

## Delegated Report

Planning Ref: 24/00846/OUT

Applicant: Mrs Janet Steptoe

Ward: Earl Shilton



Hinckley & Bosworth  
Borough Council

Site: 106 Station Road, Earl Shilton, Leicester

Proposal: Outline planning permission for the demolition of existing garage service station and car wash and erection of 5 residential dwellings (all matters reserved)

Case Officer: Emma Baumber

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### 1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

### 2. Planning Application Description

2.2 The application seeks outline planning permission (all matters reserved) for the demolition of the existing garage service station and car wash and its replacement with 5 residential dwellings.

2.3 Whilst all matters are reserved indicative details have been provided within a Design and Access Statement and proposed site plan. These details indicate how access could be taken from Station Road with four dwellings positioned to front Station Road along the east of the site and a further dwelling sited to the rear with a parking area between.

2.4 The application submission includes:

- Design and Access Statement
- Existing Site Plan and Site Location Plan
- Proposed Site Plan
- Preliminary Bat Roost Assessment

### 3. Description of the Site and Surrounding Area

3.1 The application site is located to the west of Station Road approximately 400m south of Earl Shilton town centre. The site is currently occupied by a vehicle repair garage and car wash having previously been a fuel station. The site is surrounded on all sides by residential properties on Metcalfe St, James St, Lucas Way and Station Road itself.

3.2 The site is fully hard surfaced and devoid of any vegetation. Boundary treatments are comprised of a mixture of brick walls and wooden fencing of varying heights. The existing buildings include the main, brick built, pitched roof garage building with a flat roof canopy to the front over the former fuel forecourt. To the rear is an additional flat roof extension. The appearance of the site is of no particular merit and is functional with a range of advertisements.

3.3 There are no heritage assets in the immediate area which would be impacted by the proposed development. The site is outside of the town centre boundary and is not a designated employment site.

#### **4. Relevant Planning History**

13/00758/COU  
Part change of use to include hand car wash  
Approved  
20.11.2013

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to adjoining residents.
- 5.2. Objection comments have been received from **two** separate addresses these are summarised below:
  - Loss of privacy to surrounding residents
  - Drainage and flooding issues
  - Query over what the intention is for No. 104 Station Road which is currently used as a waiting room at ground floor with an upstairs flat
- 5.3. Comments neither objecting nor supporting the planning application/neutral comments have been received from **three** separate addresses comments made are summarised below:
  - No objection to the principle of development, subject to consideration of neighbouring privacy, security and right to light of the residents on Lucas Way
  - A query over the ownership of the boundary wall
  - Queries over potential flooding impacts as the site is on higher ground level to neighbouring properties
  - Requests for designated parking spaces to be provided
  - Requests for disruption during construction to be kept to a minimum
- 5.4. **One** letter of support has been received, the author supported the planning application for the following reasons:
  - Noise level from the jet washing is a constant nuisance
  - Vehicles accessing the site queue blocking station road, this causes further noise from car horns
  - Vehicle engine revving and exhaust back firing occurs to the rear of the site
  - The overall improvement this would provide (having seen the proposed submitted plans)
  - There is a requirement for more homes

#### **6. Consultation**

- 6.1. No objections (some subject to conditions) have been received from:

- HBBC - Drainage
- HBBC - Environmental Services
- HBBC - Waste Services
- Leicestershire County Council (LCC) - Ecology
- Leicestershire County Council (LCC) - Highways

Where substantive comments have been received they are summarised below:

HBBC Drainage

Made a request for surface water drainage details to be submitted prior to commencement of the development.

*Officer note: Condition(s) included in the list of conditions*

#### HBBC Environmental Services

Recommend a number of conditions based upon the historic use of the site having the potential to have impacted upon soils and to protect the amenity of existing residential properties during construction. Conditions requested include land contamination conditions and construction working hours.

*Officer note: Condition(s) included in the list of conditions*

#### HBBC Waste

Note that the collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary.

"If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time) Consideration required for the plot at the rear".

A condition requiring the submission of waste storage details is recommended

*Officer note: The condition is included in the list of conditions however this has been amended from a pre-commencement condition to requiring these details to be submitted with any subsequent reserved matters application*

#### LCC Ecology

First Comments:

The site falls within a 'Swift Alert Area' which requires all new developments to provide enhancements for this species as part of planning applications. However, there were no records of protected/notable species or designated sites within proximity.

