

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Approval of Reserved Matters

Name and Address of Applicant

Bellway Homes Limited
Romulus Court
Meridian East
Meridian Business Park
Leicestershire
LE19 1YG

Name and Address of Agent (if any)

Alasdair Avila-Thorne
Marrons
1 Colmore Square
Birmingham
B4 6AA

Part I - Particulars of Application

Date of Application	Application No.
29 November 2024	24/01090/REM

Particulars and location of development :

Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 21/01295/OUT for 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point

Land Off Desford Lane Ratby Leicestershire

Part II - Particulars of decision

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The Hinckley and Bosworth Borough Council grants approval in respect of the details referred to in Part I hereof for the purpose of the conditions imposed on the grant of outline planning permission and subject to the following condition(s) :-

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as follows:
 - Site Location Plan 082404-BEL-EM-06 (submitted 29.11.24)
 - Supporting Planning Layout 082404-BEL-EM-02 Rev C (11.04.24)

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

- Detailed POS Planting Plan - General Arrangement 12963-FPCR-XX-XX-DR-L-0005 Rev P03 Sheet 1 of 4 (submitted 08.04.24)
- Detailed POS Planting Plan 12963-FPCR-XX-XX-DR-L-0006 Rev P03 Sheet 2 of 4 (submitted 08.04.24)
- Detailed POS Planting Plan 12963-FPCR-XX-XX-DR-L-0007 Rev P01 Sheet 3 of 4 (submitted 19.02.24)
- Detailed POS Planting Plan 12963-FPCR-XX-XX-DR-L-0008 Rev P01 Sheet 4 of 4 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0009 Rev P01 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0010 Rev P02 Sheet 1 of 7 (submitted 08.04.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0011 Rev P01 Sheet 2 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0012 Rev P01 Sheet 3 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0013 Rev P01 Sheet 4 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0014 Rev P01 Sheet 5 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0015 Rev P01 Sheet 6 of 7 (submitted 19.02.24)
- Detailed On Plot Landscape Plan 12963-FPCR-XX-XX-DR-L-0016 Rev P01 Sheet 7 of 7 (submitted 19.02.24)
- Detailed LEAP Plan 12963-FPCR-XX-XX-DR-L-0003 Rev P02 (submitted 13.02.24)
- Detailed Play Trail Plan 12963-FPCR-XX-XX-DR-L-0004 Rev P02 (submitted 13.02.24)
- Landscape Typologies Plan 12963-FPCR-XX-XX-DR-L-0002 Rev P02 (submitted 08.04.24)
- Tenure Layout 082404-BEL-EM-04 Rev C (submitted 11.04.24)
- Supporting Planning Layout 082404-BEL-EM-02 Rev C (11.04.24)
- Boundary Treatment Layout 082404-BEL-EM-08 Rev B (submitted 11.04.24)
- All House Types submitted 29.11.24 and 07.02.25

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

2. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities associated with each respective plot has been implemented in accordance with the Supporting Planning Layout 082404-BEL-EM-02 Rev C (11.04.24). Thereafter the onsite parking (and turning) provision, which includes all garages, shall be kept available for such uses 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 accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with the requirements of Leicestershire

Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the 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).

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

5. 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 any vehicular access.

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 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).

6. Notwithstanding any of the approved landscape or detailed planting plans set out in Condition 1, prior to development above floorplate level, full details of additional landscaping to both sides of the realigned Desford Lane, as indicated at outline application stage, shall be submitted to and agreed in writing by the Local Planning Authority. The reserved matters application shall thereafter be implemented in accordance with all approved details. All relevant on plot landscaping shall be carried out prior to the occupation of the relevant dwelling. All public open space and highway landscaping shall be completed with twelve months of occupation of 75% of the dwellings. 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.

Reason: In the interests of the amenity of future residents and the character and appearance of the site and surrounding area in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development above floor plate level shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include management during construction, including proposed temporary routes; ensuring plans reflect the correct legally-recorded PRoW alignment; details of metal kissing gates to replace existing

any existing stiles; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers. Thereafter the development shall be implemented in accordance with the approved scheme and timetable.

Reason: To protect and enhance the Public Right of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

8. Further to Condition 13 of the appeal decision on planning application 21/01295/OUT, no dwelling on any unadopted private drive shall be occupied until street lighting has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupiers of the development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. No new trees or shrubs should be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive in accordance with Paragraph 105 of the national Planning Policy Framework (2024).

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 105 of the National Planning Policy Framework (2024).

10. Notwithstanding the details shown on the approved Boundary Treatment Layout 082404-BEL-EM-04 Rev C (submitted 11.04.24) no fencing shall be erected on any plot featuring decorative fencing until a sample of the proposed decorative fencing has been submitted to or made available for viewing and approved in writing by the Local Planning Authority. Should the decorative fencing not be approved on any plot it shall be replaced with a brick wall of the same brick used in the construction of the relevant house.

Reason: In the interests of the character and appearance of the site in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to development above floorplate level, full details of a scheme for the location of bat roosting and bird nesting features to be integrated into buildings and suitable hedgehog gaps in boundary features shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any dwelling hereby permitted the features shall be installed on the site in accordance with the approved details.

Reason: In the interests of wildlife and ecology in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the National Planning Policy Statement (2024).

NOTES TO APPLICANT :-

1. The conditions imposed on outline planning permission ref: 21/01295/OUT shall also be complied with.

2. 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.
3. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
4. Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
5. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
6. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
7. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
8. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
9. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
10. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

Date: 16 May 2025



Christopher Brown MRTPI
Head of Planning

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 he 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 month** (see para 2a below) of the date of this notice. (Appeals must be made on a form which is available from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). 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 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 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 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 only covers 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 Buildings Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences and 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. Sick & Disabled Act 1970 (as amended 1976)
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act. Act 1963 or premises deemed to fall within the Act
 - c) Factories as defined by Section 175 of the Factories Act 1961.

RMNOTES (02/07/2014)



**Hinckley & Bosworth
Borough Council**

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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**



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Development Details

Planning application ref:	24/01090/REM
Proposal:	Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission 21/01295/OUT for 225 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point
Site Location:	Land Off Desford Lane Ratby Leicestershire

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

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

Name:	
Address:	
Telephone:	
Mobile:	
Email:	

Hinckley & Bosworth Borough Council
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