

Planning Committee 9 April 2024
Report of the Head of Planning

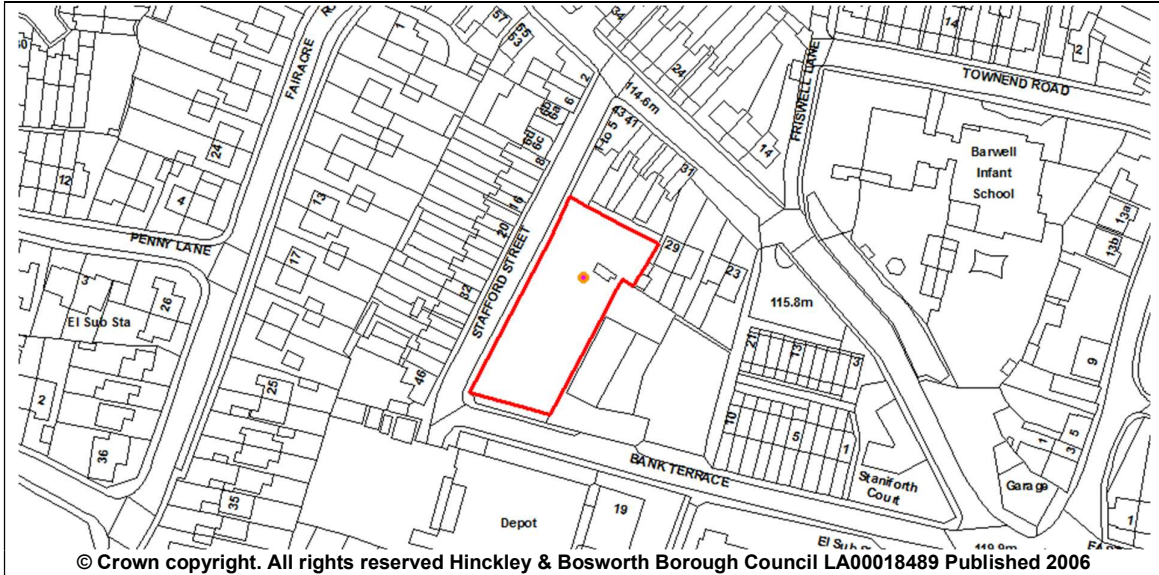
Planning Ref: 24/00068/FUL
Applicant: Mr J Walker
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 9 Stafford Street, Barwell, Leicester, LE9 8HF

Proposal: Proposed 2.5 storey apartment blocks containing 14 no apartments with associated parking and landscaping



1. Recommendations

- 1.1. That the application be approved subject to:
 - Conditions outlined at the end of this report
 - A S106 Agreement to secure the following:
 - Health contribution – Barwell and Hollycroft Medical Centres- £6, 720.00
 - Waste – Barwell HWRC - £693.42
 - Libraries – Earl Shilton Library - £347.27
 - Off Site Equipped Children’s Play Space- £9, 169.27
 - Off Site Equipped Children’s Play Space Maintenance Contribution- £4, 425.12
 - Off Site Casual/Informal Play Spaces- £1, 044.29
 - Off Site Casual/Informal Play Spaces Maintenance Contribution- £1, 270.08
 - Off Site Outdoor Sports Contribution - £4, 865.28
 - Off Site Outdoor Sports Maintenance Contribution- £2, 311.68
 - Off Site Accessibility Natural Green Space Contribution- £2, 290.40
 - Off Site Accessibility Natural Green Space Maintenance Contribution- £3, 976.00
 - All open space to be for improved facilities at Kirkby Road Recreation Ground
 - Public realm improvements for Barwell- £5, 628
 - Skills development during construction of the development
 - S106 legal and monitoring fees
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

2. Planning Application Description

- 2.1. The application seeks permission for the construction of two 2.5 storey apartment blocks containing five 1-bed apartments, seven 2-bed apartments and two 3-bed apartments, 14 apartments in total.
- 2.2. The apartments are proposed to be split across two buildings, the larger of the two is proposed to the north of the site, with the smaller building proposed to the south of the site. The front elevation of each building would face west onto Stafford Street. A new access is proposed between the two buildings in the centre of the site. A parking area is proposed for 16 cars including four EV charging bays and two disabled spaces. Communal garden areas are proposed to the rear of each building with some landscaped areas to the front of the building.
- 2.3. The buildings are proposed to be 2.5 storeys, with dormer windows in the roof. The buildings are terrace-like in their appearance with porches to the fronts. The buildings are proposed to be constructed with brick and slate like roof tiles with anthracite grey windows, doors and guttering. Architectural detailing includes stone cills and arches to windows on the Stafford Street elevation and feature soldier courses throughout.
- 2.4. The application has been amended at the planning offices request during the course of the application. This has resulted in the removal of a hipped roof feature to the front to create a design which is more in keeping with the terraced properties in the immediate area.
- 2.5. The application as a whole is an amended scheme to an application refused in 2023 (23/00624/FUL). That application was refused on design and residential amenity grounds. The applicant/agent then engaged in pre-application advice and the current proposal is significantly altered to that refused in 2023. Consent has previously been granted on the site for eight, three storey dwellings, in 2018.
- 2.6. The application is accompanied by the following reports and documents:
 - Design and Access Statement
 - Proposed Plans
 - Parking Statement

