



Chris Brown
Head of Planning
Hinckley & Bosworth Borough Council
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22nd September 2023

Dear Chris.

RE: SECTION 73 APPLICATION TO REMOVE CONDITIONS #16 OF PLANNING PERMISSION 21/00531/HYB – WOOD FARM, STANTON LANE, STANTON UNDER BARDON

Outline permission and background

This letter accompanies a section 73 application submitted on behalf of Wood Farm Holdings ('the Applicant') for the removal of condition #16 of planning permission reference 21/00531/HYB at Wood Farm, Stanton Lane, Stanton Under Bardon. The hybrid application was approved through appeal in November 2021 for the following:

"Hybrid application seeking outline permission for the erection of buildings for storage and distribution uses (Class B8) and general industry (Class B2) and associated infrastructure including the formation of a new access (all matters reserved except for access) and the demolition of existing farmstead, and full planning permission for the erection of two replacement farm managers' dwellings and associated agriculture buildings and structures (revised scheme)."

Conditions 1 to 30 of the permission relate solely to the outline element (the employment development), and there are two conditions (numbers 16 and 25) for the outline permission which cover sustainability and BREEAM – these conditions state:

- #16: *"Within three months of work starting on site, a BREEAM New Construction 2018 Design Stage certificate 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 will be achieved for the buildings hereby permitted."*
- #25: *"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."*

The reason given for the inclusion of these conditions is stated within paragraph 105 of the Inspectors report:

"...the evidence of the appellant is that securing a BREEAM rating of 'excellent' for the buildings should be considered as a benefit. To that end, conditions 16 and 25 are necessary to secure that standard of development in order to ensure that the benefit that I have taken into account in the planning balance is realised."

Reasons for removal of condition 16

The two BREEAM conditions were included by the Inspector in order to secure “a *BREEAM* rating of ‘excellent’ for the buildings” as a benefit of the scheme – it should be noted that the conditions were not recommended by the Council in the Committee Report for the application. The Applicant did however set out a commitment in the outline permission to deliver ‘Excellent’ for the buildings (see Planning Statement paragraph 6.86), and condition #25 will secure this being achieved.

Condition #16 would require a design stage submission, however, at this stage the Applicant would not have specialist designers involved in the scheme who can satisfy the condition. The Applicant also has concerns, based on experience, in relation to securing the relevant certificate from BRE within the appropriate timescales without unnecessarily delaying development on the site.

Given that condition #25 will ensure the delivery of a BREEAM ‘Excellent’ rated development, and also given the Applicant’s stated commitment to delivering ‘Excellent’, the Council can have confidence this rating will be achieved and the benefit delivered without condition #16.

For the above reasons, this application is submitted to remove condition #16.

Submitted detail

In addition to this Covering Letter, the application is supported by the following documents:

- Application Form;
- The Inspectors Report for the outline permission (known as ‘Appeal B: APP/K2420/W/21/3279939’) – included for ease of reference;
- The Committee Report for the outline permission – included for ease of reference.

This application has been submitted via the Planning Portal (**reference PP-12479311**), and the fee of £298.00 will be paid directly by the Applicant via the Portal.

I trust that the submitted application and documents are in order to allow a prompt removal of the condition. Please do not hesitate to contact me on the details provided should you wish to discuss this submission further.

Yours sincerely,



Robert Gilmore
Associate