

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990

Planning Permission

Name and Address of Applicant

Tony Hopkin
Midland Heart Limited
20 Bath Row
Birmingham
West Midlands
B15 1LZ

Name and Address of Agent (if any)

Mr Simon Oakley
Oakley Architects Ltd
2B Hillwood Road
Sutton Coldfield
B75 5QL

Part I - Particulars of Application

Date of Application	Application No.
12 December 2023	23/01201/CONDIT

Particulars and location of development :

Variation of conditions 2 (Approved plans) and 19 (Hard and soft landscape) for planning permission 20/00916/FUL (Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station)

Ashby House Hill Top Farm Hill Top Earl Shilton Leicester

Part II - Particulars of decision

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

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission 20/00916/FUL (10/11/2022).

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out other than in accordance with the following plans:

Site Location Plan drawing number 40963 005
Oakley Architects External Works Plan drawing no. 202305/01H1
Boundary Treatment drawing no. 202305/05
Birmingham 2B4P and Bromwich 2B4P drawing number 40963 010 Rev D
Birmingham 2B4P and Bromwich 2B4P drawing number 40963 011 Rev D

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

Birmingham 2B4P x3 drawing number 40963 014 Rev C
 Birmingham 2B4P x2 drawing number 40963 016 Rev D
 Birmingham 2B4P x2 Hipped drawing number 40963 017 Rev B
 Birmingham 2B4P x2 Rendered drawing number 40963 018 Rev B
 Cosford 3B5P x2 Hipped drawing number 40963 020 Rev D
 Cosford 3B5P x2 drawing number 40963 022 Rev B
 Cosford 3B5P x2 Rendered drawing number 40963 023 Rev B
 Material Distribution Plan drawing number 40963 024 Rev G
 Cosford 3B5P x2 Hipped and Rendered drawing number 40963 025 Rev C
 Bungalow drawing number 40963 026 Rev C
 Birmingham 2B4P and Bromwich 2B4P OP drawing number 40963 028 Rev C
 Birmingham 2B4P+Bromwich 2B4P hipped drawing number 40963 030 Rev C
 Birmingham 2B4P and Bromwich 2B4P x3 drawing number 40963 040
 PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev A
 Oakley Architects Site Sections drawing no. 202305 04
 Road adoption/Land use drawing number 40963 043 Rev D
 Birmingham 2B4P and Bromwich 2B4P drawing number 40963 044
 Birmingham 2B4P and Bromwich 2B4P drawing number 40963 045
 Patrick Parsons S104 Approval Drainage Layout drawing no. HTF-PPC-00-XX-DR-C0501-P5

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

3. The development approved by this permission shall be commenced in accordance with the land contamination investigation submitted and approved under application 23/00802/DISCON. Any remediation works so approved shall be carried out prior to the site first being occupied. Once the approved mitigation and remediation works have been installed details of this shall be submitted to and approved in writing by the Local Planning Authority.

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).

4. 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 first dwelling 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).

5. The development shall commence in accordance with the scheme for protecting the proposed dwellings from noise from Leicester Road and the adjacent industrial/commercial operations submitted to and approved by the Local Planning Authority under application 23/00956/DISCON. Once the acoustic fence is installed a further noise assessment shall be carried out and if found to be require a further scheme for protecting the proposed dwellings from noise from Leicester Road shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development is protected from nearby noise sources in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. The development shall be carried out in accordance with the Construction Environmental Management Plan approved under application 23/00801/DISCON.

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).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

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

8. The construction of the development shall be carried out in accordance with the details relating to the management of surface water on site during construction approved by the Local Planning Authority under application 23/00801/DISCON.

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 Site Allocations Development Management Policies DPD (2016).

9. The development shall be carried out in accordance with the SuDS Maintenance Plan approved by the Local Planning Authority under application 23/00957/DISCON.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

10. The development shall be carried out in accordance with the sustainable surface water drainage system approved by the Local Planning Authority under application 23/00957/DISCON. The scheme shall be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been implemented in full.

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 Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2023).

12. No part of the development hereby permitted shall be occupied until such time as vehicular and forward visibility splays shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2023).

13. No part of the development hereby permitted shall be occupied until such time as details of a scheme to widen the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street has been submitted to the Local Planning Authority and agreed in writing. Thereafter the approved scheme shall be implemented in full prior to occupation of any dwelling.

Reason: In the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Oakley Architects External Works Plan drawing no. 202305/01H1. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

15. Prior to the occupation of the first dwelling on site a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details before the occupation of the first dwelling.

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

16. 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 Figure DG20 of the Leicestershire Highways 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 the National Planning Policy Framework (2023).

17. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2023).

18. 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 all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

19. The approved hard and soft landscaping scheme shall be carried out in accordance with Oakley Architects External Works Plan drawing no. 202305/01H1 and PDP Associates Detailed Landscape Proposals drawing no. c-2191-01 Rev A in the first planting season following the first occupation of the dwelling to which it relates, except for the proposed hedgerow planting to the northern and eastern boundaries of the site and along the retaining wall to the south of the access road which shall be carried out in the first planning season following the first occupation of any dwelling on the site. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2023).

21. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The materials used on the external elevations of the dwellings hereby permitted shall be in accordance with the details approved under application 23/00847/DISCON.

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

23. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 116 (e) of the National Planning Policy Framework (2023).

24. The development shall be carried out in accordance with the Written Scheme of Investigation approved by the local planning authority under application 24/00158/DISCON.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

25. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

26. The development shall be carried out in accordance with the badger mitigation strategy approved by the local planning authority under application 23/00810/DISCON. The development shall only be carried out in accordance with the agreed measures within the approved strategy and retained as such thereafter.

Reason: To ensure that badgers are protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2023).

27. The development shall be carried out in full accordance with the measures and recommendations for reptiles and bats as set out within The Protected Species Report by Arcadis dated August 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site and to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the National Planning Policy Framework (2023).

28. Notwithstanding the approved plans, prior to the construction of any retaining walls details of their external finishes and appearance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the retaining walls shall be constructed in accordance with the approved details and retained as such in perpetuity.

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

C. Brown.

Christopher Brown MRTPI
Head of Planning

Date : 20 March 2024

NOTES

1. It will be most helpful if the application number shown overleaf is quoted in all correspondence.
2. If you consider that this decision has been made invalidly through the Council failing to follow a procedure correctly, not having the legal power to make the decision in the way it did or through its decision being so unreasonable as no reasonable local authority would make the same decision based on the same facts, then you may enter a claim for judicial review to quash the decision. In order to proceed with a claim for judicial review an initial application for permission will need to be made to the Administrative Court, this application is required to be made "promptly and in any event within three months of the decision". The initial permission application will decide if you have an arguable case, whether you are sufficiently materially affected by the decision to bring the claim. If you are granted permission to bring the claim it will proceed to a full hearing at the Administrative Court. Although there is no requirement for you to do so it is highly recommended that you seek independent legal advice before bringing forward a claim for Judicial Review.
3. If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months (see para 2a below) of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/planning-inspectorate>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 5th September 2003 must be made within six months of the date of this notice.
4. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application then, you must do so in accordance with the guidance found using the following link <https://www.gov.uk/appeal-enforcement-notice>.
5. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
7. This permission covers only consent under the Town and Country Planning Acts and does not give permission to demolish a Listed Building, for which separate consent is required. Amongst other things the consent of the Council of the district in which the land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the development.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED : ACCESS AND PROVISION FOR THE DISABLED PERSONS

- 1 The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons 1981, Building Regulations 1991 "Access and facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for disabled persons within the building. Your attention is also drawn to the Code of Practice B.S 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, B.S. 5810 : 1979, "Access for the Disabled to buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings."
- 2 The buildings to which these requirements apply are :-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies.
 - b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the Act.
 - c) Factories as defined by Section 175 of the Factories Act 1961.
Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

PPNOTES (02/07/2014)



Hinckley & Bosworth
Borough Council

Start Notice

Important Information – Please keep this with your decision notice

Please read the above decision notice carefully and ensure that you understand and comply with the requirements of any planning conditions imposed.

If you require any further information about why a particular planning condition has been imposed or in respect of what information is needed to discharge your condition please contact the case officer who will be happy to advise of the requirements and information required.

We carry out a programme of site monitoring to check compliance with conditions in order to proactively manage the development and to ensure development is carried out in accordance with the planning permission granted.

Please ensure that any application for the discharge of pre-commencement conditions are carried out in a timely manner as this may take up to 8 weeks depending on the requirements of the condition. Please also be aware there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request to discharge multiple planning conditions. The fee for discharging these pre-commence conditions, can be found on the [planning portal](#).

We would be grateful if you could email the development address and application reference number with your contact details and the intended start date by email to planning@hinckley-bosworth.gov.uk 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



Hinckley & Bosworth
Borough Council

Development Details

Planning application ref:	23/01201/CONDIT
Proposal:	Variation of conditions 2 (Approved plans) and 19 (Hard and soft landscape) for planning permission 20/00916/FUL (Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station)
Site Location:	Ashby House Hill Top Farm Hill Top Earl Shilton Leicester

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
Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR
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