

# Hinckley & Bosworth Borough Council

## Town and Country Planning Act 1990

### Planning Permission

#### Name and Address of Applicant

Mr And Mrs D Heath  
111 Leicester Road  
Hinckley  
Leicestershire  
LE10 2NX

#### Name and Address of Agent (if any)

Mr George Burton  
GB a&e Ltd  
The Shambles  
27 Brookside  
Stretton On Dunsmore  
Rugby  
CV23 9NH

### Part I - Particulars of Application

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#### Date of Application

3 May 2024

#### Application No.

24/00434/CONDIT

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#### Particulars and location of development :

Variation of condition 2 on planning application 22/00236/FUL. Proposed amendment to plot 2 general arrangement.

**Sketchley Hill House Rugby Road Burbage Hinckley Leicestershire**

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### 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 than in complete accordance with the submitted plans, as follows:
  - Plot 2 Proposed General Arrangement 4800/03 Rev F - received by the Local Planning Authority on 17 July 2024
  - Site Location and Block Plan 4800/02

**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. The materials to be used on the external elevations and roof of the dwelling hereby approved shall be as follows:
  - Natural Spanish slate
  - Marshalls buff Marshalite pitched walling to the south west gable only

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

- Blanc ecru monocouche silicone render
- Weinerberger Thorn Grijs Gesintered brick

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and as previously approved by application 24/00794/DISCON.

3. The dwelling hereby approved shall be implemented in accordance with the surface water drainage scheme approved under application 24/00281/DISCON which shall be completed in full prior to occupation of the dwelling.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Construction work of the development, hereby permitted, shall not take place other than between the hours of 08:00 hrs and 19:00 hrs on weekdays and 09:00 hrs and 14:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

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

5. During the site preparation and construction phase no burning of materials shall take place.

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

6. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of five metres, for a distance of at least five metres behind the highway boundary which shall be surfaced in a bound material with a 7.3 metre dropped crossing. The access once provided shall be so maintained at all times.

**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 (Dec 2023).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays 43 metres by 2.4 metres 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 the interests of general highway safety, and in accordance with the National Planning Policy Framework (Dec 2023).

8. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have 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 the National Planning Policy Framework (Dec 2023).

9. The development hereby permitted shall not be occupied until such time as any existing gates to the vehicular access have been permanently removed. 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 five metres of the highway boundary, nor shall any be erected within a distance of six metres of the highway boundary unless hung to open away from the highway.

**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 the National Planning Policy Framework (Dec 2023).

10. The development hereby permitted shall not be first used until such time as the designated parking spaces measuring at least 2.4 metres by 5.5 metres have been implemented. 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 the National Planning Policy Framework (Dec 2023).

11. The dwelling hereby approved shall be implemented and thereafter occupied in full compliance with the details for waste and recycling storage of containers and collection across the site which have been approved under application 23/00794/DISCON.

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the occupation of the dwelling hereby approved details of trees, including their location, species, size and future maintenance, to replace the trees selected for removal under Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22, on file 22/00236/FUL, and to replace the tree closest to the dwelling that has been killed during the construction phase and to replace any trees in the neighbouring gardens of 304 and 306 Rugby Road and the gardens of Lupin Close that back on to the access drive that have been damaged or killed as a result of the services trench that has been dug on the south side of the access drive, shall be submitted to and approved in writing by the Local Planning Authority. The replacement for any tree lost due to the construction phase shall be semi-mature in size and shall be maintained in accordance with the supplier's advice. The replacement trees on the site or access drive shall be planted in accordance with the approved details no later than in the next available planting season (October to March) following occupation of the third dwelling on the wider site. The replacement trees outside of the site shall be planted within the next available planting season (October 2024 to March 2025) or, where the damage to the tree is not noticed until 2024, within the following planting (October 2025 to March 2026). The trees shall be maintained for a period of five years from the date of planting. During this period any trees which die or are damaged, removed, or seriously diseased shall be replaced by trees 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 replacement trees are planted on site in the interests of protecting the amenity of the area in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Notwithstanding the provisions of Article 3, Schedule 2 Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no extensions to any dwelling or buildings incidental to the enjoyment of any dwelling (except for those approved by this permission) shall be undertaken or constructed unless planning permission has first been granted by the Local Planning Authority.

**Reason:** The removal of permitted development rights is warranted in this instance due to the size of the dwellings and to safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. All trees on the site shown to be retained on the site shall be surrounded by protective fencing in accordance with the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22 on planning application file 22/00236/FUL at all times during construction.

**Reason:** To ensure that trees on or adjacent to the site are to be retained and adequately protected in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 180 of the National Planning Policy Framework (Dec 2023).

15. Further to Condition 6 the access road shall be constructed in accordance with the Ecolocation Arboricultural Report, Tree Constraints Plan & Tree Protection Detail dated 30/09/22 on planning application file 22/00236/FUL.

**Reason:** To ensure that trees adjacent to the access road are to be retained and adequately protected in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 180 of the National Planning Policy Framework (Dec 2023).

16. The roof light in the north side elevation of bedroom four shown on the Plot 2 Proposed General Arrangement drawing no. 4800/03 Rev F shall be a minimum of 1.7m above the floor level beneath the window in the room.

**Reason:** In the interests of the amenity of neighbours and future occupiers of the dwelling in accordance with Policy DM10 of the 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. Further to Condition 12 regarding trees in neighbouring gardens the roots of which have been severed by the excavation of the services trench on the south side of the access drive the developer should contact all residents with trees that may be affected. The Local Planning Authority has made all neighbours aware of the requirements of Condition 12.
3. The Applicant is advised to improve drainage in the rear garden. The neighbour to the north has advised that this corner of the site is prone to flooding which will now be exacerbated as a result of the increased floor levels.

C. Brown.

**Christopher Brown MRTPI**  
**Head of Planning**

Date : 2 September 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/appeal-planning-decision>). 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.



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](mailto: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](mailto:planning@hinckley-bosworth.gov.uk)**



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Borough Council

**Development Details**

|                                  |                                                                                                                  |
|----------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Planning application ref:</b> | 24/00434/CONDIT                                                                                                  |
| <b>Proposal:</b>                 | Variation of condition 2 on planning application 22/00236/FUL. Proposed amendment to plot 2 general arrangement. |
| <b>Site Location:</b>            | Sketchley Hill House Rugby Road Burbage Hinckley Leicestershire                                                  |

|                                                              |                    |
|--------------------------------------------------------------|--------------------|
| <b>Date when work is intended to start:</b>                  |                    |
| <b>Have all pre-commencement conditions been discharged?</b> |                    |
| <b>Signed:</b>                                               | <b>Print Name:</b> |

**Your contact details (or attach letterhead/business card):**

|                   |  |
|-------------------|--|
| <b>Name:</b>      |  |
| <b>Address:</b>   |  |
|                   |  |
|                   |  |
| <b>Telephone:</b> |  |
| <b>Mobile:</b>    |  |
| <b>Email:</b>     |  |

Hinckley & Bosworth Borough Council  
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