HINCKLEY & BOSWORTH BOROUGH COUNCIL

Town and Country Planning Act 1990

PLANNING PERMISSION

Name and Address of Applicant
Mr A Smith
75A Newbold Road
Barlestone
Nuneaton
Warwickshire
CV13 0DT

Name and Address of Agent (if any)
Brian Dearlove Partnership
Unit C
Edward House
Grange Business Park
Enderby Road
Whetstone

Part I - Particulars of Application

Date of Application	**Application No.**
28 January 2008	08/00076/FUL

Particulars and location of development :

ERECTION OF FOUR DWELLINGS

Land North Of 359 Station Road Bagworth Leicestershire

Part II - Particulars of decision

SUMMARY OF DECISION - The proposal is in conformity with Policies BE1, RES5, T5, REC3, NE2, NE14, 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 3880/B2 received by the Local Planning Authority on 25.02.08.

3. 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.

4. 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.

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

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6. 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.

7. The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

8. Before the first occupation of any dwelling hereby permitted, a footway shall be completed to the satisfaction of Local Planning Authority in consultation with the Highway Authority across the sites Highway frontage.

9. For the period of the construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

10. 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 access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

11. The shared private drive shall have a 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

12. 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.

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

    (i) proposed finished levels or contours
    (ii) means of enclosure
    (iii) hard surfacing materials
    (iv) planting plans
    (v) written specifications
    (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
    (vii) implementation programme.

14. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which 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 at which time shall be specified in writing by the Local Planning Authority.

15. 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.

The reasons for the conditions are :-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. To define the permission.

3. To ensure that the development has a satisfactory external appearance to accord with policy of the adopted Hinckley & Bosworth Local Plan.

4. To safeguard the amenities of the future occupants of the dwellings to accord with Policy NE2 of the Hinckley and Bosworth Local Plan.

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7. To ensure that adequate off-street parking facilities area available to accord with policy T5 of the adopted hinckley and Bosworth Local Plan.

8. The Highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the Highway. The footway is therefore required for the safety of pedestrians in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

9. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the Highway and becoming a hazard for road users in accordance with Policy T5 of the adopted Hinckley and bosworth Local Plan.

10. To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

11. To ensure that vehicles entering and leaving the site may pass each other clear of the Highway and not cause a problems or dangers within the highway in accordance with policy T5 of the adopted Hinckley and bosworth Local Plan

12. To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.

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

14. 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.

15. 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 in accordance with policy NE14 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. Condition 12 refers to play and open space contribution. In this instance a contribution of £4964 is required towards the provision and maintenance of off-site Public Open Space.

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4. The proposed vehicular access position impacts upon existing street furniture adjacent to the site. The village name plate, speed limit signs & posts on both sides of the road will need relocating by a few metres. The signs should be positioned such that they do not impede visibility for drivers emerging from the new access. The repositioning of the speed limit signs may involve a legal procedure. It may also be necessary to pipe the existing ditch across the sites frontage. All works shall be carried out entirely at the applicants expense.

5. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

6. If the ground is found to be unsuitable for infiltration drainage the developer should consider use of the open drain at the western apex of the site, if accessible. The developer should also consider permeable paving for driveway, turning and parking areas.

7. Condition 14 refers to landscaping. The existing hedgerow boundaries to the north and west of the site should be retained and enhanced as part of a wider scheme. The proposed scheme should take into account the sites designation as National Forest

8. 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 (01530 262380)

9. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

T. H Prowse

Dated: 27 March 2008

TREVOR PROWSE
PROPER OFFICER OF THE COUNCIL

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