Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
The Tin Hat Regeneration Partnership LLP
C/o Wilson Bowden Developments Ltd
Cartwright Way
Forest Business Park
Bardon Hill
Leicester
Leicestershire
LE67 1UB

Name and Address of Agent (if any)
Mr Chris Wieszczycki
TP Bennett and Engle
One America Street
London
SE1 ONE

Part I - Particulars of Application

Date of Application	**Application No.**
16 September 2010	10/00743/OUT

Particulars and location of development:

OUTLINE APPLICATION INCLUDING ACCESS, LAYOUT AND SCALE, FOR THE ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING RETAIL (A1-A3 USES), LEISURE (D2 USES) AND OFFICES (B1A USES), TOGETHER WITH ALL ASSOCIATED INFRASTRUCTURE AND PLANT, PUBLIC REALM, LANDSCAPING AND SERVICING. WORKS TO INCLUDE THE PROVISION OF A PART UNDERCROFT/PART SURFACE PUBLIC CAR PARKING AREA AND A NEW BUS STATION

Bus Station Lancaster Road Hinckley 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 the proposed development would be in accordance with the development plan and would not be detrimental to the occupiers of neighbouring properties or highway safety. The site represents one of the key regeneration areas in the Town Centre, and its redevelopment, as part of a comprehensive scheme, would contribute significantly to the Council's vision and primary spatial objectives, bringing wide ranging benefits to Hinckley Town Centre and to the Borough as a whole. The site is in a sustainable location within the Hinckley Town Centre; would meet an identified need for retail and leisure development in Hinckley; and would enhance the character and appearance of the area.

Policy 1 of the Hinckley and Bosworth Core Strategy supports the development of the bus station site for retail development and the provision of a new bus station including efficient provision and management of town centre parking. It further requires new development to enhance the poor public realm within the town centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy for the following reasons:

a) The proposal provides additional retail development, town centre parking and the redevelopment of the bus station increasing capacity for public transport.
b) The proposal incorporates the provision of high quality public realm and improvements to public realm along key pedestrian links with the existing retail centre.

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

Policy 5 of the Hinckley and Bosworth Core Strategy proposes transport interventions to support additional development in and around the Hinckley sub-regional centre; these include improvements to the provision and management of car parking and public transport to support the increased use of Hinckley Town Centre. It is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy with the provision of a well managed town centre car park and redeveloped bus station improving the provision of public transport within the town centre.

Policy BE1 of the Hinckley and Bosworth Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy through a well designed scheme that has regard to the character of the area and proposes a high quality design that contributes to the character of the environment.

Relevant provisions of the development plan include:

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

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, EMP1, BE1, BE13, BE14, BE15, BE16, BE26, NE2, NE12, NE14, T3, T4, T5, T9, T11, and Retail 1.

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.

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

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:-

   a) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
   b) The landscaping of the site including the 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.

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

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

   a) The provision to be made for screening by walls and fences
   b) Landscaping implementation programme
   c) The final siting and layout of each unit in accordance with the horizontal deviation plan.

   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.

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

4. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as follows:-

Drawing Nos: SK01; P001; P002; P003; P004; P005; P006; P007; P009; P010; P011; P012; P013; P014; P020; P021; P022; P023; P030; P031; P032; P040; P041; P042; P050; and the technical documents: Environmental Statement and Appendices; Energy Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Retail Statement; Retail Statement Appendices; Flood Risk Assessment and Phase 1 and 2 Geo-environmental Investigation received 16 September 2010 and additional information as follows: Stage One Road Safety Audit – Designers Response received 7 October 2010; Ecology Report received 20 October 2010; and Acoustic Measures received on 17 November 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Prior to commencement of development conditions:

5. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development; 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.

Reason: In the interests of visual amenity and to safeguard the character of the area, to accord with policy (s) BE1 of the adopted Hinckley and Bosworth Local Plan.

6. The development hereby permitted shall not be commenced until such time as a scheme to manage surface water run-off, silt and where necessary ground water during the demolition and construction phases has been submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water, silt and where necessary ground water from the site, during the demolition and construction phases to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7. Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

a) Limiting surface water run-off during all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
b) Provision of surface water run-off attenuation to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
c) Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

a) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent the pollution of controlled waters, notably the Sketchley Brook and the wider alluvial aquifer to accord with Planning Policy Statement 25: Development and Flood Risk and Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.

9. 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.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

10. Prior to the commencement of development a scheme for any bunded tanks that may be installed should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

11. No development shall commence until full details of the bus station has been submitted to and approved in writing by the Local Planning Authority. The details shall include surfacing, level access kerbs, real time information displays, bus shelters and programme of implementation. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

12. Prior to the stopping up of Brunel Road the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. Prior to commencement of development details of the routing of construction traffic shall be submitted to and approved in writing 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.

Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

14. No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work (in this instance historic building recording) in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken only in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

15. No development approved by this permission shall be commenced until details of site lighting 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.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

16. No development shall take place until full details of any biomass boiler that may be installed, building services and ventilation of the premises, which shall include installation method, maintenance and management, 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 before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour, air quality and noise to accord with Policies NE2 and BE1 of the adopted Hinckley and Bosworth Local Plan.

17. 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.

Reason: 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.

18. Notwithstanding the recommendations of the noise and vibration section of the Environmental Statement, development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: 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.

