

Delegated Report

Planning Reference 25/00644/FUL
Applicant(s) Mr Collins
Ward Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site Land southeast of Tesco Ltd,
London Road, Hinckley

Proposal Proposed residential development comprising 3 new dwellings via a new vehicular access (revised scheme of 24/01156/OUT)

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of three, two-storey residential properties and a new associated vehicular access at land southeast of Tesco, London Road, Hinckley. The scheme consists of a detached three-bedroom property ('Plot 1'), and two semi-detached properties that have three-bedrooms ('Plot 2') and two-bedrooms ('Plot 3') respectively. All three dwellings are constructed with concrete roof tiles and facing brickwork and feature a flat-roofed door canopy.
- 2.2. Plot 1 externally measures 5.9m in width by 11m in depth, which creates a total footprint of 59.1sqm. The property has a gable-ended pitched roof that has a ridge height of 7.6m and an eaves height of 4.8m. The scheme features a 6.9m high gable-fronted protrusion on its western side elevation and a bay window on its northern front elevation. Plots 2 and 3 collectively externally measure 10.2m in width by 10.9m in depth, which creates a cumulative footprint of 104.11sqm. Both properties have a gable-ended pitched roof that has a ridge height of 8.2m and an eaves height of 4.9m.

3. Description of the Site and the Surrounding Area

- 3.1. The 812sqm application site is to the southeast of, and within the identified settlement boundary of Hinckley. The site is bounded by, and accessed by, London Road to the northeast, which is an adopted and classified 'B' road (B4669) that is subject to a 30mph speed limit. Beyond London Road to the north is the wider residential built form of Hinckley via Forest Road.

- 3.2. Tesco Express bounds the site to the north, which was approved via planning applications 08/00317/FUL, 07/01136/FUL, and 06/01360/FUL. To the east of, and adjacent to the proposed site access, is a large advertisement hoarding, which received expressed consent in 1994 via application 94/00030/ADV. The Leicester to Birmingham Rail Line borders the eastern side of the site. Beyond the railway line is an existing employment site within Burbage that comprises a variety of commercial units including a gym, an upholstery centre, amongst others. To the south and west of the site are residential properties along Parson's Lane and Mistral Close.
- 3.3. The site itself comprises hard standing that has been informally utilised for open storage. The land levels within the site gently fall from the north-eastern boundary and access into the site towards the south-western boundary and rear of the site. The access to the site features 2.7m high gates and timber fencing that are 9m behind the highway boundary and were approved retrospectively by planning application 16/00869/FUL. Based on historic satellite imagery, it appears that the site has previously been used for off-street vehicular parking associated with the convenience store that was replaced by Tesco Express.

4. Relevant Planning History

4.1 24/01156/OUT

- Outline planning permission for residential development (all matters reserved except for access)
- Permitted
- 24.04.2025

4.2 16/00869/FUL

- Erection of a 2.7 metre close boarded fence (retrospective)
- Permitted
- 09.12.2016

4.3 94/00030/ADV

- Advertisement hoarding
- Consent
- 17.03.1994

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.
- 5.2 Two members of the public objected to the planning application due to highway safety and congestion concerns. No further responses have been received.

6. Consultation

- 6.1 There have been no objections from the Council's Drainage Department or Environmental Health Department (subject to conditions), Leicestershire County Council's Ecology Department (subject to conditions), Leicestershire County Council as the Local Highway Authority (subject to conditions), or Network Rail (subject to conditions). The Ecology Department confirmed that the development met the de-minimis exemption to the mandatory biodiversity net gain requirements.
- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 1: Development in Hinckley
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2024)
 - National Design Guide (2019)
 - Planning Practice Guidance (PPG)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2024)
 - Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

- 8.1 The application site is in a sustainable location within the identified settlement boundary of Hinckley, and the principle of residential development in this site was confirmed via the extant planning permission 24/01156/OUT.

8.2. The key issues in respect of this application are therefore:

- Housing land supply
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

Housing Land Supply

8.3. Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.

8.4. Paragraph 73 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.

8.5. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

8.6. The Planning Policy team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published by Autumn 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.

8.7. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. 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 having 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.

