Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
Goodman Real Estate (UK) Ltd
Nelson House
Central Boulevard
Blythe Valley Park
Solihull
West Midlands
B90 8AD

Name and Address of Agent (if any)
Mr Will Antill
Holmes Antill
Home Farm Barn
Loughborough Road
Prestwold
Loughborough
Leicestershire
LE12 5SZ

Part I - Particulars of Application

Date of Application	**Application No.**
2 July 2010	10/00518/OUT

Particulars and location of development:

MIXED USE DEVELOPMENT COMPRISING UP TO 375 DWELLINGS, EMPLOYMENT (USE CLASSES B1a, B1c, B2 and B8), LOCAL CENTRE (USE CLASSES A1-A5 AND D1), LIVE-WORK UNITS, WORKS TO SKETCHLEY BROOK CORRIDOR, REMODELLING OF LAKE AND ASSOCIATED OPEN SPACE, PARKING AND ACCESSES (OUTLINE - ACCESS ONLY).

Land Bounded By The Ashby Canal, Railway Line And Bridge Street, Incorporating The Former Johnsons Factory Burbage Hinckley Leicestershire LE10 2ND

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 and the completion of a legal agreement, the proposed development would be in accordance with the development plan as: it is a sustainable site within and adjacent to the urban area; would meet the identified need for residential and employment development in Burbage; would enhance the character and appearance of the area and would not be detrimental to the occupiers of neighbouring properties; and includes measures to mitigate its impact on the highway network and is not considered detrimental to highway safety. The development will preserve the character of the Ashby Canal Conservation Area.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 4, 5, 15, 16, 20, 24

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policies BE1, EMP1, RES5, T5, T9, REC2, REC3 NE2, NE5 and IMP1.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants outline planning permission for the carrying out of the development referred to in Part I hereof, in accordance with the application and plans submitted, subject to the following condition(s) :-

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

   i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
   ii) The scale of each building proposed in relation to its surroundings.
   iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
   iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

   The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3. The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

   i) The external building materials
   ii) The provision to be made for vehicle parking within the site
   iii) The provision to be made for vehicle manoeuvring and turning within the site
   iv) The provision to be made for loading and unloading within the site
   v) The existing trees and hedges on the site, which are to be retained
   vi) The provision to be made for screening by walls and fences
   vii) The phasing of the development
   viii) The floor levels of all the proposed structures in relation to the existing ground level and the finished levels of the site.
   ix) The provision to be made for the storage of refuse and/or recycling facilities

   The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. The development hereby permitted shall be carried out in accordance with the submitted application details, as follows: Masterplan 8411 P004-B, NTH 089 001A, P4 NTH 089 400 P4, NTH 089 200 P7, FRA ref: IR/LW/NTH089/FRA-F, and NTH 089 500 P3.

5. All boundary treatments, planting, seeding and turfing comprised in the approved landscaping details shall be carried out in accordance with the approved implementation scheme submitted with the reserved matters application. Any trees or plants which within a period of 5 years 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 a similar size and species unless otherwise agreed in writing with the Local Planning Authority.

6. Before the commencement of development of the industrial units, a scheme for protecting nearby dwellings from noise from the proposed development should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7. No development approved by this permission shall be commenced until a scheme for the management of noise during the site preparation and construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved scheme.

8. Before any of the permitted dwellings are first occupied, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages,

maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

10. No development approved by this permission shall be commenced until a scheme for the management of air quality during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

11. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

12. Prior to the commencement of any element of the residential development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. Prior to the occupation of the first dwelling of each of the house types hereby approved, a letter shall be provided to the Local Planning Authority by a Code Assessor confirming that that dwelling has been constructed to a minimum of Code Level 3. Within three months of the completion of the development, unless otherwise agreed in writing with the Local Planning Authority, a final certificate demonstrating that the development has been constructed to a minimum of Code Level 3 shall be obtained by the developer and submitted to the Local Planning Authority.

