

Delegated Report

Planning Ref: 25/01005/CONDIT

Applicant: John Bridges

Ward: Burbage St Catherines & Lash Hill

Site: Consol 6, Rainbow Way, Burbage



Hinckley & Bosworth
Borough Council

**Proposal: Variation of condition 2 (Plans) of planning permission 18/00844/FUL.
Creation of new entrance with additional glazing on the south elevation to allow the unit to be split into two and increase parking provision.**

1. Recommendations

- 1.1. **Grant planning permission** subject to Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks the subdivision of Unit 6 to accommodate two new businesses on the site. In order to facilitate the subdivision a new entrance is required, with additional glazing to the south elevation. Four additional car parking spaces are also proposed.
- 2.2. The proposed uses would fall under current Use Class E.

3. Description of the site and surrounding area

- 3.1. The site comprises a modern and small retail park, comprising of 6 units with a variety of uses falling under Use Class E. The site has 53 car parking spaces and is accessed off Rugby Road.

4. Relevant planning history

18/00844/FUL

- Demolition of former DM Rock & Sons Garage and Johnsons Dry Cleaners including associated structures and the redevelopment for mixed uses (A1, A3 and B8) with associated parking and substation and provision of temporary accommodation for Johnsons Cleaners during the construction phase
- PER
- 01.02.2019

19/00205/DISCON

- Application to discharge conditions 4, 8, 10, 12, 14, 16, 17, 19 attached to planning permission 18/00844/FUL
- SPLDIS
- 13.06.2019

19/00280/DISCON

- Application to discharge condition 11 attached to planning permission 18/00844/FUL
- DISCHA
- 13.06.2019

19/00373/DISCON

- Application to discharge condition 13 attached to planning permission 18/00844/FUL
- DISCHA
- 21.06.2019

19/00513/NOMAT

- Non material amendment to planning permission 18/00844/FUL to re-position the substation and two car parking spaces and to add 3 windows to unit 3
- PERNMA
- 05.06.2019

19/00735/DISCON

- Application to fully discharge Condition 19 (archaeology) attached to planning permission 18/00844/FUL
- DISCHA
- 20.11.2019

19/00858/DISCON

- Application to discharge Condition 9 attached to planning permission 18/00844/FUL
- DISCHA
- 29.08.2019

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

6. Consultation

- 6.1. No objection have been received from:
- HBBC Environmental Services (Drainage)
 - Leicestershire County Council (Highways)
 - Burbage Parish Council

7. Policy

- 7.1. Burbage Neighbourhood Plan 2015-2026

- 7.2. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 24: Sustainable Design and Technology

- 7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy SA3: Land at Brookfield Road and Sketchley Brook, Burbage
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest

- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites
- Policy DM21: Locating Sustainable Town Centre Uses
- Policy DM23: High Quality Shop Fronts and Advertisements

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. The original application submission has been implemented in full, with all relevant pre-commencement conditions discharged. The appraisal of this application is therefore based on:

- Principle
- Highways & parking
- Design & Visual Impact

Principle

8.2. The existing site comprises a retail park with a variety of uses falling under Use Class E. Therefore, the subdivision of the unit and net increase in one Class E unit in this location is considered acceptable in principle.

Highways & Parking

8.3. The LHA advise that the subdivision of Unit 6 would comply with the existing permitted uses at the site and there would be no loss of the existing parking provisions because of the proposals. The LHA note that plans indicate the provision of four additional spaces as part of the proposals. Whilst this is welcomed, the LHA advise HGV access to the roller shutter door for Unit 7 could be problematic, particularly when the car parking spaces are in use. This could however be the case under the existing situation and access for HGVs may already be managed to avoid peak times on the site. The LHA advise this is however a private site and it would be for the owners to liaise with each other in respect of deliveries. Therefore, the LHA have no objection to the application.

Design & Visual Impact

8.4. As the units would be located towards the rear of the site and set back from the highway, the proposed alterations would not be immediately apparent on the street-scene. In any event, the proposed alterations are minor and considered in keeping with the overall design and character of the site, with proposed materials to match.

9. Equality implications

9.1 **Where No Known Implications** Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The principle of the development is acceptable, given the existing retail nature of the site.

10.2. There are no adverse highways and parking impacts as a result of the proposal.

10.3. The proposed alterations are minimal and in keeping with the design and character of the existing units.

10.4. The proposal is therefore considered to be in accordance with Policies 13, 16 and 24 of the Core Strategy; Policies DM1, DM4, DM6, DM7, DM10, DM17 and DM18 of the SADMP along with the relevant guidance in the NPPF (2024).

10.5. The application is recommended for approval subject to the amended condition (2). No additional conditions are necessary, however condition 1 of 18/00844/FUL is no longer necessary as the development has commenced within the 3-year time period following the original permission.

