DELEGATED REPORT

Recommendation Made: 14 November 2007

Reference:- 07/01136/FUL **Parish:-**

Applicant:- Dewar Developments Limited
40 Great Lane
Frisby-on-the-Wreake
Melton Mowbray
Leics

Location:- 165 - 167 London Road Hinckley Leicestershire LE10 1HH

Proposal:- ERECTION OF REPLACEMENT CONVENIENCE STORE (AMENDED DESIGN TO APPLICATION NO 06/01360/FUL)

Introduction:-

This is a revised application for a modern store design incorporating changes to the roof and front elevation from the scheme previously approved under reference 06/01360/FUL. The volume of the building is the same as previously approved. The width and depth of the proposal are roughly the same as previously approved, the height of the building appears to be roughly half a metre lower than the approved scheme but further streetscene plans were requested from the agent but have not been provided.

The convenience store previously located on this site has now been demolished. The same opening hours as previously approved have been requested.

The County Council has agreed that proposed car parking arrangements and access, together with highway works to the crossing are acceptable and the most satisfactory arrangement that can be achieved given the proximity to junctions and accesses nearby.

Information submitted by the Agent states that the design proposed is modern and incorporates sustainable features beyond those currently required by Building Regulations.

Consultations:-

The Director of Highways, Transportation and Waste Management (highways) recommends refusal on the grounds that the ATM situated at the eastern corner of the sites London Road frontage is unacceptable as if permitted it could lead to motorists 'pulling up' outside of the store and parking within London Road (potential half on the carriageway/half on the footway) in contravention of the proposed double yellow lines and obstructing the safe free flow of both pedestrian and vehicular traffic. To permit the development would not be in the best interests of highway safety. This aspect of the scheme has been withdrawn. & HA do not object to the remainder

Environment Agency has no objections.

Severn Trent Water Ltd has no objections subject to condition regarding public sewer.

Network Rail has no observations.

E-On Central Networks have no objections but has network within close proximity to the site.

The Head of Health and Environment has no objections subject to the same noise conditions as attached to the previous planning permission.

The Borough Council's Drainage Engineer, comments as previous.

Leicestershire Constabulary comments that the ATM and adjoining room should be designed and constructed in accordance with 'Best Practice for physical ATM Security'.

One letter of objection received on the grounds of

Queries that the highway arrangement has been approved with LCC Highways
Concerns regarding proposed position of ATM
Concerns regarding position of cycle racks

Development Plan Policies:-

Policies BE1 and T5 apply

Appraisal:-

The layout of the car park and the changes to the junction/crossing are acceptable in highway terms.

The design and materials are considered to be acceptable but the proposed position of the ATM is not considered to be in the best interests of highway safety. In the circumstances, the agent has removed the ATM from the scheme at the present time so all other matters are acceptable subject to the same conditions imposed on the previous permission.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and T5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 This permission relates to the application as amended by letter by the agent on 21 November 2007 omitting the Automatic Teller Machine and ATM room from drawings (L)2-001, (L)2-016 and (L)2-004.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed convenience store 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 rating level of noise emitted from fixed plant on the site shall not exceed the existing background noise level, determined to be 51.5dB L A90 (1 hour), by more than 3dB. The noise levels shall be determined 1 metre from a facade containing a window to a habitable room in the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:1990.

5 Notwithstanding the details of the submitted plan, an acoustic fence shall also be erected along the south western boundary of the site. The details of which shall be submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with those details prior to the development being first brought into use.

6 Notwithstanding the details of the submitted plan, safety bollards shall be erected along the acoustic fence.The details of which shall be submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with those details prior to the development being first brought into use.

7 No gates shall be erected to the vehicular access.

8 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

9 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.

10 The existing vehicular access 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.

11 For the period of 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.

12 The proposed access shall have an effective width of a minimum of 6 metres for a distance of at least 15 metres behind the highway boundary. The access drive once provided shall be so maintained at all times.

13 The car parking and turning facilities (including lorry turning) shown within the curtilage of the site shall be provided, surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

14 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.

15 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre kerbed radii on both sides of the access.

16 Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

17 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) hard surfacing materials
(ii) planting plans
(iii) written specifications
(iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(v) implementation programme.

18 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.

19 The convenience store shall not be open to the public outside the following times 0700 and 2300 on any day and no deliveries shall be taken at or dispatched from the site outside the hours of 0600 and 2000 on any day.

20 Details of any external lighting shall be submitted to and approved by the Local Planning Authority before the development is first brought into use. The development shall be carried out in accordance with the approved details.

21 No development shall commence until the proposed junction access works including amendments to white lining and relocation of the existing controlled crossing and associated equipment shall be carried out in accordance with the details shown in Drawing Fig3 within Appendix A of the submitted Transport Assessment (December 2006) submitted with application 06/01360/FUL.

Reasons :-

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

2 For the avoidance of doubt.

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

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

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

6 To prevent damage being caused to the fence from vehicles and in the interests of pedestrian safety.

7 To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

8 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

9 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

10 To reduce the number of vehicular accesses to the site and consequently to reduce the number of conflict points.

11 To reduce the possibility of deleterious material being deposited in the highway and becoming a hazard for road users.

12 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.

13 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.

14 In the interests of the sustainability of the development and to encourage alternative transport choice.

15 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.

16 In the interests of pedestrian safety.

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

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

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

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

21 In the general interests of Highway safety including pedestrian safety.

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.

1 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager - (telephone 01530 262380) .

2 In relation to Condition 7 any consultations / agreements regarding the relocation of the crossing shall be carried out by the applicant to the satisfaction of Leicestershire County Council as Highway Authority.

3 To prevent right turning traffic forming queues over the crossing a design of a small non-pedestrian traffic island should be submitted to the Highway Authority for consideration / approval prior to the development commencing. The island will be required within the hatched area North/West of the crossing. The impact of such a feature if provided should form part of the consultations regarding the re-location of the crossing.

4 Any work at existing traffic signals shall be carried out by the Highway Authority's term maintenance contractor, currently Siemens Traffic Controls Ltd.

5 Traffic signal poles, pole sockets and push button unit's c/w tactile and audible devices will be replaced.

6 The existing traffic signal controller and signal heads may be re-used (subject to serviceability), if removed from the site these should be transported to the maintenance contractors premises for storage with a note made of the condition of individual items

7 The modified crossing will be constructed to meet the design standards applicable at the time of construction, with particular emphasis to accessibility standards. The applicant will reimburse the Highway Authority for the cost of providing a traffic signal design and for supervising the installation of the traffic signal equipment separately to the S278 checking regime.

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

9 Prior to development commencing the applicant shall consult the Highway Authority in regard to the possible provision of on street parking controls to be provided between the sites vehicular access and Park Road. If an appropriate T.R.O is deemed appropriate then this shall be funded entirely by the applicant and provided within 3 months of the development being brought into use. Please contact Mr M. J Lennon at Leicestershire County Council Tel:- 0116 265 7193)

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

11 If the ground strata are suitable (as determined by the test in BRE Digest No 365) consideration should be given to draining roof run off to soakaways and that from car parking and lorry turning areas through permeable pavings i.e. the SUDS approach.

12 . The applicant is advised that there is a landfill site within 250 metres of the site.

Contact Officer:- Mrs L Forman Ext 5682