Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

Name and Address of Applicant
Mr C. Quarmby
79 Castledine Street
Loughborough
Leicestershire
LE11 2DX

Name and Address of Agent (if any)
Savage Hayward Architects
19 Station Road
Hinckley
Leicestershire
LE10 1AW

Part I - Particulars of Application

Date of Application	**Application No.**
16 December 2009	09/00982/OUT

Particulars and location of development:

ERECTION OF ONE NEW DWELLING WITH DOUBLE GARAGE

Ivydene Rest Home Ivydene 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 it would be within the settlement boundary of Earl Shilton; the access, layout and scale would not have an adverse effect on the character of the area, protected trees within the site, the amenities of the occupiers of neighbouring properties or highway safety and a contribution would be made towards off-site public play and open space.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 2, 19, and 24.

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

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 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.

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 materials
ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iii) The provision to be made for screening by walls and fences
iv) The floor levels of the proposed dwelling and garage in relation to the existing ground level and the finished levels of the site.
v) The provision to be made for the storage of refuse and/or recycling facilities

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Amended Site Location Plan No. 07/116 01B; Amended Block Plan No. 07/116 04E; Amended Site Section Plan No. 07/116 07B; Amended Tree Constraints Plan No. KL/101/002 Version B and Tree Protection Plan No. KL/101/003 Version B received by the Local Planning Authority on 11th March 2010.

5. 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 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, 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.

6. 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 unless planning permission for such development has first been granted by the Local Planning Authority.

7. Before first occupation of the dwelling hereby approved, car parking and turning facilities shall be provided within the site in accordance with the details submitted on amended Block Plan No. 07/166 04B received by the Local Planning Authority on 11th March 2010 and once provided shall be retained for such use at all times thereafter.

8. Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.

9. Before any development is commenced on the site, including site works of any description, the trees within the site shall be securely fenced off for the duration of construction works by protective fencing on a scaffolding framework in accordance with B. S. 5837 and in accordance with the details submitted on the amended Tree Protection Plan Drg. No. KL/101/003 Version B received by the Local Planning Authority on 11th March 2010. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left un-severed.

10. The development hereby approved shall be carried out in accordance with the obligations and recommendations contained within Section 10 of the submitted Bat Assessment & Report provided by Ecolocation dated 26th January 2010.

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

5. To ensure the adequate provision and maintenance of public play and open space within the vicinity of the site to accord with policy 19 of the Local Development Framework Core Strategy and policy REC3 of the adopted Hinckley and Bosworth Local Plan.

6. To ensure that any future development is not detrimental to the privacy and amenity of neighbouring properties or to the long term viability of protected trees within the site to accord with policies BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.

7. To ensure that adequate off-street parking and turning provision is made and to enable vehicles to enter and leave the site in a forward direction in the interests of road safety to accord with policy BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

8. In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

9. The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development in the interests of visual amenity and to accord with policies BE1 and NE12 of the adopted Hinckley and Bosworth Local Plan.

10. To ensure proper protection of protected species and their habitat to accord with Planning Policy Statement 9: Biodiversity and Geological Conservation

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, in this case a financial contribution of £1250.80 will be required towards the provision and maintenance of off site public play and open space in lieu of on site provision.

6. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

7. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described 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 assembled from units of one of the newer, 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.

8. The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

T. M Prowse

Date:- 26 March 2010

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