3. Description of the Site and Surrounding Area

- 3.1. The application site measures 0.15 hectares and is located close to the centre of Barwell. It forms part of a designated employment site (reference BRW05) within the Earl Shilton and Barwell Area Action Plan. It is a vacant plot following demolition of the former factory building(s). The site now comprises concrete floor slab and yard areas. It is enclosed by a commercial factory to the east, a 2.4 metre high brick garden wall to the north and 1.7 metre high metal railing security fencing to the west and south.
- 3.2. To the west fronting Stafford Street there are two storey Victorian terraced houses located at the back of pavement. To the north are the rear gardens of two storey terraced houses fronting onto Stapleton Lane. To the east and south there are commercial factories and associated offices

4. Relevant planning history

98/00933/FUL

- Rebuilding part of fire-damaged industrial unit
- Approved
- 06.01.99

02/00067/FUL

- Erection of building for glass cutting, storage and boiler room
- Approved
- 05.03.02

02/00587/FUL

- Erection of building for glass cutting, storage and boiler room (amended scheme)
- Approved
- 02.07.02

07/00767/FUL

- Demolition of existing factory units and erection of nine dwellings
- Refused
- 02.08.07

07/01299/FUL

- Demolition of existing factory units and erection of 8 dwellings
- Approved
- 07.12.07

18/00347/FUL

- Residential development of eight dwellings
- Approved
- 02.07.2018

23/00642/FUL

- Proposed three storey apartment block comprising 9 one-bed apartments and 5 two-bed apartments with associated parking, landscaping and charging points
- Refused
- 17.08.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of neighbouring properties.
- 5.2. Objections have been received from 6 households, raising the following concerns and points:
- Loss of light to properties/residents on Stafford Street and Stapleton Lane
 - Loss of privacy to properties/residents on Stafford Street
 - Visual intrusion to properties/residents on Stafford Street
 - The parking is insufficient
 - The proposal will displace existing parking on Stafford Street to other areas
 - The proposal will cause additional traffic and associated disturbance
 - Concerns about vehicles turning into the parking area
 - Concerns about construction vehicles and mud on the road
 - There is no need for housing

- The 2.5 storey will not complement the street scene
- Wildlife has not been considered
- Swift boxes and bat boxes are recommended and are not shown in the correct place
- Conflict with DM10 and DM17

6. Consultation

6.1. Barwell Parish Council – Object

- Conflict with DM10 owing to impact on neighbouring properties/residents through parking over spill, overlooking, visual intrusion and loss of light
- The development will not compliment the street scene and will be overbearing
- Conflict with DM17. Stafford Street and Stapleton lane are known as the worst roads for street parking. Stafford Street is difficult to exist from with a blind exit and is regularly used by large lorries collecting and dropping off at business premises
- Section106 to be applied for Kirkby Park

6.2 LCC Highway Authority (LHA)

- Initial Comments:

“Site Access

The site access arrangements are shown on AP Building Design Services drawing number 0301. A single point of access to the site is proposed, leading on to Stafford Street, which is an unclassified road subject to a 30mph speed limit. The access location utilises the existing central point of access to the site, with the Applicant stating in the submitted Design and Access Statement (authored by AP Building Design Services and published on the LPAs website on 22nd January 2024) that an additional two points of vehicular access on Stafford Street which currently serve the site would be closed. The existing access points previously served an industrial unit, which formerly stood on the site, however this has since been demolished and the site is now vacant land. The LHA welcomes the proposed location of the access in comparison to the two access points proposed as part of the previous application.

The LHA advise that the maximum available vehicular visibility splays at the access should be detailed on the drawing. These should be measured from a 2.4m set back distance in the centre of the access, as detailed in Part 3, Figure DG2a of the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>).

Highway Safety

Based on available records to the LHA, there have been no recorded Personal Injury Collisions along Stafford Street and Bank Terrace, or their junctions with Stapleton Lane within the last five years.

