DTZ

DEVELOPMENT SERVICES
17 DEC 2009
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Coventry Road, Hinckley, Leicestershire

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26th November 2009

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1. Introduction

1.1 This report has been prepared for Crest Nicholson by Simon Lloyd BSc, MRICS, DTZ's Head of Industrial Agency and Development in the Midlands, and also for the UK.

1.2 DTZ's industrial agency team in the Midlands is very active in the market and generally transacts some 3 million sq ft of floor space per annum, together with a significant amount of land.

1.3 In 2006, DTZ received instructions from Crest Nicholson to sell their 11.6 acre site at Coventry Road, Hinckley with the benefit of a planning permission for a development falling within Use Class categories B1, B2 and B8. The purchasers of the site have subsequently revised the planning permission, and details of both are set out later in this report.

1.4 Under the terms of the sale agreement in 2006, Crest undertook to be responsible for works necessary for the upgrading of Dodwells Bridge Roundabout on the A5 commensurate with the planning permission that had been obtained.

2. Background

2.1 Attached in Appendix 1 is an aerial photograph showing the site and its surroundings. From this it can seen that the site borders an established industrial estate to the west, and mixed use development to the east incorporating a canal, marina, motor dealerships, public house and related leisure uses. To the south of the site and on the opposite side of Coventry Road, is existing and new residential development with the majority of the new building being constructed by Crest.

2.2 As part of their comprehensive development in the area, Crest were required to have the subject land developed for employment purposes, but as this was not their core business, they sought to sell it to an alternative development company.

2.3 The land has not been used for any material purpose for some time, although it has been designated as development land, and has had the benefit of a planning permission for such use for over 4 years.

2.4 The site is generally level except for the slope up to Coventry Road and extends to approximately 11.6 acres (4.69 hectares). It provides a useful extension to the employment land offer in Hinckley.

2.5 A site plan is attached in Appendix 2.

3. 2005 Planning Permission

3.1 During Crest's ownership of the land in Hinckley, and its promotion for commercial development, there were extensive discussions with the Local Planning Authority with regards to the most appropriate form of development for the land and the various site and development constraints. Clearly it was identified for employment uses for which there was demand at the time.

3.2 There were a number of issues relating to the site and its immediate environment which needed to be taken into account in the development of the site for which planning permission was granted on the 11th August 2005.

3.3 The planning permission was for the development of 7,000 sq m of buildings for uses falling within Classes B1, B2 and B8. The indicative layout demonstrated 10 buildings of an industrial character. The issues surrounding the development of the site were as follows:-

3.4 Due to the proximity of the houses on both the south and north sides of Coventry Road, noise and hours of use restrictions were placed on the southern part of the site. Furthermore, an acoustic screen was required to be erected. Restrictions on the use of buildings either by way of decibels or hours of use make buildings less attractive to potential occupiers and the screen was an additional development cost.

3.5 Linked to the issue surrounding noise levels at the southern end of the site, uses B1 and B8 were the only ones permitted within 150m from the edge of the carriageway of the Coventry Road with B2 uses excluded.

3.6 As Coventry Road is one of the main routes to the centre of Hinckley from the West, the Local Authority were keen to see good quality buildings at the front of the site to enhance the visual appearance of the approach to the Town Centre.

3.7 The canal frontage was a very sensitive feature, and significant environmental upgrading of the land adjoining the canal was required by the local authority to augment the improvements which had already taken place. As a result, a substantial landscape buffer was required between the new buildings and the canal along the eastern side of the site on which new building was not to be permitted. As this represented the longest boundary of the site, it resulted in a significant steralisation of this area of land. Not only was the land not capable of being developed, but it also had to be maintained by the development.

3.8 As there were a number of water courses surrounding the site, restrictions were placed on the proximity of any new building to these water courses, which further restricted the developability of the site.

3.9 In order to manage traffic, a signalised junction was required at Coventry Road.

3.10 Despite these issues, the proposed development was feasible and offered the potential of new buildings to the market on a well landscaped site.

4. Marketing

4.1 DTZ received instructions from Crest Nicholson to market the site with the benefit of the planning permission obtained in May 2006. At this time, the market for employment land was buoyant, and a number of parties had already expressed interest in purchasing the land.

4.2 Following discussion with Crest Nicholson, DTZ recommended that the site be marketed to an identified list of potential purchasers who were known to be active in the market, and who had funding available to complete a purchase.

4.3 Given the planning background to the site, an information pack was prepared detailing all of the relevant information which would be necessary for a developer to make a robust bid for the site in the full knowledge of all of the issues relating to its development. This information was placed on a CD and sent to the identified potential purchasers on the 22nd June 2006. Additional information was available over the next few weeks including draft legal documentation and a full site investigation report, and a supplementary CD was issued on the 13th July 2006. Copies of the 2 letters accompanying the information CDs are attached in Appendix 3.

4.4 Potential purchasers were invited to submit offers to DTZ by the 21st July 2006, which gave sufficient time for potential purchasers to carry out any necessary appraisal work and submit a robust bid.

4.5 As a result of the marketing, 10 offers were received for the site ranging from £1.1 million up to £2.151 million. Crest Nicholson selected the highest offer which was from Eyebrook Properties.