Additional information was then required in relation to roosting bats and breeding birds

Final Comments on receipt of the bird/bat survey:

*"The PBRA report dated November 2024 completed by Swift Ecology Ltd is satisfactory. The assessment identified that the existing structures to be demolished to facilitate the proposed development were of negligible bat roost potential. Therefore no further surveys are required, and instead precautionary working measures have been advised".*

A condition is recommended requiring details of swift boxes/bricks to be provided.

*Officer note: The condition is included in the list of conditions however this has been amended from a pre-commencement condition to requiring these details to be submitted with any subsequent reserved matters application*

#### LCC Highways

"The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe".

*Officer Note- The full comments are inserted into the highway section of the report*

## Earl Shilton Town Council

Objected to the development and then raised questions concerning where the plots were on the development and the size of the units.

Concerns were raised regarding overdevelopment of the site (DM10), waste bin storage and that "DM17 and DM18 would possibly be a consideration as well".

*Officer note: Whilst indicative plot details were available for the Parish to view, as the application is in outline with all matters reserved dwelling sizes and layouts would be determined at a later stage.*

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the sub regional centre

### 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10 (Development and Design)
- Policy DM17 (Highways and Transportation)
- Policy DM18 (Vehicle Parking Standards)

### 7.3. Earl Shilton and Barwell AAP (2006-20026)

- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

### 7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG)
- National Design Guide (2019)

## **8. Appraisal**

### 8.1. As this is an outline planning application with all matters reserved, the number of detailed considerations relevant at this stage are limited and relate largely to the principle of development. Nonetheless, the following represent the key issues:

- Principle of Development
- Housing Land Supply
- Impact upon Highway Safety
- Design and Visual amenity
- Residential Amenity
- Ecology and Biodiversity
- Flood Risk and Drainage
- Planning Balance

Principle of Development:

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document, and the Earl Shilton and Barwell Area Action Plan (AAP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.

8.4 In accordance with Policy 2 of the adopted Core Strategy, the Council will support development within the identified settlement boundary of Earl Shilton to deliver a minimum of ten new residential dwellings.

8.5 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.

8.6 Paragraph 125 of the NPPF states that planning policies and decisions should “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”.

8.7 The site is approximately 400m from Earl Shilton town centre, where there is a range of facilities and services alongside bus stops which provide opportunity for more sustainable means of travel to Leicester City Centre, Coventry, Nuneaton and other settlements with higher order services.

8.8 Therefore, the site is within the settlement boundary and in a locationally sustainable location in compliance with Policy 2 of the Core Strategy, Policy DM17(b) of the SADMP and the wider aims of the NPPF. Furthermore the site will redevelop a brownfield site which in accordance with the NPPF should be attributed substantial weight.

Housing Land Supply

8.9 The NPPF was updated on 12 December 2024 and the National Planning Practice Guidance (NPPG) has revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its Five-Year Housing Land Supply (5YHLS) position. Whilst further assessment must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the ‘tilted’ balance of Paragraph 11(d).

8.10 In any event, due to the age of relevant housing policies within the adopted CS, the ‘tilted’ balance in Paragraph 11(d) of the NPPF (2024) is already triggered in accordance with Footnote 8 and Paragraph 11.

8.11 The revised NPPF states that when the ‘tilted’ balance is engaged, decision making must have particular regard to key policies for directing development to sustainable

locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Overall, the new NPPF means that the Council can no longer demonstrate a five-year supply of land for housing and that further weight should be given to housing applications.

8.12 In this case the provision of 5 residential units makes a positive but minor contribution to the Council's HLS and this would be attributed limited positive weight in the planning balance.

#### Impact upon Parking Provision and Highway Safety

8.13 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

8.14 Ultimately, development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.

8.15 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

8.16 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

8.17 Policy 22 of the Earl Shilton and Barwell AAP requires that where parking is to be provided a minimum of one EV charging point is included per development scheme.

8.18 This is an outline application with all matters reserved, therefore the access details are not being assessed at this stage, however, they will form details at the Reserved Matters stage.

8.19 LCC as the Local Highway Authority (LHA) has been consulted. The LHA noted that whilst the site access is not to be determined as part of this outline application, the LHA must be satisfied that a safe and suitable site access can likely be achieved and that the principle of the development would not result in severe harm to the highway network, contrary to Paragraph 116 of the NPPF.