Internal Layout

AP Building Design Services drawing number 0301 details that 16 car parking spaces would be provided to serve the 14 apartments. The parking spaces include four electric vehicle parking spaces and two disabled spaces. This is in line with the level of parking which the LHA accepted as part of the previous application. Each of the spaces are shown to measure 5 metres long by 2.5 metres wide. Part 3, Paragraph 3.165 of the LHDG states that parking spaces should be at least 5.5 metres in length should be provided. The isle width between the spaces measures 5.5m, the LHA would usually require a 6.0m isle

width to aid vehicle manoeuvring, as detailed in Part 3, Table DG13 of the LHDG. On the basis that both the length of the car parking spaces and the isle width are both 0.5m below LHDG guidance, the LHA advises that drivers could find it difficult to manoeuvre in and out of the parking spaces. The LHA would advise that the Applicant either widens the parking spaces and isle width or demonstrates that the parking spaces are usable through swept path analysis.

Transport Sustainability

The LHA acknowledge that the site is suitably located to provide good access to services and sustainable transport methods, including frequent bus services between Leicester and Nuneaton. The LHA also welcome that secure, undercover cycle parking facilities and electric vehicle charging points are to be provided.”

- Final Comments:

“The LHA previously submitted observations to the LPA on 22nd March 2024 asking the Applicant to provide additional information in respect of visibility splays and parking provision. The Applicant has now submitted AP Building Design Services drawing number 0301 Rev. C in support of the proposals.

Site Access

The LHA previously advised the maximum available vehicular visibility splays at the access should be detailed on the drawing. These should be measured from a 2.4m set back distance in the centre of the access, as detailed in Part 3, Figure DG2a of the Leicestershire Highway Design Guide ([LHDG] available at <https://resources.leicestershire.gov.uk/lhdg>).

The Applicant has not provided any further information in respect of visibility. Nevertheless, the LHA has undertaken its own assessment and believes visibility splays of 2.4 x 33m can be provided to the southwest of the access and 2.4 x 43m to the northeast. Whilst the south-westerly splay is below the 43m required for a road with a 30mph speed limit, given the splay is up to the sharp bend in the road, the LHA accept vehicle speeds are unlikely to be more than 25mph along this section of Stafford Street, which would be suitable for a 33m splay. In addition, the proposed vehicular access would utilise an existing access to the site.

Internal Layout

The Applicant has submitted AP Building Design Services drawing number 0301 Rev. C, which shows an amended site layout to detail 5.5m length parking bays and a 6.0m isle width. This is accepted by the LHA.”

Conditions Recommended

6.4 **LCC Ecology** –

“I have also consulted Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. This identified that the site falls within a ‘Swift Alert Area’ requiring all new developments to provide opportunities for enhancements towards this species. There are also records of swifts immediately adjacent.

No ecological appraisal or assessment has been submitted as part of this application. However, given that the site is entirely surrounded by urban development and consists of existing hardstanding with habitats limited to self-set scrub I do not deem

it necessary to provide one on this occasion. Instead, precautionary measures should be taken in relation to vegetation clearance on site and a standard advice note relating to breeding birds should be attached to any approved scheme. All replacement landscaping should be of native tree species and seed mixes.

There should also be biodiversity enhancements provided for swifts within the proposed scheme through integrated a minimum of 3no. boxes/bricks for each structure, this can form a planning condition with details of appropriate measures illustrated on a plan or drawing submitted to the LPA for approval and discharge. I have attached a technical advice note to aid in the provisions of this.”

6.7 LCC Planning Obligations –

Requests S105 contributions for Waste and Libraries as set out in the S106 section.

6.8 Lead Local Flood Authority (LLFA)–

“Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.146 ha brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding.

No surface water drainage details have been submitted. Since this is a full application which seeks to set the site layout, a drainage strategy is required to be submitted which demonstrates that proposals will discharge at greenfield rates and that any additional volume of discharge is adequately mitigated. This should also include management and maintenance consideration for the surface water drainage system. Please note ‘5. Standing Advice - Brownfield Development Runoff’ in the ‘Advice to Local Planning Authority’ below.”

6.9 Environment Agency – “The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.”

6.10 NHS England –

Consultation response not yet received this is to be reported on the supplementary list if required.

6.11 HBBC Affordable Housing – “This application relates to the development of 14 flats on a site of 0.146 hectares in Barwell. Barwell is classed as being in the urban area of the Borough, where the requirement or affordable housing is triggered on sites of 0.5 hectares or more, or 15 or more dwellings.

The development therefore does not cross the threshold for affordable housing provision and there is no request for any to be provided as part of the development.”

6.12 S106 Monitoring Officer –

“An off site POS contribution should be secured for new and / or improved facilities at Kirkby Road Recreation Ground which is the nearest park to the development for all typologies. A monitoring fee will be required which is £419 per obligation. Management of the communal area and / or the frontages I presume will be with the applicant and should be secured to ensure that the fronts onto Stafford Street are maintained to a good standard.

