Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
Secondrebel Ltd
Lynden House
53 Swingbridge Street
Foxton
Leicestershire
LE16 7RH

Name and Address of Agent (if any)
Mr Frederic Chadburn
137 Forest Road
Coalville
Leicestershire
LE67 3SP

Part I - Particulars of Application

Date of Application	**Application No.**
30 January 2009	09/00067/OUT

Particulars and location of development:

DEMOLITION OF 8 BIRCH CLOSE AND ERECTION OF 15 NEW DWELLINGS AND FORMATION OF NEW ACCESS

Land Rear Of 8 Birch Close 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 the site is within the settlement boundary, the access would be suitable to serve the development, the design and layout would not be detrimental to the character or appearance of the area, the amenities of neighbouring properties or highway safety and a Section 106 agreement would secure appropriate contributions towards infrastructure requirements.

Hinckley & Bosworth Borough Council Local Plan (2001):- RES5, BE1, BE13, T5, IMP1 and REC3

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. 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 scale of each building proposed in relation to its surroundings.
   ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
   iii) 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.

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

3. The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

i) The external building and surfacing materials
ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iii) The existing trees and hedges on the site, which are to be retained
iv) The provision to be made for screening by walls and fences.

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. This permission relates to the application as revised by amended plan No. FC:3242:B received by the Local Planning Authority on 20th March 2009.

5. The development shall be implemented in accordance with the ground and finished floor levels details provided on the approved plan No. FC:3243:A unless otherwise agreed in writing by the Local Planning Authority.

6. Before first occupation of each of the dwellings hereby permitted, car parking spaces shall be provided in accordance with the details submitted on approved plan No. FC:3244:A and once provided shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1, Classes A-E inclusive shall not be carried out on Plot 9 unless planning permission for such development has first been granted by the Local Planning Authority.

8. Notwithstanding the details submitted on the approved plan the replacement dwelling hereby permitted on Plot G/House Type G shall be restricted to a single storey dwelling only.

9. The access drive, turning areas and car parking spaces shall be constructed and laid out in accordance with the details on the approved plan No. FC:3242:B received by the Local Planning Authority on 20th March 2009 and once provided shall be maintained as such at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

10. If any car port doors, 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.

11. 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 the accesses 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.

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 & 3. This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

4. To define the permission.

5. To ensure that the development has a satisfactory appearance and relationship to the surrounding development to accord with policy BE1of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

7. To safeguard the privacy and amenity of neighbouring properties and ensure adequate private amenity space is retained within the curtilage of the dwelling to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

8. To define the permission and safeguard the privacy and amenities of neighbouring dwellings to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9. To ensure a satisfactory form of development, to enable vehicles to enter and leave the development in a forward direction and in the interests of general highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan..

10. To enable a vehicle to stand clear of the highway to accord with policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

11. To ensure that adequate pedestrian visibility is provided and in the interests of general 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. List of plans used in the determination of this application:- FC:3242:B; FC:32:43:A; FC:3244:A; FC:3153:A

6. The highway layout geometry as shown on the submitted drawing FC:3242:B appears to conform with standards for adoptability. However, this does not confer technical approval for the scheme. If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.
If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

   C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Area Manager.

7. In the interests of the sustainability of the development and to encourage alternative transport choice, the Developer should provide 2 three month Travel Passes for each dwelling upon occupation. The developer shall also provide a travel pack to each property upon occupation. The travel pack will include details of busses and stops in the vicinity and all relevant timetables as well as the location of local facilities and details of village walking and cycling routes as appropriate.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 1 May 2009

09/00067/OUT

NOTES

It will be most helpful if the application number shown overleaf is quoted in all correspondence.

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.

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.

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.

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

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."

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.