

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr Mark Marsh
Avant Homes (England) - West Midlands
Wingfield Court
18 Coventry Road
Coleshill
B46 3BE

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application

7 May 2024

Application No.

24/00442/CONDIT

Particulars and location of development :

Application to vary conditions Condition 2 (Approved Plans), Condition 3 (Materials), Condition 4 (Drainage Details), Condition 5 (Construction Traffic Management Plan), Condition 6 (Access Arrangements), Condition 9 (Parking and Turning Facilities), Condition 12 (Landscaping), Condition 16 (Cycle Storage) 23/00119/FUL

Pharmacy Heath Lane Surgery Westfield Avenue Earl Shilton Leicester

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 the original planning permission 23/00119/FUL (16.06.2023).

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 - Drawing 1221-23-100
- Planning Layout - Drawing 1221-23-200 Rev C
- Proposed Compliance Plan - Drawing 1221-23-270 Rev B
- Horbury Elevations and Floor Plans - Drawing 1221-23-HOR

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

- Leyburn Elevations and Floor Plans - Drawing 1221-23-LEY
- Maltby Elevations and Floor Plans - Drawing 1221-23-MAL
- Ripon Elevations - Drawing 1221-23-RIP - E
- Ripon Floor Plans - Drawing 1221-23-RIP - P
- Enclosures Plan - Drawing 1221-23-260 Rev C
- Street Scenes - Drawing 1221-23-230 Rev C
- Slab Levels - Drawing 1221-23-280 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

3. The materials to be used in the construction of the external surfaces and external elevations of the development hereby permitted shall be in accordance with the Materials Plan Drawing 1221-23-250 Rev C, received 6th September 2024.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

4. The development hereby permitted shall be implemented in accordance with the approved drainage details listed below:

- External Works Construction Details - (MEC Consulting Development Engineers) - Drawing no. 27695_02_080_01 - Rev B

- Surface Finishes Layout (MEC Consulting Development Engineers) - Drawing no. 27695_02_060_01 - Rev B

- Private Drainage Construction Details (MEC Consulting Development Engineers) - Drawing no. 27695_02_080_03 - Rev B

- Attenuation and Flow Control Construction Details (MEC Consulting Development Engineers) - Drawing no. 27695_02_080_04 Rev A

- Adoptable Drainage Construction Details (MEC Consulting Development Engineers) - Drawing no. 27695_02_080_02 Rev A

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

5. Construction of the development and routing of construction traffic shall be in accordance with the Construction Traffic Management Plan - Avant Homes - April 2024 Rev A, received 20th August 2024.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on street parking problems in the area in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the proposed Compliance Plan (drawing number Drawing 1221-23-270 Rev B) have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 43 metres in both directions at the access to Plots 3-9 and in a southerly direction at the access to Plots 1-2 and 2.4 x 40m to the north of Plot 2 have been provided at the site access. These 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: 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 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

8. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the proposed Compliance Plan (drawing number Drawing 1221-23-270 Rev B). Thereafter the onsite parking and turning provision shall be so maintained 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 policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

10. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2023).

11. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) the National Planning Policy Framework (2023).

12. The schedule of hard and soft landscaping works, including boundary treatments, for the site shall be carried out in full accordance with the approved landscaping scheme Detailed Landscape Proposals (Drawing 2181-01b - received 6th September 2024) and Enclosures Plan (Drawing 1221-23-260 Rev C). The approved landscaping scheme shall be carried out in the first planting season following the first occupation of the site and shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 22 of the AAP.

13. The development hereby permitted shall not be occupied until waste and recycling storage containers has been implemented in accordance with the submitted Proposed Compliance Plan Drawing 1221-23-270 Rev B and thereafter maintained in perpetuity.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E; of the Town and Country

Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development hereby approved shall be implemented in strict accordance with the mitigation and enhancement measures stated in the Mitigation and Environmental Enhancement Strategy (Dr. Stefan Bodnar, May 2023) unless otherwise agreed in writing by the LPA.

Reason: In the interests of ensuring a net gain in biodiversity on the site in accordance with Policy DM6 of the SADMP and the National Planning Policy Framework (2023).

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. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
5. Great crested newts and their habitat are afforded full protection under UK and European legislation, including the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). Together, this legislation makes it illegal to: Deliberately capture, kill, disturb or injure a great crested newt; Disturb a great crested newt whilst it is occupying a structure or place for shelter or protection; Intentionally or recklessly damage, destroy or obstruct access to habitats used by great crested newts for protection or sheltering; and damage or destroy a breeding site or resting place. As such, should a great crested newt be found, works should stop and an ecologist should be contacted for further advice.
6. Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore, no works should occur near to a badger sett (including recently dug ones) unless carefully checked beforehand by a suitably qualified person.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 13 September 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:	24/00442/CONDIT
Proposal:	Application to vary conditions Condition 2 (Approved Plans), Condition 3 (Materials), Condition 4 (Drainage Details), Condition 5 (Construction Traffic Management Plan), Condition 6 (Access Arrangements), Condition 9 (Parking and Turning Facilities), Condition 12 (Landscaping), Condition 16 (Cycle Storage) 23/00119/FUL
Site Location:	Pharmacy Heath Lane Surgery Westfield Avenue Earl Shilton Leicester

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