4.6 Eyebrook Properties exchanged contracts to buy the site at the end of October 2006.

5. Market appraisal of the site with the benefit of the 2005 planning permission

5.1 Attached in Appendix 4 is a copy of the 2005 planning permission.

5.2 Since 2006, the market for employment land rose until the 2nd quarter of 2007 and it has subsequently demonstrated a rapid decline, and there has been virtually no employment land traded across the UK to developers in 2009 and a very limited amount in 2008. This is due weak occupier demand, market uncertainty, lack of availability of finance and poor property investment yields. As such, should the property be offered to the market now, it is unlikely that any offers would be received at all, let alone approaching the levels of the lowest offers received in 2006.

5.3 Reassessing the site for development purposes, the market practice is to carry-out a residual development appraisal which is the approach I have adopted.

5.4 In terms of appraising the site for the purposes of the residual calculation I have incorporated the following inputs.

5.5 I have assumed that the floor area has remained the same at 7,000 sq m, and have applied a rent per sq ft of £5.25 (£56.51 sq m) which is reflective of the current market.

5.6 I have assumed that the buildings will be let on leases of a minimum 5 years committed, and if longer, it is likely that a break clause in favour of the tenant would be incorporated after the 5th year of the lease, and that a tenant would receive an incentive equivalent to 12 months rent free.

5.7 I have incorporated an investment yield of 8.5% to reflect the relatively short term nature of the leases, and the likely blend of tenant covenants within the development.

5.8 I have assumed that the construction of the development will be completed within 9 months, and that it will take over 2 years to let in its entirety.

5.9 I have applied a construction cost rate of £42.50 per sq ft (£457.56 sq m) , and incorporated provisions for the signalised junction at Coventry Road and other minor statutory works. However, I have not included the costs of any work to the Dodwells Bridge Roundabout.

5.10 I have allowed for a developers profit of 15% on the costs of the development, as it is appropriate for a developer to obtain a suitable return on his investment and to cover his risk.

5.11 This appraisal results in a negative residual land price of about £1 million. This means that the development is not viable in the present market, and certainly does not accommodate the provision of any additional off site works to the Dodwells Bridge roundabout.

5.12 A copy of the appraisal is attached in Appendix 5

6. Market appraisal of the site with the benefit of a revised planning application

6.1 After their purchase of the site, Eyebrook Properties, or their related company Tungsten Properties Limited, applied for a revised planning permission, with the application being submitted on the 2nd October 2007. Planning permission was granted on the 12th December 2007, and a copy of this permission is attached in Appendix 6.

6.2 This planning permission was different in that it incorporated 2 motor dealerships at the front of the site, and a significant proportion of offices along the eastern boundary. As a result, the development area increased to 7,807 sq m (84,034 sq ft) , some 11% greater than the 2006 permission. The office suites were contained in 3 buildings, totalling some 2,555 sq m (27,502 sq ft), but with the office suites generally about 156-160 sq m (1,679-1,722 sq m). This scheme is likely to cater for local demand.

6.3 The industrial element of the scheme had also been redesigned, and incorporated 18 industrial units ranging in size from 144 sq m up to 790 sq m (1,550-8,503 sq m). The largest building was for an identified user.

6.4 Whilst the proposed access was similar to the 2005 permission, and the spine road along the centre of the site remained, development was permitted closer to the canal than had been identified in the course of the discussions with the Local Planning Authority for the purposes of the 2005 planning permission. Whilst I am unaware of the reasons for this flexibility, it may be due to environmental appearance of offices as opposed to industrial buildings being more appropriate for the setting.

6.5 Although different, the permission otherwise contained generally similar conditions to the 2005 permission incorporating hours of use restrictions at the front of the site, restrictions on construction close to water courses, decibel level restrictions and the requirement for works to be carried out to the Dodwells Bridge Roundabout.

6.6 Again, I have carried out a residual appraisal of the revised development using a similar basis to that adopted for my assessment of the 2005 permission and have used the following input data.

6.7 I have assumed that the motor dealerships will be let at a blended rent of £10 per sq ft, the offices at £12 per sq ft, and the industrial units at £5.75 per sq ft given their smaller size than the 2005 scheme.

6.8 I have again assumed that the lease length profile will be similar except in the cases of the motor dealerships which are likely to be for a minimum of 10 years committed, but that a rent incentive equivalent to 12 months rent will be granted on all leases. I have assumed an investment yield of 7.75% for the motor dealerships given their likely better covenant and lease length, 8.25% for the offices and 8.5% for the industrial units, consistent with the earlier appraisal.

6.9 I have assumed similar letting periods save in the case of the showrooms and two of the industrial units which I have assumed to be pre let, and I have also adopted a similar construction programme.

6.10 I have used a blended construction rate of £70 per sq ft (£753.47 sq m) for the showrooms to incorporate the large external areas, £85 per sq ft (£914.93 sq m) for the offices and £47.50 per sq ft (£511.29 sq m) for the industrial units, which is higher than the 2005 scheme given the smaller size of the industrial units. I have also applied costings for various statutory works and signalised junction, but again, I have not incorporated any allowance for improvements to Dodwells Bridge roundabout.

6.11 Allowing for the same level of developers profit, this calculation demonstrates a more significant negative land price of £1.67 million, which means that this development is also unviable. A copy of the appraisal is attached in Appendix 7. This lack of viability is further reinforced should any contribution to improvements to Dodwells Bridge Roundabout be required as part of implementing a planning permissions, with the current estimate of these works being significantly in excess of the price realised for the site in 2006.