19. No development approved by this permission shall be commenced until a scheme for the management of noise and vibration during the site preparation and construction works 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.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

20. Prior to commencement of the development hereby permitted full details of measures to address crime and terrorism, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides a safe and secure to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

21. Prior to commencement of development a scheme of sound insulation for the boundary and loading bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

22. Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

23. No development shall take place until a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

24. Prior to commencement of development hereby permitted a scheme for the inclusion of public art within the overall development including details of design, materials, location and an implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To enhance the public realm of the town centre and the appearance and identity of the development in accordance with Policy 1 of the adopted Hinckley and Bosworth Core Strategy.

Prior to occupation conditions:

25. Prior to occupation of any Unit in block C (Unit C1 to C10) the service loading bay on Station Road as shown on drawing E1012 P 021 shall be provided and made available for use. This shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

26. Prior to occupation of any Unit in block B (Units B1 to B5) the service loading bays on Lancaster Road and Waterloo Road as shown on drawing E1012 P 021 shall be provided and made available for use. These shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

27. Prior to occupation of any Unit in block A (Units A1 to A11) the rear service yard accessed from Rugby Road on drawing E1012 P 021 shall be provided and made available for use. The service yard, including turning provision, shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

28. Prior to occupation of any unit hereby approved the scheme of mitigation at Coventry Road / Trinity Lane signalised junction as shown drawing no A054156-35-18-038 shall be provided and available for use.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

29. Prior to the occupation of any unit hereby approved, car parking provision shall be made within the development site as shown on drawing E1012 P 021. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason: 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.

30. Prior to the occupation of any unit hereby approved, the proposed signalised access to the car park and rear service yard shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

31. Prior to the occupation of any unit hereby approved, full details of traffic management for Waterloo Road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include signage, lining, bus operation hours, delivery and service vehicle operation hours, management and maintenance and implementation programme. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

32. Prior to occupation of any unit hereby approved the proposed signalised access to the car park and rear service yard as shown on drawing no A054156-35-18-037 shall be constructed and available for use.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

33. Prior to occupation of any unit hereby approved details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. 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 thereafter.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

34. Prior to occupation of any unit hereby approved full details of the proposed recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the types of banks to be provided, provision of an off loading area for vehicles with safe pedestrian areas, and provision for collection vehicles to park to empty the banks. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides sufficient recycling facilities that can be accessed in a safe manner to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Other conditions:

35. Between 6 and 12 months after the opening of the food store the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority. If these results show a 5% or greater increase in through traffic in comparison to the survey carried out under condition 12 a scheme of mitigation and implementation by the developer shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

36. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the proposed signalised access to the car park and rear service yard they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

37. The gradient of the proposed signalised access to the car park and rear service yard shall not exceed 1:12 for the first 15 metres behind the Highway boundary.

Reason: 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.

38. 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 cycle ways and shared use footway/cycle ways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.

Reason: To ensure a satisfactory form of development and in the interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

39. No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

40. For the period of the construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan.

Reason: 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 adopted Hinckley and Bosworth Local Plan.

41. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010, Ref: XL00722/R3 undertaken by Clarke Bond and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by all rainfall events up to the 100 year critical storm, including an allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

42. 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, analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than 6 months after the commencement of fieldwork.

Reason: To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

43. The intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

44. Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which the above condition applies is fully compliant with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

45. 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.

Reason: To ensure the protection of controlled waters to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

46. Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: 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.

47. 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.

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

48. Unit A1 hereby approved shall have not more than 9,674 square metres of Gross Internal Area (GIA).

Reason: To ensure that the use and permitted floor space accords with the Environmental Statement and Retail Statement, to ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 4.

49. The car park hereby approved shall be managed in accordance with the car park management plan submitted with the application within the Transport Assessment (Appendix Q) dated September 2010.

Reason: To ensure the car park permitted does not undermine other Town Centre Car Parks in accordance with Planning Policy Guidance Note 13.

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. Any trees to be retained on the site should be protected following recommendations outlined in the British Standard: Trees in relation to Construction BS5838:2005.

6. Demolition work or works to trees/shrubs should be undertaken outside of the bird breeding season. If this is not convenient, areas should be checked by a suitably experienced individual prior to works. If nesting birds are present, work must cease in the area until the young have left the nest.

7. In relation to condition 6 particular attention must be given to the safe routing of flood water arising from storm events exceeding the design limit for runoff attenuation. In particular, residential property

in Clarendon road must not be exposed to an increased risk of flooding as a result of the development.

8. In relation to condition 14 the Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

9. The Historic and Natural Environment Team, as advisors to the Local Planning Authority will monitor the archaeological work to ensure that the necessary programme of historic building recording is undertaken to the satisfaction of the Local Planning Authority.

10. The applicant should note that Central Networks has Network within the proposed site, and requires 24 hour access to this network. Copies of the mains records can be obtained from Aim Bureau Services, Toll End Road, Tipton, DY4 0HH. For new developments, diversions and ground works contact Central Networks, CAT Team, Toll End Road, Tipton, DY4 0HH. For information regarding the safety of working around networks contact Cablesafe Team on 0800 0150 927 or on http://www.eon-uk.com/distribution/.

11. The applicant's attention is drawn to the response from National Grid dated 7 October 2010.

12. In relation to condition 14 advice from Environmental Health 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

13. A section S61 agreement under the Control of pollution Act 1974 should be considered.



Date:- 18 January 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 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 or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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.

4. 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.

5. 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.

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