

DRAFT PLANNING APPEAL CONDITIONS



APPLICATION SITE **LAND NORTH OF STATION ROAD, MARKET
BOSWORTH**

PLANNING REFERENCE **24/01079/OUT**
APPEAL REFERENCE **APP/K2420/W/25/3372919**
DATE **22 MAY 2026**

**Hinckley & Bosworth
Borough Council**

1. An application for approval of reserved matters shall be made within two years of the date of this permission, and the development shall be begun not later than 18 months 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 commence until details of the layout, scale, appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Site Location Plan (P2 1644 002) (submitted: 26.11.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The details of the layout of the development within any forthcoming Reserved Matters application shall have regard for the indicative layout detailed within the Parameter Plan (005-01C) (02-1644) (submitted: 12.05.2025) and any application that departs from this layout shall be accompanied by appropriate justification within a Design and Access Statement.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the commencement of development, an Archaeological Written Scheme of Investigation (WSI) shall be submitted in writing to, and approved in writing by, the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapter 16 of the National Planning Policy Framework (2024).

6. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and approved 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 Development Plan Document (2016).

7. 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 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 Development Plan Document (2016).

8. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. 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 construction.

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).

9. Prior to the commencement of development, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The construction of the development must be carried out in accordance with these approved details.

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

10. Prior to the commencement of development, a detailed surface water drainage system scheme for the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall:
- (a) be based on sustainable drainage principles; and
 - (b) be supported by an assessment of the hydrological and hydrogeological context of the development, including the results of infiltration testing within the site (or suitable evidence to preclude such testing); and
 - (c) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - (d) include a timetable for its implementation; and
 - (e) provide a management and maintenance plan for the sustainable water drainage system for the lifetime of the development, which shall include, but not be limited to, responsibilities and schedules for routine maintenance, remedial actions, the monitoring of the separate elements of the system, procedures that must be implemented in the event of pollution incidents within the development site, and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details, and the sustainable water drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance details.

Reason: To prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage, disposal and long-term management of surface water, and to protect the amenities of neighbouring residents from undue disruption, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the commencement of development, 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 DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

12. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include, but not be limited to, the following:
- (a) Risk assessment of potentially damaging construction activities; and
 - (b) Identification of "biodiversity protection zones; and
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); and
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features; and
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works; and
 - (f) Responsible persons and lines of communication; and
 - (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
 - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

13. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall include, but shall not be limited to, the following details:
- (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and
 - (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and
 - (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
 - (e) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- (i) Initial enhancements, as set in the HMMP, have been implemented; and
- (ii) Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

Reason: To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the first occupation of the development hereby permitted, the offsite works (Proposed chicanes and uncontrolled pedestrian crossing point across Station Road) shown on Hub drawing number 004 Rev. A shall be implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

15. Prior to the first occupation of the development hereby permitted, the access arrangements shall have been implemented in general accordance with Hub drawing number 001 Rev. E.

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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

16. Prior to the first occupation of the development hereby permitted, vehicular visibility splays of 2.4 metres by 73 metres shall be 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

17. Prior to the first occupation of the development hereby permitted, an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details. A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

18. Prior to the first occupation of the development hereby permitted, site drainage details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

19. Prior to the commencement of the development hereby permitted, full details of the amendments to the existing bus stops on Station Road including raised kerbs (where necessary), real-time timetable display, hard surfacing, and any associated footway works, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed in full before the first occupation of any dwelling.

Reason: To ensure adequate steps are taken to provide a choice in mode of travel to and from the site in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

20. Prior to the first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but shall not be limited to, the following details:
- (a) Description and evaluation of features to be managed; and
 - (b) Ecological trends and constraints on site that might influence management; and
 - (c) Aims and objectives of management; and
 - (d) Appropriate management options for achieving aims and objectives; and
 - (e) Prescriptions for management actions; and
 - (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
 - (g) Details of the body or organisation responsible for implementation of the plan; and
 - (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

21. Prior to the first occupation of the development hereby permitted, a Lighting Design Strategy for Biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall be in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) and shall include, but shall not be limited to, the following details:
- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To protect protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

22. Prior to the first occupation of the development hereby permitted, details of external lighting across the site (including on any non-adopted highways and footpaths) shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and details of its maintenance and operation. The external lighting shall then be installed, maintained, and operated in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

23. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Enhancement Strategy shall be prepared by a suitably qualified ecologist and include, but shall not be limited to, the following details:

- (a) Purpose and conservation objectives for the proposed enhancement measures; and
- (b) detailed designs or product descriptions to achieve stated objectives; and
- (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
- (d) persons responsible for implementing the enhancement measures; and
- (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

24. The development shall be carried out in accordance with the recommendations and mitigation measures and/or works contained in Section 4 of the Ecological Impact Assessment (submitted: 26.11.2024). The development shall thereafter be carried out and maintained in accordance with the measures in Section 4 of the Ecological Impact Assessment (submitted: 26.11.2024).

Reason: To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

25. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. Any forthcoming Reserved Matters application shall include a scheme for protecting the proposed dwellings from noise from nearby roads and the adjacent industrial estate, which includes remediation works where required and a programme of implementation. The approved noise protection scheme shall be implemented prior to the first occupation of the development and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. Any forthcoming Reserved Matters application shall include details of the precise boundaries and quantities of the public open space typologies across the site in accordance with the requirements detailed in Policy 19 of the adopted Core Strategy (2009).

Reason: To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being for future users in accordance with Policies DM1, DM3, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

28. No development (including site clearance, preparatory work or any works of excavation) shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy C4 of the Market Bosworth Neighbourhood Plan (2025), and Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

29. Any forthcoming Reserved Matters application shall include details of how the matters for which approval is being sought for the proposed development have taken into consideration and respond to the guidance within the National Design Guide (2019) and Building for a Healthy Life (2020).

Reason: To support the creation of high quality and sustainable buildings and places and 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), and Chapter 12 of the National Planning Policy Framework (2024).

30. Any forthcoming Reserved Matters application shall include details that demonstrate that all dwellings within the development comply with the minimum bedroom, storage, and internal area requirements of the Nationally Described Space Standards (2015).

Reason: To ensure that the development provides a high standard of residential amenity for the future occupants of the scheme in accordance with Paragraph 6.21 of the Design and Access Statement, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

31. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

32. Any forthcoming Reserved Matters application shall include details for secure cycle parking in accordance with the guidance with the Good Design Guide (2020), Leicestershire Highway Design Guide (2020), and the Building for a Healthy Life (2020).

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (2024).

33. 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the main vehicular access for the development from Station Road. This restriction shall not apply to the existing access serving Wharf Farm.

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 adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (2024).