6.12 However, the viability can be improved by pre leasing as much of the scheme as possible in order to bring forward income flows from the completed development.

7. Market Conditions

7.1 Whilst the schemes demonstrated by both planning permissions are good for a normal market situation, account has to be taken of a number of features prevailing in 2009.

7.2 In terms of market demand, enquiry levels for buildings of the size indicated by the schemes is reduced by 40% compared with 2007. This is also reflected in take up levels.

7.3 Incentives granted by landlords to tenants have more than doubled in the last 12 months as occupiers perceive a significant advantage in their negotiations given the current market.

7.4 Availability of floor space across the UK is at an all time high, and further increased by 2.8% in the first 6 months of this year, giving potential tenants a wide choice of suitable buildings.

7.5 There is a lack of funding available for speculative commercial development schemes and the only finance available at a realistic, albeit high, cost is for pre leased opportunities.

7.6 While commercial property investment yields have improved marginally over the last quarter, they still remain significantly inferior to those achieved in 2006 and 2007.

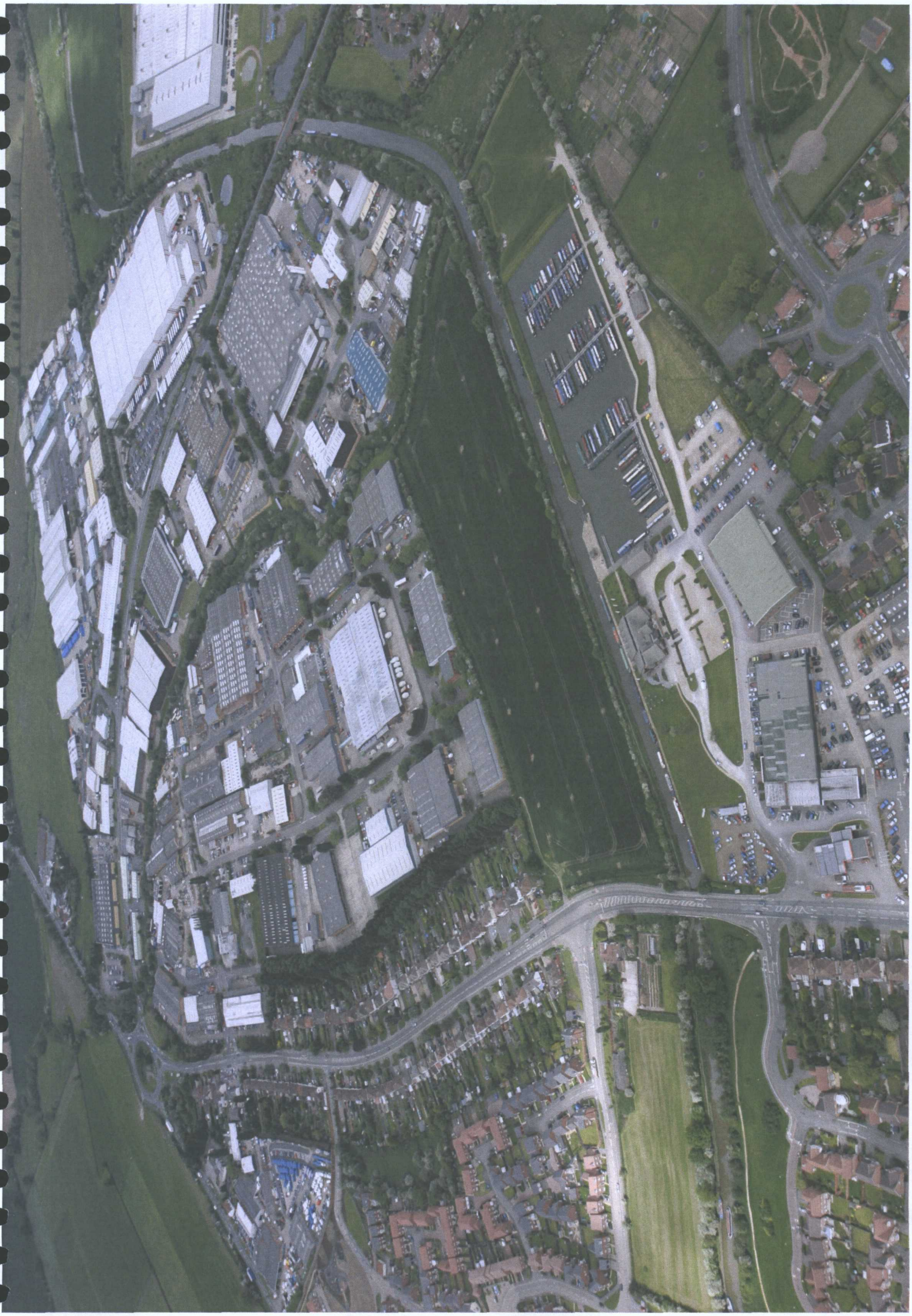
7.7 It is against this background that the schemes are currently demonstrating a clear lack of viability, which would not have been the case 2 years ago. It is unlikely that the market will change materially in the short to medium term.