Triggers for payment -- Provision upon first occupation of the first dwelling and maintenance trigger can be 75% occupation. Clawback periods should be 5 years for provision and 15 years for the maintenance. We can be flexible on the trigger for payments hence I have put a later one, unless the Parish Council intimate they would like it sooner.”

- 6.13 **HBBC Environmental Health** – No objections subject to conditions regarding contamination, a Construction Environmental Management Plan and noise attenuation plan.
- 6.14 **HBBC Waste Management** – Concerns there is no bin storage area. No objections subject to conditions.

Officer note- there is a bin storage area inside the building.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 3: Development in Barwell
 - Policy 19: Green Space and Play Provision
- 7.2. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)
- Policy 23: Existing Employment Sites
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - 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
 - Policy DM19: Existing Employment Sites
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide
 - Open Space and Recreation Study (2016)
 - Housing Needs Study (2019)
 - Affordable Housing SPD (2011)
 - Employment Land and Premises Review (ELPR)(2013)
 - Emerging Employment land and Premises Study (ELPS)

8. Appraisal

- 8.1. As this is an outline planning application with all matters reserved except for access, 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 Mix and Supply
- Impact upon Highway Safety
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- S106 Heads of Terms
- Planning Balance

Principle of Development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Earl Shilton and Barwell Area Action Plan (ESBAPP) Development Plan Document (2014) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS) was published on 8th February 2024. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 18 Consultation which is not scheduled until June-July 2024 with adoption due around January/February 2026. The Replacement Local Plan is therefore delayed.
- 8.5. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the ESBAPP, SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.6. Paragraph 11d) of the NPPF states that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; 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.”*
- 8.7. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 8.8. Paragraph 123 of the NPPF states that planning decisions *“should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”*
- 8.2 Policy 3 of the adopted Core Strategy seeks to support development within the Barwell settlement boundary for a minimum of 45 new dwellings and to ensure that there is a range of employment opportunities within Barwell. The policy also includes the allocation of land for a sustainable urban extension to include 2500 new dwellings and 15 hectares of employment land
- 8.3 The application site forms part of a designated employment site (reference BRW05) within the adopted ESBAAP. Policy 23 of the ESBAAP and Policy DM19 of the adopted SADMP states that a more flexible approach will be taken for alternative uses within category ‘C’ employment sites and in accordance with the most up to date Employment Land and Premises Review and Local Plan policies.
- 8.4 The most up to date Employment Land and Premises Review (2020) identifies the wider employment site as ‘Works off Bank Terrace North’ and as a category ‘C’ employment site where 100% of the site could be considered for alternative uses. The proforma for the area which includes the site describes this employment area as comprising *“Outdated isolated buildings (size and configuration) in a village centre location, with relatively limited commercial demand and poor access. Their loss would have little impact on the land supply of Barwell and the Borough.. As this site has remained derelict for a number of years (unit now demolished) and given the evidence from the emerging ELPS and it’s current employment categorisation of ‘C’,* There would subsequently be no strategic policy objection to the loss of this part of the existing employment site.
- 8.5 It should also be noted that planning permission was granted in 2018 for the change of use of the application site to residential. Whilst this permission has now expired, there has been no change in circumstances that would warrant a different conclusion being taken in respect of the principle of the change of use from employment to residential. Rather the housing land supply position weighs in favour of this change.
- 8.6 It can be concluded that the site is located within a sustainable urban location within the settlement boundary of Barwell where there is generally a presumption in favour

of such development. The site has reasonable access to a full range of services and facilities within the nearby local centre and is accessible via public transport and other alternative sustainable means. The proposal would be acceptable in terms of adopted strategic planning policies and would result in a sustainable development that would contribute to the housing supply in Barwell.

Housing Mix and Supply

- 8.9. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. A minimum density of 40 dwellings per hectare is required in Barwell and Earl Shilton.
- 8.10. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.11. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.12. Whilst all units will be apartments, a mix of apartment size is proposed including 5 X 1 bed apartments, 7 X 2 bed apartments and 2 X 3 bed apartments.
- 8.13. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. As the proposal relates to less than 15 dwellings affordable housing is not required under policy 15.
- 8.14. This proposal is deemed to be acceptable with respect to housing mix.

Impact upon Highway Safety

- 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 DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.17. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users Paragraph 115 of the NPPF outlines that development should only 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 would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.18. Concerns regarding highways have been raised in objection comments from residents and the parish council. In particular concerns have been raised regarding

the level of onsite parking, the potential for displaced parking, general traffic levels and construction traffic.