11. Recommendation

- **Grant planning permission** subject to planning conditions outlined at the end of this report

11.2 Conditions and Reasons / Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg No. 2097 P401 Rev B - received by the local planning authority on 5 November 2018

Demolition Site Plan - Drg No. 2097 P402 Rev B - received by the local planning authority on 5 November 2018

Drainage Easement Zone Plan - Drg No. 2097 P403 Rev B - received by the local planning authority on 5 November 2018

Proposed Boundary Treatments Plan - Drg No. 2097 P404 Rev B - received by the local planning authority on 5 November 2018

Units 4 - 5 Floor Plans and Elevations - Drg No. P110 Rev E - received by the local planning authority on 23 August 2018

Units 6 - 7 Floor Plans - Drg No. BC08397-01 - received by the local planning authority on 16 October 2026

Units 6 - 7 Elevations - Drg No. BC08397-02 - received by the local planning authority on 16 October 2026

Proposed Building Use Classes Drg No. 2097 P407 Rev A - received by the local planning authority on 25 January 2019

Portacabin Location - Drg No. 2097 P408 Rev B - received by the local planning authority on 21 January 2019

Portacabin Elevations - Drg No. 2097 P409 - received by the local planning authority on 14 September 2018

Units 1 - 3 Floor Plans and Elevations - Drg No. P100 Rev H - received by the local planning authority on 8 May 2019

Proposed Site Plan - Drg No. P8242-01 - received by the local planning authority on 16 October 2025

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. The development hereby approved shall be constructed using materials as shown on the approved plans from htc architects 2097 P100 rev H (Sep 2018); 2097 P110 rev E (May 2018); 2097 P120 rev B (Dec 2017) unless otherwise agreed in writing by the Local Planning Authority.

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

3. The development shall be carried out in full accordance with the details in relation to hard and soft landscaping and external lighting, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure the safety, operational needs and integrity of the railway

4. The approved hard landscaping shall be carried out in accordance with the approved details prior to the first occupation of the new development and shall be maintained as approved for the lifetime of the development.

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The approved soft landscaping scheme shall be carried out in accordance with the approved details within the first planting season following occupation of any residential unit, or completion of the development, whichever is the soonest.

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 enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the parking, turning and layout arrangements shown on Proposed Site Plan drawing P400 rev P have been implemented in full. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner; that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally; to enable vehicles to enter and leave the site in a forward direction; in the interests of general highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2018).

7. The development shall be carried out in full accordance with the details in relation to the access scheme, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: To ensure that vehicles do not attempt to access the site through this access, and only use it to egress in a left direction, and no vehicles other than service vehicles use this exit. In the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

8. The development shall be carried out in full accordance with the details in relation to the Delivery Method Plan, as approved by the Discharge of Condition decision reference 19/00858/DISCON.

Reason: To ensure that service vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner; that adequate off-street service provision is made; to enable vehicles to enter and leave the site in a forward direction; in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

9. The development shall be carried out in full accordance with the details in relation to the mammal pipe diversion scheme, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: To ensure the mammal pipe diversion design is fit for the purpose of directing wildlife safely into Rugby Road park from the Sketchley Brook entrance, without the need for animals to cross the Rugby Road interchange; to ensure the mammal pipe does not become obstructed and/or overgrown (lost) and therefore operates as designed for the lifetime of the development and in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

10. The development shall be carried out in full accordance with the details in relation to a surface water drainage scheme, as approved by the Discharge of Condition decision reference 19/00280/DISCON.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document and to ensure the safety, operational needs and integrity of the railway.

11. The development shall be carried out in full accordance with the details in relation to the management of surface water on site during construction, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase and in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

12. The development shall be carried out in full accordance with the details in relation to the scheme for the investigation of any potential land contamination on the site, as approved by the Discharge of Condition decision reference 19/00373/DISCON.

Reason: To ensure that appropriate remediation of contaminated land is carried out in line with minimum national standards to accord with policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

13. The development shall be carried out in full accordance with the details in relation to the long-term maintenance of the surface water drainage system within the development, as approved by the Discharge of Condition decision reference 19/00205/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 surface water drainage system (including sustainable drainage system) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

14. 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 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 site first being occupied.

Reason: To ensure that appropriate remediation of contaminated land is carried out in line with minimum national standards to accord with policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

15. The development shall be carried out in full accordance with the details in relation to the noise survey, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: In the interests of protecting the amenity of neighbouring residential dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

16. The development shall be carried out in full accordance with the details in relation to bin stores and cycle hoops, as approved by the Discharge of Condition decision reference 19/00205/DISCON.

Reason: To ensure an acceptable external appearance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

17. The temporary building provided for the occupation of Johnson's The Cleaners as shown on Drg No. 2097 P408 rev B shall be removed within one month of the completion of Unit 4 (as shown on Drg No 2097 P400 Rev L).

Reason: The materials to be used in the construction of the building make it unsuitable for a permanent permission, its removal is therefore necessary to ensure an acceptable external appearance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

18. The development shall be carried out in full accordance with the details in relation to the written scheme of investigation (WSI), as approved by the Discharge of Condition decision reference 19/00735/DISCON.

Reason: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and in accordance with Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document and the relevant guidance within the National Planning Policy Framework (2018).

11.3 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. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact English Nature immediately.

4. With regard to the easement for drainage on Network Rail land, the developer should contact our Easements and Wayleaves team (easements&wayleaves@networkrail.co.uk) to discuss this aspect of the proposal and enter into any agreements/licence arrangements required. Subsequent discussions with our Asset Protection Team will also be required as part of this process.

5. With regard to condition 13 (drainage) Network Rail advise the following:

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

6. Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

7. Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

8. Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

9. Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

10. Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project

Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

11. OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

12. Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

13. Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

14. Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Cranes

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

15. Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

16. Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebрина"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus)

Hippocastanum), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

17. Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

18. Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

19. The applicant's attention is drawn to the recommendations of the Preliminary Ecological Appraisal (BG17.318) submitted with the application with particular reference to the suitability of the site to support Great Crested Newts.

20. STW advises that there are several large public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact STW to discuss your proposals. STW will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Asset Protection Waste Water East
Wholesale Operations
Severn Trent Water Ltd
024 7771 6843

Planning.APEast@severntrent.co.uk

21. 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:

<http://resources.leicestershire.gov.uk/lhdg>

22. 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.

23. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588