Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
Johal And Kler Partnership
C/o Agent

Name and Address of Agent (if any)
Mr Michael Robson
Cerda Planning Ltd
Fort Dunlop
Fort Parkway
Birmingham
B24 9FD

Part I - Particulars of Application

Date of Application	**Application No.**
31 January 2011	11/00063/OUT

Particulars and location of development:

ERECTION OF UP TO 61 DWELLINGS AND 2800 SQUARE METRES OF EMPLOYMENT FLOORSPACE (CLASS B1) (OUTLINE - ACCESS AND LAYOUT ONLY)

Dunlop Limited Station Road Bagworth Coalville 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 maintain provision of employment land within Bagworth, improve the appearance of an untidy derelict site, contribute to meeting the five year housing land supply and the identified affordable housing need. The proposal is therefore considered to accord with the development plan.

Hinckley and Bosworth Core Strategy DPD (2010):- Policy 7, Policy 10, Policy 15 and Policy 16.
Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, EMP1b, REC2, REC3, RES5, T5, T9, NE2 and IMP1.

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.

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.

- The external building materials
- The provision to be made for vehicle parking on the site
- The provision to be made for vehicle turning within the site
- The provision to be made for loading and unloading within the site
- The method of disposal of surface and foul water drainage, which shall be on separate systems
- The existing trees and hedges on the site, which are to be retained
- The provision to be made for screening by walls and fences
- The phasing of the development, if appropriate
- The floor levels of the proposed dwellings and employment premises in relation to the existing ground level and the finished levels of the site.
- The provision to be made for the storage of refuse and/or recycling facilities
- Details of external lighting on the employment premises.

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:-

B5217 (PL) 01 received 31 January 2011 ,and B5217 (PL) 02 E received 31 January 2011.

5. Prior to the commencement of the development hereby permitted, the applicant shall submit for approval in writing from the Local Planning Authority details for the design of a pedestrian crossing on Station Road, in proximity to the site frontage. Prior to the occupation of the 26th dwelling the highway works shall be completed to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

6. Before first occupation of any dwelling hereby permitted, the access to serve the dwellings shall be provided in accordance with the details shown generally on drawing No. B5217 (PL) 02 Rev.E. The access drive once provided shall be so maintained at all times.

7. 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.

8. Before the development commences, details of satisfactory pedestrian visibility splays at each access shall be submitted to the Local Planning Authority for approval in writing. The approved pedestrian visibility splays shall be provided 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 thereafter maintained.

9. Before first use of the development hereby permitted, the vehicular access to the employment element as shown on drawing number B5217 (PL) 02 E received 31 January 2011 shall be provided with 8 metre control radii on both sides of the access.

10. Development shall not commence until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been 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:-

- Details of how the scheme shall be maintained and managed after completion;
- Sustainable drainage techniques or SuDS incorporated into the design;
- Details to show the outflow from the site is limited to the maximum allowable rate;
- That the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)
- Detailed design details of the proposed balancing pond, including cross-sections and plans.

11. The development hereby permitted shall not be commenced until such time as a scheme to install an oil interceptor to serve the Industrial units has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

12. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies to serve the residential area has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

13. Before the commencement of development a scheme to protect the neighbouring premises from dust during construction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14. Notwithstanding the conclusions of the NVC Noise Impact Assessment ref. no. R10.1772/DRK; development shall not commence until a scheme for protecting existing nearby and proposed dwellings from noise from existing and proposed commercial operations has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of either the employment or residential element of the site, whichever the sooner.

15. Notwithstanding the conclusions of the RSK Site Investigation Report 300098-2 (01)July 2001, no development shall commence 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. The scheme shall include details of the any contamination found shall be dealt with and the approved scheme shall be implemented in accordance with the agreed details and any remedial works required shall be carried out prior to the occupation of the site.

16. 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.

17. 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.

The reasons for the conditions are :-

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

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 interest of pedestrian and cyclist safety, and the sustainability of the development which is in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

6. In the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

7. 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.

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

9. 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 in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

11&12 To protect the water environment in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

13. To prevent pollution during the construction in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

14. To protect the amenities of existing and future occupiers in accordance with Policy BE1of the adopted Hinckley and Bosworth Local Plan.

15. To prevent contamination of land to be used as residential in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

16. To protect the amenities of future occupiers of the site in accordance with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

17. 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.

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. As part of the Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies. The Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will

significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

Date:- 28 April 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/). 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. 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 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.

5. 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.

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 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.