13. No part of the development accessed from the A5 shall commence unless and until a detailed design specification for the improvements to signalisation at A5/A47 Long Shoot Junction described in BWB Transport Assessment NTH 089F Revision 7 (Section 10.3) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The improvements shall be constructed in accordance with the approved details prior to the first occupation of any building on the site accessed from the A5.

14. No building on the site accessed from the A5 shall be occupied until the improvements at A5 Dodwells roundabout shown on BWB Drawing No. NTH/089/600 Revision P3 have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.

15. The development hereby permitted shall take place in total accordance with the agreed Framework Travel Plan dated October 2010 and with reference SD/RE/NTH089 Revision 8.

16. Prior to the first occupation of any dwelling hereby permitted, the signalisation of the Rugby Road/Hawley Road/Westfield Road as shown on BWB drawing number NTH/089/001a rev P4 Option 2 shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority, unless agreed otherwise in writing with the Local Planning Authority. The signalisation shall be maintained as approved at all times thereafter.

17. Prior to the first occupation of any dwelling hereby permitted, the gyratory (roundabout) site access at Rugby Road as shown on BWB drawing numbers NTH/089/200 rev P7 and NTH/089/400 rev P4) shall be completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority, unless agreed otherwise in writing with the Local Planning Authority. The access shall be maintained as approved at all times thereafter.

18. Prior to commencement of any part of the development hereby permitted, the detail of the proposed bus gate between the residential and commercial parts of the site shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The approved bus gate scheme shall be implemented prior to the occupation of the first dwelling or first commercial unit (any B1, C, B2, B8 use) of the development hereby permitted.

19. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary at the gyratory (roundabout) site access at Rugby Road exceeding 0.9 metres in height above the level of the adjacent carriageway.

20. Notwithstanding the recommendations contained within the Vanguardia noise report (Project no: 00397) dated the 10 Nov 2010, development shall not begin until a scheme for protecting the proposed dwellings from noise from Burgess AP has been submitted to and approved by the Local Planning Authority. This scheme shall include improvements to the boundary separating the Burgess AP yard and the proposed dwellings and the internal design of the properties facing towards the Burgess AP yard ensuring that only non-habitable rooms are located on the elevation facing Burgess. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

21. Notwithstanding the recommendations contained within chapter 8 of the Environmental Statement and the Vanguardia Noise Report (Project no: 00397) dated the 10 Nov 2010, development shall not begin until a scheme for protecting the proposed dwellings from noise and vibration from the adjacent railway has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

22. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.

23. The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within Chapter 9 of the submitted Environmental Statement (dated June 2010), and Appendix 9 (the FRA undertaken by BWB Consulting dated May 2010, Ref: IR/LW/NTH089/FRA-F):

    1. (Paragraphs 9.87 and 9.89) Limiting the surface water run-off generated by all events up to the 100 year plus 20% commercial (for climate change), 30% residential (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site, and not increase the risk of flooding off-site.

    2. (Paragraphs 9.24, 9.59 and 9.85) Improvement/protection and maintenance of the existing Sketchley Brook, and reinstatement of the culverted section of the Sketchley Brook to open watercourse.

    3. Finished floor levels are set no lower than 600mm above the 100 year plus 20% for climate change flood level, or 150mm above proposed external ground levels or the adjacent highway (whichever is the greater) applicable to each phase of the site.

    4. No raising of ground levels within the 100 year flood plain of the Sketchley Brook as established by the FRA (with the exception of the Logix Park Access, as detailed on Drawing Nos. NTH/089/SK16 P4, SK18 P1, SK19 P1, and ST003 P3).

25. Development shall not begin until a surface water drainage scheme for each phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Each phase of development shall subsequently be implemented in accordance with the approved details before the development is completed.

    The scheme shall include:

1. Limiting the surface water run-off generated by all events up to the 100 year plus 20% commercial (for climate change), 30% residential (for climate change) critical rain storm.

2. Provision of surface water run-off attenuation storage on the site to accommodate the difference between the allowable discharge rate and all events up to the 100 year plus 20% commercial (for climate change), 30% residential (for climate change) critical rain storm.

3. Details of how the scheme shall be maintained and managed after completion.

26. The development hereby permitted shall not be commenced until such time as a detailed design of the reinstatement of the Sketchley Brook to open watercourse as outlined on Drawing Nos. Masterplan (Option 14 Rev E), and NTH/089/200 P7, has been submitted to, and approved in writing by, the local planning authority in consultation with the Environment Agency.

Implementation of the reinstatement of the Sketchley Brook to open watercourse shall be undertaken during the ground works phase of the development, and be fully operational prior to the construction of new dwellings across the site.

27. Prior to the commencement of development, a working method statement to cover all works involved in the reinstatement of the Sketchley Brook to open watercourse, shall be submitted to and agreed in writing by the local planning authority in consultation with the Environment Agency. Thereafter the development shall be carried out in accordance with the approved designs and method statement for the reinstatement of the Sketchley Brook to open watercourse and any subsequent amendments shall be agreed in writing with the local planning authority in consultation with the Environment Agency.

The working method statement shall include details on the following:

Time programme for the works.
Methods used for all channel and bank-side/water margin works.
Machinery to be used.
Location and storage of plant, materials and fuel.
Access routes to the works, access to the banks of the watercourses.
Method of protection of areas of ecological sensitivity and importance.
Site supervision.
Location of site office, compounds and welfare facilities.

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

29. 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.

30. The overall amount of A1 floorspace shall not exceed 743 square metres (gross); A2 – A5 floorspace shall not exceed 1,394 square metres (gross); and D1 floorspace shall not exceed 464 square metres (gross).

The reasons for the conditions are :-

1. To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2&3. This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

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

5. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

7. To ensure the construction of the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

8&9. To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure the construction phase is not detrimental to the amenity or health of neighbouring residents to accord with Policy BE1 of the Local Plan.

11. To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with local plan policy BE1.

12. In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

13&14. To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety to accord with policy T5 of the Local Plan and Core Strategy Policy 5.

15. In the interests of sustainability of the development and to encourage alternative transport choice to accord with Planning Policy Guidance Note 13: Transport and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

16&17. In the interests of highway and pedestrian safety, and the operation of the highway network. To ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

18. In the interests of highway safety to discourage "rat running" between the A5 and Rugby Road and promote sustainable travel, and to encourage modal shift for a healthy and safe environment., To ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

19. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety. To ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

20. To ensure that appropriate mitigation measures are installed in order to protect future residents from existing industrial noise.

21. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

22. To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the requirements of PPS5.

23. To ensure satisfactory archaeological investigation and recording in accordance with the requirements of PPS5.

24&25. To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants and to ensure compliance with PPS25.

26. To secure the implementation of the reinstatement of the Sketchley Brook to open watercourse within the site and to reduce the impact and risk of flooding overall. To secure compliance with PPS25.

27. To reduce the risk of significant diffuse pollution of the water environment arising from ground works and damage to water dependant species and habitats during the construction phase of the proposed development affecting the Sketchley Brook. To ensure compliance with Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

28. To protect the water environment and to ensure compliance with Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

29. To protect the water environment and to ensure compliance with Policies NE13 and NE14 of the Adopted Hinckley and Bosworth Local Plan.

30. To protect the viability of Hinckley Town Centre and to ensure that the use and permitted floorspace accords with the Environmental Statement to ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 4.

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 6th 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. A Section S61 agreement under the Control of Pollution Act 1974 should be considered as recommended in the submitted Noise Impact Report.

6. The applicant/developer is advised to contact the Third Party Works Engineers Team at the Fazeley Office on 01827 252000, in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' Code of Practice for Works affecting British Waterways.

7. It should be noted that public footpath U64 runs across the site and would be affected by the layout proposed within the submitted Masterplan. The reserved matters application should make provision for the existing footpath or a suitable alternative route which would need to be secured by a Diversion Order. Until such time the existing route should be retained with free access and the surface should be maintained in a satisfactory condition for pedestrians use during construction works and should not be used by vehicular traffic.



Date:- 30 August 2011

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/). 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 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 permission subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner 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 planning 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 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 BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS 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.

OPNOTES V2