

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Outline Planning Permission

Name and Address of Applicant

Mr William Naylor
Naylor's Estate Agents
12 The Square
Market Harborough
Leicestershire
LE16 7PA
United Kingdom

Name and Address of Agent (if any)

Mr Lance Wiggins
Lion Planning
14 Woodhouse Road
Quorn
Loughborough
LE12 8ED

Part I - Particulars of Application

Date of Application

3 October 2023

Application No.

23/00978/OUT

Particulars and location of development:

Outline planning permission for the construction of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout)

Land Off Barton Lane Congerstone 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 outline planning permission for the carrying out of the development referred to in Part I hereof, in accordance with the application and plans submitted, subject to the following condition(s) :-

1. The application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a. Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes

- b. Landscaping of the site including treatment of private and public space to enhance or protect

IMPORTANT – PLEASE REFER TO THE NOTES AT THE END OF THIS DOCUMENT

the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

- c. Scale of each building proposed in relation to its surroundings

The development shall be carried out in accordance with the approved details.

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).

3. The development hereby permitted shall not exceed 18 dwellings in total and shall be in accordance with the following approved details:

- o Proposed Site Layout, Dr No. 22-119-PL02 Rev C received 19 March 2024
- o Play and Open Space Areas Plan - Drg No. 22-119-PL03-A received 14 February 2024
- o Site Location Plan 22-119-PL01 received 3 October 2024

Reason: To ensure the number of units accords with the details/information submitted to inform planning obligations in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD (2016).

4. The development shall be carried out in accordance with the submitted flood risk assessment (FRA, dated September 2023 Ref: 28212-FLD-0101) and the following mitigation measures it details:

- Development shall be set outside of the flood plain in FZ1, as shown on the flood map for planning - Figures 3.1, 3.2 and Appendix F and as detailed in Sections 4.8 and 5.1.
- Finished floor levels shall be set no lower than 88.30 metres above Ordnance Datum (AOD) and/or 150mm above external finished ground levels (whichever is the higher) - Sections 4.10 and 5.1.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required, as development is located in FZ1 and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

5. Notwithstanding the details shown on the drawings hereby approved, no development shall be commenced until a Refuse/Waste Management and Collection Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details of the extent of the road which shall be constructed to adoptable standards, details of waste storage and collection points, how bins will be relocated to and from their collection points and how this will be managed. The approved storage provision shall be implemented and made available for its intended use prior to the occupation of the development and shall be retained thereafter. The development shall operate in accordance with the duly approved Refuse/Waste Management and Collection Strategy.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme and to ensure waste collection vehicles safe access and movement for the ongoing purpose of the collection of household waste and recycling in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

6. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

7. No development approved by this planning permission shall take place until such time as details in

relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPD (2016) and the requirements of the NPPF.

8. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

9. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy and in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

10. Development approved by this permission shall not commence until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

11. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination.

The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours; Monday - Friday 07:30 - 18:00
Saturday 08:00 - 13:00 No working on Sundays and Bank Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

13. No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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

14. As part of a Reserved Matters application a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

15. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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 Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

16. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Access Design drawing number NE/0312/AD/23 Rev C have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

17. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 36 metres to the northeast and 2.4 metres by 37 metres to the southwest 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 Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

18. The development hereby permitted shall not be occupied until such time as the parking has been implemented in accordance with Proposed Site Layout, drawing number 22-119-PL02-A Rev C. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

19. Before any development commences on site including site works of any description, a Tree and Hedge Protection Plan prepared by a suitably qualified arboriculturalist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with BS 5837:2012 Trees in relation to design, any trenches for services are required within the fenced off areas, they shall be excavated and back filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree and Hedge Protection Plan.

Reason: To ensure that the trees on site are to be retained and protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

20. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st August inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

21. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- Description and evaluation of the features to be created/managed
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/seed mixes to be planted/sown
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To help enhance and protect the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF

22. No development shall take place until details of the bird and bat boxes to be integrated within the new dwellings has been submitted to and approved in writing by the LPA. Details should include type of boxes and box positioning. Any boxes need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: To help encourage wildlife species and their habitats in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD (2016) and the requirements of the NPPF.

NOTES TO APPLICANT :-

1. 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 proactively 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).
2. The reserved matters application should seek to ensure that, as far as possible, all internal roads within the proposed development are constructed to an adoptable standard.

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date:- 7 May 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/appeal-planning-decision>). 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 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 permission 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 planning 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 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 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 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.

OPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

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

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

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

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk or complete the form on the reverse.

Hinckley & Bosworth Borough Council
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
TEL: 01455 238141 EMAIL: planning@hinckley-bosworth.gov.uk



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	23/00978/OUT
Proposal:	Outline planning permission for the construction of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout)
Site Location:	Land Off Barton Lane Congerstone 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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