- 8.8. When the 'tilted' balance is engaged, Footnote 9 of the NPPF highlights eight key policy paragraphs to support the determination of planning applications. Key Policy Paragraphs 115, 129, 135, and 139 of the NPPF are applicable to the current development proposal in these site-specific circumstances.
- 8.9. The development is for three residential properties, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.10. Whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing three dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.
- 8.11. Section 11 of the NPPF deals with making effective use of land and paragraph 125d) states that decisions should support the development of under-utilised land, especially where it would help to meet identified needs for housing when housing land supply is constrained
- 8.12. In summary, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged whereby planning permission should 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. Nevertheless, whilst it is unlikely that the Council are unable to deliver a five-year supply of land for housing, the benefit of providing three dwellings within this application site towards the Council's supply of housing is considered to attract limited weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.13. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14. The Good Design Guide states that development in 'back land' locations will require clear and convincing justification in relation to its context. Some sites may be able to accommodate this type of development, whereas others will not.
- 8.15. The application site is in a sustainable location within the identified settlement boundary of Hinckley, and the principle of residential development in this site was confirmed via the extant planning permission 24/01156/OUT. That though did not specify any particular number of dwellings and so could have just related to a single dwelling on the main road frontage. The development is also bounded by residential properties to the rear of the site. Therefore, the provision of a residential properties within this site is not considered to result in any significant adverse impacts to the character of the surrounding area in principle.

- 8.16. Plots 2 and 3 are located to the rear of the Tesco building. Whilst these plots are likely to be partially visible from London Road, this is at a distance over 40m and in the context of the residential properties along Mistral Close to the rear of the site.
- 8.17. Due to the variety of styles and designs of property in the surrounding area, there is no discernible unique character to the street. Importantly, the redevelopment of this area of previously developed land is considered to improve the character of the site and the surrounding area.
- 8.18. Given the above, and by virtue of the proposed design, appearance, size, scale, and massing of the development, the scheme is considered to conform with the requirements of Policy DM10 of the SADMP in these site-specific circumstances.

Impact upon Residential Amenity

- 8.19. Key Policy 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.
- 8.20. 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.
- 8.21. 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.
- 8.22. Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.23. There are no residential properties to the southeast of the site. All residential properties to the north of the site are separated from the development by London Road, and therefore the scheme is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties in this location.
- 8.24. Therefore, the only residential properties within the vicinity of the site are the dwellings along Mistral Close to the south and west of the site. The most affected properties are likely to be 2 and 3 Mistral Close.
- 8.25. 2 Mistral Close is 11.6m to the west of Plots 2 and 3 and is sited almost perpendicular to these proposed dwellings. Given this siting, and the location of these plots, the development is not considered to result in any overbearing or loss of light impacts, nor any loss of privacy, or overlooking impacts to this neighbouring property or the proposed plots in these site-specific circumstances.

- 8.26. No windows are proposed on the southern elevation of Plot 3 and therefore, the scheme is not considered to result in any loss of privacy or any overlooking impacts to 3 Mistral Close, which is immediately to the south of the site. Although there is a window on the northern elevation of 3 Mistral Close, this is not a principal window to a habitable room, and therefore, the siting of Plot 3 is not considered to result in any significant harm to the residential amenity of the occupiers of the dwelling as a result of the presence of this existing window.
- 8.27. Plots 2 and 3 are sited and positioned in a similar manner to that of 3 Mistral Close, and Plot 3 is separated from the side elevation of this neighbouring property by 2.4m. Although Plot 3 extends 0.8m to the front and 1.5m to the rear of 3 Mistral Close, given the distance between the two properties and their siting, this is not considered to result in any adverse overbearing or loss of light impacts to this existing property.
- 8.28. In light of the above, the scheme is not considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances. However, there is an existing commercial structure to the west of the site, an existing advertisement hoarding to the northeast of the site, and the Tesco Express building to the north of the site that could affect the residential amenity of the future occupiers of the scheme.
- 8.29. The single storey commercial structure to the west of the site is separated from the rear elevations of Plots 2 and 3 by 13.7m and an existing 2m high timber fence. As the commercial building is single storey in massing, this is separation distance exceeds the minimum requirements of the Good Design Guide in these site-specific circumstances. Therefore, the presence of this commercial structure is not considered to result in any loss of light or overbearing impacts to the residential amenity of the future occupiers of the scheme.
- 8.30. Based on the Proposed Site Plan, the illuminated advertisement hoarding to the northeast of the site is perpendicular to the front elevation of Plot 1. The Proposed Site Plan highlights that the advertisement is 2.6m from the side of the bay window for the lounge on the ground floor and to 3.2m from the principal window to bedroom 1 on the first floor.
- 8.31. Given the siting of the existing sign to the northeast, and perpendicular to, the proposed siting of Plot 1, it is not considered that the presence of the existing advertisement results in any significant adverse impacts to the residential amenity of the future occupiers of Plot 1 as a result of any overbearing or loss of light impacts in these site-specific circumstances.
- 8.32. It is noted that Condition 3 of the 1994 advertisement consent associated with the hoarding required that the sign was not illuminated, but based on historic satellite imagery, the advertisement has been illuminated since 2009 at latest. Nevertheless, given the height of the advertisement, it is considered that the main impact of the illuminated lighting shall primarily affect the lounge of Plot 1. Although this is likely to impact the residential amenity of the future occupiers of this Plot, it is acknowledged

that no objections have been received to the development from the Council's Environmental Health Department in light of this advertisement.

