Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Midlands Co-operative Society
C/o Agent

Name and Address of Agent (if any)
Mr Adam Stephenson
Henry Mein Partnership
12 Clarendon Street
Nottingham
Nottinghamshire
NG1 5HQ

Part I - Particulars of Application

Date of Application	**Application No.**
1 June 2011	11/00431/FUL

Particulars and location of development :

DEMOLITION OF NO. 84 AND 86 MAIN STREET AND BUILDINGS TO REAR OF 78 AND ERECTION OF 6 NEW DWELLINGS AND 4890 SQUARE FOOT OF RETAIL.

The George Inn 78 Main Street Markfield Leicestershire LE67 9UU

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 according to their degree of consistency with the National Planning Policy Framework, 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. By virtue of its scale, height, massing, siting and use of materials the proposed development is not considered to be detrimental to the character and appearance of the Markfield Conservation Area and is not considered to result in loss of residential amenity to neighbouring properties or result in highway safety issues.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009) :- Policies 7, 8, 15, 21 and 24.

Hinckley and Bosworth Borough Council Local Plan (2001) :- Policies BE1 (Criteria a-1), BE7, Retail 7, RES 5, T5, T9, NE2 and IMP1.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants 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:-

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

6671PO1A, 6671P02A, 6671P03, 6671P04, 6671P05B, 6671P12A, 6671P15A, 6671P16, 6671P17, MCS/HMP/DHB/TS/01 and MCS/HMP/DHB/LP/02 received on 1 June 2011, amended plans 6671P09B 6674P10B, 6671P11C received on 5 August 2011, amended plans 6671P13B and 6671P14C received on 16 August 2011, amended plans 6671P07B and 6671P08B received on 31 August 2011 and amended plan 6671P06C received on 1 September 2011.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed retail store and dwellings 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.

4. The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and agreed with the Local Planning Authority and full planning permission has been granted for the re-development for which the contract provides.

5. No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works

6. Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes B and C to all plots and Part 2, Class A to plot 1 shall not be carried out to the proposed dwellings unless planning permission for such development has first been granted by the Local Planning Authority.

8. 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.

9. Works to the Ash tree within the car park to the new retail store hereby permitted (T1 as recorded in the submitted Arboricultural Plan reference MCS/HMP/DHB/TS/01) shall be restricted to crown raising of 3 metres only above ground level. All work shall be in accordance with BS 3998:1989 Recommendations for Tree Work.

10. Notwithstanding the submitted landscaping scheme no development shall take place until full details of both hard and 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) means of enclosure and boundary treatments, including the provision of a gated access between the private and public parking areas
    (ii) hard surfacing materials for both the private and public parking areas
    (iii) planting plans
    (iv) written specifications
    (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
    (vi) implementation programme.

11. 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

12. Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

13. Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, 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

14. For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan.

15. No development shall take place until a scheme for targeting and utilising local people for construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

16. Demolition and Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays

17. Before development commences on site details of the method of constructing the areas of car parking beneath the canopy of the T1 and T8 Ash Trees shall be submitted to and approved in writing by the Local Planning Authority. The method of construction shall be of a no-dig design. The works shall be implemented in accordance with the approved details.

18. Any windows or doors at ground floor level on the Main Street frontage shall be of a type other than outward opening and shall be so maintained in perpetuity

19. No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

20. The existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

21. Notwithstanding the submitted plans no development shall take place until details of an acoustic fence to be provided along the southern boundary of the site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic fence shall be installed in accordance with the agreed details and shall thereafter be retained.

22. No development shall take place until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan together with beam orientation and a schedule of equipment proposed in the design of the lighting including luminaire type, mounting height, aiming angles and luminaire profiles. The lighting shall be installed in accordance with the agreed details and shall thereafter be retained.

23. The proposed retail store hereby permitted shall only be open to the public between the hours of 7am-10pm Monday to Saturday and 9am-10pm on Sundays and Public Holidays.

24. No development shall take place until a scheme for the provision of refuse and recycling storage and collection has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include accessibility to storage facilities for residents and refuse collection worker and shall make provision for adequate collection space on the adopted public highway.

25. No deliveries shall be made to the proposed food retail store between the hours of 6pm and 7am Monday to Saturday and 12pm and 9am on Sundays and Public Holidays.

26. Development shall not commence until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and agreed in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed in their entirety before the proposed food retail store is first brought into use. The scheme shall include noise mitigation measures associated with the use of the scissor lift and refrigeration and air conditioning units as designed specifically for the proposed development.

27. Prior to commencement of the development hereby permitted full details of the measures to address crime and terrorism, with particular regard to CCTV shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out with the approved details.

28. The bathroom window to be inserted in the northern elevation of Dwelling 4 shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the bathroom in which the window is installed and retained as such at all times thereafter.

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 external appearance to accord with policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

4. To protect the character and appearance of the conservation area in the interests of visual amenity

5. To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE7 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.

7. To safeguard the character and appearance of the Markfield Conservation Area and in the interests of highway safety and residential amenity in accordance with the requirements of Policies BE1, BE7 and T5 of the Adopted Hinckley and Bosworth Local Plan.

8. To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.

9. This is an important conservation area tree that makes a positive contribution to the character and appearance of the conservation area. Any further works would adversely affect the appearance of the tree and therefore its impact on the conservation area. In accordance with the requirements of Policy BE7 of the Adopted Hinckley and Bosworth Local Plan.

10. To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan

11. To enhance the appearance of the development to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.

12. To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan

13. To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

14. To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

15. To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4

16. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

17. To ensure that the protection of these important conservation area trees in accordance with the requirements of Policy BE7 of the Adopted Hinckley and Bosworth Local Plan

18. In the interests of pedestrian safety in accordance with policy BE1 of the adopted Local Plan .

19. In the interests of highway and pedestrian safety in accordance with policies BE1 and T5 of the adopted Local Plan.

20. To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with policy T5 of the adopted Local Plan.

21. 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.

22. 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.

23. To ensure that the use remains compatible with the surrounding area in the interests of residential amenity, in accordance with policy BE1 of the adopted Local Plan.

24. To ensure that an appropriate method of storing and collecting refuse is provided in accordance with policy BE1 of the adopted Local Plan.

25. For the avoidance of doubt and to ensure that the proposed use does not become a source of annoyance to surrounding residential properties in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

26. For the avoidance of doubt and to ensure that the proposed use does not become a source of annoyance to surrounding residential properties in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

27. To ensure the development provides a safe and secure environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

28. To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

NOTES TO APPLICANT :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5. This planning permission is subject to a Section 106 Agreement.

6. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

7. The submitted landscaping plan and tree protection plan is not considered to provide appropriate planting and tree works to this important site within the conservation area. In relation to condition 10 you are therefore advised to liaise with the Local Planning Authority to discuss works to trees and appropriate landscaping.

8. Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be

maintained throughout the development. 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.



Date : 7 June 2012

BILL CULLEN
PROPER OFFICER OF THE COUNCIL

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.

2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.

3. If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, by telephoning 0117 372 6372 or online at www.planningportal.gov.uk/planning/appeals/). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.

4. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

6. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."

2 The buildings to which these requirements apply are :-

a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.

b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.

c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES – V2.1