- 8.19. A single point of access to the site is proposed, leading on to Stafford Street, which is an unclassified road subject to a 30mph speed limit. The access location utilises an existing central point of access to the site, with the additional two points of vehicular access on Stafford Street which previously served the industrial units previously on the site to be closed. LCC highways consider this arrangement to be a betterment to the previously refused scheme which proposed two access points.
- 8.20. Whilst concerns have been raised with regards to highway safety, LCC highways hold no recorded Personal Injury Collisions along Stafford Street and Bank Terrace, or their junctions with Stapleton Lane within the last five years.
- 8.21. A total of 16 car parking spaces would be provided to serve the 14 apartments. The parking spaces include four electric vehicle parking spaces and two disabled spaces. This is in line with the level of parking accepted as part of the previous application. In line with LCC highway's comments amended plans have been received ensuring the spaces are at least 5.5 metres in length with a 6.0m isle width to aid vehicle manoeuvring, in accordance with Part 3, Table DG13 of the LHDG. Whilst concerns have been raised regarding the level of parking, this is in line with the requirements for dwellings of these sizes, furthermore, the site is in a sustainable location whereby future residents would not be solely reliant on private cars. Pedestrian access would be directly off the Stafford Street pavement. A cycle storeroom is proposed at ground floor levels, which provides 14 cycle storage spaces, one for each apartment which is welcomed.
- 8.22. Concerns have been raised that the proposal will reduce the level of parking space available on Stafford Street as cars would no longer be able to park along the entire eastern side of the street. Owing to the site being vacant with the existing access points fenced off, vehicles park across the existing three dropped kerb access points to the site. This is an informal arrangement and the access points could be reinstated at any time. The proposal will lead to the re-opening and widening of only one of these access points with the other two points of access closed permanently, therefore, the proposal would not lead to a formal loss of parking space along Stafford Street.
- 8.23. The LHA has undertaken its own assessment with regards to visibility and believes visibility splays of 2.4 x 33m can be provided to the southwest of the access and 2.4 x 43m to the northeast. Whilst the south-westerly splay is below the 43m required for a road with a 30mph speed limit, given the splay is up to the sharp bend in the road, the LHA accept vehicle speeds are unlikely to be more than 25mph along this section of Stafford Street, which would be suitable for a 33m splay. In addition, the proposed vehicular access would utilise an existing access to the site.
- 8.24. In the final comments provided by LCC highways they raise no objections to the development and judge that the impacts of the development on highway safety would not be unacceptable subject to conditions outlined below. The proposal is judged to comply with policies DM17 and DM18 of the SADMP.

Design and Layout

- 8.25. 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.

- 8.26. Paragraph 134 of the NPPF states 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. Local policy is considered to accord with the NPPF.
- 8.27. The Council's Good Design Guide (2019) identifies design objectives for Barwell. Of relevance the Guide states that development should consider Victorian, Edwardian and inter-war terraces/collections of buildings as a holistic street scene and avoid work that will create visual disjuncture.
- 8.28. The site lies within a mixed use area and forms an interface between the two storey residential terraces and the employment area which comprises commercial/industrial premises and offices. The application site is currently vacant has been cleared of demolition materials other than the concrete floor slabs and hardstanding. There is currently no building on-site and whilst the lapsed permission is a material consideration, the vacant land is the starting point for the assessment of the appropriateness of the development proposals and its impact. The current site is unsightly and detracts from the character of the wider area.
- 8.29. The layout of the development is considered to reflect the linear pattern of Stafford Street. The proposed apartments would be arranged in two building blocks, which themselves would appear as two blocks of terraced housing, each block has the appearance of three terraces properties. The accommodation is split across two floors with further accommodation in the roof, with dormer windows and rooflights to facilitate this. The overall aesthetic and architectural detailing (stone cills and lintels and brick soldier course) of the proposal is in keeping with and complements the character of the area. Materials include red brick with slate-like roof tiles, it is recommended that full details should be required by condition.
- 8.30. Concerns have been raised regarding the scale of the two units. The proposed buildings would have greater heights than the existing dwellings on Stafford Street, however, not to a degree that they would be out of keeping with the prevailing scale of development in the area. It is important to note that the buildings proposed as part of this scheme are 400mm lower in overall height to the previously approved scheme in 2018.
- 8.31. The existing site has limited landscaping with the exception of some seemingly self-set plants. The proposal includes soft landscaping to the front of each building, as well as hedgerows to both the northern and southern boundaries and to the rear of the parking area. Tree planting is proposed along the southern site boundary and to the rear of the communal areas. It is considered that the planting will introduce soft landscaping to the area which would be a welcome addition, full details would be required by condition.
- 8.32. Overall the development is judged to complement the surrounding character with regards to layout, density, mass, design, materials and architectural features and complies with Policy DM10 of the SADMP.

Impact upon Residential Amenity

- 8.33. 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.
- 8.34. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.35. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.36. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.37. The internal relationship between the buildings and apartments is judged to be acceptable. All apartments comply with National Space Standards and habitable rooms have appropriate windows and subsequent access to light/ventilation.
- 8.38. Loss of light, overdominance and privacy concerns have been raised by residents in the objection comments received.
- 8.39. The rear elevation of properties on Stapleton Lane face the application site and contain habitable room windows, with their rear garden boundaries forming the side boundary. The side elevation of one of the proposed buildings is located close to the shared boundary, the separation distance exceeds that required in the Good Design Guide. No windows are proposed in the side elevation therefore there would be no additional direct overlooking to these properties. Overall, the separation distance and layout would mitigate harmful residential amenity impacts to residents on Stapleton Lane.
- 8.40. The front elevation of the proposed buildings which contain habitable room windows would face the front elevation of dwellings on Stafford Street. There is no specific separation distance guidance for front to front facing properties contained within the Good Design Guide, however, the Guide does state that back to back distances should be 21m unless across a road. The proposal will introduce new overlooking compared to the existing situation, however, views would be across the public road and not from existing private amenity space. The proposed relationship of dwellings facing each other across the road is not an unusual amenity relationship and exists on surrounding roads such as Stapleton Lane. In terms of overdominance and loss of light, the scheme will introduce new built development from the outlook of Stafford Street, however, the separation distance is judged to be satisfactory to mitigate adverse overdominance/loss of light.
- 8.41. In line with the comments of the Environment Team conditions are recommended requiring the submission of a noise survey and mitigation and contamination reports.

- 8.42. Some noise and disturbance is likely during the construction of the development, however, this would be for a temporary period and can be appropriately mitigated through suggested conditions including the requirement for a Construction Environment Management Plan and limiting of construction hours.
- 8.43. It is considered that owing to the siting and layout of the development and through the use of conditions that the proposed development could be designed such to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.44. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.45. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.46. The site is located within Flood Zone 1 at low risk from fluvial flooding and at low risk of surface water flooding. No surface water drainage details have been submitted. The LLFA requesting these prior to determination of the application, however, officer's consider it acceptable to impose a pre-commencement condition requiring the submission of these details given the brown-field nature of the site and low risk from flooding.
- 8.47. Subject to the submission of a detailed surface and foul water drainage strategy the proposal is therefore judged to comply with Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.48. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. The application was submitted prior to the mandatory requirement for biodiversity net gain and this is not required in this case.
- 8.49. No ecological appraisal or assessment has been submitted as part of this application. However, LCC ecology comment that given that the site is entirely surrounded by urban development and consists of existing hardstanding with habitats limited to self-set scrub they do not deem it necessary to provide one on this occasion. Instead, precautionary measures should be taken in relation to vegetation clearance on site and a standard advice note relating to breeding birds should be attached to any approved scheme. All replacement landscaping should be of native tree species and seed mixes.
- 8.50. The site falls within a 'Swift Alert Area' requiring all new developments to provide opportunities for enhancements towards this species. There are also records of swifts immediately adjacent. There should also be biodiversity enhancements provided for swifts within the proposed scheme through integrated a minimum of 3no.

boxes/bricks for each structure, this can form a planning condition with details of appropriate measures illustrated on a plan or drawing submitted to the LPA for approval and discharge. The applicant has provided details of swift boxes/bricks prior to determination and any amended comments from LCC ecology in this regard shall be reported on the supplementary list.

- 8.51. Subject to the condition requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

S106 Heads of Terms

- 8.7 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions. Policies 2-5 and 19 of the Earl Shilton and Barwell Area Action Plan (AAP) requests a number of contributions to be sought from developments within the settlement boundary of Barwell and Earl Shilton and the SUE's. The need arising from the SUEs as outlined in the AAP can be used as an evidence base to calculate the necessary contributions sought for this scheme.

- 8.52. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

- 8.53. The contributions sought via consultees are detailed below:

Health Contribution

- 8.54. A contribution would be required to mitigate/support the needs arising from an increase in population and would be used towards increasing access to services at Barwell and Hollycroft medical practices (the local GP practice affected by the growth).

- 8.55. An increase in patient registrations at a GP surgery requires the practice to proportionately increase their facility to maintain services and support the health needs of their patient list. The contribution requested would be £6, 720.00.

Waste Services

- 8.53. A contribution would be required to ensure that the local waste facilities can continue to maintain the existing level of service and capacity for the residents of the proposed development. This would be provided through the development of additional capacity and infrastructure to handle the waste and vehicles delivering in/out as a result of the proposed development at the local waste facilities.

- 8.54 Existing local waste facilities, including HWRC and waste transfer sites have a finite capacity in terms of, but not limited to, overall waste capacity, the facilities to maintain existing recycling and reuse performance and also in the number of residents that can utilise the site safely at any one time. Hence current waste inputs and waste generated from new residential developments being delivered to the existing site may not easily be accommodated where one or more of these elements are already at capacity.
- 8.55 The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. Accordingly a contribution of £693.42 has been requested by Leicester County Council to be directed towards site reconfiguration and/or development of waste infrastructure to increase the capacity at Barwell Household Waste and Recycling Centre. The need for the contribution arises from the additional household waste that will arise from the new homes on the development.

