Steve Atkinson MA(Oxon) MBA MioD FRSA
Chief Executive

Please Ask For: Kevin Roeton
Direct Dial/Ext: 01455 255919
Direct Fax: 01455 619897
Email: planning@hinckley-bosowrth.gov.uk
Your Ref:
Our Ref: 10/00279/NOMAT
Date: 25 May 2010

Hinckley & Bosworth Borough Council

A Borough to be proud of

Mr Mark Whitmore
Bluebell Corner
Lutterworth Road
Burbage
Hinckley
Leicestershire
LE10 2DL

Dear Sir/ Madam

APPLICATION NO: 10/00279/NOMAT
Address: Land Adjacent To 22, Breach Lane, Earl Shilton, Leicestershire

I refer to your recent non-material minor amendment application submitted under Schedule 96(A) of the Town and Country Planning Act 1990 (as amended) on land at Land Adjacent To 22, Breach Lane, Earl Shilton, Leicestershire, .

Following consideration of the information submitted I am able to confirm that the following works listed below are considered to be minor amendments to planning permission 09/00390/FUL

1. The formation of a balcony on the rear elevation (south) and the amalgamation of two side windows to one on the side elevation (east).

The proposal is considered acceptable subject to conditions as imposed on application 09/00390/FUL, attached for your information, and additional /amended conditions as detailed below:

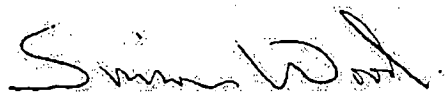
1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
   - Site Location Plan at 1:2500 / 1:500 Drg. ref. LPA05 recieved on 27 April
   - Proposed Elevations at 1:100 Drg. ref. LPA03 recieved on 13 April
   - Proposed Floorplans at 1:50 Drg. ref. LPA04 recieved on 13 April

The reasons for the conditions are :-

1. For the avoidance of doubt and in the interests of proper planning.

If the applicant is aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, they may appeal to the Secretary of State for Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act. Details of this procedure are contained on the Notes on the original planning application attached to this letter.

Yours Faithfully,



SIMON WOOD
HEAD OF PLANNING

Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr M. Whitmore
Bluebell Corner
Lutterworth Road
Burbage
Leicestershire
LE10 2DL

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	Application No.
2 June 2009	09/00390/FUL

Particulars and location of development:

SUBSTITUTION OF HOUSE TYPE PLOT 1 OF PLANNING PERMISSION 07/00668/FUL

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, scale 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.

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

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 Nos. 09/00390A/FUL; 09/00390B/FUL; 09/00390C/FUL; 09/00390D/FUL and 09/00390E/FUL received by the Local Planning Authority on 2nd July 2009.

3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage 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.

4. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5. Notwithstanding the submitted details, no development shall commence on site until full details of the method of disposal of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

6. 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 policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

7. Before any development commences full details of all boundary treatments to be provided around the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

8. The car parking and turning facilities shown within the curtilage of the dwelling hereby approved shall be provided before the dwelling is first occupied and shall remain available for such use at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

9. Notwithstanding the submitted details, the shared private access drive shall be a minimum of 4.5 metres wide for at least the first 5 metres behind the highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

10. Before first occupation of the dwelling hereby approved the access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times thereafter.

11. Notwithstanding the submitted details, before first occupation of the dwelling hereby approved, 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.

12. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected 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.

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 external appearance and in the interests of visual amenity to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

5. To ensure that the development has a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of water pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that the development contributes towards the provision of public play and open space facilities within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Play and Open Space Guide Supplementary Planning Document.

7. To ensure that satisfactory privacy and residential amenity is provided for the proposed development and to safeguard the privacy and amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8. To ensure that adequate off-street car parking and turning facilities are available to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

9. To ensure that vehicles may pass each other clear of the highway and enter and leave the site in a slow and controlled manner in the interests of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

10. To reduce the possibility of deleterious material (loose stones etc) being deposited within the highway and in the interests of general highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

11. 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.

12. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of highway safety to accord with policies BE1 and T5 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. In relation to Condition 5, 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.

6. In relation to Condition 6, a financial contribution of £1250.80 is required in this case towards the provision and maintenance of public play and open space in lieu of on-site provision.

7. In relation to Conditions 9 - 12 inclusive, the applicant is advised that the highway boundary is the wall/hedge/fence/ditch etc. fronting the premises and not the edge of the carriageway/road surface.

8. List of Plans used in the determination of this application:- Amended Plan Nos. 09/00390A/FUL; 09/00390B/FUL; 09/00390C/FUL; 09/00390D/FUL; 09/00390E/FUL received 2nd July 2009 and Plan Nos. 09/00390F/FUL; 09/00390G/FUL.

T. M Prowse

Date:- 21 July 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 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.