.

4. To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5. In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan

7. 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 adopted Hinckley and Bosworth Local Plan.

8. 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 adopted Hinckley and Bosworth Local Plan.

9. To prevent flooding elsewhere by ensuring the satisfactory disposal of surface water from the site at greenfield run-off rates. To prevent flooding elsewhere by ensuring the satisfactory storage of surface

water from the site. To reduce the risk of overland flow flooding to the proposed development and future occupants. In accordance with PPS25: Development and Flood Risk

10. Protect the water environment in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

11. 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 Adopted Hinckley and Bosworth Local Plan

12. 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 in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. 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 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. 1 Forward visibility to plots 74-76 is 38m (well in excess of the 23m that would be compliant). Amendments required at the bend should incorporate widening as per point 5. Visibility should be included within the proposed highway boundary.

2 Calming is in the form of narrowing to plots 57/58 and 65/66. Calming should revert to raised tables as it is not considered that there will be enough opposing flow for the narrowing to achieve the required design speed in isolation.

3 No planting shown on current plan but the site boundary is in exceedingly close proximity to the make-up of the required highway corridor. Additionally, notation is now shown stating "1.8m close boarded fence in from to boundary" - if this is within the highway boundary a commuted sum will be required. It should be reinforced that the minimum requirements as contained within the 6CsDG will need to be met if this section is to be included within any future S38 agreement.

4 No curve widening to first bend. Compliance with HTD part 3 table DG6. No widening shown and note visibility comments on point 1 above.

5 All single garages should have minimum internal dimensions of 6m x 3m

6 Gates shown to plots 13 and 14 should be set back a minimum of 5m from the highway boundary.



Date : 19 March 2012

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 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 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, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). 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 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.

5. 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.

6. 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