

Marrons Planning
1 Meridian South,
Meridian Business Park
DX710910
Leicester
LE19 1WY



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

Details of Application

APPLICATION NO: P/17/2215/2
Development of an industrial building with associated offices (Use Classes B1, B2 and B8) together with associated

PROPOSAL: landscaping, highway improvements, parking and servicing and works to create an elevated plateau and flood attenuation (as approved under P/17/0741/2).

LOCATION: Land at North of Pukka Pies, High Street, Syston, Leicestershire

APPLICANT Pukka Pies Ltd

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. 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 hereby permitted shall be carried out in accordance with the approved plans under reference P74(PL) 01Rev D; P74(PL) 02 Rev C; P74(PL) 03 Rev A; Plan EDP1; Plan EDP2; Plan EDP1; Landscape Restoration Masterplan; Proposed Factory Planting Sheets
REASON: To define the permission
3. The development hereby permitted shall not be occupied until such time the approved floodplain compensation has been provided for up to the 1 in 100 year 30% climate change event has been fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON: To ensure that there is no increased flood risk offsite due to a loss of floodplain storage

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.
REASON: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with the aims and objectives of the National Planning Policy Framework 2018.
5. No part of the development hereby permitted shall be occupied until such time as the offsite works to implement a MOVA system at the Fosse Way/High Street junction have been implemented in full.
REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework 2018.
6. No part of the development hereby permitted shall be occupied until such time as a bus stop (including timetable and raised kerbs) has been provided for travel in the eastbound direction on High Street in the vicinity of the site.
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the aims and objectives of the National Planning Policy Framework 2018.
7.
 - i) Any approved remediation scheme and gas verification plan shall be implemented prior to the commencement of the development or as otherwise prescribed in the approved implementation programme.
 - ii) Upon completion of the approved remedial measures a site verification report shall be provided to the satisfaction of The Local Planning Authority including conclusive evidence that the remedial measures have been implemented and the site is suitable for its intended use.
 - iii) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
REASON: In the interests of human health and the environment.
8. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

9. Prior to commencement of development details of any landscaping scheme shall be submitted to and agreed in writing by the Local Planning Authority including details of hard and soft landscaping works; identification of existing trees, shrubs and other vegetation to be retained, the extent, location and design of such habitat shall be shown clearly and fully described; details of the future management of the landscape scheme; and ground preparation measures to be adopted. The approved scheme shall be implemented before the development approved in that submission is brought into use. It will be managed for at least 5 years from the completion of the scheme, in accordance with the approved management details.
REASON: To ensure satisfactory development of the site and to ensure that any planting within 20m of the railway does not harm its operational effectiveness.
10. The development hereby permitted shall not be occupied until such time as off street car and/or HGV parking provision (with turning facilities) has been provided, hard surfaced (and demarcated) in accordance with architects LE1 drawing number P74 (PL) 01 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.
REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework 2018.
11. No development approved by this planning permission shall take place until such time as a detailed assessment of the access requirements for watercourse maintenance has been submitted to, and approved in writing by, the local planning authority.
REASON: To prevent an increase in flood risk to the proposed development or adjacent land through limited access for riparian maintenance.
12. No works approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the scheme has been submitted to and approved in writing by the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various stages of works from initial site works through to completion. This shall include temporary works, additional treatment, maintenance and protection.
REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase.
13. No works approved by this planning permission shall take place until such time as detailed design plans and hydraulic model of the watercourse realignment has been submitted to and approved in writing by the local planning authority. The watercourse assessment should identify the capacity within watercourse channel, the inflows for the 1 in 1 year, 1 in 30 year and 1 in 100 year + climate change allowance.
REASON: To assess the risk from the watercourse and ensure that the scheme provides a positive benefit to the wider catchment.

14. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on WYG drawing number A099632-35-18-006 Rev A have been implemented in full.
REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the aims and objectives of the National Planning Policy Framework 2018.
15. The development hereby permitted shall not be occupied until such time as off street car and/or HGV parking provision (with turning facilities) has been provided, hard surfaced and demarcated) in accordance with architects LE1 drawing number P74(PL)01 Rev D. Thereafter the onsite parking provision shall be so maintained in perpetuity.
REASON: To ensure that an appropriate level off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework 2018.
16. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2017, Ref: Final Rev A December 2017, produced by EWE Associates Ltd and finished floor levels shall be set no lower than 51.45m above Ordnance Datum (AOD). All mitigation measures shall be fully implemented prior to occupation.
REASON: To reduce the risk of flooding to the proposed development and future occupants.

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 decision has been reached taking into account paragraph 38 of the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. Any waste removed from the site as part of the proposals will need to be done by a registered carrier and sent to a registered site. Further information can be found on the .gov.uk website.

If the proposals include either the treatment of waste on site or the bringing of waste onto the site for any restoration work this may require an Environmental exemption or permit. More information regarding this can be found on the .gov.uk website.

3. Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
4. Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
5. Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. It is noted that the site is near to several low railway bridges including High Street, Syston (4m restriction) and Fosse Way (4.5m restriction) and it would be of concern to Network Rail if large construction vehicles are to be routed to the site via these bridges. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.
6. Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.
7. All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
8. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:
<http://www.leicestershire.gov.uk/Flood-risk-management>

9. Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
10. A watercourse flows through the centre of the subject site from east to west which is connected to the off-site watercourses/ lake located adjacent to the northern site boundary. As part of the proposed redevelopment the watercourse is proposed to be realigned and diverted through the north of the site. Further information will need to be provided to demonstrate that the associated site works ensure the protection of controlled waters and not create preferential pathways.
11. There is a possibility that the boggy /wetland areas adjacent to the site are connected to the on-site watercourse and possibly provide groundwater flow to it. Consideration should be made to undertaking a hydrogeological assessment to ensure that no adverse impacts occur in relation to the bogs/wetlands in relation to the proposed site diversion and realignment of the watercourse.
12. The EA has viewed historic maps and two off-site boggy areas are shown in separate locations adjacent to the site. These areas are shown northeast of the site, east of TP15 and WS08 and southeast of the site, east of WS05 and WS04. During the walkover and site investigation undertaken by GRM an area in the southeast of the site was identified as being very wet with wetland type grasses observed to be present. No site walkover observations were made in relation to the off-site boggy area northeast of the site whether any areas of wetness/ wetland vegetation were present on the adjacent part of the site. Please provide further details.
13. During the site investigation hydrocarbon contamination was visually identified within the groundwater at TP03, TP05 and TP06 (TP03 and TP05 are located in the vicinity of the proposed diverted watercourse). The groundwater samples analysed identified slightly elevated BaP at BH03, however elevated heavy end mineral oil was present in BH01, BH02 and BH03 (BH01 and BH02 are located in the vicinity of the proposed diverted watercourse).
14. The identified hydrocarbon contamination encountered during the site investigation and also contained within the groundwater samples has implications for the proposed diversion of the watercourse and further information should be provided to confirm how the prevention of preferential pathways will be undertaken on the site in relation to the made ground and site groundwater. Potential risks are present arising from the diversion of the existing watercourse through land with elevated concentrations of contaminants.
15. Depending on the information provided by the applicant there may be a requirement for further site investigation and delineation works to be undertaken to confirm the concentrations of contaminants in the area proposed for diversion of the watercourse, to determine the areas of contaminated soil that needs to be removed from the site and whether the steps to be undertaken to reduce the risks to controlled waters/ undertake remediation arising from the contamination at the site.



Richard Bennett
Head of Planning and Regeneration **03 August 2018**

NOTES: **P/17/2215/2**

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

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 305 0001 or email: information@leics.gov.uk You are also advised to check whether any restrictive covenants apply to the application site.

You can appeal to the Secretary of State for Communities and Local Government (SoSCLG) 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. Telephone: 0303 444 5000, website: <https://www.gov.uk/planning-inspectorate>

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.

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.