Libraries

- 8.56 The need for library facilities contributions are outlined in the Leicestershire Planning Obligation Policy (adopted 10th July 2019). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest library to this development is Earl Shilton Library and it is estimated that the total assumed occupancy of 32 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. A contribution to Earl Shilton Library's stock of ££347.27 is therefore requested to mitigate the development's impact on this service.

Open Space, Sport & Recreation

- 8.57 Policy 19 of the Core Strategy requires developments to provide on-site open space. The requirements are calculated using an average household size of 2.4 based upon the Census 2011 data for Hinckley and Bosworth Borough. The requirements of open space per dwelling are set out on page 225 of the Open Space and Recreation Study October 2016. Owing to the scale of the site, open space shall be provided off-site as follows:

Off Site Equipped Children's Play Space- £9, 169.27
Off Site Equipped Children's Play Space Maintenance Contribution- £4, 425.12
Off Site Casual/Informal Play Spaces- £1, 044.29
Off Site Casual/Informal Play Spaces Maintenance Contribution- £1, 270.08
Off Site Outdoor Sports Contribution - £4, 865.28
Off Site Outdoor Sports Maintenance Contribution- £2, 311.68
Off Site Accessibility Natural Green Space Contribution- £2, 290.40
Off Site Accessibility Natural Green Space Maintenance Contribution- £3, 976.00
All open space to be for improved facilities at Kirkby Road Recreation Ground

Public Realm Improvements

- 8.58 Policy 19 of the AAP seeks to secure the enhancement of the public realm, through physical development and / or developer contributions which conform to the respective public realm. The policy specifically relates to developments within the settlement boundary, which the application site sits outside of but it is adjacent to the settlement boundary. The AAP policy is supported through Policy 3 of the Core Strategy which seeks to support the regeneration of Barwell Centre; including public realm improvements and Policy 5 of the Core Strategy which seeks to deliver high quality pedestrian and cycle linkages. Given the information above, it is considered

that a contribution towards improvement of the public realm is applicable and in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD (2016).

- 8.59 Appendix 4 of the AAP identifies a number of public realm improvement projects to be delivered in Barwell. The contributions identified for public realm improvements for the Barwell SUE are £402 per dwelling (page 81). This figure is considered to be relevant and appropriate to the appeal scheme as it is directly related to public realm improvements within Barwell. Whilst the proposal is smaller in scale than the SUE it is a policy requirement that all development contributes towards the enhancement of Barwell's public realm. A contribution of £5, 628 is therefore requested.

Affordable Housing

- 8.60 It is noted that the policy requirement set out in the Core Strategy is for the provision of 20% affordable housing on sites of 15 dwellings or more, or 0.5 hectares or more. The number of dwellings on this site does not cross the threshold of unit numbers that would trigger a requirement for affordable housing. The application states the site is 0.1462 hectares and that is also below the policy threshold. There is therefore no request for any affordable housing to be delivered on this development.

Skills Development

- 8.61 Policy 20 of the Earl Shilton and Barwell Area Action Plan identify that commitments from developers will be negotiated to provide employment and training opportunities within construction. Wording to ensure skills development during the construction of a development has been developed and is included within Section 106 agreements. This will ensure that the proposed development would enable benefits to the economy through employment and training opportunities to local people.

Monitoring

- 8.62 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 allow for a sum to be paid in respect of the cost of monitoring planning obligations. In this respect the county council charges £300.00 or 0.5% depending upon which is the greatest for each planning obligation. The Borough Council would also seek to secure monitoring fees of £419 per obligation.

Planning Obligations Summary

- 8.56. As set out above there is a need for the development to mitigate its impact on infrastructure and services arising from the increased demands arising from the development. Each obligation is necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. The applicant has expressed their willingness to enter into such a legal agreement and as such the application is considered to comply with the requirements of Policy DM3 of the SADMP and Policy 19 of the Core Strategy.

Conclusions and Planning Balance

- 8.57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.58. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing

requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and 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 the Framework taken as a whole.

- 8.59. The development would make a contribution to the supply of housing although this benefit would be tempered to moderate weight in the planning balance given the small number of units proposed. There would also be economic benefits in terms of the construction of the development, and those associated with the resultant increase in local population; although such positive weight would again be limited to moderate weight due to the small scale of the number of units proposed.
- 8.60. The site is located within a sustainable urban location within the settlement boundary of Barwell where there is generally a presumption in favour of such development. The proposal is judged to be acceptable in residential amenity and design terms and would not cause significant adverse harm in either case subject to the provision of conditions as identified below. No harm has been identified and the proposal complies with the relevant policies of the development plan.
- 8.61. As the tilted balance applies, paragraph 11(d) of the NPPF requires that 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 the Framework taken as a whole. It is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits (identified above) when assessed against the policies in the NPPF when taken as a whole.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- 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.
- 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. Recommendation

10.1 That the application be **Approved** subject to the conditions set out below and subject to the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph 1.1 that include open space, contributions to waste and library facilities and maintenance and monitoring costs.

