Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Crest Nicholson Operations Ltd
c/o Agent

Name and Address of Agent (if any)
Pegasus Planning Group
5 The Priory
Old London Road
Canwell
Sutton Coldfield
West Midlands
B75 5SH

Part I - Particulars of Application

Date of Application	**Application No.**
23 December 2009	09/01007/FUL

Particulars and location of development:

RESIDENTIAL DEVELOPMENT FOR 84 DWELLINGS INCLUDING PROVISION OF OPEN SPACE, NEW ACCESS ARRANGEMENTS AND OTHER ASSOCIATED WORKS

Greyhound Stadium Nutts Lane Hinckley Leicestershire LE10 0NT

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 as it: would contribute to the current shortfall in the five year housing land supply and to the shortfall of dwellings required for the Hinckley area; would involve the re-use of a brownfield site; would not have an adverse impact on the character and appearance of the landscape or highway safety; meets urban design principles in terms of layout and design; and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 16, and 19.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, IMP1, REC2, REC3, NE2, NE12, NE14, T5 and T9.

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Dwg. No. C.0255_09; Site Layout Plan Dwg. No. C.0255_20C; Street Scenes Plan Dwg. No. C.0255_10B; External Materials Plan Dwg. No. C.0255_21A; Landscape Masterplan Dwg. No. C.0255_22A; House Type Pack No. C.0255_16_6 and Walls and Fences Details Dwg. No. C.0255_05A received by the Local Planning Authority on 23rd December 2009.

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

3. 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 proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

4. Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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.

5. 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.

6. Prior to the commencement of development (or other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

   i) a preliminary risk assessment which has identified:- all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

   ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

   iii) the site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

   iv) verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

   Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

7. 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.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the mitigation measures contained within the Flood Risk Assessment prepared by WSP, Project No. 11050659 dated 6th August 2009. Unless otherwise agreed in writing by the Local Planning Authority.

10. No development shall take place until full details of 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) proposed finished levels or contours
   (ii) minor artefacts and structures (e.g. furniture, play equipment, 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) maintenance schedule
   (vii) implementation programme.

11. Notwithstanding the recommendations of the submitted Acoustics Report No. B5160/ENV/A2 dated 20th July 2009 no development shall commence until a scheme for protecting the proposed dwellings from noise from adjacent commercial premises and the railway line has been submitted to and approved by the Local Planning Authority; all works which form part of the approved scheme shall be completed before any of the permitted dwellings are first occupied.

12. Notwithstanding the submitted plans, no development shall take place until details of the roadways, footways and parking areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels, surfacing materials, drainage and edge details. The development shall be carried out in accordance with the approved details.

13. No development shall be commenced on site until a scheme for the implementation, future management and maintenance of all roads, footways, lighting and sewers has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

14. Notwithstanding the submitted details, before any development commences on site, a scheme of biodiversity mitigation and biodiversity enhancement measures shall be submitted to any approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme.

15. Prior to commencement of the development hereby approved, details of the design for the off-site highway works on Nutts Lane as generally shown drawing no C515/4 received on 26 February 2010 shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site highway works shall be completed prior to the occupation of the 26th dwelling unless otherwise agreed in writing with the Local Planning Authority.

16. Before first occupation of plots 48-56 inclusive, details of cycle parking provision for these plots shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and once provided shall be maintained and kept available for such use at all times thereafter.

17. Before first occupation of any dwelling hereby permitted, its access drive, turning and car parking spaces shall be surfaced with hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

18. 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 unless agreed in writing by the Local Planning Authority

19. For the period of the construction of the development, 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. Unless otherwise agreed 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. For the avoidance of doubt and in the interests of proper planning.

3. To ensure that the development has a satisfactory visual 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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of exacerbating or creating a flooding problem and to reduce the risk of water pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 25: Development and Flood Risk.

6. For the protection of 'Controlled Waters', to ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with Planning Policy Statement 25: Development and Flood Risk and policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan

8. To protect the water environment to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 25: Development and Flood Risk.

9. To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained in Planning Policy Statement 25: Development and Flood Risk.

10. To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley and Bosworth Local Plan.

11. To protect the amenities of the future occupiers of the site to accord with policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

12. To ensure that all areas used by pedestrian and vehicular traffic are properly identified and meet appropriate standards to accord with Planning Policy Statement 3: Housing and 'Manual for Streets (2007)'.

13. To ensure that all areas used by pedestrian and vehicular traffic are properly managed and maintained to appropriate standards to accord with Planning Policy Statement 3: Housing and 'Manual for Streets (2007)'.

14. To ensure that the development is not detrimental to protected species or their habitat and to enhance biodiversity within the site to accord with Planning Policy Statement 9: Biodiversity and Geological Conservation.

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

16. In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy T9 of the adopted Hinckley and Bosworth Local Plan.

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

18. 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 ad Bosworth Local Plan.

19. 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 ad 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. In relation to Condition 6, the applicant's attention is drawn to the contents and advice contained within the letter from the Environment Agency dated 22nd January 2010 a copy of which is attached to this notice.

6. In relation to Conditions 6 and 7, the applicant's attention is drawn to the contents and advice contained within the contents of the Health and Environment 'Procedure for the Investigation of Contaminated Land' document, a copy of which is attached to this notice.

7. In relation to Condition 11, the glazing as specified within section 5.1 of the submitted Acoustics Report shall be installed as discussed within the report and to manufacturer's recommendations and confirmation of installation shall be submitted in writing to the Local Planning Authority. The specification for the ventilation systems identified as necessary within the Acoustics Report shall be submitted in writing for approval by the Local Planning Authority. The approved ventilation systems shall be installed as discussed within the noise report and to manufacturer's recommendations and confirmation of installation shall be submitted in writing to the Local Planning Authority. The fencing as specified within section 5.6 of the submitted Acoustics Report shall be installed as discussed within the report and to manufacturer's recommendations and confirmation of installation shall be submitted in writing to the Local Planning Authority.

8. In relation to Condition 14, the applicant's attention is drawn to the contents of the revised recommendations to Peter Webb made by Natural England on 4th March 2010. Natural England recommends therefore that: a timetable for the survey work, as detailed in the letter to Pegasus Planning dated 13th February 2010 from Peter Webb, should be submitted to, and agreed in writing by the Local Planning Authority before 8 April 2010; ponds up to 500m away from the site should be included in the Great Crested Newt Survey; the surveys, should take place before the 8 April 2010 where possible; the results should be submitted to the Local Planning Authority by an agreed date; work on the development should not commence until the Local Planning Authority is satisfied that protected species are unlikely to be harmed or disturbed, and have provided written confirmation to the applicant. The mitigation and biodiversity enhancement measures suggested in the letter should be incorporated into the scheme.

9. If the applicants do not wish to seek adoption of the roads, or 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. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or telephone (0116) 3056782.

   Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

   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 Southern Area Manager.

10. Whilst it is acknowledged that there are viability issues in respect of the site at the current time, the applicant is encouraged to aim to achieve a minimum of Code Level 3 of the Code for Sustainable Homes in the construction of the dwellings approved by this planning permission in the interests of sustainable development.



Date : 8 April 2010

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 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 or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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.

4. 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.

5. 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