



Davertry District Council

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APPLICATION NO. DA/2018/0013

TOWN AND COUNTRY PLANNING ACTS, ORDERS AND REGULATIONS

APPROVAL OF RESERVED MATTERS

DATE APPLICATION VALID 29 January 2018

Name and Address of Applicant
K B Benfield Group Holdings Ltd
C/O Agent

Name and Address of Agent
Duke Geden Design Ltd
12, Saint Marys House
417, Broad Lane
Coventry
CV5 7AX

Location of Development
Land Off Balding Close, Barby, Northamptonshire

Description of Development
Reserved matters application (appearance, scale and landscaping details) for construction of 6 dwellings, formation of extended access and related open space

Take notice that the above RESERVED MATTERS HAVE BEEN APPROVED in respect of the above details pursuant to the GRANT OF OUTLINE PLANNING PERMISSION DA/2014/0611 subject to the following:-

CONDITIONS

- 1. The development hereby permitted shall be carried out in accordance with the approved plans and specifications as follows:**
 - **Drawing No: 316/25 – Housetype for Plots 3 & 5**
 - **Drawing No: 316/26 – Housetype for Plot 4**
 - **Drawing No: 316/27 – Housetype for Plot 6; and**
 - **Drawing No: 316/23 – Typical detached garage, Plots 1 to 5 validated by the Local Planning Authority on the 29th January 2019; and**
 - **Drawing No: 316/1 Rev.G – Proposed Site and Landscaping Layout (incorporating finished floor levels) received by the Local Planning Authority on the 18th September 2018; and**
 - **Drawing No: 316/24 Rev.B – Housetype for Plots 1 & 2 received by the Local Planning Authority on the 11th October 2018, unless otherwise agreed in writing with the Local Planning Authority**
- 2. Prior to construction works above slab level, samples of the materials to be used in the construction of the external surfaces of the dwellinghouses and garages hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
- 3. Notwithstanding the provisions of the Town & Country Planning (General Permitted development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which falls**

within Classes A to E inclusive of Part 1 of Schedule 2 to the Order without the prior express consent of the Local Planning Authority.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that order with or without modification), no external windows or doors other than those expressly authorised by this permission, shall be constructed
5. The soft landscaping on-site shall be implemented in accordance with the planting and species details as incorporated into Drawing No: 316/1 Rev.G – Proposed Site and Landscaping Layout – Landscaping Schedule; and otherwise in accordance with the landscaping measures incorporated within conditions 6-8 inclusive of outline planning permission DA/2014/0611. The approved landscape scheme shall be implemented prior to the development being first occupied, or otherwise in accordance with a programme approved in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or shrub they, or any planted in replacement for them, are removed, uprooted, destroyed or die (or become in the opinion of the Local Planning Authority, seriously damaged or defective) another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

REASONS

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved details and will not have any adverse impact upon the locality or on the residential amenities of neighbouring properties.
2. From the approved application details it is not possible to assess the appropriateness of the proposed materials without checking them on site and comparing them to their surroundings, to ensure the proposed materials are appropriate to the appearance of the locality. Because it can take up to 8 weeks to discharge a condition, it is recommended the samples are provided at least 8 weeks before they need to be ordered.
3. To prevent any subsequent permitted extensions detracting from the visual amenity of the locality or from the residential amenities of neighbouring properties by means of overlooking or proximity.
4. To prevent any subsequent permitted additional windows detracting from the visual amenity of the locality or from the residential amenities of neighbouring properties by means of overlooking or proximity.
5. For the avoidance of doubt and to ensure that the approved landscaping is carried out in accordance with the approved details and that adequate and appropriate management and aftercare is provided for the initial period after the development is completed.

NOTES

1. All outstanding planning conditions to outline approval DA/2014/0611 dated 08/01/15 remain in force and, where appropriate, need to be formally discharged in writing by the Local Planning Authority in a timely fashion, in some cases prior to the commencement of development.
2. In making this decision, the Local Planning Authority has had regard to the requirements of paragraph 38 of the National Planning Policy Framework.

Signed

Community Manager

Date of Decision: 1 November 2018

The Applicant's attention is drawn to the following matters:-

1. The attention of the applicant is drawn to the need to ensure that the development is completed in accordance with the approved plans and failure to do so could result in enforcement proceedings.
2. This permission is under the Town & Country Planning Acts only and if approval under the Building Regulations is necessary no work must be commenced until this further approval has been received. To obtain confirmation of this the applicant is advised to contact Building Control, Tel: 01926 456551.

NOTICE TO APPLICANT WHERE PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

3. Appeals to the Secretary of State

A If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

B If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

C The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

D The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

E In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

4. Purchase Notices

A If either the local authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

B In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V, Chapter 1 of the Town and Country Planning Act 1990.

5. Application for Consent to Display Advertisements

A Where the local planning authority refuse consent, the applicant may by notice given in writing within eight weeks of receipt of this notice, or such longer period as the Secretary of State may allow, appeal to the Secretary of State for the Environment, in accordance with Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1989 as modified by Amendment (No. 2) 1990. The Secretary of State is not required to entertain such an appeal if it appears to him having regard to the provisions of the regulations, that consent for the display of advertisements in respect of which application was made could not have been granted by the local planning authority.

B A person who displays an advertisement in contravention of the regulations will be liable on summary conviction of a fine of an amount not exceeding level 3 on the standard scale and in the case of a continuing offence to a fine of £40 for each day during which the offence continues after conviction.