Hinckley & Bosworth Borough Council

A Borough to be proud of

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr Colin Kimberley
161 Ashby Road
Hinckley
Leicestershire
LE10 1SH

Name and Address of Agent (if any)
Simon Cheshire
34 Adrian Drive
Barwell
Leicestershire
LE9 8GA

Part I - Particulars of Application

Date of Application	**Application No.**
26 August 2009	09/00679/OUT

Particulars and location of development :

RESIDENTIAL DEVELOPMENT (OUTLINE) WITH ACCESS

161 Ashby Road Hinckley Leicestershire LE10 1SH

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 visual or residential amenity or highway safety.

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

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. 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 layout of the site including the way in which buildings are provided and their relationship to buildings outside the development.
   ii) The scale of the dwelling proposed in relation to its surroundings.
   iii) The appearance of the development including the aspects of a building that determine the visual impression it makes.
   iv) The landscaping of the site 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. No development shall commence until a plan showing the provision of a screen wall (including details of siting, height and materials of construction) to the proposed access driveway to ensure the amenities of the occupiers of no.161 Ashby Road are not adversely affected, has been submitted to and approved in writing by the local planning authority. The approved scheme shall then be fully implemented before the first occupation of the dwelling hereby permitted and maintained therefore.

4. Before the first occupation of the dwelling hereby permitted, car parking provision shall be made within the curtilage of the new and the existing dwellings on the basis of 2 spaces per dwelling. The parking spaces shall be provided before the first occupation of the dwelling hereby permitted and shall thereafter permanently remain available for car parking.

5. Notwithstanding the details submitted, before the development commences, details of the access drive (including surfacing) to serve the proposed dwelling shall be submitted to the local planning authority for approval in writing. The access drive shall be provided prior to the first occupation of the dwelling hereby approved and once provided shall be so maintained at all times.

6. Before the development commences, details of pedestrian visibility splays shall be submitted to the local planning authority for approval in writing. The approved pedestrian visibility splays shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained thereafter.

7. Before the development commences, details of turning facilities to be provided within the site to enable vehicles to enter and leave the site in a forward direction for both the existing and proposed dwellings, shall be submitted to the local planning authority for approval in writing. The approved scheme shall be provided prior to any new dwelling being occupied and once provided shall not be obstructed and shall be available for use at all times.

8. 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.

9. No development shall commence until a plan showing the trees to be removed to facilitate the construction of the access driveway has been submitted to and agreed in writing by the local planning authority. Any tree shown to be retained shall not be removed.

10. 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 Supplementary Planning Document on Play and Open Space has been secured in such a manner as is approved in writing by the Local Planning Authority.

11. 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.

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

3. To ensure that the development is not detrimental to the privacy and amenity of no.161 Ashby Road, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

4. To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

5. In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

6. In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

7. To ensure that vehicles may enter and leave the site in a forward direction in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

8. In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

9. A number of trees are located in the area of the access driveway and will be required to be removed to facilitate its construction. The trees in this location provide valuable landscape screening and mitigate the impact of the proposal and should be retained as far is reasonably possible, to ensure compliance with Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.

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

11. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & 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:- 08890-PL01.

6. All highway and access matters should accord with the guidance contained in Leicestershire County Council's Guidance Highways, Transportation and Development.

7. 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.

8. The Highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

9. In relation to condition 10, the total contribution required would be £1250.80p.

T. M Prowse

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

Date:- 5 November 2009

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.