- 8.33. By virtue of these factors, and given the downward projection of the advertisement lights, the sign's siting and location to the front of the property, the presence of this advertisement is not considered to result in any unacceptable adverse impacts to the residential amenity of the future occupiers of the scheme in these site-specific circumstances.
- 8.34. The Tesco Express building to the north of the site is also single storey in massing and is located 2.6m from the northern side elevation of Plot 2 and 8.2m from the western elevation of Plot 1. The Tesco Express building does not have any windows on its eastern or southern elevations that face into the site, and the two sites are defined by existing 2m high timber fencing.
- 8.35. Although Plot 1 has six windows that face towards the Tesco Express building, none of these are principal windows, and therefore the presence of this existing building is not considered to result in any significant adverse impacts to the residential amenity of the future occupiers of this Plot as a result of loss of light or any overbearing impacts.
- 8.36. Plot 2 does not benefit from any windows on its northern side elevation. The Tesco Express building does not extend to the rear of Plot 2 but it does extend by approximately 2.1m beyond the front eastern elevation of the property. Whilst there is a principal window to the lounge on the ground floor and the first bedroom on the first floor on this eastern elevation, given the separation distance between the two structures, the amount to which the Tesco Express building extends beyond Plot 2's front elevation and its siting to the north of the site, the presence of this existing building is not considered to result in any significant adverse impacts to the residential amenity of the future occupiers of this Plot as a result of loss of light or any overbearing impacts.
- 8.37. However, the existing timber fencing between the two plots is of a considerable height and this is likely to result in a detrimental impact to the private outdoor amenity of Plot 2. Nevertheless, it is considered that the provision of soft landscaping along the northern boundary of the garden of Plot 2 is likely to mitigate these concerns in these site-specific circumstances, which can be secured via planning condition.
- 8.38. As a result, the development is not considered to result in any significant adverse impacts to the residential amenity of the future occupiers of the scheme as a result of loss of light or loss of privacy, nor any adverse overbearing or overlooking impacts.
- 8.39. To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.40. All three properties comply with the minimum requirements of the NDSS, which is considered to protect the residential amenity of the future occupiers of the scheme.

- 8.41. To comply with the Good Design Guide, two-bedroom houses should also provide a minimum of 60sqm of private outdoor amenity space with a minimum length of 7m. This increases to 80sqm for three-bedroom properties.
- 8.42. All three properties are provided with sufficient private outdoor amenity space in accordance with the Good Design Guide, which is considered to protect the residential amenity of the future occupiers of the scheme.
- 8.43. By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of the neighbouring properties or the future occupiers of the development in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.44. Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. 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)) (2024).
- 8.45. The scheme utilises a vehicular access onto London Road, which is a classified 'B' road that is subject to a 30mph speed limit. This access was previously approved via outline planning application 24/01156/OUT. Leicestershire County Council as the Local Highway Authority (LHA) confirmed that the proposed site access remains in accordance with Figure 14 and Table 13 of the LHDG and accepted the provision of 2m-by-2m pedestrian visibility splays. Whilst the visibility splays for the site access have not been demonstrated within the submitted plans, the LHA did not raise any concerns with the achievable visibility splays at the site.
- 8.46. Following the LHA's thorough review of all Personal Injury Collisions within 500m in either direction of the site access in the most recent five-year period, the LHA confirmed that no PICs were recorded in direct connection with the existing access and the LHA are satisfied that there no patterns or trends identified within the data. Therefore, the LHA confirmed that the development proposal was unlikely to exacerbate any existing highway safety situations in the area.
- 8.47. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.48. Table 28 (Residential Parking Standards) of the LHDG requires dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces. This increases to a minimum of three off-street parking spaces for properties with four or more bedrooms.

8.49. Each plot is provided with the two off-street parking spaces, which meets the minimum quantum requirements of Table 28 of the LHDG. As the Proposed Boundary Treatment Plan confirms that Parking Space 1 is not bounded on its western side, which can be secured via planning condition, all six off-street parking spaces also accord with the minimum dimension requirements of Figure 44 of the LHDG. Therefore, the off-street parking provision is acceptable in these site-specific circumstances. In addition, the scheme is provided with six cycle spaces, the details of which can be secured via planning condition.

