Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr Jason Mann
40 Park Road
Earl Shilton
Leicestershire
LE9 7EB

Name and Address of Agent (if any)
Brian Dearlove Partnership
Unit C, Edward House
Grange Business Park
Enderby Road
Whetstone
Leicestershire
LE8 8EP

Part I - Particulars of Application

Date of Application	**Application No.**
1 May 2009	09/00326/FUL

Particulars and location of development:

ERECTION OF ONE DETACHED DWELLING

Land Adjacent To 22 Breach Lane Earl Shilton 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 it is within the settlement boundary and the layout and design would not have an adverse effect on the character or appearance of the area; the privacy or amenities of the occupiers of neighbouring properties or on highway safety. A financial contribution has been paid in respect of the provision and maintenance of off-site public play and open space.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, NE12, NE14, T5 and REC3

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following 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 revised by amended plan No. 4127/A5 received by the Local Planning Authority on 19th June 2009.

3. Notwithstanding the submitted details, the materials to be used on the external elevations of the proposed dwelling shall be Hanson Thornberry Multi Stock facing bricks and Marley Duo Edgemere (Slate Grey) roof tiles unless previously agreed in writing with the Local Planning Authority.

4. The development shall be implemented in accordance with the ground levels and approved finished floor levels as indicated on plan No. 4127/B1 unless otherwise agreed in writing by the Local Planning Authority.

5. Prior to first occupation of the dwelling hereby permitted, boundary walls and fencing shall be erected as indicated on plan No. 4127/B1 and once provided shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

6. The approved soft landscaping scheme shall be carried out in accordance with the approved details indicated on plan No. 4127/B1 during the first appropriate planting season following the date when the dwelling hereby approved is first ready for occupation. The 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.

7. Before first occupation of the dwelling hereby approved, the access drive, turning and car parking spaces shall be provided and surfaced in accordance with the hard landscaping details submitted on approved plan No 4127/B1 and once provided shall be so maintained for such purposes at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

8. Notwithstanding the submitted details, 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 once provided shall be so maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

9. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected on the access drive they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.

10. Notwithstanding the submitted details, the cill height of the three velux style windows within the roof slope on the eastern elevation of the dwelling hereby permitted shall be a minimum of 1.6 metres above the finished first floor level of the room to which they relate.

The reasons for the conditions are:-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission.

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

4. To ensure that the development has a satisfactory visual appearance and to protect the amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

5. To safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

6. To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure that the access allows vehicles to pass each other clear of the highway; to allow vehicles to enter and leave the site in a forward direction; to ensure that adequate off-street car parking is available to serve the development and to reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

8. To ensure that an adequate line of vision is available in the interests of road safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

9. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure that the development is not detrimental to the privacy and amenity of neighbouring properties to accord with policy BE1 of the adopted Hinckley and 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. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. 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).

5. A financial contribution of £1250.80 has been received towards the provision and maintenance of public play and open space.

6. In relation to conditions 8 and 9, the applicant is advised that the highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road surface.

7. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance or, alternatively, by use of one of the modular systems comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 1 July 2009

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 months (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is obtainable 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 of the land 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 covers only 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 Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or 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 B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and 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. (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.
d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.