

## Full Application

**Grant Conditionally**

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

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### Details of Application

**APPLICATION NO:** P/12/2130/2  
**PROPOSAL:** Erection of 38 dwellings to phase 1 and outline application for residential development and community building.  
**LOCATION:** Land adjacent to Windmill Road, Great Central Road, , Empress Road and Moor Lane,, Loughborough, Leicestershire  
**APPLICANT** Sowden Group Ltd

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**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:-

1. Insofar as this decision grants full planning permission for Phase 1 as indicated in the application, the development, hereby permitted, shall be begun not later than 3 years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the revised drawings Nos. PL25B, 26B and 27B (layout and floor plans), PL14D, 15D, 16D, 17D, and 18D (house types) and PL10C and 11C (street scenes) received by the local planning authority on the 21st January 2013 showing revisions to the layout and design of the development.  
REASON: To make sure that the scheme takes the form agreed by the authority and thus results in a satisfactory form of development.

3. No works to construct the development hereby permitted shall begin on any part of the site until such time as a detailed site survey to establish the degree of contamination of that part of the site (including the presence, if any, of land-fill gas), together with a scheme of necessary remedial measures to render the site suitable and safe for development and to protect the locality, including a timetable for its implementation, have been submitted to and agreed in writing by the local planning authority.  
REASON: To make sure that the site, when developed is free from contamination, in the interests of public health and safety.
4. The development hereby permitted shall not take place other than in full accordance with the measures agreed in the scheme submitted pursuant to condition No. 3 above and in accordance with the agreed timetable.  
REASON: To make sure that the site, when developed, is free from contamination, in the interests of public health and safety.
5. No materials shall be placed on the site until such time as details of the type, texture and colour of the materials to be used on the external surfaces of the proposed development have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.  
REASON: To make sure that the appearance of the completed development is satisfactory.
6. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the local planning authority:

  - i) the treatment proposed for all ground surfaces, including hard areas;
  - ii) full details of tree planting;
  - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
  - iv) finished levels or contours;
  - v) any structures to be erected or constructed;
  - vi) functional services above and below ground; and
  - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.
7. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.  
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

8. No development, including site works, shall take place until a scheme for the treatment of the application site boundaries has been submitted to and agreed in writing by the local planning authority.  
REASON: To ensure the satisfactory, overall appearance of the completed development.
9. No use or occupation of the building hereby permitted shall take place until the scheme for boundary treatment, agreed under the terms of the above condition, has been fully completed.  
REASON: To ensure the satisfactory, overall appearance of the completed development.
10. No dwelling shall be occupied until such time as details of the way in which the open space, recreational and children's play areas are to be laid out and landscaped, including details of any buildings or structures to be erected, have been submitted to and agreed in writing by the local planning authority.  
REASON: To make sure such areas are properly laid out and landscaped, in the interests of general amenity.
11. No development, including site works, shall begin on site until such time as full details of the way in which foul sewage and surface water are to be disposed of from the site have been submitted to and agreed in writing by the local planning authority. The details shall be in accordance with the principles shown on drawing nos. PL00-SW-Phase 1-0 SUDS Design and PL00-SE SW SUDS Design received by the local planning authority on the 27th March 2013.  
REASON: To make sure that the site can be drained in a satisfactory way.
12. No dwelling or building shall be occupied or used until such drainage works as are needed for that dwelling or building have been completed, in accordance with the details agreed under the above condition.  
REASON: To make sure that the drainage works are completed in a satisfactory way.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 or any order revoking or re-enacting that Order, with or without modifications, no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.  
REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area.
14. Before any dwelling hereby permitted in Phase 1 is first occupied, Moor Lane shall have been improved from its junction with Great Central Road up to the bridge over the Grand Union Canal, such improvements shall include the provision of footways and a defined carriageway, the details of which shall first have been submitted to and approved by the local planning authority, in consultation with the highway authority, before development commences.  
REASON: In the interests of highway safety.

15. Before the proposed developments to the east side of the canal are first brought into use or occupied, Moor Lane shall have been improved as shown generally on the submitted plans in accordance with scheme that shall first have been submitted to and approved by the local planning authority in consultation with the highway authority.  
REASON: In the interests of highway safety.
16. All details of that part of the proposed development that is hereby granted outline permission, 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, signing and lining (including that for cycleways and shared use footway/cycleways) and 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 in the interests of highway safety.
17. The gradient of the proposed private access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.  
REASON: To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety.
18. 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.  
REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
19. For the period of the construction, the applicant shall take measures to ensure that the highway is kept free of mud, water, stones etc, in accordance with details that shall have first been approved in writing by the local planning authority, in consultation with the highway authority.  
REASON: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
20. 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.  
REASON: 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.
21. The car parking and any turning facilities shown serving each dwelling including any associated visitor parking shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.  
REASON: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

22. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with a hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.  
REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
23. Before first use of the development hereby permitted, minimum 1.0 metre by 1.0 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 the level of the adjacent footway/highway, in accordance with the current standards of the highway authority and shall be so maintained in perpetuity.  
REASON: In the interests of pedestrian safety.
24. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 34 metres shall be provided at the junction of the proposed estate road on to Windmill Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.  
REASON: 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.
25. Insofar as this decision grants outline planning permission for those parts of the development outside Phase 1, the application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years 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.
26. The development the subject of condition 25 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. access and e. 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.
27. No development, including site works, shall begin until each tree shown to be retained on the approved plan has been protected, in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered, and no materials or temporary building or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be

excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees 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.

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 LCC Highways advises that:
  - i) 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.
  - ii) 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](http://www.leics.gov.uk/Htd).  
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
  - iii) 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 Highways Manager.
  - iv) 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. 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.
  - v) 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.

vi) 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.

2. 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).
3. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies ST/1, ST/2, EV/1, H/5, H/16, TR/1, TR/6, TR/18, CT/1 and CT/2 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of these saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application. The Council has also considered the relevant policies of the East Midland Regional Plan.
4. Planning permission has been granted for this development because the Council has determined that, although it does not fully accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Leading in Design', the degree of harm that might be caused to one or more of the issues arising under the policy, is insufficient to warrant the refusal of planning permission.
5. This permission has been granted following the conclusion of an agreement under Section 106 of the Town & Country Planning Act 1990 relating to the provision of recreation land, community development land and public transport provision.
6. This decision notice includes a condition or conditions which require something to be done before any work starts on site. Unless such conditions are fully complied with, the development carried out may be unlawful and could be the subject of enforcement action. Anyone implementing this permission should pay special attention to such conditions and make sure that there is full compliance with their requirements before any development starts on site.
7. The existing tree(s) on the site is/are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected tree(s). Unauthorised works to a protected tree are a criminal offence.

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Richard Bennett  
Head of Planning and Regeneration **20 December 2013**

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**NOTES:**     **P/12/2130/2**

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924 / 634757 or Email:

[building.control@charnwood.gov.uk](mailto:building.control@charnwood.gov.uk)

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 232 3232 or Email:

[information@leics.gov.uk](mailto:information@leics.gov.uk) You are also advised to check whether any restrictive covenants apply to the application site.

Appeals to the Secretary of State for Communities and Local Government (DCLG)  
You can appeal to the DCLG against our decision to include conditions on this planning 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 Tel: 0117 372 6372, Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk) Web-Site: [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk) . The (DCLG) can allow a longer period for making an appeal, but 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: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The (DCLG) 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 (DCLG) does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the (DCLG).

**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.