Hinckley & Bosworth Borough Council

*A Borough to be proud of*

**Town and Country Planning Act 1990**

**PLANNING PERMISSION**

**Name and Address of Applicant**
Mr David Hancock
69 Main Street
Carlton
Nuneaton
Warwickshire
CV13 0BZ

**Name and Address of Agent (if any)**
Mr George Burton
The Old Dairy
25 Brookside
Stretton-on-Dunsmore
Rubgy
Warwickshire
CV23 9NH

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 18 June 2009 | 09/00455/OUT |

**Particulars and location of development:**

ERECTION OF TWO DWELLINGS WITH CREATION OF ACCESS AND PARKING, EXTENSION AND ALTERATIONS TO EXISTING DWELLING AND GARAGE

**69 Main Street Carlton Nuneaton CV13 0BZ**

**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 and would not be to the detriment of the character of the area, neighbouring residential amenity and highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5, NE14, IMP1, REC3; SPG on New Residential Development and SPD on Play and Open Space

**In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants outline planning permission for the carrying out of the development referred to in Part I hereof, in accordance with the application and plans submitted, subject to the following condition(s) :-**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

2. This permission relates to the application as revised by amended plan 3769/03 Rev D received by the Local Planning Authority on 3 August 2009.

3. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

   i) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

ii) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4. 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.

5. The landscaping details required by Condition 2 of this permission, to be submitted as part of the reserved matters application, shall include:

(i) proposed finished levels (including finished floor levels)
(ii) means of enclosure and boundary treatments
(iii) hard surfacing materials
(iv) planting plans, including replacement trees for those proposed to be removed
(v) written specifications
(vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(viii) implementation programme.

6. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping 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 at which time shall be specified in writing by the Local Planning Authority.

7. The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority.

8. With regard to Condition 2 above, the application for reserved matters shall accord in terms of design and scale with the proposals indicated within the design and access statement dated 17th June 2009.

9. The application for reserved matters shall include details which accord with the conclusions and recommendations contained within the Ecological Survey submitted with this application. Any enhancement of species habitat and mitigation measures identified shall be carried out in a manner to be agreed in writing with the Local Planning Authority prior to works on site being commenced.

10. Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access serving each dwelling, with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

11. Before first occupation of either dwelling hereby permitted, the parking and turning facilities, as shown on the approved plans, shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The parking spaces shall remain available for vehicle parking thereafter.

12. No development shall commence until such time as details of the surfaces of the parking, turning and access areas has been submitted to and improved in writing by the local planning authority. The development shall then proceed in accordance with the approved details.

The reasons for the conditions are :-

1. To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. To define the permission.

3. To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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

5. To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7. To ensure the adequate provision of public play and open space within the vicinity of the site to accord with policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space.

8. For the avoidance of doubt and to ensure that the development is carried out in accordance proposals contained with the design and access statement submitted. To ensure a satisfactory form of development, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9. For the avoidance of doubt and to secure proper steps to safeguard and enhance the protected species on the site. To ensure that the development is carried out in accordance proposals contained with the ecological survey submitted.

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

11. To enable vehicles to enter and leave the site in a forward direction and to provide adequate off street car parking in the interests of the safety of road users and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.

12. To ensure that useable car parking and vehicle manoeuvring space will be available to serve the premises when they are brought into use.

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. List of plans used in the determination of this application:- 3769/01 Rev A, 3769/02 and 3769/03 Rev D.

6. Due to the forward position of the plot approved adjacent to the sites eastern boundary (shown on plan as no.69a), there shall be no windows to habitable rooms in the east elevation of this dwelling.

7. The current play and open space contribution required by condition no.6 is £1250.80p per dwelling, therefore totalling £2501.60.

8. With regard to condition 7, the design of the proposed two dwellings shall not include rear windows at first floor level.

T. M Prowse

Date:- 6 August 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 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 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 permission 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 planning 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 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 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.

**OPNOTES V2**