

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015

PRIOR APPROVAL GRANTED

Name and Address of Applicant

Mr & Mrs Kirby
45 Bagworth Road
Newbold Heath
Newbold Verdon
Leicestershire
LE9 9NB

Name and Address of Agent (if any)

Bryan Youlden
Squirrel Barn
GreenHaworth
Accrington
BB5 3SL

Part I - Particulars of Application

Date of Notification

4 November 2024

Reference No.

24/01016/P3CQ

Particulars and location of development:

Notification to determine if Prior Approval is required for the change of use of an agricultural building to a dwellinghouse (Class C3)

45 Bagworth Road, Newbold Heath, Newbold Verdon, Leicester

Information that the developer provided to the local planning authority:

- Application Form (received: 06.02.2025)
- Site Location Plan No. SK-PL-001.1 Plan Revision B (submitted: 20.12.2024)
- Proposed Landscaping & Drainage Plan & Site Access Plan SK-PL-001.2 (submitted 20.12.24)
- Proposed Block Plan No. SK-PL-001.1 (submitted: 04.11.2024)
- Existing & Proposed Floor Plans and Elevations SK-PL-002.1 (submitted 04.11.24)
- Ground Floor Dimensioned Plan SK-PL-002.3 (submitted 27.02.25)
- Internal Floor Space Areas Plan SK-PL-002.2 (submitted 27.02.25)
- Structural Survey Report (TKA, December 2024) submitted 16.12.2024
- Access Arrangements and Vehicle Tracking (ADL Traffic & Highways) - Drawing number 5564-05 submitted 24.01.2025.

Part II - Particulars of decision

I write further to your recent application under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for prior approval with respect to the above proposal.

It is hereby confirmed that the Council's **prior approval is required and granted**, subject to the following planning conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan No. SK-PL-001.1 Plan Revision B (submitted: 20.12.2024)
 - Proposed Landscaping & Drainage Plan & Site Access Plan SK-PL-001.2 (submitted 20.12.24)
 - Proposed Block Plan No. SK-PL-001.1 (submitted: 04.11.2024)
 - Proposed Elevations SK-PL-002.1 (submitted 04.11.24)
 - Ground Floor Dimensioned Plan SK-PL-002.3 (submitted 27.02.25)
 - Internal Floor Space Areas Plan SK-PL-002.2 (submitted 27.02.25)
 - Structural Survey Report (TKA, December 2024) submitted 16.12.2024

- Access Arrangements and Vehicle Tracking (ADL Traffic & Highways) - Drawing number 5564-05 submitted 24.01.2025.

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).

2. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing 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 prior to the site first being occupied.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Site preparation and construction shall be limited to the following hours;
Monday ' Friday 07:30 ' 18:00
Saturday 08:00 ' 13:00
No working on Sundays and Bank Holidays

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

5. The development hereby permitted shall not be occupied until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted in writing to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that the development makes adequate provision for waste and recycling storage in accordance with Section 46 of the Environmental Protection Act 1990 and Hinckley and Bosworth Borough Council's Wheeled Bin and Container policy (updated March 2018) and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 7.25 metres, and shall be surfaced in a bound material with a 7.3 metre dropped crossing. The access once provided shall be so maintained at all times.

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 Development Plan Document (2016) and the National Planning Policy Framework (2024).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 160 metres to the south of the access and 2.4 x 120 metres to the north of the access 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 Development Plan Document (2016) and the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ADL drawing number 5564-05. 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 Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) the National Planning Policy Framework (December 2024).

9. 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 5.0 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 general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. 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 5 metres of the highway boundary, nor shall any be erected within a distance of 5 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 the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

11. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as 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 Development Plan Document (2016).

12. The residential curtilage shall be limited to the red line area as outlined in the Proposed Block Plan on Drawing No. SK-PL-001.1 (submitted 04.11.2024).

Reason: To ensure that the development and any domestic use is contained within the agreed residential curtilage, in the interests of character and appearance of the area in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

IT IS IMPORTANT THAT YOU READ AND UNDERSTAND THE FOLLOWING INFORMATIVES:

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. In relation to Conditions 2 and 3, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
4. The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance.
5. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.
6. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced.
7. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
8. 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.
9. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date: 4 March 2025