

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Daniel Swift
Swift Homes and Developments
7 Willows Lane
Grendon
Atherstone
CV9 2QG

Name and Address of Agent (if any)

Tim Bailey
Bailey Design Limited
43A Mitchells Court
Lower Gungate
Tamworth
B79 7AS

Part I - Particulars of Application

Date of Application

17 July 2023

Application No.

23/00707/CONDIT

Particulars and location of development :

Variation of condition 2 (plans), 19 (landscaping) and 25 (railings) of planning application 22/00937/FUL. Changes to boundary treatment, removal of railings and revise hard landscape

Atherstone Hunt Kennels Kennel Lane Witherley Atherstone 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 this permission.

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 other than in accordance with the following plans and amended plans:
Site Location Plan received 22/09/22
Amended Proposed Elevations Plots 1-5 sheet 1 of 2 received 21/02/23
Amended Proposed Elevations Plots 1-5 sheet 2 of 2 received 21/02/23
Amended Proposed Elevations Plots 6 & 7 sheet 1 of 1 received 21/02/23
Amended Proposed Street Scene Drg. No. 9754.29 Rev D received 17/07/23
Proposed external brick details received 21/02/23
Timber cladding details received 21/02/23

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

Building Record Report received 16/02/23
Proposed External Work Layout Drg No. 9754.22 Rev F received 14/10/2023
Proposed Boundary Details Drg No. 9754.98 Rev A received 18/09/2023
Preliminary Bat Roost Assessment and Bird survey received 14/02/23
Bat Survey Part 1 & 2 received 25/10/2023
Amended Proposed Floor Plans Plots 1-5 Drg No. 9754.23 received 31/01/23
Amended Proposed Floor Plans Plots 6-8 received 27/01/23

Reason: To ensure the development is carried out in accordance with the approved details.

3. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 metres have been provided on either side of each of the three site accesses. 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 the National Planning Policy Framework (2021).

4. 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 the southern side of the northern access and both sides of the southern and field 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 (2021).

5. No part of the development hereby permitted shall be occupied until such time as the southern access arrangements shown on jms Group drawing number 206 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 the National Planning Policy Framework (2021).

6. No part of the development hereby permitted shall be occupied until such time as the field access arrangements shown on jms Group drawing number 205 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 the National Planning Policy Framework (2021).

7. Notwithstanding the submitted plans, the proposed northern access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary. 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 the National Planning Policy Framework (2021).

8. 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 for the two residential accesses and 11 metres from the highway for the agricultural access, nor shall any be erected within a distance of 5/11 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 the National Planning Policy Framework (2021).

9. The development hereby permitted shall be implemented according to the site drainage details provided to and approved in writing by the Local Planning Authority under application

22/00918/DISCON. Thereafter surface water shall not drain into the Public Highway and the approved details shall be retained at all times.

REASON: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

10. 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 for the residential accesses and 11 metres behind the highway boundary for the agricultural access 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 the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Bailey Design Limited drawing number 9754.22 Rev F. Thereafter the onsite parking and turning provision shall be kept available for such use(s) 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 the National Planning Policy Framework (2021).

12. Notwithstanding the submitted plans, any new / replacement windows and/or doors on the ground floor of the existing buildings fronting directly on to the Kennel Lane footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

13. The development, hereby approved, shall be implemented according to the scheme for the disposal of surface water and foul sewage as per the JMS 'Drainage Engineering Layout' approved by the Local Planning Authority under application 22/00918/DISCON . The scheme shall be implemented in accordance with the approved details before the development is first brought into use. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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 Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

14. The development shall be implemented in accordance with the details of the waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority under application 22/00918/DISCON. The approved details shall be retained as such at all times.

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).

15. The development shall be implemented according to the scheme of investigation regarding potential land contamination on the site which has been submitted to and agreed in writing by the Local Planning Authority under application 22/00918/DISCON . 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

16. 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 first dwelling 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).

17. 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 help prevent and mitigate noise in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

18. The development, hereby approved, shall be implemented according to the scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme which has been submitted in writing to and approved in writing by the local planning authority under application 22/00918/DISCON. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme 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).

19. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-H 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 dwelling 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).

20. The development, hereby approved, shall be implemented according to the scheme for the installation of electric vehicle charging points which was submitted to and approved in writing by the local planning authority under application 22/00918/DISCON. The approved details of the scheme shall be retained at all times.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

21. The windows to all wcs, bathrooms and en-suites of the approved development shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) 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).

22. Prior to occupation a biodiversity enhancement scheme shall be submitted to and approved in writing by the LPA. Enhancements shall include (but is not limited to) the incorporation of bird boxes and native planting. Any enhancement measures need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: To maintain and improve biodiversity levels on site.

23. The existing railings that top the wall to the side of the former kennels (unit 7) shall be as shown on the 'Boundary Details' Plan Drg No. 9754/98/A & external works drawing number: 9754/22/F

Reason: In the interests of the history of the site and the character of the area in accordance with Policy DM11 of the Site Allocations and Development Management Policies Development Plan Document

NOTES TO APPLICANT :-

1. 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.

To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

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://resources.leicestershire.gov.uk/lhdg>

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

The applicant's ecologist has identified that a Natural England Licence will be required for the bat mitigation. It is the applicants' responsibility to liaise with their ecologist to ensure that all necessary licences are in place prior to the commencement of the works and to ensure that all licence conditions are adhered to.

Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365 and the results submitted to the LPA before development is commenced, including calculations of soil infiltration rate and soakaway sizing to accommodate the 1 in 100 year rainfall event plus climate change allowance. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.

All bat species 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: Intentionally or recklessly take, kill or injure a bat; Intentionally or recklessly damage, destroy or obstruct access to bat roosts; and Intentionally or recklessly disturb bats. A bat roost is defined in the legislation as "any structure or place which a bat uses for shelter or protection". Roosts are protected whether or not bats are present at the time. As the building has confirmed bat roosts present, the works may only proceed under a granted EPS Licence from Natural England.

Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges and building works should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.



Christopher Brown MRTPI
Head of Planning

Date : 15 December 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-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:	23/00707/CONDIT
Proposal:	Variation of condition 2 (plans), 19 (landscaping) and 25 (railings) of planning application 22/00937/FUL. Changes to boundary treatment, removal of railings and revise hard landscape
Site Location:	Atherstone Hunt Kennels Kennel Lane Witherley Atherstone 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
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