#### *Site Access:*

8.20 The site is located on Station Road which is a Classified C Road subject to a 30mph speed limit. The site currently serves as a service station and car wash with two access points. The Applicant proposes to utilise an existing point of access to the south of the site as demonstrated within the submitted 'Proposed Site Plan' and close the secondary access point north of the site.

8.21 The LHA advise the Applicant to consider access geometry guidance and guidance in respect of catering for refuse and emergency vehicles. However, having considered the above, together with the site-specific location and existing circumstances, the LHA is satisfied that a safe and suitable access is indeed likely to be achievable at the site.

*Highway Safety:*

8.22 There have been three Personal Injury Collisions (PICs) recorded within 500m of the site access within the most recent five-year period. Two recorded as serious and one as slight in severity. Based on the current PIC data and given the existing use of the site it is not considered the proposals will exacerbate any highway safety issues within the vicinity.

*Trip Generation*

8.23 Due to the quantum of this development, alongside the existing use, an assessment of the trip generation is not required.

*Internal Layout*

8.24 Whilst not to be determined as part of this outline application, to be in accordance with the parking requirements detailed within the LHDG a minimum of two car parking spaces is required for dwellings with three or fewer bedrooms and a minimum of three car parking spaces is required for dwellings with four or more bedrooms.

8.25 Ultimately detailed access, layout and parking arrangements will be assessed under a subsequent Reserved Matters application, however, in principle the development complies with policies DM17 and DM18 of the SADMP, Policy 22 of the AAP, the relevant provisions of the NPPF and LHDG.

Design and Visual Amenity

8.26 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed places.

8.27 Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

8.28 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.29 Policy 22 of the Earl Shilton and Barwell AAP outlines a list of requirements a development must meet in order to be permitted and states that development which does not meet this criteria and would result in poor design which fails to improve design standards in the locality will be refused. With regards to design matters these requirements include:

- There is no detriment to the character or appearance of the host building or the surrounding area
- The siting and density respects the character and layout of the area
- It respects the local distinctiveness of existing buildings and landscape settings
- The design respects the scale, proportions and height of the existing building, neighbouring structures and overall street scene
- Fenestrations are well proportioned, well balanced within the elevations and sympathetic to adjoining/neighbouring buildings
- The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally
- It incorporates a high standard of landscaping where this would add to the quality of the design and siting

8.30 The HBBC Good Design Guide provides guidance on how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.

8.31 This is an outline application with all matters reserved, therefore the detailed scale, layout, appearance and landscaping of the proposed development are not being assessed at this stage. Notwithstanding this, the indicative plans illustrate how the site could be developed.

8.32 Whilst long established through its former and present use, the site currently makes a negative contribution to the character of the area. Well-designed residential development of the site is likely to enhance the character and appearance of the area.

8.33 The indicative proposals include four dwellings arranged in two pairs of semi-detached dwellings fronting Station Road. This arrangement is consistent with the street scene. In addition the indicative proposals include a bungalow and a parking court at the rear of the site. The creation of backland development will need careful consideration at reserved matters stage to ensure the unit is of an appropriate scale and that active surveillance of the parking area is achieved. However, considering the adjacent cul-de-sac arrangement Lucas Way this is not unacceptable in principle. The density of the development would be appropriate for the context.

8.34 As parts of the site are on higher ground levels than the surrounding dwellings, finished ground and floor levels should be submitted at reserved matters stage to ensure the height of the development is appropriate.

8.35 The indicative site plan details a good level of soft landscaping, which is currently absent on the site and this should be brought forward at reserved matters stage also.

8.36 Overall, it is considered that a suitably designed development of 5 dwellings can be accommodated on the site that complements and enhances the character of the area. The development therefore accords with Policy DM10 of the SADMP, Policy DM22 of the Earl Shilton and Barwell AAP and the relevant provisions of the Good Design Guide and NPPF.

Impact on residential amenity

8.37 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which

promote health and well-being, and a high standard of amenity for existing and future users.

