Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
North Warwickshire & Hinckley College
c/o agent

Name and Address of Agent (if any)
Mr R Wells
Savills (L&P) Ltd
Innovation Court
121 Edmund Street
Birmingham
West Midlands
B3 2HJ

Part I - Particulars of Application

Date of Application	**Application No.**
30 June 2010	10/00505/OUT

Particulars and location of development :

RESIDENTIAL DEVELOPMENT (OUTLINE - ACCESS ONLY)

North Warwickshire And Hinckley College London Road Hinckley Leicestershire LE10 1HQ

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 would: be an acceptable redevelopment of a brownfield site where the educational use is being retained elsewhere in the town; provide appropriate access and not have a detrimental impact on the surrounding road network and would contribute affordable housing and play and open space facilities.

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

Hinckley & Bosworth Borough Council Local Plan (2001) :- RES5 BE1, IMP1, REC2, REC3, NE2, NE12, NE14, T5 and T9.

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. 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 on the site
iii) The provision to be made for vehicle turning within the site
iv) The provision to be made for loading and unloading within the site
v) The method of disposal of surface and foul water drainage, which shall be on separate systems
vi) 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 phasing of the development
ix) The floor levels of the proposed dwellings in relation to the existing ground level and the finished levels of the site.
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:
2623-106 Rev. A - Access Plan
2623-103 Rev. E - Illustrative Site Layout (access only)
2623-104 Rev. A - Site Location Plan

5. Prior to the commencement of 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.

6. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

7. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

8. 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.

9. No development approved by this permission shall be commenced until such time as a scheme for the monitoring of landfill gas has been submitted to and agreed in writing with the Local Planning Authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.

10. The development hereby approved shall be carried out in accordance with the recommendations contained within the submitted Extended Phase 1 Habitat Survey (April 2010) and Emergence Bat Surveys (June 2010) by Land Care Associates.

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

12. No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation, which has been submitted and approved in writing by the Planning Authority. The scheme shall allow for the provision of a plaque on site to publicise the historic nature of the buildings. The plaque shall be provided in accordance with the details agreed as part of the investigation scheme.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010 Issue No.3, reference number BDRP0001 FRA NWHC undertaken by URS and the following mitigation measures detailed within the FRA:
    1. A scheme for the provision and implementation of surface water run-off limitation to 40l/s for the redevelopment site as detailed in section 8.2.2 unless otherwise agreed in writing with the Local Planning Authority;
    2. Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 20% climate change allowance as detailed in section 8.2.2;
    3. Provision of means of enclosure to mitigate against overland flood flow as detailed in section 3.2.2.2

14. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority in consultation with the Highway Authority before development commences.

15. The gradient of the access from London Road shall not exceed 1:30 for the first 10 metres behind the Highway boundary, and then 1:20 thereafter.

16. Prior to the commencement of development, a scheme to permanently close the existing vehicular access from Trevor Road shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the permanent closure of the access within one week of the new access being brought into use and the reinstatement of the kerb.

17. 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.

18. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway 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.

19. Before first use of the development hereby permitted, the vehicular access to the site shall be provided with minimum of 6 metre control radii on both sides of the access.

20. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the London Road access with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

21. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 59.0 metres shall be provided at the junction of the access with London Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

22. 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.

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

6. To protect the water environment from contamination bought on site during construction works to comply with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7-9 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 that the development has no detrimental impact on protected species to accord with Planning Policy Statement 9.

11. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

12. To ensure satisfactory historic building recording in line with Policy HE12 of PPS5: Planning for the Historic Environment.

13. To prevent flooding by ensuring the satisfactory disposal of surface water from the site. To prevent flooding by ensuring the satisfactory storage of surface water from the site. To reduce the impact of overland flooding on the proposed development and future occupants and to accord with Planning Policy 25 - Development and Flood Risk.

14. To ensure a satisfactory form of development and in the interests of Highway safety to accord with policy T5 of the Local Plan.

15. 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.

16. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points to accord with Policy T5 of the Local Plan

17. 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.

18. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site including Bowling Green Road and Trevor Road to accord with Policy T5 of the adopted Local Plan.

19. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway to accord with policy T5 of the Local Plan.

20. In the interests of pedestrian safety to accord with policy T5.

21. 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 accord with Local Plan Policy T5.

22. 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 to accord with Policy T5 of the 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. This planning permission is subject to a Section 106 Agreement.

6. In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

7. The applicant's attention is drawn to the comments of the Environment Agency dated 11th August 2010.

8. Your attention is drawn to the requirement contained in the Highway Authority's design document to provide Traffic Calming measures within the new development.

9. 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- (telephone 0116 3052202).

10. The applicant's attention is drawn to the extensive notes on the response from the Highways Authority dated 24th September 2009.



Date : 20 October 2010

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