

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Dr Sarfraz Ahmad
16 Highgrove
Westwood Heath
Coventry
CV4 8JJ

Name and Address of Agent (if any)

Part I - Particulars of Application

Date of Application	Application No.
18 October 2023	23/01014/CONDIT

Particulars and location of development:

Variation of Conditions 7 (details of windows and doors) and 2 (plans and elevation) of planning application 19/00982/FUL.

Essentia House 56 Upper Bond Street Hinckley Leicestershire LE10 1RS

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Proposed Ground Floor and Basement Plan. Drg No. 30F (Received 10/06/2024)
 - Proposed First Floor Plan. Drg No. 20-3D. (Received 10/06/2024)
 - Proposed Second Floor Plan. Drg No. 20I. (Received 10/06/2024)
 - Proposed Third Floor Plans. Drg No. 21J. (Received 10/06/2024)
 - Proposed Roof Plan. Drg No. 20-6. (Received 22/11/2023)
 - Proposed Elevation. Drg No. 20-8. (Received 22/11/2023)
 - Proposed Elevation. Drg No. 20-7. (Received 22/11/2023)

The development hereby permitted shall also be carried out in accordance with the following plans approved under application 19/00982/FUL:

- Site Location Plan. Drg No. BR09 (Received on file 19/00982/FUL on 19/09/2019)
- Proposed Site Plan. Drg No. BR01 Rev B (Received on file 19/00982/FUL on 5/12/2019)

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

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. The scheme shall be implemented in accordance with the materials approved by application 22/00303/DISCON relating to Condition 6 of planning permission 19/00982/FUL.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The windows and doors within the retained part of the building shall not be altered or replaced and the development shall be implemented in accordance with the window and door details shown on the approved drawings listed in Condition 1 above.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan Drawing No. BR01 Rev B approved under application 19/00982/FUL have been implemented in full. The development shall, once brought into use, continue to operate in accordance with the approved details and no vehicle shall exist the site from the parking area to the south of the building on to Upper Bond Street at any time.

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 Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained at all times with nothing within those splays higher than 0.6 metres above the level of the adjacent highway footway.

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 Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent highway footway and, once provided, shall be permanently so maintained at all times thereafter.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as off street car parking provision and turning facilities have been provided, hard surfaced and demarcated in accordance with Proposed Site Plan Drawing No. BR01 Rev B approved under application 19/00982/FUL and received by the Local Planning Authority on 5 December 2019. The on-site parking provision and turning facilities shall be permanently so maintained at all times thereafter.

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 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 115 and 117 of the National Planning Policy Framework (Dec 2024).

8. 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 permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

9. The development hereby permitted shall not be occupied until such time as the vehicular access gates are erected in accordance with the setback distances shown on Proposed Site Plan Drawing No. BR01 Rev B approved under application 19/00982/FUL and received by the Local Planning Authority on 5 December 2019 and have been implemented in full.

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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

10. The development hereby permitted shall not be occupied until such time as secure (and undercover) cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be permanently so maintained and kept available for use at all times.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

11. The windows in the Rear (West) Elevation facing Factory Road at all floors shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale to a minimum height of 1.8 metres above the associated floor level of the room that they serve. The windows shall be fitted with restrictive opening devices and shall open to the bottom of the windows only to prevent overlooking of the neighbouring gardens. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to any ground floor apartment on the north elevation being occupied the ground floor exterior wall shall be rendered from the north west corner of the building to the inside of the second brick supporting pier and painted in a white reflective paint. The finished wall shall remain in that condition and shall be maintained as such thereafter.

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

13. Prior to any apartment being occupied and notwithstanding the Rear (West) Elevation a scheme to prevent the overlooking of the gardens and habitable room windows of Nos.82 to 92 Factory Road from the two roof terraces shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be installed prior to the related apartments are occupied and shall remain in place at all times thereafter.

Reason: To safeguard the amenity of neighbouring occupiers in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of paragraph 135 of the National Planning Policy Framework (2024).

14. The development hereby permitted shall not be occupied until such time as secure and covered bin storage that minimises effects on the amenity of both future occupiers and neighbours has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved storage shall be permanently so maintained and kept available for use at all times.

Reason: To safeguard the amenity of neighbouring occupiers in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of paragraph 135 of the National Planning Policy Framework (2024).

15. The development hereby permitted shall be implemented in strict accordance with the drainage details approved under application 22/00303/DISCON relating to Conditions 3 and 4 on planning permission 19/00982/FUL and no dwelling shall be occupied until all relevant works have been completed in accordance with the approved details. The long term maintenance of the surface water drainage system shall continue hereafter in accordance with the JNM Engineering Drainage Maintenance Strategy document J02118 approved under application 22/00303/DISCON and received by the Local Planning Authority on 15 July 2022.

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 Development Plan Document (2016).

16. The development hereby permitted shall be implemented in accordance with the Construction Management Traffic Plan V1 approved under application 22/00303/DISCON.

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 to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

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 building.control@blaby.gov.uk or call 0116 272 7533.
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. The applicant is advised that the refuse and recycling bin storage areas will require effective and ongoing management and maintenance to ensure minimisation of odour to protect the amenity of the occupiers of the neighbouring property.
4. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.



Christopher Brown MRTPI
Head of Planning

Date : 3 February 2025

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:	23/01014/CONDIT
Proposal:	Variation of Condition 7 (details of windows and doors) and 2 (plans and elevation) of planning application 19/00982/FUL.
Site Location:	Essentia House 56 Upper Bond Street Hinckley Leicestershire LE10 1RS

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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