Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Westleigh Developments Ltd
Tudorgate,
Grange Business Park
Enderby Road
Whetstone
Leicester
LE8 6EP

Name and Address of Agent (if any)
Brian Dearlove Partnership
Unit C
Edward House
Grange Business Park
Enderby Road
Whetstone
Leicester
LE8 8EP

Part I - Particulars of Application

Date of Application	**Application No.**
11 February 2011	11/00100/CONDIT

Particulars and location of development :

VARIATION OF CONDITION 2 OF PLANNING PERMISSION 10/00847/FUL.

Flude House Rugby Road Hinckley Leicestershire LE10 0QQ

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 affordable housing and employment development in Hinckley; and would enhance the character and appearance of the area.

Policy 1 of the Hinckley and Bosworth Core Strategy supports Hinckley's role as a sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides a range of employment opportunities.

Policy 5 of the Hinckley and Bosworth Core Strategy proposes transport interventions to support additional development in and around the Hinckley sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides adequate transport measures to support the development of the site.

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.

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

Relevant provisions of the development plan include:

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 5, 15, 19, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, EMP1, NE2, NE12, NE14, T5, IMP1, REC2, REC3.

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. This permission relates to the variation of Condition 2 of planning permission reference 10/00847/FUL [the previous application] dated 25.01.2011, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00100/CONDIT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.

2. This permission relates to the amended application plans:- Site Plan drg. no. 4402/F1, Floor Plans and Elevations Plots 41-46 drg. no. 4402/E3, Floor Plans and Elevations Plots 10-19 drg. no. 4402/B5, Floor Plans and Elevations Plots 20-29 drg. no. 4402/C4, Floor Plans and Elevations Plots 30-40 drg. no. 4402/D5 and Floor Plans and Elevations Plots 10-9 drg. no. 4402/A5 Floor Plans and Elevations Angus Site drg. no. 4402/H received by the local planning authority on 11 March 2011.

   The following plans and documents approved under permission 10/00847/FUL remain unaltered:- MRP/0750/Ppsd/10r, MRP/0750/Ppsd/11c, MRP/0750/Ppsd/12c, MRP/0750/Ppsd/13c, MRP/0750/Ppsd/14c, MRP/0750/Ppsd/15c, MRP/0750/Ppsd/16c, MRP/0750/Ppsd/43a, MRP/0750/Ppsd/44a, MRP/0750/Ppsd/70, MRP/0750/Ppsd/101d, MRP/0750/Ppsd/102d, MRP/0750/Ppsd/103d, MRP/0750/Ppsd/104d, MRP/0750/Ppsd/105d, MRP/0750/Ppsd/106c, MRP/0750/Ppsd/73e, MRP/0750/Ppsd/74d, MRP/0750/Ppsd/75c, Bir.3260_01, Bir.3260_02, Bir.3260_03 (1 of 2), Bir.3260_03 (2 of 2), Bir.3260_05, Bir.3260_06, Design and Access Support Statement, Phases I & II Environmental Risk Assessment by Geodyne Ltd, Transport Assessment and Travel Plan by Mayer Brown, Tree Assessment Report by FPCR Ltd,, Ecologicial Assessment by FPCR.

The reasons for the conditions are :-

1. To define the permission and to ensure that all other conditions attached to the original consent still apply.

2. To define the permission.

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.



Date : 17 May 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/). 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