HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Morris Homes East Midlands Ltd
Morland House
6 Boundary Court
Willow Farm Business Park
Castle Donington
Derby

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
29 August 2007	07/01030/FUL

Particulars and location of development :

ERECTION OF 49 NO. DWELLINGS WITH GARAGES, ROADS, SEWERS AND RELATED ANCILLARY WORKS

Recreation Ground Brodick Road Hinckley Leicestershire

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Strategy Policy 10 & 11; Environment Policy 3 & 3A; Housing Policy 4 & 5; Accessibility and Transport Policy 1 and Leisure Policy 3 of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016 and Policies REC1; REC2; REC3; RES5; BE1; NE2; T5; T9; T11 and IMP1 of the Hinckley and Bosworth Local Plan 2001. 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. This permission relates to the application as revised by amended plan dwg nos: MALH_2101.A; MALH_2102.A; EDGE_2101.A; EDGE_2102.A; NDAL_01; CHES_2101.A; CHES_2102.A; AL/BE_2101.A; AL/BE_2102.A; and (V1051)/P/PL01 D; received by the Local Planning Authority on 4 January 2008 and V1051_STREET Rev C; LYMM_2101.A; LYMM_2102.A; BET_2101.A; and BET_2102.A received 10 January 2008.

3. Notwithstanding the levels details submitted, no development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved ground levels and finished floor levels shall then be implemented in accordance with the approved details.

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, garages and walls 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.

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5. Notwithstanding the details submitted, no development shall take place until full details of both hard and soft landscaping 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) Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.)
   (iii) Planting plans
   (iv) Written specifications
   (v) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
   (vi) Implementation programme.

6. 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.

7. Development shall not begin until a scheme for protecting the proposed dwellings from noise from existing and proposed commercial/industrial operations adjacent to and within close proximity tot he site, has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

8. Before the development hereby permitted is first used, cycle parking provision shall be made available for Plots 1 to 10 to the satisfaction of the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity.

9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

10. No building shall be erected or trees planted within 2.5 metres of the 300mm public combined sewer, and within 5 metres of the 525mm, 750mm and 900mm public surface water sewers.

11. The development hereby permitted shall be carried out in complete accordance with the recommendations contained in Section 4 of the submitted Ecological Appraisal dated October 2007 unless otherwise agreed in writing by the Local Planning Authority.

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

13. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 100 year plus 30% (for climate change (table B2 of PPS25)) rainfall event has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

14. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing surface water sewerage system has been submitted to and approved in writing by the Local Planning Authority. No buildings hereby permitted shall be commenced until such improvements and/or extensions have been commissioned to the satisfaction of the Local Planning Authority.

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15. Notwithstanding the submitted details, no gates shall be erected to the shared vehicular access between plots 29 to 49, the access shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

16. On the internal roads, 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.

17. 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.

18. For the period of the 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.

19. Before the development commences, details of the routeing of construction traffic shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the Local Planning Authority.

20. 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.

21. Before first used occupation of any dwelling, the corresponding car parking space(s) including any garage space shall be made within the development site as generally shown in the submitted Dwg No:- (V1051)/P/PL01 Rev C. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

22. Notwithstanding the submitted details the shared private drive for plots 1 to 10 shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

23. Before first use of the development hereby permitted each access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

24. Notwithstanding the submitted details, before first use of any vehicular access hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of each access 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 so maintained in perpetuity.

25. Before first use of the development hereby permitted, visibility splays of 4.5 metres by 90 metres shall be provided at the adopted estate road junction with Brodick Road and 2.4metres by 90 metre splays shall be provided at the junction of the shared private drive between plots 29 & 49. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

26. As detailed in the Transport Statement submitted with the application, each dwelling shall be provided with a Travel Pack and 2 x 3 monthly travel passes.

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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 define the permission.

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

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

5. To enhance the appearance of the development to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.

7. To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 and NE2 of the Hinckley & Bosworth Local Plan.

8. To ensure adequate steps are taken to provide a transport choice / a choice in mode of travel to and from the site in accordance with Planning Policy Guidance Note 13.

9. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

10. There are public sewers that cross the site therefore access for maintenance, repair, renewal is required and it is essential to protect the structural integrity of the public sewage system to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

11. To ensure the development is carried out in accordance with submitted details and in the interests of nature conservation to accord with Environment Policy 3 and 3A of the Leicestershire, Leicester and Rutland Structure Plan 1996-2016.

12. To prevent the increased risk of flooding to accord with Planning Policy Statement 25: Flood Risk.

13. To alleviate the increased risk of flooding to accord with Planning Policy Statement 25: Flood Risk.

14. To provide adequate drainage to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

15. 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 to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

16. 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 to accord with Policies BE1 and T5 of the Hinckley and Bosworth Local Plan.

17. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

18. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

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19. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

20. 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 Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

21. To ensure that adequate off-street parking facilities are available to accord with policy BE1 and T5 of the adopted Hinckley & Bosworth Local Plan.

22. To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the Hinckley and Bosworth Local Plan.

23. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

24. In the interests of pedestrian safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

25. 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 to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

26. To promote more sustainable means of travel to accord with Policy T5 of the adopted Hinckley and 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. The levels details submitted with the application indicate a significant increase in levels. It is considered the increase in ground levels should be kept to a minimum therefore condition 3 requires the submission of further levels details. Should the levels increase be deemed necessary justification should be submitted to the Local Planning Authority for consideration.

4. The adopted access roadway and non-adopted parking courts should be provided with column mounted vandal resistant light fittings that are designed to avoid sky pollution. Lux levels shall comply with BS5489 and lamp units should be such as to provide illumination that achieves a minimum of at least 60 Ra (60%) on the Colour Rendering Index.

5. It should be noted that a Section 106 agreement accompanies this planning permission, which requires financial contributions towards education, libraries, civic amenity, health, and play and open space facilities and the provision of affordable housing.

6. The drainage scheme required by Condition 9 should incorporate Sustainable Urban Drainage principles.

7. In order to comply with Condition 14 the applicant must demonstrate that he has entered into a suitable agreement with the sewerage undertaker, which will also provide for the works to be undertaken within the lifetime of this permission.

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8. 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 - (telephone 01455 287202).

9. C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

10. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences.

11. To ensure vehicles do not park along the Brodick Road frontage it is recommended that the applicants seek to impose on street parking restrictions via a Traffic Regulation Order across the sites frontage. This would be at the applicant's expense in conjunction with the Highway Authority and would be subject to public consultation.

12. Due to the loss of existing vegetation on the site the landscaping scheme required to be submitted by Condition 5 should be robust and of high quality.

13. The Applicant should ensure that any existing accesses to other sites on the boundary of this site are not closed without the permission of those owners.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 29 January 2008