Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Tesco Stores Limited
Delamere Road
Cheshunt
Hertfordshire
EN8 9SL

Name and Address of Agent (if any)
Anthony Aspbury Associates
20 Park Lane Business Centre
Park Lane
Basford
Nott
NG6 0DW

Part I - Particulars of Application

Date of Application	**Application No.**
25 March 2008	08/00317/FUL

Particulars and location of development :

ERECTION OF CONVENIENCE STORE (AMENDED SCHEME TO 07/01136/FUL)

165 - 167 London Road Hinckley Leicestershire LE10 1HH

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE5 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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. No gates shall be erected to the vehicular access.

2. The materials to be used on the external elevations to the store and ATM pod hereby approved shall be in accordance with the details contained in the application and the approved plans unless otherwise agreed in writing with the Local Planning Authority.

3. The construction of the shutter hereby approved shall be 'punched lath construction' and not a solid or micro perforation construction, unless otherwise agreed in writing by the Local Planning Authority.

4. The rating level of noise emitted from fixed plant on the site shall not exceed the existing background noise level, determined to be 51.5dB L A90 (1 hour), by more than 3dB. The noise levels shall be determined 1 metre from a facade containing a window to a habitable room in the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:1990.

5. Notwithstanding the details of the submitted plan, safety bollards shall be erected along the acoustic fence. The details of which shall be submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with those details prior to the development being first brought into use.

6. No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Continued 08/00317/FUL

7. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

8. The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

9. For the period of 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.

10. The proposed access shall have an effective width of a minimum of 6 metres for a distance of at least 15 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.

11. The car parking and turning facilities (including lorry turning) shown within the curtilage of the site shall be provided, surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

12. Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

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

14. Before first use development 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 access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

15. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

    (i) hard surfacing materials
    (ii) planting plans
    (iii) written specifications
    (iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
    (v) implementation programme.

16. 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.

17. The convenience store shall not be open to the public outside the following times 0700 and 2300 on any day and no deliveries shall be taken at or dispatched from the site outside the hours of 0600 and 2000 on any day.

18. Details of any external lighting shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The development shall be carried out in accordance with the approved details.

The reasons for the conditions are :-

1. To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

2. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

3. In the interests of visual amenity, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy of the Hinckley & Bosworth Local Plan.

5. To prevent damage being caused to the fence from vehicles and in the interests of pedestrian safety.

6. 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.

7. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

8. To reduce the number of vehicular accesses to the site and consequently to reduce the number of conflict points.

9. To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users.

10. 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.

11. 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.

12. In the interests of the sustainability of the development and to encourage alternative transport choice.

13. 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.

14. In the interests of pedestrian safety.

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

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

17. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy of the Hinckley & Bosworth Local Plan.

18. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy of the Hinckley & 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.

Continued 08/00317/FUL

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. Attention is drawn to the following recommendations of the Borough Council's Principal Environmental Health Officer.

5. Your attention is drawn to the attached report of the Leicestershire Constabulary dated 29 April 2008.

6. The applicant is advised that there is a landfill site within 250 metres of the site.

7. The landscaping scheme approved on 3 March 2008 for the purposes of condition 17 attached to planning permission 07/01136/FUL is considered to be acceptable

8. If the ground strata are suitable (as determined by the test in BRE Digest No 365) consideration should be given to draining roof run off to soakaways and that from car parking and lorry turning areas through permeable pavings i.e. the SUDS approach.

T. M Prowse

Date:- 30 May 2008

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL