Hinckley & Bosworth
Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Knowles And Herbert Development
2 Daddlington Lane
Stapleton
Leics
LE9 8JL

Name and Address of Agent (if any)
ARI Design Limited
17-19 Wood Street
Hinckley
Leics
LE10 1JQ

Part I - Particulars of Application

Date of Application	**Application No.**
28 March 2008	08/00339/FUL

Particulars and location of development :

ERECTION OF 5 DWELLINGS (RE-SUBMISSION OF 07/01308/FUL)

North West House 160 Heath Lane Earl Shilton Leicester Leicestershire

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, RES5, NE12, NE14, NE17 and REC3 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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. D/1324/1A/PD 2 and D/1324/1A/PD 5 received by the Local Planning Authority on 28th May 2008.

3. 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.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

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IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE REVERSE SIDE OF THIS FORM

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

8. No development approved by this permission shall be commenced until such time as a scheme for the monitoring of landfill gas has been submitted to and approved in writing by the Local Planning Authority. The development and monitoring of landfill gas shall be carried out in accordance with the approved details.

9. 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.

10. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

11. Notwithstanding the submitted details, before the development is commenced, full details of all boundary walls and fences 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.

12. Before any development is commenced on site a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment proposed for all ground surfaces together with materials, planting plans noting species, plant sizes and proposed numbers. The development shall be carried out in accordance with the approved details.

13. The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwellings are 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 that 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.

14. Before first occupation of any of the dwellings hereby approved, the shared access drive, car parking spaces and turning areas shown on the approved plan shall be provided and thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

15. Before first occupation of any of the dwellings hereby permitted, the shared access drive, car parking spaces and turning space shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

16. Before first occupation of any 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 the shared access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained at all times thereafter.

17. 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 5 metres behind the highway boundary and shall be hung so as to open inwards only.

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18. Notwithstanding the submitted details, the shared private access drive shall be a minimum of 4.25 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.

19. The existing vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to pedestrian footway to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

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 & 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 safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

6 & 7 To ensure safe development of the site and protect the amenities of future occupiers to accord with policies BE1 and NE17 of the adopted Hinckley and Bosworth Local Plan.

8. To ensure safe development of the site and protect the amenities of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9. 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 Supplementary Guidance on Play and Open Space.

10. To ensure that the development is provided with 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 pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

11. To protect the amenities of future occupiers of the dwellings hereby approved and to protect the privacy and amenities of the occupiers of neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

13. 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.

14. To provide acceptable access to the development and ensure that adequate off-street car parking and turning facilities are provided to serve the dwellings hereby approved to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

15. To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway causing danger to road users to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

16. In the interests of pedestrian safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

17. To enable a vehicle to stand clear of the highway whilst the gates are opened and closed in the interests of highway safety to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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18. To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

19. To limit the number of potential accesses to and from the site in the interests of highway safety 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. In relation to condition Nos. 6, 7 and 8 above, advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

5. 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 - (telephone 01455 287202).

6. Condition 9 refers to public play and open space. In this instance a financial contribution of £4,964 is required towards the provision and maintenance of off-site public play and open space.

7. In relation to Condition 12, the landscaping scheme should include details of the existing trees and hedges on site to be retained along with additional planting of native species to enhance the appearance of the development.

8. Demolition of the existing dwelling and outbuildings will require notification to the Building Control Section of the Local Planning Authority in accordance with Sections 80 and 81 of the Building Act 1984.

T. M Prowse

Date:- 9 June 2008

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL