

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Approval of Reserved Matters

Name and Address of Applicant

Charles Church
C/O Agent

Name and Address of Agent (if any)

Marie Stacey
Pegasus Planning Group
4 The Courtyard
Lockington
DE74 2SL

Part I - Particulars of Application

Date of Application

13 December 2023

Application No.

23/01204/REM

Particulars and location of development :

Application for approval of Reserved Matters (relating to layout, scale, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works

Land South Of Sketchley Grange Hotel Sketchley Lane 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).

The Hinckley and Bosworth Borough Council grants approval in respect of the details referred to in Part I hereof for the purpose of the conditions imposed on the grant of outline planning permission 21/01131/OUT and subject to the following condition(s) :-

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Basin Sections 030A (submitted: 22.04.2024)
 - Boundary Treatment Plan BTP-1 (Rev F) (submitted: 22.04.2024)

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

- Colour Masterplan CMP-1 (Rev G) (submitted: 09.05.2024)
- Colour Planning Layout CPL1 (Rev G) (submitted: 07.05.2024)
- Detailed Hard Landscape Proposals 13 (Rev D) (Rev G) (submitted: 09.05.2024)
- Detailed Hard Landscape Proposals 14 (Rev D) (Rev G) (submitted: 09.05.2024)
- Detailed Hard Landscape Proposals 15 (Rev G) (submitted: 09.05.2024)
- Detailed Hard Landscape Proposals 16 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 01 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 02 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 03 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 04 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 05 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 06 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 07 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 08 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 09 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 10 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 11 (Rev G) (submitted: 09.05.2024)
- Detailed Soft Landscape Proposals 12 (Rev G) (submitted: 09.05.2024)
- Drainage Strategy 005E (submitted: 22.04.2024)
- External Levels SH1 020E (submitted: 22.04.2024)
- External Levels SH2 021E (submitted: 22.04.2024)
- External Levels SH3 022C (submitted: 22.04.2024)
- Flood Route Plans 035D (submitted: 22.04.2024)
- General Arrangement Planning 050E (submitted: 22.04.2024)
- Materials Plan MP-1 (Rev D) (submitted: 22.04.2024)
- Planning Layout PL1 (Rev G) (submitted: 07.05.2024)
- Planning Layout PL1 500 (Rev F) (submitted: 07.05.2024)
- Proposed Double Garage Floor Plans and Elevations (Rev A) (submitted: 27.03.2024)
- Proposed Equipped Children's Play Area Q10013 A (submitted: 09.05.2024)
- Proposed House Types & Elevations Part 1 (Rev 2) (submitted: 08.03.2024)
- Proposed House Types and Elevations Part 2 (Rev 2) (submitted: 08.03.2024)
- Proposed Single Garage Floor Plans and Elevations (Rev A) (submitted: 27.03.2024)
- Proposed The Cullen House Type Ground Floor Plan (submitted: 27.03.2024)
- Proposed Triple Garage Floor Plan and Elevations (Rev A) (submitted: 27.03.2024)
- Proposed Twin Garage Floor Plans and Elevations (Rev A) (submitted: 27.03.2024)
- Proposed POS Soft Landscaping 04 Rev D (submitted: 18.03.2024)
- Proposed POS Soft Landscaping 05 Rev D (submitted 18.03.2024)
- Public Open Space Phasing Plan 001 (submitted: 25.03.2024)

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. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, and D, 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 dwellings shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and 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).

3. The development hereby approved shall be implemented in strict accordance with the Plan EDP1 (Extended Phase 1 Habitat Plan), Plan EDP4 (Ecological Protection Zones), Plan EDP5 (Faunal-Specific Habitat Features), and Plan EDP7 (Post-Development Habitats for Biodiversity Net Gain Assessment) within the Timetable of Key Management and Monitoring Activities as highlighted within Table EDP 8.2 of the Biodiversity and Landscape Management Plan Report (Rev C) (submitted: 27.03.2024), unless otherwise agreed in writing with the Local Planning Authority.

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).

