Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant	**Name and Address of Agent (if any)**
A R Cartwright Ltd	Hayward Architects Ltd
The Vicarage	19 Station Road
Vicarage Street	Hinckley
Nuneaton	Leics
Warwickshire	LE10 1AW

Part I - Particulars of Application

Date of Application	**Application No.**
10 August 2011	11/00656/EXT

Particulars and location of development :

EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00835/FUL FOR THE ERECTION OF 3 INDUSTRIAL UNITS.

Former Emesite Nutts Lane Hinckley Leicestershire LE10 0NT

Part II - Particulars of decision

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to representations received and the 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 by virtue of its siting, scale, height and design the proposed development is not considered to be out of keeping with the character and appearance of the street scene or to the setting of the Ashby canal conservation area or detrimental to highway safety. The principle of industrial development on the site has been previously established with the granting of planning permission on planning application 08/00835/FUL.

Hinckley & Bosworth Borough Council Local Plan (2001) :- EMP1, BE1, BE7, REC6 and T5.

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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission

2. Before any works commence, representative samples of the types and colours of the materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved material.

3. No development shall take place until full details of both hard and soft landscaping works, including implementation timetables, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

4. 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

5. There shall be no storage of materials plant oil drums tyres or waste materials of any description on the open area of the site

6. None of the units hereby approved shall be occupied until a cycle-way link from the Ashby canal to the adopted highway on the A5 Watling Street to the west of the site has been implemented in accordance with details to be approved in writing by the Local Planning Authority, in consultation with the Highways Agency.

7. Before development commences a preliminary site investigation and desktop study shall be carried out to establish whether there is any contamination. Any mitigation measures resulting from this shall be implemented in accordance with the agreed works.

8. The development hereby permitted shall not be occupied until the drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

9. Prior to the development commencing the applicant shall submit details of directional signing to the development, which will be required from Nutts Lane. These shall be implemented in accordance with the approved scheme.

10. Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of an industrial unit and shall be retained for these purposes thereafter.

11. Before the development hereby permitted is first used, off-street parking shall be provided within the application site as shown on the submitted details. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

12. Before first occupation of the units 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

13. The proposed accesses shall have an effective width of a minimum of 6.0 metres for a distance of at least 5 metres behind the highway boundary. The access drive shall be so maintained at all times.

14. Notwithstanding the submitted details, before first use of the development hereby permitted, each vehicular access to the site shall be provided with 6 metre control radii on both sides of the access. Details of the intended access arrangements to unit 10 shall be submitted to the Local Planning Authority for approval prior to the development commencing

15. 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 highway

16. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 8/9/10_01, 8/9/10_02, 8/9/10_03, 8/9/10_04 received on 21 August 2008.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

3. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5. To ensure the site does not deteriorate into an untidy condition to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure the site can be safely developed to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8. To avoid unnecessarily taking up capacity within the public sewage system specifically provided for the essential disposal of foul sewage

9. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan

13. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

14. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

15. In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

16. For the avoidance of doubt and in the interests of proper planning.

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. Western Power may have existing services within close proximity of the site. Therefore you are advised to contact them by email at the following address customer@central-networks.co.uk to ensure that none of their services are affected by building or ground works prior to any development commencing.

6. The applicant is advised that any connection to the Ashby Canal towpath as required by Condition No 6 of this planning permission will require the prior consent of British Waterways in the form of a commercial agreement. It is recommended that you contact the Estates Team at the Fazeley Office on 01827 252000 for advice on this matter.



Date : 20 September 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