10.2 Conditions:

Officer Note: Highway related conditions will be included on the supplementary list on receipt of the final comments from LCC highways

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 92 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, as follows:

- Site Location/Red Line Plan drawing no. 0300
- Proposed Site Plan drawing no. 301 rev. C
- Proposed Floor Plans Blocks A and B drawing no. 302 rev. B
- Proposed Elevations Block A and B drawing No. 303 rev B

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. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site and including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until such time as the existing and proposed ground levels of the site and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. 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 amenity in accordance with Policy DM10 of the adopted Site Allocations and development Management Policies Development Plan Document (2016).

5. No development shall commence above foundation level until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

6. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing 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 and thereafter retained in perpetuity.

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) and the National Planning Policy Framework (2023).

7. 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 in writing 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) and the National Planning Policy Framework (2023).

8. 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) and the National Planning Policy Framework (2023).

9. Upon completion of any remediation works a Verification report shall be submitted in writing to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

10. Prior to commencement of development a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Site preparation and construction works shall be limited to the following hours;
Monday - Friday 07:30 - 18:00
Saturday 08:00 - 13:00
No working on Sundays, Bank and Public Holidays

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) and the National Planning Policy Framework (2023).

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from nearby commercial premises has been submitted to and approved 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 ensure that risks from noise to the future users of the land and neighbouring land are minimised in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

12. No development approved by this planning permission shall take place until such time as a surface water drainage and foul sewage disposal scheme has been submitted in writing to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained. The surface water drainage strategy shall include

- A plan showing proposed SuDS, scale indicative pipe sizes, gradients, flow directions, cover and invert levels; with sufficient detail to allow fixing of the SuDS layout.
- Proposed discharge rate based on best practice guidance.
- Identifications and levels of the surface water outfall. The proposed receptor appears to be a sewer. Evidence of consultation with Severn Trent Water (STW) regarding connection to the sewer should be provided which approves in principle a connection at the proposed rate.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface and foul water from the site and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, in accordance with Policy DM7 and Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

13. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted in writing to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

14. No development shall commence above foundation level until details of a minimum of 3 swift boxes/bricks for each structure have been submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to first occupation of the development the swift boxes/bricks shall be installed in accordance with the approved details and maintained and retained as such in perpetuity.

Reason: To ensure that the development provide biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2023).

15. Prior to commencement of development a Construction Traffic Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall include as a minimum:

- details of the routing of construction traffic and HGVs
- construction traffic arrival and departure times
- delivery times to avoid peak traffic hours
- parking and delivery arrangements
- clear and detailed measures to prevent debris, mud and detritus being distributed onto the road network, including details of wheel cleansing facilities and a timetable for their provision.

Thereafter, all construction activity in respect of the development shall be undertaken in full accordance with such 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 unsuitable 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 DPD and the National Planning Policy Framework (2023).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 33 metres to the southwest of the access and 2.4 metres x 43 metres to the northeast of the site access 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 adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

17. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on AP Building Design Services drawing number 0301 Rev. C 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 adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

18. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with AP Building Design Services drawing number 0301 Rev. C. 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 policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

19. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 and DM18 of the adopted Site Allocations and

Development Management Policies DPD and the National Planning Policy Framework (December 2023).

21. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the two existing vehicular accesses on Stafford Street that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

22. The development hereby permitted shall not be occupied until such time as the secure cycle parking has been implemented in accordance with on AP Building Design Services drawing number 302 Rev B. Thereafter the onsite cycle parking provision shall be kept available for such use in perpetuity.

Reason: To promote travel by sustainable modes in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (December 2023).

10.3. Informatives

1. In relation to conditions relating to land contamination 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.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. Drainage condition informatives:
 - a) For brownfield sites, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must seek to discharge at greenfield runoff rate from the development for the same rainfall event. Where this is clearly demonstrated to not be reasonably practicable, discharge should be restricted as close to greenfield rates as reasonably practicable, but should never exceed the rate of discharge from the site prior to redevelopment. The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should not exceed the runoff volume from the

development site prior to redevelopment for that event. Where an increase in discharge volume is unavoidable, the proposals should discharge at QBar or provide alternative mitigation in line with CIRIA C753.

- b) Overland flow routes Overland flow routes as shown on the 'extent of flooding from surface water' maps should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure.
5. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
6. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. FoTo erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).r further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>