4. No development shall take place until a scheme for the treatment of the Public Rights of Way within the site has been submitted in writing to, and approved in writing by, the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing, and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

Reason: In the interests of amenity, safety, and security of users of the Public Rights of Way in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

5. No development above floor plate level shall take place until a scheme for the treatment of the Public Rights of Way (Footpath U64 and Bridleway U67) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of, but not limited to, the surfacing, width, depth, and landscaping of the Public Rights of Way, and their associated way marking, and accessibility improvements, together with a timetable for its implementation.. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetables.

Reason: In in the interests of protecting and enhancing Public Rights of Way and their access in accordance with Paragraph 104 of the National Planning Policy Framework (December 2023).

6. The development hereby permitted shall be constructed in strict accordance with the noise mitigation measures identified within the Noise Impact Assessment C11024 1.3 (submitted: 30.04.2024), which includes the following:
 - Any bedroom, with either full or partial line of sight to the hotel, within 71m of the Sketchley Grange Hotel and Spa shall be provided with upgraded glazing with a performance specification in accordance with Table 5.5 of the Noise Impact Assessment or better.
 - Any bedroom of Plots 91 to 116 (inclusive), with either full or partial line of sight to the Hotel, shall be provided within alternative ventilation in the form of upgrade mechanical ventilation.
 - An acoustic fence with a minimum height of 2.7m shall be included along the site boundary of Plots 92 to 99 (inclusive), as detailed within Figure 6 of Appendix 3 of

the Noise Impact Assessment. The noise barrier shall have a minimum mass of 15kg/sqm and be free from holes.

These noise mitigation measures shall be implemented prior to the first occupation of the identified dwellings within 890m of the Hotel and shall then remain in situ in perpetuity.

Reason: To protect the residential amenity of the future occupiers of the development in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the development being first occupied details of the pedestrian link from Public Right of Way Bridleway U67 to Troon Way immediately to the east of Plot 24 to link in to the existing hard-surfaced link to Troon Way shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include, but not be limited to, the link's surfacing, depth, width, landscaping, and timetable for implementation. The proposed scheme shall be implemented in accordance with the approved details and shall be retained available for use thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

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 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

9. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with General Arrangement Planning drawing number 23053/050 revision E. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

10. 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 in accordance with the approved details.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

11. The approved hard and soft landscaping scheme shall be carried out in accordance with the Landscape Proposals included within Detailed Soft Landscape Proposals 01 to 12 (Rev G) (inclusive) (submitted: 09.05.2024) and Detailed Hard Landscape Proposals 13 to 16 (Rev G) (inclusive) (submitted: 09.05.2024) in the first planting season following the first occupation of the site. The soft landscaping 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the details shown in the approved soft landscaping plans, the Equipped Children's Area of Play shall be surfaced and carried out in accordance with the details within the Proposed Equipped Children's Play Area Q10013A plan (submitted: 09.05.2024). Thereafter, the development shall be carried out in accordance with the approved scheme prior to the development being first occupied.

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)

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. The proposed road layout does not conform to an acceptable standard for adoption, and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads, which will need to be complied with to ensure that the Advance Payment Code may be exempted, and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details, please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highways rights over it.
3. All internal road layouts should 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 (2022), which is available at: <https://resources.leicestershire.gov.uk/lhdg>.
4. Before the development is substantially completed and the PROW reopened in accordance with the document approved under Condition 01, an application for a legal order to permanently divert the western branch of Bridleway U67 should be submitted to and approved in writing by the Local Highway Authority.

5. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at: <https://resources.leicestershire.gov.uk/lhdg>.
6. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. 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.

Date: 17 May 2024



Christopher Brown MRTPI
Head of Planning

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 he 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 month (see para 2a below)** of the date of this notice. (Appeals must be made on a form which is available 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>). 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 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 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.
5. 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.
6. This permission only covers 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 Buildings Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences and 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 BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS 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.

RMNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

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

A Borough to be proud of

Development Details

Planning application ref:	23/01204/REM
Proposal:	Application for approval of Reserved Matters (relating to layout, scale, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works
Site Location:	Land South Of Sketchley Grange Hotel Sketchley Lane 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