8.50. By virtue of these factors, the proposal is not considered to create an unacceptable impact on highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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 It is not considered that this is a case where the adverse impacts of granting permissions, despite the proximity of the advert hoarding, are such that they would outweigh the benefits of providing three dwellings, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places. Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that, on balance, planning permission be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- | | |
|--------------------------------------|-------------------------|
| • Existing Site Plan (112A) | (submitted: 18.09.2025) |
| • Proposed Boundary Treatment (121D) | (submitted: 29.09.2025) |
| • Proposed House Type T1 (301) | (submitted: 01.07.2025) |
| • Proposed House Type T2 (302A) | (submitted: 11.09.2025) |
| • Proposed House Type T3 (300B) | (submitted: 29.09.2025) |
| • Proposed Site Layout (120D) | (submitted: 29.09.2025) |
| • Site Location Plan (115) | (submitted: 01.07.2025) |
| • Topographical Survey (4838-1) | (submitted: 01.07.2025) |

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).

3. Prior to the commencement of development, a scheme for protecting the proposed dwellings from noise from the adjacent railway line and plant noise from the Tesco building shall be submitted to, and approved in writing by, the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

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).

4. Prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

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

5. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

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

6. Prior to the commencement of development, a Construction Traffic Management Plan, including as a minimum detail of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, shall be submitted to, and approved in writing by, the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

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

7. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, shall be submitted to, and approved

in writing by, the Local Planning Authority in conjunction with Leicestershire County Council.

The content of the Biodiversity Enhancement Strategy shall include, but not be limited to, the following:

- (a) Purpose and conservation objectives for the proposed enhancement measures; and
- (b) detailed designs or product descriptions to achieve stated objectives; and
- (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant).

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

Reason: To enhance protected, Priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 187(d) of National Planning Policy Framework (2024) and Section 40 of the Natural Environment and Rural Communities Act (2006) (as amended).

8. No part of the development hereby permitted shall be occupied until such time as site drainage details have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with Leicestershire County Council as the Local Highway Authority, and Network Rail. Thereafter surface water shall not drain into the Public Highway or the railway line and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway or the railway line causing dangers to road users or the rail network in accordance with the National Planning Policy Framework (2024).

9. No part of the development hereby permitted shall be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Proposed Site Layout (120D) (submitted: 29.09.2025). Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 (2024).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown Proposed Site Layout (120D) (submitted: 29.09.2025) have been implemented in full. Visibility splays 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 ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, 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 the National Planning Policy Framework (2024).

11. No part of the development hereby permitted shall be occupied until a scheme of hard and soft landscaping works for the site, including boundary treatments, and an implementation scheme, shall be submitted in writing to, and approved in writing by, the Local Planning Authority in conjunction with Network Rail. The scheme shall be carried out in full accordance with the approved landscaping scheme in the first planting and seeding seasons following the occupation of the development or the completion of the development, whichever is sooner. 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 development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the character of the surrounding area and to safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development above foundation level shall commence on site until representative sample of the types and colours of materials to be used on the external elevations of the structures hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with those approved materials.

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

14. Prior to installation, the details of any external lighting to be provided in association with the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority in conjunction with Network Rail. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and shall demonstrate that the lighting will not cause harm to bat or their habitats. The details shall be installed, maintained, and operated as approved.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site, and to ensure safety and to meet the operational needs of the adjacent railway needs to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 102 of the National Planning Policy Framework (2024) respectively.

a. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.

Network Rail

2. The Applicant must engage with National Rail's Asset Protection Team prior to any work taking place on site via the [Asset Protection and Optimisation Customer Portal \(ASPRO Network Rail Implementation \(oraclecloud.com\)\)](https://oraclecloud.com) and enter into any necessary Basic Asset Protection Agreement (BAPA) (where necessary) to ensure the safety of the operational railway during these activities. The Applicant will be fully liable to any damage, injury, or delay to the rail network that is caused by construction works or the future maintenance of the application site.
3. The Applicant's attention is drawn to the information provided within National Rail's response to the planning application on 08 August 2025.
4. In relation to condition (Landscaping) the Applicant must provide a suitable trespass proof fencing adjacent to Network Rail's boundary to a minimum height of 1.8m, and suitable vehicle incursion measures to ensure that vehicles cannot drive or roll into the railway or its existing boundary treatment.

Environmental Services

5. In relation to Conditions 04 and 05, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.

Highways

6. The Applicant needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at: <https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.
7. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant must ensure all necessary licences/ permits/ agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

Drainage

8. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaways will be subject to the approval of the Building Control Surveyor.
9. Any 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).

Waste

10. 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.