

PRO Vision Planning & Design
Grosvenor Court
Winchester Road
Ampfield
Winchester
Hampshire
SO51 9BD



Charnwood Borough Council
Development Management, Southfield Road,
Loughborough, Leicestershire, LE11 2TN

Details of Application

APPLICATION NO: P/13/2263/2
PROPOSAL: Site for residential development for up to 40 dwellings. (Outline Planning Application)
LOCATION: Gynsill Court Mews, Gynsill Lane, Anstey, Leicestershire
APPLICANT Mr Jan Matthews

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to the following Conditions and Reasons why they have been imposed

1. Application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than one year from the final approval of the last of the reserved matters.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and in order to bring forward development in the interests of meeting a shortage of land supply for housing in Charnwood.
2. The development shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:- a. layout, b. scale, c. appearance, d. landscaping.
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
3. Development shall not begin until a scheme for the provision, implementation and future maintenance of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
REASON: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

4. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
REASON: To protect the water environment.
5. No dwelling shall be occupied until such time as the existing vehicular access to the north-east of the proposed vehicular access and serving the site (as shown on drawing 1343 P02 Rev D received by the local planning authority on 20th February 2014 has been permanently closed to vehicular traffic (with redundant crossings reinstated as footway) and the proposed new access has been provided fully in accordance with Plan ref 326/3/1 (within the Highway Statement attached to the application received on 14/11/2013) and a detailed scheme that shall first have been submitted to and approved by the local planning authority in consultation with the highway authority. Such details to include suitable width, radii and gradient to allow all vehicles to enter the site safely, provision of visibility splays in accordance with highway authority standards, surfacing in a hard bound material and reinstatement of the redundant crossings. Once the above works have been provided, they shall thereafter be maintained fully in accordance with the approved details.
REASON: In the general interests of highway safety and for the avoidance of doubt.
6. 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 20 metres behind the highway boundary and shall be hung so as to open inwards only.
REASON: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
7. All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.
REASON: To ensure a satisfactory form of development and in the interests of highway safety.
8. No dwelling or building on the site shall be occupied until a landscape and biodiversity management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (including the land within the blue line) other than domestic gardens, has been submitted to and agreed in writing by the local planning authority. The agreed landscape and biodiversity management plan shall then be fully implemented as approved.
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.
9. Notwithstanding the submitted details, full details of the construction and surfacing for the proposed vehicular access drive and any street lighting serving the development shall be submitted to, and approved by the local planning authority, in consultation with the highway authority, prior to any development commencing on the site.
REASON: The trees adjacent to the indicated access are important and this condition is imposed to make sure that their long term retention is considered in providing a suitable and safe access road.

10. No development, including site works, shall begin until the hedges located on the boundaries of the application site have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.
REASON: The hedges are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.
11. A comprehensive noise assessment shall be undertaken and the results submitted for the approval of the local planning authority at the reserved matters stage. This document shall include, if appropriate, suitable mitigation measures.
REASON: In order that appropriate external daytime and internal daytime and night-time noise levels are achieved; in the interests of the residential amenities of potential occupiers.
12. No dwelling shall be occupied until a scheme of public art within the development, including its future management and a timetable for its implementation, has been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be fully implemented in accordance with the agreed timetable.
REASON: To enhance the character of the area pursuant to policy EV/43 of the adopted Local Plan.
13. No dwelling shall be occupied until such time as the required highway improvements to the A50 and Gynsill Lane (including the provision of a signalised pedestrian crossing point on the A50 near to the Gynsill Lane/County Hall roundabout and improvements to the width of the entry on Gynsill Lane to that roundabout) have been completed. If the applicant is to undertake these works, these must be in accordance with a scheme which shall have been previously submitted to and approved by the local planning authority.
REASON: In order that suitable and safe pedestrian links to main services are provided to meet the needs of occupiers of the development and to ensure that suitable traffic mitigation is provided.
14. The submission of a detailed layout under reserved matters as required by planning condition 2 shall include the retention of all trees in plan reference 1343 P02 Rev D coloured in dark green referred to as existing trees and referred to in Symbiosis plans for scheduling.
REASON: In order to retain important trees and protect the wooded character of the area.
15. Prior to the commencement of development work, a great crested newt mitigation measures shall be submitted and agreed in writing with the local planning authority and the development shall proceed according to the agreed details.
REASON: In the interest of biodiversity and protected species.
16. Prior to the commencement of development work, a work method statement to minimise any detrimental impact on the Rothley Brook Local Wildlife Site and on the local otter population shall be submitted and agreed in writing with the local planning authority and the development shall proceed according to the agreed details.
REASON: To protect the Rothley Brook Local Wildlife Site and associated protected species.

17. Prior to commencement of development work on site a badger survey shall be carried out by a competent ecologist and the result of the badger survey shall trigger appropriate mitigation measures to be agreed in writing with the local planning authority and the agreed mitigation measures shall be fully implemented.
REASON: In the interest of protected species.
18. Prior to the commencement of development work on site a bat and bird box scheme integral to the fabric of the buildings shall be agreed with the local planning authority and the agreed scheme shall be fully implemented and retained thereafter.
REASON: To deliver opportunities for biodiversity enhancements.
19. The hedge located on the application site boundaries shall be retained. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.
REASON: The hedges are important features in the area and their retention is necessary to help screen the new development.
20. On commencement of development there shall be no storage of plant, machinery or materials upon the land shown within the 'blue line' at any time during construction unless previously agreed in writing with the local planning authority.
REASON: In the interest of the protection of the wooded area and for the wider interest of bio-diversity.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information. <http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
2. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies EV/1 and H/16 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and the emerging Core Strategy of the Local Development Framework have been taken into account in the determination of this application together with the relevant provisions of the National Planning Policy Framework in particular Paragraphs 47 & 49. The proposed development complies with the requirements of these saved policies and guidance.
3. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design' and, therefore, no harm would arise such as to warrant refusal of planning permission.

4. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Design Guide" (Htd) at www.leics.gov.uk/Htd.
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.

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.

The proposed road does not conform to an acceptable standard for adoption and therefore it will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private road within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the lpa before any dwelling is occupied.

5. 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.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will

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6. With regard to Condition No. 11, the proposed noise mitigation scheme shall be sufficient to meet the following noise levels - Habitable rooms 30dBA expressed as a 16 hour Laeq (0700-2300 hours), bedrooms 30dBA expressed as an 8 hour Laeq (2300-0700 hours) and external gardens 55dBA expressed as a 16 hour Laeq (0700-2300 hours).
 7. This permission has been granted following the conclusion of an agreement under Section 106 of the Town and Country Planning Act 1990.
 8. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended), therefore should nesting birds be present in any vegetation to be removed, vegetation clearance should be deferred until the young birds have fledged. The nesting bird period is considered to take place between March and August inclusive, but may start earlier and extend later.
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Richard Bennett
Head of Planning and Regeneration

13 February 2015

NOTES:

This notice grants outline planning permission only. A separate application will be needed for any matters reserved in this outline permission.

You can appeal to the Secretary of State for Communities and Local Government (SoSCLG) against our decision to include conditions on this permission. You must appeal within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Telephone: 0117 372 6372, website: <http://www.planningportal.gov.uk/planning/appeals>

The SoSCLG can allow a longer period for making an appeal, but he will not normally do so unless there are special circumstances to justify any delay. A useful resource is the Planning Portal with guidance, information and relevant links to assist in the appeals process:

<http://www.planningportal.gov.uk/planning/appeals>

The SoSCLG need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order. In practice, the SoSCLG does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (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. You should also check the 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 and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.

Notes for Outline Grant Conditional Permission 0212