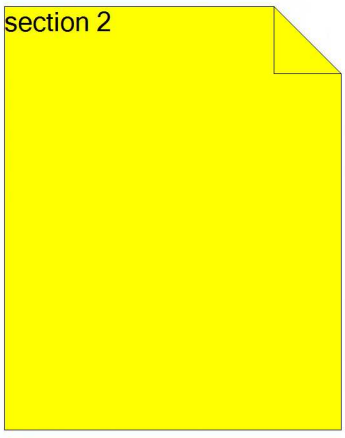
8. Conclusion

8.1 It can therefore be seen that the property was thoroughly marketed in 2006 which was a buoyant time for commercial land in the West Midlands, and that the marketing exercise demonstrated a robust campaign and a number of good offers for the site.

8.2 Subsequent to its disposal by Crest, the purchaser reconfigured the development by way of a new planning permission, which I assume is to reflect identified occupier demand following their purchase.

8.3 However, the market conditions now prevailing mean that speculative commercial development on sites such as this is not viable, and that given the increasing supply of vacant floor space in the market generally, and a significantly weakened occupier demand, the prospect of speculative development on the site in the short to medium term is highly unlikely as is a change to the viability of the schemes.

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DTZ

COVENTRY ROAD, HINCKLEY



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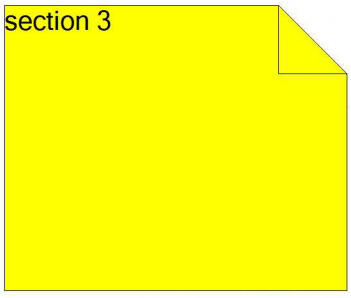
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Your Ref:
Our Ref: I/SFL/02 028445
Direct Tel: 0121 697 7392
Direct Fax: 0121 200 3022
Email: simon.f.lloyd@dtz.com

13 July 2006

Dear

COVENTRY ROAD, HINCKLEY

I am pleased to supply you with additional detail relating to the site in Coventry Road, Hinckley.

Enclosed is a further CD containing the following information:-

1. The site investigation which has been carried out by Georisk, with the latest work on site this week.

2. An amended transfer, which differs from the one originally supplied in that it provides for 50% of any overage on an enhanced use to be paid back to Crest, which is in line with the written documentation on the original CD sent to you.

3. Information relating to services.

4. A copy of the design statement.

Should you need any clarification, please do not hesitate to contact me.

Yours sincerely

Simon F Lloyd
Director
National Industrial and Logistics Team

Your Ref:
Our Ref: I/SFL/02 028445
Direct Tel: 0121 697 7392
Direct Fax: 0121 200 3022
Email: simon.f.lloyd@dtz.com

22 June 2006

SUBJECT TO CONTRACT

Dear

COVENTRY ROAD, HINCKLEY

On behalf of Crest Nicholson, we are instructed to offer the above commercial development site for sale.

Enclosed is a CD detailing a significant amount of information relating to the site, which has a detailed planning permission for 7,000 sq m of floor space for B1, B2 and B8 uses.

Crest Nicholson are looking to dispose of the property on a freehold basis, but would seek to agree an overage payment should the site subsequently be brought forward for residential development.

Unconditional offers are invited for the site by Friday 21st July 2006, with all offers to be received by 1pm on that day addressed to DTZ in Birmingham for the attention of Simon Lloyd.

If you would like any further information, please do not hesitate to contact me.

Yours sincerely

Simon F Lloyd
Director
National Industrial and Logistics Team

Enc.

section 4

HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Crest Nicholson (Midlands) Ltd
Crest House
19 Galena Close
Amington Heights
Tamworth

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

RECEIVED
19 AUG 2005
ACB 1465

Part I - Particulars of Application

Date of Application	**Application No.**
14.06.05	05/00615/FUL

Particulars and location of development :

ERECTION OF TEN COMMERCIAL UNITS

Land Adj To 391 Coventry Road Hinckley Leicestershire LE10 0NF

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, NE4, EMP4, BE7, BE14, REC6, T5 and T9 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 The development hereby permitted shall be begun within five years from the date of this permission

2 Before any development commences, representative samples of the types and colours of 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

3 Prior to commencement of development details of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority

4 No development shall commence until a scheme for the provision of surface and foul water drainage works, which shall be on separate systems, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved scheme prior to the occupation of any buildings on the site

5 No development shall commence 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. No building on the site shall be occupied until the scheme has been completed in accordance with the approved scheme

6 There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank or watercourse and/or 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise by the Local Planning Authority

7 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Continued

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

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, Hawk Wing, Room 3/23, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN) 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

d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES

8 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained

9. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways.

10 No development shall take place within the application area until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

11. Prior to commencement of development the design specification of the noise barrier to be erected along the entrance drive shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

12. The maximum sound pressure level in decibels at 1 metre from any façade of Units 1 and 2 shall not exceed 54.3; and 1 metre from any façade of Units 3 and 4 shall not exceed 59.6.

13. Within a distance of 150 metres from the edge of the carriageway of Coventry Road, development shall comprise of Class B1 or B8 units only. Within this area there shall be no working between 7.00pm and 7.00am on Monday to Saturday inclusive nor at any time on Sunday and the development shall accord with this at all times thereafter

14. 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. These details shall be in accordance with the strategic landscape framework drawing number 14 PO and Bir 1445-01 received by the Local Planning Authority on 9th August 2005 and shall include all existing trees and hedges on the site which are to be retained, the provision for screening by walls and fences, the provision of open spaces within the site, and full details of treatment to points of pedestrian access with the canal towpath. All landscaping works shall be carried out as approved.

15. The approved landscaping scheme shall be carried out within the first appropriate planting season following the date when any of the proposed buildings are ready for occupation. The 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.

16. No development shall take place until full details of the future management of all landscaped areas across the site are submitted to and approved in writing by the Local Planning Authority. The management of the landscaped areas shall thereafter be carried out in accordance with the approved details unless agreed otherwise in writing with the Local Planning Authority

17. No building hereby permitted shall be occupied until a comprehensive Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Plan shall be fully implemented in accordance with the approved details.

18 Notwithstanding the details shown on drawing 03/P2 received 15 June 2005, provision shall be made for the parking of 18 cycles within the site, full details of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

19 No development shall take place within the application area until the applicant has undertaken a detailed study to identify all potential protected species present on the site. A report detailing the findings of the study shall be submitted to and approved in writing by the Local Planning Authority. The detailed study shall include a method statement; mitigation package and management plan for the protection of the species if present on the site.

20 None of the industrial units on the site shall be occupied until the proposed junction improvements shown on drawing No 12088/03C, attached to planning permission 99/00048/OUT, have been substantially completed

Continued

21. No more than 2500 square metres of floorspace shall be occupied until the improvements shown on IPK Drawing No 12088/14 Revision B, attached to planning permission 99/00048/OUI, or such other similar schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and have thereafter been substantially completed.

22 Before the start of the development, facilities shall be provided to enable vehicle wheels to be washed prior to the vehicle entering the public highway. Such facilities shall be used as necessary to prevent extraneous material being carried out onto the highway.

23 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

24. The gradients of the access drives shall not exceed 1:12 for the first 15 metres behind the highway boundary

25. 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.

26 Before first use of the development hereby permitted, turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction The turning area so provided shall not be obstructed and shall be available for use at all times.

27 Before the first use of any unit hereby permitted, its access drive, parking and turning space shall be hard surfaced with tarmacadam, concrete or similar hard bound material and marked out. Once provided these facilities shall be so maintained at all times

28. Before development commences, further details of the proposed signalised junction with Coventry Road which shall include traffic signal equipment and controls, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority The approved works shall be provided before first occupation of any proposed unit and maintained thereafter

29. Before first use of any unit hereby permitted, its vehicular access shall be provided with an effective minimum width of 6 metres over a distance of at least 15 metres behind the Highway boundary The access drive once provided shall thereafter be so maintained at all times.

The reasons for the conditions are :-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

3. To ensure the development is satisfactorily completed.

4&5 To ensure satisfactory provisions are made for the drainage of the site to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. To maintain access to the watercourse for maintenance or improvement and provide for overland flood flows to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

7 - 9 To avoid water pollution to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

10. To allow the opportunity for adequate exploration of the site to accord with policy BE14 of the Hinckley & Bosworth Local Plan.

11-13 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

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

Continued

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

16. To ensure the development is satisfactorily maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17. 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.

18. To ensure adequate provision is made on the site for methods of transport other than the car in accordance with Planning Policy Guidance Note 13.

19. To ensure the water vole habitat and any other protected species are protected in accordance with the Wildlife and Countryside Act.

20 - 22 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

23. To enable a vehicle to stand clear of the highway whilst the gates are opened to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

24. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

26. 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 of the Hinckley and Bosworth Local Plan.

27. To ensure that adequate car parking and servicing facilities will be available to serve the premises when they are brought into use and in the interests of road safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

28. In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

29. 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 policy BE1 of the adopted Hinckley and Bosworth Local Plan

NOTES TO APPLICANT :-

1. 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

2. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

3. The applicant should ensure that the development does not in any way affect or encroach upon the adjacent public footpath T54, and that free access by pedestrians is maintained at all times.

4. The applicant should be aware that the hedgerow along the eastern boundary of the site belongs to British Waterways and any works to this hedgerow will require their consent prior to any development taking place.

5. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharges, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

Continued

6. If 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.

7. The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

8. The applicant should be aware that the development may affect a known water vole habitat and therefore Condition 19 requires details to be submitted to address the protection of the habitat and species whilst occupying their habitat under the Wildlife and Countryside Act 1981 (as amended). The management plan should retain a one metre strip of un-mowed grass next to Harrowbrook and a matrix of mowed and un-mowed grass along the stream bank.

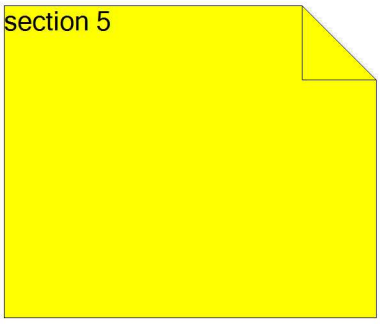
9. In accordance with condition 14 the details submitted should include a pallisade fence, painted green along the western boundary as shown on the attached plan.

10. Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund

RF Cadd

Date :- 11.08.05

Proper Officer of the Council


section 5

APPRAISAL SUMMARY

DTZ DEBENHAM TIE LEUNG - U.K

Crest Nicholson - 7000 sq m

Appraisal Summary for Part 1

REVENUE				
Rental Area Summary	**ft²**	**Rate ft²**	**Gross MRV**	
10 units	75,347	£5.25	395,572	
Investment Valuation				
10 units				
Market Rent	395,572	YP @	8.5000%	11.7647
(1yr Rent Free)		PV 1yr @	8.5000%	0.9217
GROSS DEVELOPMENT VALUE				4,289,203
Purchaser's Costs		5.75%	(246,629)	
NET DEVELOPMENT VALUE				4,042,574
NET REALISATION				**4,042,574**
OUTLAY				
ACQUISITION COSTS				
Residualised Price			(1,063,166)	
Town Planning			15,000	
Survey			20,000	
				(1,028,166)
CONSTRUCTION COSTS				
Construction	**ft²**	**Rate ft²**	**Cost**	
10 units	79,115	£42.50	3,362,388	**3,362,388**
Contingency		2.50%	84,060	
Road/Site Works			150,000	
Statutory/LA			50,000	
				284,060
Other Construction				
Acoustic screen			75,000	
				75,000
PROFESSIONAL FEES				
Other Professionals		10.00%	336,239	
				336,239
MARKETING & LETTING				
Marketing			25,000	
Letting Agent Fee		15.00%	59,336	
Letting Legal Fee		5.00%	19,779	
				104,114
DISPOSAL FEES				
Sales Agent Fee		1.00%	40,426	
Sales Legal Fee		0.50%	20,213	
				60,639
Tenancy Void Costs				
Total Tenancy Void Costs				395,575
VAT				
Total Paid			(643,380)	
Total Recovered			96,507	
Balance				(546,873)

Crest Nicholson - 7000 sq m

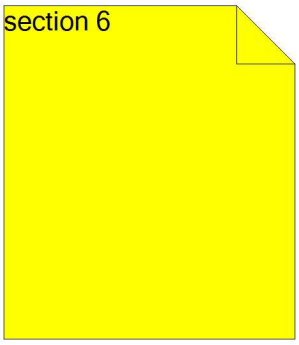
FINANCE		
Multiple Finance Rates Used (See Assumptions)		
Land	(70,402)	
Construction	125,959	
Letting Void	416,750	
Total Finance Cost		472,308
TOTAL COSTS		**3,515,283**
PROFIT		**527,291**

Performance Measures	
Profit on Cost%	15.00%
Profit on GDV%	12.29%
Profit on NDV%	13.04%
Development Yield% (on Rent)	11.25%
Equivalent Yield% (Nominal)	8.50%
Equivalent Yield% (True)	8.97%
Gross Initial Yield%	9.22%
Net Initial Yield%	9.22%
IRR	12.75%
Rent Cover	1 yr 4 mths
Profit Erosion (finance rate 6.000%)	2 yrs 4 mths

Crest Nicholson - 7000 sq m

4,289,203

Crest Nicholson - 7000 sq m


section 6

HINCKLEY & BOSWORTH **BOROUGH COUNCIL**

Town and Country Planning Act 1990

Name and Address of Applicant	**Name and Address of Agent (if any)**
Tungsten Properties Ltd	Redline
Mill House	Town Planning And Development Consultants
Chapel Lane	Bridge Cottage
Clipston	Finwood Road
Leicestershire	Rowington
LE16 9RL	Warwickshire

Part I - Particulars of Application

Date of Application	**Application No.**
2 October 2007	07/01150/FUL

Particulars and location of development:

MIXED COMMERCIAL DEVELOPMENT COMPRISING B1 B2 B8 AND SUI GENERIS USES

Land Adjacent To 391 Coventry Road Hinckley Leicestershire

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1; EMP4; BE7; REC6; T5 and T9 of the Hinckley and Bosworth Local Plan and Environment Policy 3A of the Leicestershire, Leicester and Rutland Structure 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Before any development commences, representative samples of the types and colours of 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 those approved materials.

3. No development shall commence until a scheme for the provision of surface and foul water drainage works, which shall be on separate systems, has been submitted to and approved in writing by the Local Planning Authority. No building on the site shall be occupied until the scheme has been completed in accordance with the approved scheme.

4. No development shall commence 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. No building on the site shall be occupied until the scheme has been completed in accordance with the approved scheme.

5. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of any bank or watercourse and/or 3 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise by the Local Planning Authority.

Continued ...

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

8. There shall be no discharge of foul or contaminated drainage from the site into either ground water or any surface waters, whether direct or via soakaways.

9. 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.

10. No part of the development shall be occupied until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the Local Planning Authority. The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

11. 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.

12. None of the industrial units on the site shall be occupied until the proposed junction improvements shown on drawing No 12088/03C, attached to planning permission 99/00048/OUT, have been substantially completed.

13. No more than 2500 square metres of floorspace shall be occupied until the improvements shown on TPK Drawing No 12088/14 Revision B, attached to planning permission 99/00048/OUR, or such other similar schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency and have thereafter been substantially completed.

14. 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.

15. The car showrooms and vehicle repair workshops sited within 150 metres of Coventry Road shall operate only between the following hours:

Car showrooms:	7.30 am to 8.00 pm Monday to Friday 8.00 am to 6.00 pm Saturday 10.00 am to 4.00 pm Sundays and Bank Holidays
Vehicle repair workshops:	8.00 am to 7.00 pm Monday to Friday 8.00 am to 4.00 pm Saturday At no time on Sundays and Bank Holidays.

There shall be no working or deliveries taken outside of these hours.

Continued ...

-TC

	2,016,975
	3,695,822
	2,382,174
	8,094,971

Crest Nicholson 2

Sales Agent Fee	1.00%	76,295	
Sales Legal Fee	0.50%	38,148	
			114,443
Tenancy Void Costs			
Total Tenancy Void Costs			499,680
VAT			
Total Paid		351,791	
Total Recovered		(52,769)	
Balance			299,022
FINANCE			
Multiple Finance Rates Used (See Assumptions)			
Land		(137,396)	
Construction		267,922	
Letting Void		546,017	
Other		(2,785)	
Total Finance Cost			673,759
TOTAL COSTS			**6,634,357**
PROFIT			**995,153**

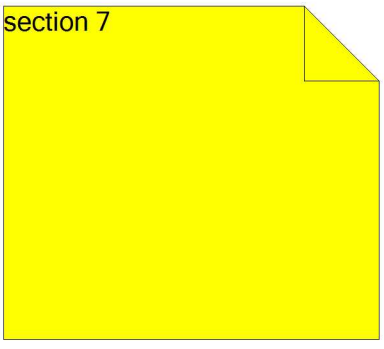
Performance Measures

Profit on Cost%	15.00%
Profit on GDV%	12.29%
Profit on NDV%	13.04%
Development Yield% (on Rent)	10.83%
Equivalent Yield% (Nominal)	8.20%
Equivalent Yield% (True)	8.64%
Gross Initial Yield%	8.87%
Net Initial Yield%	8.87%
IRR	15.20%
Rent Cover	1 yr 5 mths
Profit Erosion (finance rate 6.000%)	2 yrs 4 mths

Crest Nicholson 2

Appraisal Summary for Part 1

REVENUE				
Rental Area Summary	**ft²**	**Rate ft²**	**Gross MRV**	
Showrooms	16,843	£10.00	168,430	
Offices	27,505	£12.00	330,060	
Industrial	38,208	£5.75	219,696	
Totals	82,556		718,186	
Investment Valuation				
Showrooms				
Market Rent	168,430	YP @	7.7500%	12.9032
(1yr Rent Free)		PV 1yr @	7.7500%	0.9281
Offices				
Market Rent	330,060	YP @	8.2500%	12.1212
(1yr Rent Free)		PV 1yr @	8.2500%	0.9238
Industrial				
Market Rent	219,696	YP @	8.5000%	11.7647
(1yr Rent Free)		PV 1yr @	8.5000%	0.9217
GROSS DEVELOPMENT VALUE				8,094,971
Purchaser's Costs		5.75%	(465,461)	
NET DEVELOPMENT VALUE				7,629,510
NET REALISATION				**7,629,510**
OUTLAY				
ACQUISITION COSTS				
Residualised Price			(1,672,325)	
Town Planning			15,000	
Survey			10,000	
				(1,647,325)
CONSTRUCTION COSTS				
Construction	**ft²**	**Rate ft²**	**Cost**	
Showrooms	17,685	£70.00	1,237,950	
Offices	28,880	£85.00	2,454,800	
Industrial	40,118	£47.50	1,905,605	
Totals	86,683		5,598,355	**5,598,355**
Contingency		3.00%	167,951	
Road/Site Works			150,000	
Statutory/LA			50,000	
				367,951
PROFESSIONAL FEES				
Other Professionals		10.00%	559,836	
				559,836
MARKETING & LETTING				
Marketing			25,000	
Letting Agent Fee		15.00%	107,728	
Letting Legal Fee		5.00%	35,909	
				168,637
DISPOSAL FEES				


section 7

16. No machinery for the wholesale of painting of vehicles, including dedicated paint booths and/or ovens, shall be operated from the car showroom premises and curtilages.

17. Noise from fixed services plant associated with each car dealership shall not exceed 10dB below the lowest measured background noise levels on the site (LA90 46 dB(A) for daytime periods and LA90 34 db(A) for night time periods). Limiting noise levels for fixed services plant for either daytime or night-time periods are as follows:

OBCF - Octave Band Centre Frequency

OBCF (Hz)	125	250	500	1000	2000	4000	dB(A)
Limiting night-time noise levels @ 1m from any residence							
	23	19	22	19	9	1	24
Limiting day time noise levels @ 1m from any residence							
	34	31	32	33	24	13	36

The combined noise levels from activities (excluding vehicular movements and fixed services plant) associated with the general operations of each car dealership shall not exceed LAeq, 1hour 58.8 dB(A) at the nearest residential dwelling.

18. Before development commences, details of the proposed access junction onto Coventry Road shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include junction geometry, signal timings and trackings for HGVs and once approved the junction and traffic signals shall be provided and made fully operational before the first occupation of any unit hereby permitted.

19. Notwithstanding the submitted plans, before development commences further details of parking and manoeuvring facilities within the curtilage of units D and E shall be submitted to and approved in writing by the Local Planning Authority. Each approved parking and manoeuvring facility shall be provided prior to the first occupation of their respective units and once provided shall thereafter be maintained in perpetuity.

20. The gradient of the access drive shall not exceed 1:12 for the first 15 metres behind the highway boundary.

21. 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.

22. Before first use of the development hereby permitted turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.

23. 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.

24. Before the development hereby approved is first used, off-street car parking / lorry parking provision and turning facilities shall be made within the application site in accordance with the approved plan. The parking area shall be surfaced and marked out prior to the development being brought into use and shall be so maintained at all times.

25. Before first occupation of any unit, its access drive and any turning space shall be surfaced with tarmacadum, concrete or similar hard bound material for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

26. Before development commences full details of energy saving measures for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

27. Before development commences full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Continued ...

28. Access shall be afforded at all reasonable times to any ecologist nominated by the Local Planning Authority which shall allow him/her to keep a watching brief throughout the period that development is taking place.

29. Notwithstanding the details submitted, prior to commencement of development further details incorporating revisions to the landscaping scheme and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

30. This permission relates to the application as revised by amended plans 6605/032 Rev B; 6605/049 Rev B; and 6605/053 Rev A received by the Local Planning Authority on 11 October 2008; 6605/048 Rev E received by the Local Planning Authority on 5 November 2008; 6605/051 Rev B and 6605/052 Rev B received by the Local Planning Authority on 9 November 2008; 6605/050 Rev F received by the Local Planning Authority on 14 November 2008; and M07.106.01 Rev C; M06.007.06 Rev B; 060629/C/100 Rev L; 060629/C/500 Rev M; 060629/C/602 Rev F; and 060629/C/608 Rev G received by the Local Planning Authority on 21 November 2008.

31. A one metre strip of unmown grass shall be provided within the application site along the Harrow Brook in accordance with the submitted Nature Conservation Statement.

32. Notwithstanding the details submitted, prior to the commencement of development full details of the hedgerow along the eastern boundary of the site adjacent to the canal towpath shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall reduce the length of lost hedgerow to a maximum of 25 metres and shall retain the hedge at its current height.

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

3. To ensure satisfactory provisions are made for the drainage of the site to accord with BE1 of the adopted Hinckley and Bosworth Local Plan.

4. To ensure satisfactory provisions are made for the drainage of the site to accord with BE1 of the adopted Hinckley and Bosworth Local Plan.

5. To maintain access to the watercourse for maintenance or improvement and provide for overland flood flows to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. To avoid water pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

7. To avoid water pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8. To avoid water pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

10. 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.

11. To ensure adequate provision is made on the site for methods of transport other than the car in accordance with Planning Policy Guidance Note 13.

12. In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

13. In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

14. In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

Continued ...

10

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

16. To ensure that the use remains compatible with the surrounding area to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17. To ensure that the use remains compatible with the surrounding area to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

18. In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

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

20. To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

21. 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.

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

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

25. To reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

26. To ensure the development is sustainable and to reduce the impact of the development on the environment to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

28. To allow the opportunity to ensure adequate protection for protect species to accord with Environment Policy 3A of the adopted Leicestershire, Leicester and Rutland Structure Plan.

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

30. To define the permission.

31. To ensure the water vole habitat is protected in accordance with the Wildlife and Countryside Act.

32. In the interests of visual amenity and to safeguard the character of the Ashby Canal Conservation Area to accord with Policies BE1 and BE7 of the 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.

Continued ...

D

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. Surface water from the car showroom sites should be passed through a suitable type of oil/grit separator, the design of which shall be to the satisfaction of the Environment Agency.

4. For the avoidance of doubt, the provisions of Condition 16 do not affect, or impede the undertaking of "smart repairs" (paint touch-up to vehicles using aerosol (or similar) spray cans or hand held paint brushes) as often employed in respect of small scratches to, for example, wing mirrors, bumpers, door edges etc.

5. The Green Travel Plan required comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals should include measures to secure increased in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the approved details.

6. 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 (Tel: 01530 262380).

7. 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. You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site Highway works before development commences.

8. 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.

9. 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.

10. It is noted that the Highway is currently retained by a structure within the site, which may be affected by these proposals. All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in the Department of Transport Standard BD 2/02 "Technical Approval of Highway Structures on Motorways and Trunk Roads". You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.

11. Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.

12. The drainage scheme submitted should incorporate sustainable drainage principles.

Continued ...

13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and taken overflow pipe outlets should be detailed to discharge downwards into the bund.

14. Please note attached the comments from Leicestershire County Council Ecology officer dated 22 October 2007.

15. In relation to the requirements of condition 29 please see the attached memorandum from the Local Authority's Green Spaces Team dated 13 November 2007.

16. Hedges and trees owned by British Waterways must not be affected without prior approval. The developer should contact Mike Youe 01827 252 000 head of environment and heritage to agree specific proposals for vegetation removal.

17. Access routes for the works should be chosen to minimise their potential environmental impact. If access requires the use of the waterway or towpath, this must be agreed with British Waterways in advance. A written estates agreement will be necessary.

18. Hedgerow removal requires forward planning as notification generally takes 6 weeks to approve. It is against the law to deliberately or recklessly remove most countryside hedgerows including canal hedgerows without permission.

19. All storage of building materials and equipment during the works should be in designated areas to minimise the impact of the development on the waterway corridor and to reduce the risk of pollution of the water and towpath.

20. During demolition and construction phases, care should be taken to ensure that materials do not enter the waterway or endanger waterway users. It may be necessary to close the waterway or towpath during phases of the development. The times of year that waterways can be closed to navigation are restricted and this should be discussed well in advance with British Waterways.

21. The applicant/developer is advised to maintain contact with Des Harris third party works engineer 01827 252 038 in order to ensure that any necessary consents are obtained and that the works comply with British Waterways' "Code of Practice for Works affecting British Waterways".

22. For the purposes of Condition 17 the applicant should be aware that night time periods are between 7pm and 7 am; and day time periods are between 7 am and 7 pm.

23. The details required by Condition 10 should include provision for cyclists within the site.

Date:- 12 December 2007

PETER CASH
PROPER OFFICER OF THE COUNCIL