

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

BF Trading Ltd
Lodge Farm
Wood Road
Nailstone
Nuneaton
Leicestershire
CV13 0QP

Name and Address of Agent (if any)

Nigel Reeves
Nigel Reeves Planning
27 Meadhurst Road
Western Park
Leicester
Leicestershire
LE36FR
United Kingdom

Part I - Particulars of Application

Date of Application

11 April 2023

Application No.

23/00350/CONDIT

Particulars and location of development :

Variation of condition 5 of Planning Application 20/00020/FUL. Amendment to Great Crested Newt Mitigation Strategy

Land Adjacent Lodge Farm Wood Road Nailstone 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 planning permission reference 20/00020/FUL (24/06/2020).

Reason: To comply with the requirements of Section 51 of 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: Drws No: E19 36 010 Rev A received by the local planning authority on 23 January 2020, E19 36 011 Rev C received by the local planning authority on 9 January 2020 and the Shipping Container Plan and Machinery/Tool Shed received by the local planning authority on 12 March 2020.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM1, Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management

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

Policies DPD.

3. The application site shall only be used as for the siting of storage containers and shall not be used for any other purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that the use remains compatible with the surrounding area to accord with Policies DM10 and DM17 of the SADMP.

4. The building hereby approved shall only be used between the hours of 07.30 to 17.30 Monday to Friday and at no time on Saturdays, Sundays or Public Holidays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with Policy DM10 of the SADMP.

5. Prior to the commencement of any development, or if the development is commenced on a particular phase of the approved development, the mitigation measures as outlined in the Great Crested Newt Mitigation Strategy (Middlemarch Environmental, November 2019), or any subsequently agreed Precautionary Method of Works (GCN) or other agreed Mitigation Strategy, shall be implemented in full and retained on the site at all times during the construction of the proposed scheme.

Reason: To ensure that the approved scheme does not have an impact on protected species in accordance with Policy DM6 of the SADMP (2016).

6. The materials to be used on the external elevations of the building hereby permitted shall be implemented in accordance with the materials submitted to and approved by the local planning authority under planning reference 22/00908/DISCON.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

7. The development shall be carried out in accordance with the approved scheme for the permanent closure of the existing access on to Wood Road submitted and approved by the local planning authority under planning reference 22/00908/DISCON. The approved scheme shall be implemented in full prior to first use of the development hereby permitted.

Reason: In the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

8. The development shall be carried out in accordance with the construction traffic management plan submitted to and approved by the local planning authority under planning reference 22/00908/DISCON.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users and to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

9. The development shall be carried out in accordance with the landscaping scheme submitted to and approved by the local planning authority under planning reference 22/00908/DISCON. All landscaping, planting, seeding or turfing shown on the approved landscaping scheme shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any part which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM1, Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

10. No part of the development hereby permitted shall be brought into use until such time as the access arrangements shown on Drw no: E19-36-011 Rev C have been implemented in full. The visibility splays, once provided, 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 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 SADMP (2016).

11. No part of the buildings hereby permitted shall be brought into use until such time as the parking and turning facilities have been implemented in accordance with Drw No: E19-36-011 Rev C. Thereafter the onsite parking 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 SADMP (2016).

12. 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 and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary, nor shall any be erected within a distance of 15 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

C. Brown.

Christopher Brown MRTPI
Planning Manager (Development Management)

Date : 2 June 2023

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-commencement 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:	23/00350/CONDIT
Proposal:	Variation of condition 5 of Planning Application 20/00020/FUL. Amendment to Great Crested Newt Mitigation Strategy
Site Location:	Land Adjacent Lodge Farm Wood Road Nailstone 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
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