Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

APPROVAL OF RESERVED MATTERS

Name and Address of Applicant
David Wilson Homes East Midlands
Forest Business Park
Cartwright Way
Bardon Hill
Coalville
Leicestershire
LE67 1UB

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	**Application No.**
25 March 2009	09/00228/REM

Particulars and location of development:

SUBSTITUTION OF HOUSE TYPES (PLOTS 6,11,15,25)

Land Rear Of 41 To 65 The Common Barwell Leicestershire

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, 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 as the site is allocated for residential development and the layout, scale, design and appearance of the proposed dwellings would enhance the character and appearance of the overall development and would not be detrimental to the amenities of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, RES1(e), NE12 and T5

The Hinckley and Bosworth Borough Council grants approval in respect of the details referred to in Part I hereof for the purpose of the conditions imposed on the grant of outline planning permission and subject to the following condition(s):-

1. The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 06/00384/OUT except as may be modified herein.

2. This permission relates to the application as endorsed by additional plan No. S3437/100/01 Rev L received by the Local Planning Authority on 15th May 2009. The development hereby approved shall be carried out in accordance with the finished floor levels as detailed on the plan unless otherwise previously agreed in writing by the Local Planning Authority.

3. Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed 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 unless otherwise previously agreed in writing by the Local Planning Authority.

The reasons for the conditions are :-

1. For the avoidance of doubt.

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

2. To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & 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. 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).

4. List of Plans used in the determination of this application:- Location Plan No. S3437/500/01; Planning Layout No. S3437/100/01 Rev L; Materials Schedule S3437/500/01; Elevations Plan No. H436---5 Rev A and Floor Plan No. H436---5 Rev A.

5. The applicant is reminded that this permission should be read in conjunction with the outline planning permission (reference No. 06/00384/OUT),a copy of which is attached, and any outstanding conditions on that permission must also be complied with, together with the requirements of the completed Section 106 agreement already in place.

T. M Prowse

Date:- 18 May 2009

TREVOR PROWSE
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 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 month (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is available from the Planning Inspectorate, Room 305(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or by telephoning 0117 372 6372). 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.

2a. 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.

3. 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 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.

4. 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.

5. This permission only covers 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 Buildings Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences and 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 BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS 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.