Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
Hallam Land Management Ltd
C/o Agent

Name and Address of Agent (if any)
Mark Flood
Insight Town Planning Ltd
The Stables
Sutton Lodge
Sutton Bassett
Market Harborough
LE16 8HL

Part I - Particulars of Application

Date of Application	**Application No.**
17 January 2011	11/00029/OUT

Particulars and location of development:

ERECTION OF UP TO 135 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PUBLIC OPEN SPACE AND PROVISION OF VEHICULAR AND PEDESTRIAN ACCESS

Land South Of Newbold Road/ Manor Road Junction Desford Leicestershire

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: would contribute towards the current shortfall in the five year housing land supply and to the need for new dwellings in Desford, would not have an adverse impact on the character and appearance of the landscape or highway safety and it would contribute to the provision of affordable housing and public open space.

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

Hinckley and Bosworth Local Development Framework (2009) :- Policies 7, 8, 15, 16, 19.

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) :-

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.

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

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 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 on the site
iii) the provision to be made for vehicle turning within the site
iv) the method of disposal of surface and foul water drainage, which shall be on separate systems
v) the existing trees and hedges on the site, which are to be retained
vii) the provision to be made for screening by walls and fences
viii) the floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site
ix) the phasing of the development
x) 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: 3890-L-01 B, 10096/DR/01 E and 3890_SK_01 Rev E received on 29 July 2011.

5. Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained. All garages shall have minimum internal dimensions of 6 metres x 3 metres.

6. Before first use of the development hereby permitted, the existing footway across the site frontage shall be widended to 2.4m.

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. 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.

9. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

10. Before first occupation of any dwelling, car parking provision shall be made within the curtilage of the dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

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

12. The development hereby permitted shall not be commenced until such time as a scheme incorporating Sustainable Urban Drainage to limit surface water run-off has been submitted to, and approved in writing by the Local Planning Authority. The scheme must ensure that surface water run-off generated by the 100 year storm (plus an allowance for climate change) will not exceed the run-off currently generated by the undeveloped site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

13. No development shall take place within the application area until the applicant has secured the implementation of a further programme of archaeological work, including trial trenching 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.

14. 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.

The reasons for the conditions are :-

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

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

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 enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

6. The Highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for the safety of pedestrians in accordance with policy T5 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 in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

8. 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 policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan

9. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. 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 in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

11. 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 in accordance with policies T5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

12. To prevent flooding both on and off site by ensuring the satisfactory storage/disposal of surface water generated by the proposed development in accordance with the requirements of PPS25: Development and Flood Risk and policy NE14 of the adopted Hinckley and Bosworth Local Plan.

13. To locate any significant archaeological remains and to assess their preservation and significance in accordance with the requirements of PPS5: Planning and the Historic Environment and policy BE16 of the adopted Hinckley and Bosworth Local Plan.

14. To ensure satisfactory archaeological investigation and recording accordance with the requirements of PPS5: Planning and the Historic Environment policy BE16 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 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. The central island width of 5.5m is too large for a mini roundabout therefore the type of roundabout is either normal or compact.

6. For a compact roundabout, there should be only single lane entries and exits. The circulatory carriage way should not be wide enough that two cars can pass one another. I would therefore recommend the reduction of ICD or increasing the diameter of the central island and/or over-run area.

7. It is not clear if the triangular islands are to be painted or kerbed. If kerbed, they should be large enough to accommodate pedestrians with dropped kerbs and tactile paving. If the islands are to be painted it would seem no provision is to be made for pedestrians

8. If the intention is the roundabout to be normal type, the exit widths need to be 7m tapering down to 6m (currently range from 4-6m).

9. In principle the design is acceptable but a more detailed design drawing would need to be submitted showing kerbing details, flush kerbs and tactile paving, road markings and traffic signs/bollards.

10. At the High Street/Main Street mini roundabout, the proposal is to move a central island on the High Street approach. This will give a small benefit to capacity by allowing two vehicles to sit side by side at the give way line. In reality however this potential storage space may frequently be blocked by queuing traffic and become a "dead area". If the splitter island is to be moved checks would be needed to ensure swept paths of large vehicles can still be accommodated.

11. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority



Date:- 13 April 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/). 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