

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr James Pailing
Caterpillar UK Limited
Caterpillar Uk Ltd
Peckleton Lane
Desford
Leicestershire
LE9 9JT

Name and Address of Agent (if any)

Mr J Imber
JMI Planning
62 Carter Street
Uttoxeter
Staffordshire
ST14 8EU

Part I - Particulars of Application

Date of Application

22 October 2024

Application No.

24/00969/FUL

Particulars and location of development :

Reconfiguration and expansion of existing staff car park including new cycle and motorcycle stores and solar pv canopies.

Caterpillar UK Ltd Peckleton Lane Desford Leicester 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 :-

1. The development hereby permitted shall be begun 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.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg No. A257-90_02 P02
Caterpillar Car Park Extension - Drg No.D51811/RD/B
Motorcycle Shelter - Drg No. A257 90_03 P02
Proposed Car Park Plan - Drg No. A257 90_01 P06
Landscape Strategy - Sheet 1 of 2 - Drg No. N1432-ONE-ZZ-XX-DR-L-0001-P02

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

Landscape Strategy - Sheet 2 of 2 - Drg No. N1432-ONE-ZZ-XX-DR-L-0002-P01

Site Preparation Drainage and External Works (existing carpark) - Drg No. 2023097-PCE-XX-XX-DR-C-006-0

Site Preparation Drainage and External Works - Sheet 2 (existing carpark) - Drg No. 2023097-PCE-XX-XX-DR-C-007-0

Carparks 1-3 External Works - Drg No. 2023097-PCE-XX-XX-DR-C-002-0

Site Preparation - Drg No. 2023097-PCE-XX-XX-DR-C-001-0

Drainage Layout - Drg No. 2023097-PCE-XX-XX-DR-C-005-0

Proposed Site Layout Plan - Drg No. PL-00001 AA

Reason: To ensure a satisfactory form of development in accordance with policies DM1, DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and policies H1, H7, ENV3, and T1 of the Desford Neighbourhood Plan (2021).

3. Prior to their installation, full details of the solar canopies shall be submitted to and approved in writing by the Local Planning Authority. The solar canopies shall then be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with policies DM2, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and policies H7 and ENV7 of the Desford Neighbourhood Plan (2021).

4. No development approved by this planning permission shall commence until a scheme to provide a sustainable surface water drainage system, in accordance with the Flood Risk and Drainage Impact Assessment dated March 2024, has been submitted to and approved by the Local Planning Authority. Thereafter, the drainage scheme shall be implemented in accordance with the approved details prior to first use of the development.

Reason: To ensure that any adverse impacts from pollution and flooding are mitigated and prevented in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this planning permission shall commence until details in relation to the management of surface water on site during construction of the development have been submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. Thereafter, construction of the development shall be carried out in accordance with the approved details.

Reason: To ensure that any adverse impacts from pollution and flooding are mitigated and prevented in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this planning permission shall commence until details in relation to the long term maintenance of the sustainable surface water drainage system on the development have been submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site. Thereafter, the sustainable surface water drainage system shall be retained and maintained in accordance with the approved details.

Reason: To ensure that any adverse impacts from pollution and flooding are mitigated and prevented in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development approved by this planning permission shall commence until a Biodiversity Enhancement Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that biodiversity, ecological and geological interests are protected, enhanced and maintained in accordance with Policy DM6 of the adopted Site Allocations and Development

Management Policies Development Plan Document (2016) and policies ENV2 and ENV3 of the Desford Neighbourhood Plan (2021).

8. No development approved by this planning permission shall commence until a construction fence has been erected along the northern and western boundary of the proposed car park adjacent to the playing field. This construction fence line (limit of works) shall remain in place throughout the duration of the construction activity and no works/storage shall take place on the playing field area which lies outside of this fence.

Reason: To ensure that the retained playing field at the site is protected during construction of the approved development in accordance with the requirements of Policy DM8 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy F1 of the Desford Neighbourhood Plan (2021) and in accordance with the National Planning Policy Framework (December 2024).

9. No lighting shall be installed on the development hereby approved until a suitable lighting scheme, as recommended within the submitted Preliminary Ecological Appraisal, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall then be installed and retained in accordance with the approved details in perpetuity unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that biodiversity, ecological and geological interests are protected and to ensure a satisfactory form of development in accordance with policies DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and policies H7 and ENV3 of the Desford Neighbourhood Plan (2021).

10. The construction of the development shall be carried out in accordance with the Arboricultural Method Statement (Section 11 of the submitted Arboricultural Report by Apex Environmental) and the Tree Protection Plan drawing no. AEL-18910-TTP.

Reason: To ensure that onsite trees are protected during the construction of the development in accordance with policies DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and policies H7, ENV2 and ENV3 of the Desford Neighbourhood Plan (2021).

11. The development shall be carried out in accordance with the recommendations contained within section 6.3 and 7.2 of the submitted Preliminary Ecological Appraisal.

Reason: To ensure that ecological interests are protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy ENV3 of the Desford Neighbourhood Plan (2021).

12. The parking and turning facilities shall be implemented in accordance with the Proposed Car Park Plan - Drg No. A257 90_01 P06 and thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

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 vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy T1 of the Desford Neighbourhood Plan (2021) and in accordance with the National Planning Policy Framework (December 2024).

NOTES TO APPLICANT :-

1. The development is subject to the statutory "biodiversity gain condition". A Biodiversity Gain Plan needs to be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of development. Please note your planning application does not legally secure any new off-site habitats and therefore any off-site gains you plan to use will already need to have been legally secured and registered. Further information regarding the submission of a Biodiversity Gain Plan is included on pages 5 and 6 below.
2. 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.

3. 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.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. The mitigation tree planting should include standard- heavy standard trees

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 23 April 2025

Important: Biodiversity Net Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Hinckley and Bosworth Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Further guidance on the submission of the Biodiversity Gain Plan can be found [here](#).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1. Development which is not ‘major development’ (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2. Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

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/appeal-planning-decision>). 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:	24/00969/FUL
Proposal:	Reconfiguration and expansion of existing staff car park including new cycle and motorcycle stores and solar pv canopies.
Site Location:	Caterpillar UK Ltd Peckleton Lane Desford Leicester 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
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk