

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr Adrian Burr
Springbourne Homes
Bosworth Marina
Carlton Road
Market Bosworth
CV13 6PG

Name and Address of Agent (if any)

Zoe Massey
Hayward Architects Ltd
19 Station Road
Hinckley
Leicestershire
LE10 1AW

Part I - Particulars of Application

Date of Application

27 August 2024

Application No.

24/00818/CONDIT

Particulars and location of development :

Variation of conditions 2 and 16 attached to planning application 21/00556/FUL. Amendments to design and materials.

Land Rear Of 5 - 15 The Coppice Burbage 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 the original planning permission 21/00556/FUL which was approved 27 September 2022.

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 be carried out in accordance with the following approved plans:

- Location Plan drg no. 12/71 35 (submitted: 30.04.2021)
- Proposed Elevations and Floor Plans 12 71 140 P - Type F - Plot 1. (submitted: 27.08.2024)
- Proposed Elevations and Floor Plans 12 71 141 P - Type C - Plot 2 (submitted: 27.08.2024)
- Proposed Elevations and Floor Plans 12 71 142 P - Type G - Plot 3 and 4 (submitted: 27.08.2024)
- Proposed Elevations and Floor Plans 12 71 143 P - Type F - Plot 5 (submitted: 27.08.2024)
- Proposed Elevations and Floor Plans 12 71 144 P - Type G - Plot 6 (submitted: 27.08.2024)

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

- Proposed Elevations and Floor Plans 12 71 145 P - Type B - Plot 7 (submitted: 27.08.2024)
- Proposed Elevations and Floor Plans 12 71 146 P - Type B - Plot 8 (submitted: 27.08.2024)
- Proposed P1 & P5 Garages Floor Plans and Elevations (12/71 148B) (submitted: 16.10.2024)
- Proposed P3 Garage Floor Plan and Elevations (12/71 149B) (submitted: 16.10.2024)
- Proposed P4 Garage Floor Plan and Elevations (12/71 150B) (submitted: 16.10.2024)
- Proposed P6 & P7 Garages Floor Plans and Elevations (12/71 151B) (submitted: 16.10.2024)
- Proposed P8 Garage Floor Plan and Elevations (12/71 152B) (submitted: 16.10.2024)
- Site Detail (HAS/20-019/02) (Rev E) (submitted: 30.04.2021)
- Site Layout 12 71 26R - P (submitted: 27.08.2024)

Reason: To ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include the following details: the provision made for the parking of vehicles by contractors, site operatives and visitors; the storage of plant and materials used in construction of the development; the erection and maintenance of security hoarding; measures to control the emission of noise during construction; measures to control the emission of dust and dirt during construction; details of how the site will be drained during construction. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence until a site investigation scheme dealing with contamination, any resultant remediation measures, verification these measures have taken place and details of any necessary future monitoring has been submitted to and approved in writing by the Local Planning Authority. The site shall be developed in accordance with these approved details.

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).

5. If during development any contamination not previously identified is found to be present, then development in areas impacted by that finding shall cease until additional remediation measures to deal with the unsuspected contamination have been submitted to and approved in writing by the Local Planning Authority. The site shall be developed in accordance with these approved details.

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).

6. No development shall commence until a scheme of gas protection measures as recommended within the submitted report on Ground Investigation by Nicholls Colton Geotechnical Ref G16195-IR has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: In order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety as the site lies within 250 metres of a known landfill/ made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until a surface water drainage strategy and associated maintenance details, incorporating sustainable drainage principles, (SuDS), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed and maintained in perpetuity in accordance with these approved details. This drainage scheme shall not include any infiltration of surface water drainage on any land affected by contamination unless this has been agreed by the Local Planning Authority under the terms of Condition 4 above.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from

the site, 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).

8. The development hereby permitted shall be carried out in accordance with the archaeological works including investigation, monitoring, and subsequent reporting, archiving, and deposition works that are detailed in the Written Scheme of Investigation (WSI), which was submitted on 21 March 2024 and approved via Discharge of Conditions application 24/00265/DISCON, prior to its occupation.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (December 2023).

9. No development shall commence until protective fencing has been erected around all trees not scheduled for removal in accordance with the submitted Arboricultural Impact Assessment Ref 1241-AIA-V1-B. Thereafter the protective fencing shall be retained for the duration of the works and in accordance with the above report and the recommendations of BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced areas; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure the important existing trees and hedgerows to be retained are adequately protected during construction in the interests of the visual amenities of the area to accord with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall commence until a hard and soft landscaping scheme, to include full boundary treatment details, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all existing trees and hedgerows to be retained and shall be carried out in full prior to the first occupation of the development or in accordance with a programme to be agreed otherwise in writing by the Local Planning Authority.

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

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

12. No building shall be constructed above damp proof course level until representative details of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

13. No occupation of any dwelling shall take place until a scheme of on-site Ecological Mitigation and Enhancement Measures, to broadly accord with the various measures depicted upon the submitted Ecological Mitigation and Enhancement Plan (Ref Plan ECO2 Rev E) and to include a timetable for delivery and maintenance programme, has been submitted to and approved in writing by the Local Planning Authority. The measures identified shall be delivered in accordance with the approved timetable and maintained in perpetuity in accordance with the approved maintenance programme.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Development Plan Document (2016).

14. No occupation of any dwelling shall take place until the access arrangements shown on approved plan 12/71 26P have been provided in accordance with that plan and implemented in full. The access arrangements shall thereafter be so retained.

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 (2023).

15. No occupation of any dwelling shall take place until a waste collection scheme that makes adequate provision for the storage and collection of waste has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, and the approved storage and collection facilities shall be retained at all times thereafter.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

16. No dwelling shall be occupied until the parking and turning provision for that dwelling have been implemented in accordance with:

- Proposed P1 & P5 Garages Floor Plans and Elevations (12/71 148B) (submitted: 16.10.2024)
- Proposed P3 Garage Floor Plan and Elevations (12/71 149B) (submitted: 16.10.2024)
- Proposed P4 Garage Floor Plan and Elevations (12/71 150B) (submitted: 16.10.2024)
- Proposed P6 & P7 Garages Floor Plans and Elevations (12/71 151B) (submitted: 16.10.2024)
- Proposed P8 Garage Floor Plan and Elevations (12/71 152B) (submitted: 16.10.2024)
- Site Layout 12 71 26R - P (submitted 27.08.2024)

The approved parking and turning facilities shall thereafter be so retained.

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 (December 2023).

17. No external lighting shall be installed unless details of the position and type of lighting have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (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.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 21 October 2024

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:	24/00818/CONDIT
Proposal:	Variation of conditions 2 and 16 attached to planning application 21/00556/FUL. Amendments to design and materials.
Site Location:	Land Rear Of 5 - 15 The Coppice Burbage 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
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk