

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Mr D. Walgate
Lagan Homes Ltd
Unit 7
Pear Tree Business Park
Desford Lane
Ratby
Leicestershire
LE6 4PG

Name and Address of Agent (if any)

Mr Safwan Sheikh
brp architects
1 Millers Yard
Roman Way
Market Harborough
Leicestershire
LE16 7PW

Part I - Particulars of Application

Date of Application

1 July 2024

Application No.

24/00645/CONDIT

Particulars and location of development :

Application to vary condition 2 (approved plans) to planning permission 22/00884/CONDIT. Addition of single garage to plots 89 and 90.

Land South Of Markfield Road Ratby 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 not be carried out otherwise in complete accordance with the submitted application details as follows:

Site Plan Drawing: C170 0150-P01 and Garage Single: C170 0280-P04 both received 01/07/24.

Drg Nos: C170 0200-P03, 0220-P03, 0221-P03, 0210-P04, 0222-P03, 0223-P03, 0224-P01, 0225-P01, 0226-P01, 0227-P01, 0228-P01, 0229-P01, 231-P03, 0232-P04, 0233-P03, 0234-P03, 0235-P03, 0236-P04, 0237-P01, 0238-P01, 0239-P01, 0240-P03, 0241-P03, 0242-P03, 0250-P03, 0251-P03, 0252-P03, 0253-P01, 0260-P03, 0261-P03, 0262-P05, 0263-P03, 0270-P05, 0271-P05, 0272-P01, 0273-P01, 0280-P04, 0281-P03, 0282-P05, 0290-P01, 0300-P01, 0301-P01, 0302-P01 and C170 Schedule of Amendments all received 15th September 2022

Site Location Plan C170 0199-P04 received 18/07/24.

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

Proposed Drainage Strategy Drg No: MRRD-BSP-ZZ-XX-DR-C-240 Rev P03 received on 3 August 2020, Proposed Site Access Drg No: MRRL-D-0001-P05 and Green Infrastructure Area Drg No: C170-01030-P06 received on 31 August 2020 and Soft Landscaping Plan Drg No: DNS 01.3E, Proposed Refuse Strategy Drg No: C170-0105-P05, Proposed Tenure Plan Drg No: C170-0104-P07, Boundary Treatment Plan Drg No: C170-0106-P05 and Proposed Tree Planting Drg No: C170-0107-P04 all received on 21 October 2020 as part of permission 20/00462/FUL.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The development shall be carried out in accordance with the Construction Environmental Management Plan approved through the discharge of condition 21/01082/DISCON.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development shall be carried out in accordance with the Construction Traffic Management Plan approved through the discharge of condition 22/00593/DISCON.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

4. The development shall be carried out in accordance with the contaminated land strategy as approved through the discharge of condition 21/01378/DISCON 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 Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development shall be carried out in accordance with the details relating to the provision of pedestrian links to public footpath R50 prior to the occupation of the 50th dwelling as approved through the discharge of condition 21/01082/DISCON.

Reason: To improve connectivity of the site to the surrounding area in accordance with Policy DM1 of the SADMP (2016).

7. Prior to the development first being brought into use the surface water disposal scheme shall be completed in accordance with the details as approved through the discharge of condition 21/01082/DISCON.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development shall be carried out in accordance with the details relating to the management of surface water during construction as approved through the discharge of condition 21/01082/DISCON.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to

prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. The development shall be carried out in accordance with the details relating to the long-term maintenance of the sustainable surface water drainage system as approved through the discharge of condition 21/01082/DISCON.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

10. The development shall be carried out in accordance with the approved archaeological Written Scheme of Investigation (WSI) submitted to and approved in writing by the local planning authority through discharge of condition applications 21/00659/DISCON and 21/01234/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

11. The development shall be carried out in accordance with the details relating to the Biodiversity Management Plan as approved through the discharge of condition 21/01082/DISCON.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

12. The development shall be carried out in accordance with the finished floor levels as approved through the discharge of condition 21/01082/DISCON.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

13. The development shall be carried out in accordance with the approved Badger Report received through the discharge of condition 21/01082/DISCON.

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

14. The development shall be carried out in accordance with the details relating to the provision of full fibre broadband through the discharge of condition 21/01082/DISCON.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 118 of the NPPF (2023).

15. None of the dwellings hereby approved shall be occupied until such time as the access arrangements shown on approved Drg No: MRRL-DR-D-0001 Rev P05 along with any approved amendments to increase the turning length on Markfield Road as approved at the Detailed Design Stage have been implemented in full. For the avoidance of doubt this shall include the installation of the footpath along Markfield Road.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).

16. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres to the east and 2.4 x 120 metres to the west of the access have been provided at the site access. 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 accordance with Policy DM17 of the SADMP (2016).

17. No dwelling hereby permitted shall be occupied until such time as the parking and turning facilities for each dwelling have been implemented in accordance with the approved plans. Thereafter the onsite

parking provision shall be so maintained 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

18. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with the approved plans. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

19. The development shall be carried out in accordance with the details relating to the provision of play equipment, street furniture and boundary treatment within the locally equipped play area prior to the occupation of the 70th dwelling on the site as approved through the discharge of condition 21/01082/DISCON.

Reason: To ensure that the development has a satisfactory level of equipment provided which respects the National Forest in accordance with Policies DM4 and DM10 of the SADMP (2016).

20. The approved hard and soft landscaping scheme on Drg Nos: DNS 01.3E and C170-0106-P05 shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. 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 Site Allocations and Development Management Policies DPD (2016).

21. The development shall be carried out in accordance with the external materials as approved through the discharge of condition 22/00550/DISCON and in accordance with the details approved by this application.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

22. 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.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

23. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

24. The development shall be carried out in accordance with the details relating to the provision of wildflower and tree planting as recommended in the Ecological Appraisal and Protected Species Survey prior to the occupation of the 50th dwelling on the site as approved through the discharge of condition 21/01082/DISCON.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on

site and to enhance these habitats to accord with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

25. The bin storage areas as approved on Drg No: C170-0105-P05 Rev 05 shall be completed prior to the occupation of the plot to which they relate, and all residents shall be provided with a 'Waste Minimisation and Recycling Pack' as detailed in the Waste Minimisation and Recycling document (Lagan Homes) received by the LPA on 24/05/23 as approved through the discharge of condition 23/00171/CONDIT.

Reason: In accordance with the National Planning Policy for Waste (2014).

NOTES TO APPLICANT :-

1. 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.
2. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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>
If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
6. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 10 March 2025

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

1. The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
2. The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-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:	24/00645/CONDIT
Proposal:	Application to vary condition 2 (approved plans) to planning permission 22/00884/CONDIT. Addition of single garage to plots 89 and 90.
Site Location:	Land South Of Markfield Road Ratby 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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