

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Wood Farm Holdings
C/o Agent

Name and Address of Agent (if any)

Mr Robert Gilmore
Oxalis Planning Ltd
Toll Bar House
Landmere Lane
Edwalton
Nottinghamshire
NG12 4DG

Part I - Particulars of Application

Date of Application

28 September 2023

Application No.

23/00954/CONDIT

Particulars and location of development :

Variation of of condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)

Wood Farm Stanton Lane Ellistown Coalville Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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 :-

Conditions relation to that part of the development the subject of the outline permission (employment development):

Reserved matters

1. Details of the appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development hereby permitted shall be carried out in accordance with the approved details.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

IMPORTANT - PLEASE READ THE NOTES AT THE END OF THIS DOCUMENT

2. Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of permission APP/K2420/W/21/3279939 (22nd November 2021).

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

4. The reserved matters applications submitted pursuant to conditions 1 and 2 above shall accord with the development parameters plan (No 30865-PL-202W) and shall be in general accordance with the illustrative masterplan (No 30865-PL-208C) and the illustrative landscape strategy plan (No 6756-L-18A).

Reason: To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The development shall be carried out in accordance with the approved phasing plan, ref. 30865-PL-331, which was approved as part of permission ref. 23/00080/REM.

Reason: To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development and minimises disturbance and disruption in the locality to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

Plans

6. Unless required otherwise by any of the following conditions, development shall be carried out in accordance with the details shown on the following approved plans, but only insofar as they relate to access:

- o Site Location Plan Dwg No 30865-PL-201D
- o Primary and Secondary Access Arrangements ADC1984-DR-006 Rev P5

Reason: To ensure a satisfactory form of development and in the interests of general highway safety in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Levels/External Plant etc

7. Any reserved matters application relating to scale, layout and/or appearance shall be accompanied by full details of finished ground and floor levels (above ordnance datum) of the proposed buildings in relation to the existing ground levels. The details to be submitted shall be provided in the form of site plans showing sections across the site at regular intervals. Development shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship between the buildings, and the wider countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

8. Any reserved matters application relating to layout and/or appearance shall include details of any externally sited sprinklers, tanks, pump houses, bin storage areas, smoking shelters, electricity sub stations or other plant, equipment or structures. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM4 and DM10 of the Site Allocations and Development Management Plan Policies DPD.

Construction

9. The development shall be carried out in accordance with the approved Construction and Environmental Management Plan (rev 03), which was approved for condition 9 under permission ref. 23/00388/DISCON

Reason: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

10. Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Archaeology

11. The development shall be carried out in accordance with the programme of archaeological work partially discharged under 22/01120/DISCON. Unless otherwise approved under application 22/01120/DISCON, each stage of the development is to be completed in accordance with a written scheme of investigation (WSI) which shall previously have been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include an assessment of significance and research objectives, together with:
 - o the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
 - o a programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies.

Flooding and Drainage

12. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Statement (ref. 19-7688, Issue 8) and Outline Construction Surface Water Management Plan, which were approved under permission ref. 23/00388/DISCON.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Biodiversity

13. The development shall be carried out in accordance with the approved Biodiversity Management Plan (ref. 22-1379 V3 April23) and Landscape Management Maintenance report (ref. 2289-RP01C), which were approved for condition 13 under permission ref. 23/00388/DISCON

Reason: To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

Trees

14. The development shall be carried out in accordance with the approved Arboricultural Method Statement (ref. 22-0389 v1), which was approved for condition 14 under permission ref. 23/00388/DISCON.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Solar Panels

15. The development shall be carried out in accordance with the approved Solar PV Safe Access Statement (ref. 3006, rev B), which was approved for condition 15 under permission ref. 23/00388/DISCON

Reason: To help mitigate the effects of the development and adapt to climate change in accordance with Policy DM 10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 24 of the Core Strategy.

Contamination

16. The development hereby permitted shall be carried out in accordance with the recommendations set out in the GIP Ground Investigation Report dated 6 November 2019 (Ref DAP/28384). Any necessary remediation work so approved for any phase shall be completed in accordance with the approved details prior to first use of that part of the site for the intended purpose. If any contamination is found during the course of development on any phase that was not previously identified in the Report, development on the affected part of the site shall be suspended 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 in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. Following completion of measures identified in the approved remediation scheme pursuant to condition 16, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Highways/Parking/Travel Plan

18. No part of the development hereby permitted shall be occupied unless and until the primary and secondary access arrangements have been completed in accordance with the details shown on Dwg No ADC 1984-DR-006 Rev P5. The details to be submitted shall include arrangements to ensure that the Stanton Lane access is restricted to left turn in only and right turn out only.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with Policy DM17 and DM10 of the Site Allocations and Development Management DPD.

19. Within one month of any part of the development first being brought into use, all existing vehicular accesses on West Lane and Stanton Lane that become redundant as a result of the development hereby permitted shall have been closed permanently and reinstated in accordance with details that have previously been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 of the National Planning Policy Framework (2023).

20. No part of the development hereby permitted shall be brought into use until such a time as the pedestrian footways to the northeast and southwest of the proposed roundabout junction, linking the site to the existing footway provisions shown on Dwg No. ADC1984-DR-006 Rev P5 have been completed in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To mitigate the impact of the development in the interests of highway safety to accord with Policy DM17 and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

21. No building in any phase shall be brought into use unless and until car and cycle parking for that building has been constructed, surfaced and marked out in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The car parking spaces to be provided shall include an agreed proportion of electric vehicle (EV) charging

points. The car and cycle parking spaces provided, and the EV charging points, shall be retained thereafter for their intended purpose.

Reason: To mitigate the impact of the development in the interests of highway safety and in order to promote more sustainable travel choices to accord with Policy DM17 and Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

22. No unit within any phase of the development hereby permitted shall be occupied until a full Travel Plan in respect of that unit, setting out actions and measures with quantifiable outputs and outcome targets, together with a timescale for implementation and monitoring and review provisions, based on the measures set out in the Framework Travel Plan (ADC Infrastructure dated 18 March 2021 Ref: ADC1984-RP-J) has been submitted to and agreed in writing by the local planning authority. Thereafter, the approved Travel Plan for that unit shall be implemented as approved.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 and Paragraphs 114, 116 and 117 of the National Planning Policy Framework (2023).

Noise

23. No building in any phase shall be brought into use unless and until a noise assessment for any external plant for that building has been submitted to and approved in writing by the local planning authority. The noise assessment shall confirm the need for and extent of any noise mitigation measures necessary to ensure that noise levels do not exceed those referred to in the Vanguardia Noise Impact Assessment dated 13 April 2021 (Ref: VC-103426-EN-RP-0001). Any necessary measures shall be installed prior to the building being brought into use and shall be retained thereafter.

Reason: To ensure development does not have adverse impact on the amenities of surrounding properties to accord with Policy DM7 and DM10 of the Site Allocations and Development Management DPD.

Sustainability

24. Within six months of first occupation of any building, a BREEAM New Construction 2018 Post-Construction Review certificate for that building, and summary score sheet, must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To secure a BREEAM rate 'excellent' standard of development to accord with Policy DM10 of the Site Allocations and Development Management DPD and Policy 24 of the Core Strategy.

Lighting

25. No external lighting, including security lighting, shall be used at the site at any time other than in accordance with a lighting scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme to be submitted shall include the following:
- i) a layout plan with beam orientation and a schedule of the proposed equipment, including luminaire type, mounting height, aiming angles and luminaire profiles, lux levels;
 - ii) measures to prevent light spilling on to areas outside the site and measures such as shrouding, to minimise disturbance through glare; and,
 - iii) measures to minimise disturbance to bats from lighting.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

Highways

26. Once constructed, the visibility splays provided pursuant to condition 19 above shall thereafter be permanently maintained, with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 of the National Planning Policy Framework (2023).

27. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, barriers, bollards, chains or other such obstructions shall be erected on the access roads into the site within a distance of 60 metres of the highway boundary with West Lane and 20 metres of the highway boundary with Stanton Lane.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

Retained Trees/Hedgerows

28. No trees or hedgerows shown to be protected pursuant to condition 14, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size and species, a maintenance schedule and a timetable for implementation. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Odour Management

29. No part of the development hereby permitted shall be brought into use for any purpose falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order with or without modification) unless:
- i) an assessment of any associated odour impact on nearby dwellings and, if demonstrated to be necessary, a scheme of mitigation, has been submitted to and agreed in writing by the local planning authority; and, if applicable,
 - ii) any scheme of mitigation agreed under i) above has been implemented in full in accordance with the approved details and all measures integrated shall be operational as long as the development is operational.

Reason: To ensure development does not have an adverse impact on the amenities of surrounding properties terms odour to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Conditions relation to that part of the development the subject of the full permission (farm relocation):

Commencement of Development

30. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Plans

31. Unless required otherwise by any of the following conditions, the development shall be carried out in accordance with the details shown on the following approved plans:
- o Site Location Plan Dwg No 30865-PL-201D
 - o Farm Relocation Site - Site Layout (General Arrangement) Dwg No E19-29-018 RevA
 - o Farm Relocation Site Highway Access Dwg No. E19-29-011
 - o Bin Store Location Plan
 - o Farm Buildings Cattle Shed 1 Dwg No. E19-29-071
 - o Farm Buildings Cattle Shed 1 Floorplan Dwg No. E19-29-071.1
 - o Farm Buildings Bullpen and Calving Units Building 2 Elevations and Floorplan Dwg No E19-29-073
 - o Farm Buildings Cattle Shed Building 3 Elevations and Floorplan Dwg No E19-29-073
 - o Farm Buildings Grain Store Building 4 Elevations and Floorplan Dwg No E19-29-074
 - o Farm Buildings Farm Workshop Building 5 Elevations and Floorplan Dwg No. E19-29-075 Rev A
 - o Proposed Planning Drawing Replacement House Number One Dwg No.19029/01
 - o Proposed Planning Drawing Replacement House Number Two Dwg No.19029/11a
 - o Farm Building Layout and Sections E19-29-014
 - o Domestic Curtilage Plan No 6756-L-20

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Materials

32. The external materials for all buildings and structures shall be in accordance with the details approved under permission ref. 23/00917/DISCON.

Reason: In the interest of visual amenity and in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Landscape Works

33. The development shall be carried out in accordance with the approved:
Proposed Hard Landscaping Plan, Drg No. 11432-FPCR-XX-XX-DR-L-0002 Rev P04
Proposed Soft Landscaping Plan, Drg No. 11432-FPCR-XX-XX-DR-L-0001 Rev P04
Tree Transplant Schedule, Sheet 2 of 2, Drg No. 11432-FPCR-XX-XX-DR-L-0003Rev P04 Drainage Layout 012A (for C50) (Showing why trees re-located)
Utilities Map
Implementation Programme
Which were approved for condition 34 under permission ref. 23/00917/DISCON.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

34. The hard landscape works approved pursuant to condition 33, which include all hardsurfacing and boundary treatments, shall be carried out as approved in accordance with the approved timetable and shall be retained thereafter.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

35. All planting, seeding or turfing comprised in the approved details of landscaping to be submitted pursuant to condition 33, shall be carried out in accordance with the approved details and timetable. Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species in accordance with details that shall previously have been approved in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Trees

36. The development shall be carried out in accordance with the approved Arboricultural Method Statement (ref. M050623 22-1889 v3), which was approved for condition 37 under permission ref. 23/00338/DISCON

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 174 of the National Planning Policy Framework (2023).

Levels

37. The development shall be carried out in accordance with the approved Levels (rev. A) and Site Sections which were approved for condition 38 under permission ref. 23/00338/DISCON.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Construction

38. The development shall be carried out in accordance with the approved Construction Traffic / Site Traffic Management Plan (rev 1.1 July 2023) which was approved for condition 39 under permission

Reason: In order to minimise disruption during the construction process and in the interests of general highway safety to accord with Policy DM10, DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

39. Works of site clearance, and construction, including deliveries to and from the site, shall take place only between the hours of 07.30-18.00 on weekdays and between 08.00-13.00 hours on Saturdays and shall not take place at any time on Sundays and/or on Bank or Public Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Contamination

40. The development shall be carried out in accordance with the approved Contaminated Land Report which was approved for condition 41 under permission ref. 23/00338/DISCON. If any previously unidentified contamination is found during the course of development, development on the affected part of the site shall be suspended 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 is to be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period before development on that part of the site is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

41. Following completion of measures identified in the approved remediation scheme pursuant to condition 40, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Biodiversity

42. The development shall be carried out in accordance with the approved Biodiversity Management Plan which was approved for condition 34 under permission ref. 23/00917/DISCON.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

Archaeology

43. The development shall be carried out in accordance with the approved Specification for Archaeological Evaluation which was approved for condition 44 under permission ref. 23/00338/DISCON, and the Archaeological Evaluation Report which was approved for condition 44 under permission 23/00917/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies.

Odour Management

44. The development shall be carried out in accordance with the approved Odour Management Plan which was approved for condition 45 under permission ref. 23/00338/DISCON.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Highways/Parking

45. The development shall be carried out in accordance with the approved:

- o Road Crossing Details
- o Highway General Arrangement
- o Road and Sewer Sections

Which were approved for condition 46 under permission ref. 23/00516/DISCON. As set out in the decision notice for permission ref. 23/00516/DISCON, the above detail is subject to the applicant/developer obtaining technical approval from the Local Highway Authority prior to implementing the above scheme.

Reason: In the interests of general highway safety to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

46. No part of the farmstead hereby permitted shall be brought into use unless and until the parking and turning facilities have been completed and made available in accordance with Farm Relocation Site Highway Access drawing number E19-29-011. Those areas shall be retained thereafter for their intended purposes.

Reason: To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2023).

47. The development shall be carried out in accordance with the approved Parking Plan House 1 & 2 which was approved for condition 48 under permission ref. 23/00338/DISCON

Reason: To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 114 and 116 of the National Planning Policy Framework (2019).

Farm buildings and workshop

48. The dwellings hereby permitted shall not be occupied until the farm buildings and workshop shown on the approved plans have been completed and are ready for occupation for their intended purpose.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

Drainage and Flooding

49. The development shall be carried out in accordance with the approved:

- o Pond Section (Amended Plan)
- o Pond Plan (Amended)
- o Drainage Layout 012A
- o Drainage Areas Plan DAP
- o Access Road & Sewer Sections 21.32.020
- o SuDS Maintenance
- o Private Drainage Details
- o Drainage Calculations
- o Purus Treatment & Rain Water Detail
- o Sewer & Farm Sections

Which were approved for condition 50 under permission ref. 23/00338/DISCON

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

Agricultural Occupancy

50. Occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality to a person or persons solely or mainly working, or last working in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990 (or any subsequent re-enactment thereof) or a widow or widower of such a person, or surviving civil partner of such a person, and to any resident dependants.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

Demolition of Existing Farmstead

51. Within six months of first occupation of any part of the development hereby permitted, the existing farmstead, including all associated dwellings and outbuildings, shall be demolished and the land cleared of any associated material.

Reason: To ensure that the development does not result in the development of unjustified buildings in the countryside to accord with Policies DM4, DM5 and DM10 Site Allocations and Development Management Policies DPD.

Lighting

52. Other than within residential garden areas as defined on Domestic Curtilages Plan No 6756-L-20, no external lighting (including security lighting) shall be installed at any time other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Removal of Permitted Development Rights

53. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no enlargement, improvement or other alteration to the dwellings hereby permitted, of the description in these classes, shall be carried out on the site.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

54. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no gates, fences, walls or other means of enclosure shall be erected on the site.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Retained Trees/Hedgerows

55. No trees or hedgerows shown to be protected pursuant to condition 36, shall be removed without the prior written approval of the local planning authority. The application for approval shall include provision for a replacement tree/hedgerow in the same location, including details of size and species, a maintenance schedule and a timetable for implementation. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and to protect the intrinsic character of the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

NOTES TO APPLICANT :-

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. Rainwater from the detached garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 5 January 2024

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you 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, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. 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. 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.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. 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.
6. 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.
7. 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.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	23/00954/CONDIT
Proposal:	Variation of of condition 16 (BREEAM New Construction 2018 Design Stage certificate) of planning permission 21/00531/HYB (Appeal B: APP/K2420/W/21/3279939)
Site Location:	Wood Farm Stanton Lane Ellistown Coalville Leicestershire

Date when work is intended to start:	
Have all pre-commencement conditions been discharged?	
Signed:	Print Name:

Your contact details (or attach letterhead/business card):

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
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