

Pegasus Planning Group
4 The Courtyard
Church Street
Lockington
Derbyshire
DE74 2SL



Details of Application

APPLICATION NO: P/19/0563/2
PROPOSAL: Variation of condition 2 of P/18/2063/2 to alter the approved plans.
LOCATION: Rothley Lodge, Loughborough Road, Rothley, Leicestershire, LE7 7NL
APPLICANT MW Private Equity (Rotherhill) Ltd

Details of Decision Please Read All the Information in this Decision Notice.

Charnwood Borough Council has considered this application under the Town and Country Planning Act, 1990, and grants permission for the development described in the submitted documents and on any accompanying plans and drawings.

This permission is granted subject to the following Conditions and Reasons:-

1. The development, hereby permitted, shall be begun not later than 3 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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out only in accordance with the details and specifications included in the submitted application, as shown on the drawings, or outlined within the specific consultant reports below;
Planning Statement October 2017- SLR/ST-P17-0426
Flood Risk Assessment ROTH-BWB-EWE-XX-RP-YE-0001_FRA
Economic Impact Report RC/P17-0426
Ecological Appraisal Rev A
Archaeological Desk Based Assessment 2017-107
Design and Access Statement P17-0426_200 24/09/17
Drainage Statement ROTH-BWB-HDG-XX-RP-D-004_DS Rev P1
External Works Drainage Strategy Drawing LDS-BWB-DDG-XX-DR-C-500 Rev P1
Environmental Noise Assessment 17/0387/R1
Geo Environmental Statement ROTH-BWB-ZZ-XX-RP-YE-0001_ES_P1
Transport Assessment Addendum ADC 1604 Rev B version 2 30/01/2018
Travel Plan ADC 1604 Rev C Version 1 30/01/2018
Landscape Masterplan GL0806/01 (Other than the Ecological Management Areas Indicated on Drawing no. GL0806 02).

Site Location Plan 16-226-A002_RevC

Unit 2 B2 option 16-226-A003

Ecological Management Areas Drawing no. GL0806 02

Planning Application form received 13th March 2019

Site Location Plan Drawing no: 16-226-000-A010

-Unit 1 Ground Floor Plan Drawing no: 16-226-001-B001_RevC

-Unit 1 First Floor Plan Drawing no: 16-226-001-B002_RevC

-Unit 1 Section 1 Drawing no: 16-226-001-B003_RevA

-Unit 1 Section 2 Drawing no: 16-226-001-B004

-Unit 1 Elevations Drawing no: 16-226-001-B005_Rev D

-Unit 1 Roof Plan Drawing no: 16-226-001-B007_Rev A

-Unit 2 Ground Floor Plan Drawing no: 16-226-002-K016_Rev A

-Unit 2 First Floor Plan Drawing no: 16-226-002-K017_RevA

-Unit 2 Section 1 Drawing no: 16-226-002-B003_Rev A

-Unit 2 Overall Schematic Site Plan Drawing no. 16-226-002-K018_Rev A

-Unit 2 Elevations Drawing no: 16-226-002-K015

-Unit 2 Roof Plan Drawing no: 16-226-002-B007

-Unit 3 Ground Floor Plan Drawing no: 16-226-003-K022

-Unit 3 First Floor Plan Drawing no: 16-226-003-K023

-Unit 3 Section 1 Drawing no: 16-226-003-B003_Rev A

-Unit 3 Elevations 1 Drawing no: 16-226-003-K024

-Unit 3 Elevations 2 Drawing no: 16-226-003-K025

-Unit 3 Roof Plan Drawing no. 16-226-003-B013_RevB

REASON: For clarity and the avoidance of doubt and to define the terms of the permission.

3. Notwithstanding the provisions of the Town and Country Planning Act (General Permitted Development Order 2015 or any order revoking or re-enacting that Order with or without modification) the buildings hereby permitted shall be used for Use Classes B8 (storage and distribution) with ancillary B1 (office) only. This permission also allows the option for Unit 2 only to alternatively be used for B2 (general Industry), with Units 1 and 3 remaining as Use Class B8.
REASON: For clarity and the avoidance of doubt and to define the terms of the permission.
4. No works in the construction of units 2 and 3 shall begin until all existing trees and hedges to be retained on the site have been protected, in accordance with the details approved under the discharge of condition application P/19/0436/2. The trees shall be protected as such at all times throughout the construction period.
REASON: Trees and hedges are important features to be retained. This condition would ensure that they are properly protected while building works take place on the site.
5. The approved landscaping scheme shall be fully completed in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.
REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

6. Prior to occupation of any unit, an external lighting scheme should be submitted and approved in writing by the Local Planning Authority.
REASON: In the interests of both appearance and safety.
7. No storage of goods, equipment or materials shall take place outside the units at any time unless previously approved by the Local Planning Authority through an appropriate planning application.
REASON: In the interests of visual amenity and to protect the approved car park provision and layout.
8. No B2 use shall be undertaken outside of the buildings at any time other than that associated with the movement, loading and unloading of vehicles at the designated loading bays.
REASON: In the interests of visual amenity and to protect the approved car park provision and layout.
9. Any changes to the existing boundary treatment currently separating the application site from the Public Right of Way, must be approved prior to construction by the Local Planning Authority following consultation with the Highway Authority.
REASON: In the interests of amenity, desirability, safety and security of users of the Public Rights of Way.
10. No trees or shrubs should be planted within 1 metre of the edge of the Public Rights of Way. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.
REASON: In the interests of amenity, desirability, safety and security of users of the Public Rights of Way.
11. Prior to and during construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence.
REASON: In the interests of safety and security of users of the Public Rights of Way.
12. The surface water drainage scheme approved under the discharge of condition application P/19/0695/2 shall be implemented in accordance with the approved details.
REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
13. There shall be no engineering works carried out on site until the scheme for the management of surface water on site during the construction process approved under the discharge of condition application P/19/0196/2 has been implemented. The approved scheme shall be adhered to throughout the construction period.
REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.
14. The scheme for the long term maintenance of the sustainable surface water drainage system within the development approved under the discharge of

condition application P/19/0695/2 shall be implemented in accordance with the approved details.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