- 8.38 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.39 Policy DM22 of the Earl Shilton and Barwell AAP requires development to not adversely affect the privacy and amenity of nearby residents and occupants including matters of lighting, air quality, noise, vibration and visual intrusion.
- 8.40 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.41 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.
- 8.42 To protect the residential amenity of neighbouring dwellings and the future occupants of the scheme, the Council's Pollution Officer has requested planning conditions relating to the investigation of contaminated land and restrictions on site preparation and construction hours. These conditions address residents' concerns on potential ground pollution and construction impacts, although it is acknowledged that there will still be some disturbance to surrounding residents during construction.
- 8.43 As above, given this is an outline application with all matters reserved the scale, layout and design of the dwellings is to be assessed at a later reserved matters stage. The illustrative site plan outlines separation distances and demonstrates that a development of five dwellings can achieve the minimum separation distances outlined in the Good Design Guide. However, it is likely that the backland plot will need to be single storey to avoid adverse over dominance and loss of privacy to surrounding units.
- 8.44 In addition, the illustrative details demonstrate an acceptable internal layout for future residents with appropriate separation distances and garden spaces
- 8.45 As outlined earlier within the report a condition is recommended ensuring any reserved matters submission is accompanied by levels details, this will ensure that the proposed development responds to the difference in levels between the site and adjoining dwellings.
- 8.46 Concerns have been raised regarding the ownership and maintenance of retaining structures and boundary treatments. Details of boundary treatments will need to be submitted in the future, however, ownership and maintenance issues are not material planning considerations.
- 8.47 By virtue of these factors, whilst key details are reserved matters, it has been demonstrated that a development of 5 dwellings can be accommodated on site that is unlikely to result in any significant adverse impacts to the residential amenity of the future occupants of the scheme or neighbouring residents. Therefore, the

proposal is considered to be in accordance with Policy DM10 of the SADMP, Policy 22 of the Earl Shilton and Barwell AAP and the Good Design Guide.

#### Ecology

8.48 Policy DM6 of the SADMP states that major development music includes measures to deliver biodiversity gains through opportunities to restore, enhance, and create valuable habitats, ecological networks, and ecosystem services. On-site features should be retained, buffered, and managed favourably to maintain their ecological value, connectivity, and functionality.

8.49 The development is exempt from mandatory BNG. As the site is fully hard surfaced the development falls below the BNG threshold as would not impact any priority habitat.

8.50 A bird and bat survey has been carried out which identified that the existing structures to be demolished to facilitate the proposed development were of negligible bat roost potential. Therefore no further surveys are required, and instead precautionary working measures have been advised.

8.51 The site lies within a 'Swift Alert Area' and the NPPF and Policy DM6 outline a desire for biodiversity enhancements. As such a condition requiring a scheme of biodiversity enhancements as part of any future reserved matters application is recommended.

8.52 Considering the pre-existing conditions, the development is acceptable in ecological terms and complies with policy DM6.

#### Flooding/Drainage

8.53 Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.

8.54 Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.

8.55 The site is located in Flood Zone 1, at low risk from fluvial flooding, some areas at the rear of the site are identified on the EA map to be at low risk from surface water flooding. The site is currently fully hardsurfaced and concerns have been raised about current drainage issues on site and that water flows from the site into the gardens of surrounding residential properties. As a future development will need to provide permeable surfacing, soft landscaping and garden areas there is potential for this existing situation to be rectified. Ultimately the HBBC drainage team have not objected to the development subject to full drainage details being submitted.

8.56 Subject to this condition which requires the submission and approval of a drainage strategy the development is considered to comply with Policy DM7 of the SADMP.

#### Planning Balance

8.57 The NPPF was updated on 12 December 2024 and the NPPG has revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its 5YHLS position. Whilst further assessment must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the 'tilted' balance of Paragraph 11(d).

8.58 In any event, due to the age of relevant housing policies within the adopted Core Strategy (2009), the 'tilted' balance in Paragraph 11(d) of the NPPF (2024) is already triggered in accordance with Footnote 8 and Paragraph 11.

8.59 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.60 The development is judged to comply with the Development Plan in that it proposes 5 dwellings, on brownfield land in a sustainable location, within the settlement boundary of Earl Shilton. Whilst full details of the development will be submitted at Reserved Matters stage, it has been demonstrated that the development would not have an adverse impact on the character of the area or residential amenity. Furthermore, subject to conditions, the application is policy compliant with regards to highway, ecology and flooding/drainage matters.

8.61 The proposal seeks to redevelop brownfield land within an existing settlement boundary, paragraph 125 of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements. Additional benefits include the provision of 5 dwellings to the Council's housing land supply alongside the social and economic benefits through the construction of and occupation of 5 dwellings in the future. Furthermore, there is potential to enhance the appearance of the site. Given the scale of the development, these latter benefits are attributed limited weight. Considering the lack of harm and policy compliant scheme, the benefits of the development clearly and demonstrably outweigh any harm.

#### **9. Equality Implications**

9.1. 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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

## **11. Recommendation**

### **11.1. Grant planning permission subject to:**

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons / Reasons**

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 appearance, means of access, landscaping, layout and scale of the development (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 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall be carried out in accordance with the submitted application details received by the Local Planning Authority as follows: Location Plan Dwg No. 1020 Rev A

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).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

6. 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 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. No development approved by this permission shall be commenced until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details before the development is completed.

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

8. Any forthcoming Reserved Matters application shall include a scheme that makes 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. Thereafter the development shall be implemented in accordance with the approved details and waste and recycling storage and collection facilities shall be implemented prior to the first occupation of the dwelling to which they relate.

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.

9. Any forthcoming Reserved Matters application shall include a biodiversity enhancement scheme. This scheme shall include as a minimum 4no. integrated swift boxes/bricks. The scheme shall detail the location, makes and models of the swift boxes/bricks on a drawing/plan and a programme for the implementation of any biodiversity enhancements. Thereafter the development shall be implemented in accordance with the approved details and maintained as such in perpetuity.

Reason: In order to protect and enhance the protected wildlife species and their habitats on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. Any forthcoming Reserved Matters application shall include plans showing the existing and proposed ground levels of the site, and proposed finished floor levels of the dwellings. The development shall then be implemented in accordance with the approved details.

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

11. Site preparation and construction shall be limited to the following hours;  
Monday – Friday 08:00 – 18:00  
Saturday 08:00 – 13:00  
No working on Sundays, Public Holidays 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).

#### 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. The bat survey results have confirmed the likely absence of roosting bats from all buildings on site. Despite this, the occasional presence of roosting bats cannot be entirely ruled out. To avoid any breaches in legislation the following precautionary measures must be followed:
  - During the site induction, all site workers will be made aware of the possibility of finding bats and the procedure to follow should they be found during the demolition works.
  - In the unlikely event that a bat is found during demolition works, contractors must cease work immediately and advice will be sought from a suitably qualified ecologist. Telephone numbers of such will be held on site (01926 642541, 07825 329028 or 07786 317722).
  - Should any bats fall out of structures or be injured, they will be gently placed in a secure ventilated box (e.g. a cardboard box) by the contractor and left in

a cool dark place, until appropriate advice can be sought. Bats should not be handled without gloves.

3. Any new lighting of the final development must be designed and sited to keep artificial lighting to a minimum, and so minimise the impact of the development on nocturnal wildlife, including bats. Suitable measures may include the use of appropriate luminaires (i.e. LED luminaires with no UV components, and warmer colours (i.e. more yellow/orange,  $\leq 2700$  Kelvin) and peak wavelengths higher than 550 nm), use of luminaires with an upward light ratio of 0 %, and use of security lighting with motion sensors and short (1 minute) timers. Further information on sensitive lighting can be found in 'Guidance Note GN08/23: Bats and artificial lighting in the UK' (ILP & BCT, 2023) and 'Guidance Note 9/19 Domestic exterior lighting: getting it right!' (ILP & BCT, 2019).
4. The future presence of nesting birds in the main building cannot be ruled out, so the following working measures will be followed to avoid breaches of legislation:
  - To avoid committing an offence, any demolition works beginning during the main nesting bird season (March to August inclusive), will be immediately preceded by a nesting bird check by a suitably qualified ecologist. If there are breeding birds present, works that might disturb the nest cannot continue until the chicks have fledged and left the nest. Suitable buffer zones to protect any active nests will be advised by the ecologist and their advice followed thereafter.
  - Works carried out between October and February will not require a nesting bird check; however, feral pigeon may nest year-round and care should be taken to check for feral pigeon nests prior to demolition. Should any nests be found, works that might disturb the nest cannot continue until the chicks have fledged and left the nest; a suitably qualified ecologist must be contacted for advice.
5. In relation to conditions 5 and 6 advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy
6. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.