Hinckley & Bosworth Borough Council

*A Borough to be proud of*

**Town and Country Planning General Regulations 1992**

**RESOLUTION UNDER REGULATION 3**

**Name and Address of Applicant**
Hinckley & Bosworth Borough Council
Hinckley & Bosworth Borough Council
Council Offices
Argents Mead
Hinckley
Leics
LE10 1BZ

**Name and Address of Agent (if any)**

**Part I - Particulars of Application**

| **Date of Application** | **Application No.** |
|---|---|
| 20 January 2010 | 10/00043/DEEM |

**Particulars and location of development:**

ERECTION OF ONE DWELLING (OUTLINE WITH ALL MATTERS RESERVED)

Land Adjacent 147 Wykin Road Hinckley 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 would be acceptable in principle and would not have an adverse impact on the street scene or character of the area, neighbours amenity or highway safety and parking.

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

**In pursuance of its powers under Regulation 3 of the Town and Country Planning General Regulations 1992 the Hinckley and Bosworth Borough Council grants deemed consent 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 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 that 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, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
   ii) The scale of each building proposed in relation to its surroundings.
   iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
   iv) The access arrangements to and within the site for vehicles, cycles and pedestrians.

**IMPORTANT – PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT**

v) 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.

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 provision to be made for vehicle parking on the site
iii) The method of disposal of surface and foul water drainage, which shall be on separate systems
iv) The provision to be made for screening by walls and fences
v) The floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site.
vi) 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 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.

5. The ridge height of the proposed dwelling shall not exceed that of the neighbouring property of 59 Gwendoline Avenue.

6. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Plan 01 recieved on 22nd Janurary 2010.

7. 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 by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

8. There is a public sewer adjacent to the site. No building shall be erected or trees planted within 3 metres of this sewer.

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 permssion in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

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4. To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan.

5. To ensure the development has a satisfactory external appearance in accordance with Policy BE1 of the Hinckley and Bosworth adopted Local Plan.

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

7. 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 Local Plan Policy NE14.

8. To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewer system to accord with Local Plan Policy NE14.

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 English Nature 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 4 relates to play and open space requirements. In this instance a contribution of £1250.80 is required towards the provision of off-site public open space. This can be provided by a one-off payment or secured by the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990.

4. This application is an outline application with all matters reserved and whilst an indicative plan has been submitted this has not been approved with this decision.

5. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with section 185 of the Water Industry Act 1991 or for a Building Over or Close to a Public Sewer Agreement.

T. M Prowse

Date : 18 March 2010

**TREVOR PROWSE**
PROPER OFFICER OF THE COUNCIL

## NOTES

1 This permission covers consent only 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 limit of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority will also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development. The statutory requirements are those set out in Section 78 (7) of the Town and Country Planning Act 1990.

**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.