15. No storage of any description shall take place on the open land within the curtilage of the site.
REASON: To make sure that the site does not fall into an untidy condition and spoil the appearance of the area.
16. The development shall be carried out in accordance with the recommendations contained within the "Environmental Noise Assessment" compiled by Cole Jarman (Ref 17/0387/R1 dated 14 September 2017), most notably Tables T2 and T3, Appendix A and Appendix B.
REASON: In the interests of residential amenity for residents in Sileby and Mountsorrel.
17. The development hereby permitted shall be constructed using the materials specified in the Elevational Drawings outlined above in Condition 2.
REASON: For clarity and the avoidance of doubt and to define the terms of the permission.
18. Unit 2 shall not be used at any time for any purposes falling within Class B2 (General industrial) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended) unless all of the car parking areas serving Unit 2 shown on Stephen George drawing number 16-226-A003 Rev C (or any alternative car parking areas first submitted to and agreed in writing with the Local Planning Authority) have been provided, hard surfaced and marked out, and are available for use in association with the use of the development. Thereafter the onsite parking provision shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made which is appropriate to the use of the building, 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 Paragraphs 32 and 35 of the National Planning Policy Framework 2012.
19. From occupation of the first unit, the Framework Travel Plan shall be implemented in accordance with details of actions, measures, outputs and outcome targets contained therein.
REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Chapter 4 of the National Planning Policy Framework 2012.
20. No unit is to be occupied for B8 uses until the parking requirements and turning facilities for that individual unit has been completed in accordance with the approved drawing number 16-226-000 A010 Rev C. The parking thereafter shall remain in perpetuity.
REASON: To ensure that adequate parking is made available and in the interests of highway safety.
21. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter

the cycle parking shall be maintained and kept available for use.
REASON: To promote travel by sustainable modes in accordance with Paragraphs 30 and 32 of the National Planning Policy Framework 2012.

The requirements of these conditions must be complied with.

Note:-

A fee is payable where a written request is made for written confirmation that one or more conditions imposed on the same planning permission have been complied with. Please visit our website for more information.

<http://www.charnwood.gov.uk/pages/planapps>

The following notes should be taken into account when carrying out the development

1. The available width of the Public Rights of Way must not be encroached upon by works associated with the development. The Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
2. The Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
3. If the developer requires a Right of Way to be temporarily closed or diverted, for a period of up to six months, to enable construction works to take place, an application should be made to roadclosures@leics.gov.uk at least 8 weeks before the temporary closure / diversion is required.
4. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
5. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
6. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted.

Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>

7. Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
8. The decision has been reached taking into account the National Planning Policy Framework and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

9. DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS2, CS6, CS10, CS11, CS13, CS14, CS16, CS17, CS18, CS24, CS25 of The Charnwood Local Plan 2011 to 2018 (adopted November 2015) and EV/1, E/5 (E), TR/1, TR/18, CT/1 and CT/2 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of the policies as outlined within the Core Strategy and the saved Local Plan policies, and there are no other material considerations which are of significant weight in reaching a decision on this application.



Richard Bennett
Head of Planning and Regeneration **07 May 2019**

NOTES: **P/19/0563/2**

This notice grants planning permission only; it does not allow the demolition or work to a listed building, for which a separate consent is needed. If you are carrying out building work, you should check whether you need approval under the Building Regulations. Tel: 01509 634924/634757 or email: building.control@charnwood.gov.uk

If you are carrying out works on highway land, you should check whether you need the approval of Leicestershire County Council. Tel: 0116 305 0001 or email: information@leics.gov.uk You are also advised to check whether any restrictive covenants apply to the application site.

You can appeal to the Secretary of State for Communities and Local Government (SoSCLG) against our decision to include conditions on this planning permission. You must appeal within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5000, website: <https://www.gov.uk/planning-inspectorate>

The SoSCLG can allow a longer period for making an appeal, but he will not normally do so unless there are special circumstances to justify any delay.

The SoSCLG need not consider an appeal if it seems to him that we could not have granted planning permission for the proposed development without the conditions we have imposed, having regard to planning law, to the provisions of any development order and to any directions given under a development order. In practice, the SoSCLG does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

If either we or the Secretary of State grants permission conditionally, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Access and provision for disabled persons.

If your proposal involves shops, offices, factories, educational buildings & buildings to which the public are to be admitted, you should check the requirements of the Chronically Sick & Disabled Persons Act 1970 (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. You should also check the 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 and (in so far as educational buildings are concerned), to Design Note 18" Access for the Disabled to Education Buildings".

Access for fire brigade.

Where you make an application for approval under the Building Regulations for the erection or extension of a building, the Council will have to reject the plans unless, after consulting the Fire Brigade, they are satisfied that the plans show:

- (a) that there will be adequate means of access for the Fire Brigade; and
- (b) that the proposed works will not make inadequate any existing means of access for the Fire Brigade to a neighbouring building.