

Planning Committee 31 January 2017
Report of the Head of Planning and Development



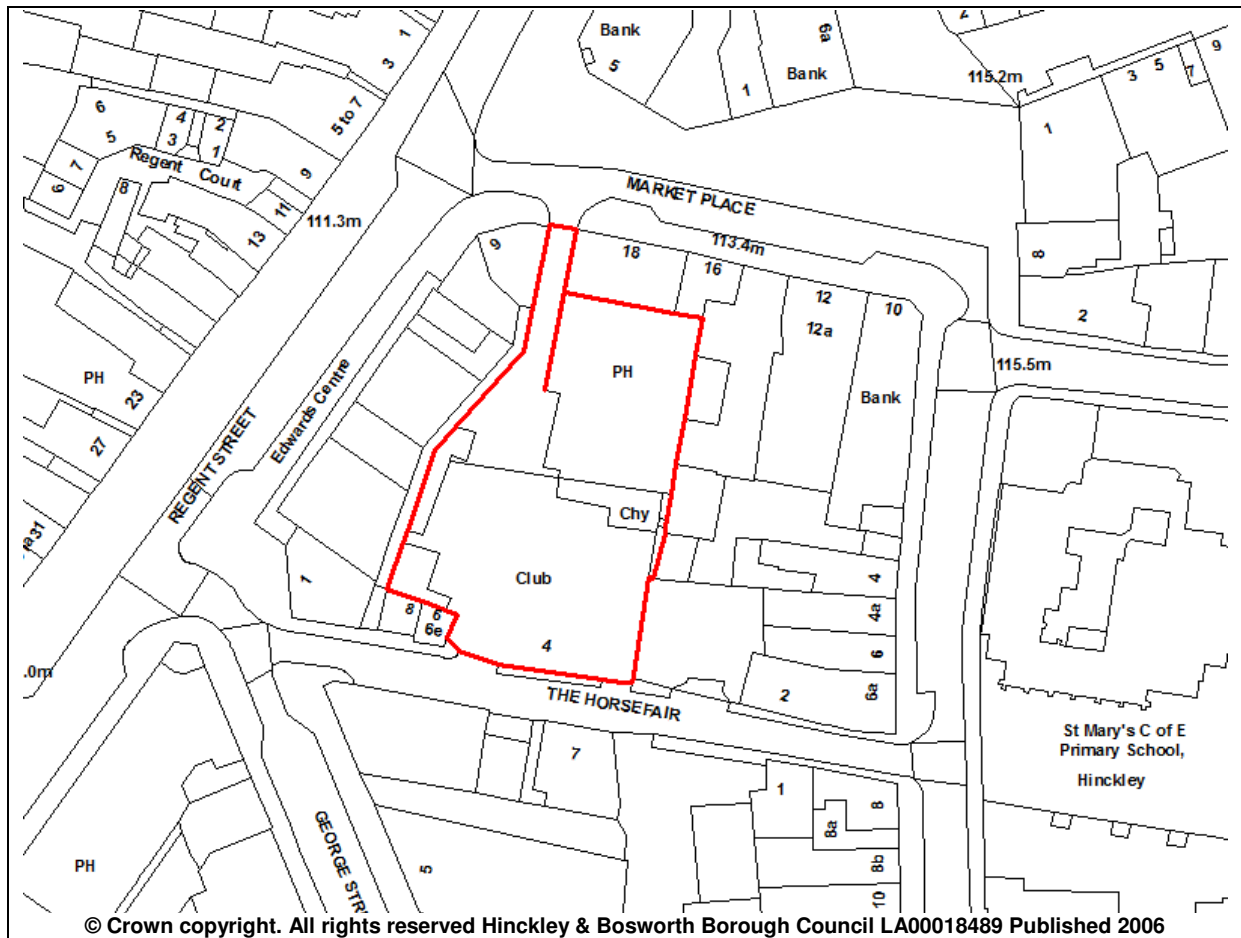
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00818/FUL
Applicant: The Good Old Days Ltd
Ward: Hinckley Castle

Site: 4 The Horsefair Hinckley

Proposal: Conversion, extension and alterations, including part demolition, of buildings to form 27 apartments, associated parking and access



1. Recommendations

1.1. That the Head of Planning and Development be given delegated powers to grant planning permission subject to:

- No further letters of objection raising new and material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.
- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable housing - 6 units, four for social rent and two for intermediate housing
 - Public open space facilities/public realm improvements - £38,548.88
 - Primary School Sector education facilities - £14,034.85

- Planning conditions outlined at the end of this report.
- 1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
 - 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the remodelling, conversion and extension of the former George Ballroom (most recently Elements nightclub) and demolition of the function room (formerly Alley Cats) at the rear of The Bounty public house to form 27 two bedroomed apartments with integral parking areas. Vehicular access is proposed from the two existing accesses from The Horsefair. Pedestrian access would be retained through to the Market Place.
- 2.2. The proposal would provide 21 apartments set over five floors within the converted, altered and extended former ballroom/nightclub building and 6 apartments set over a combination of two and four floors in a new building replacing the single storey, flat roof function room at the rear of The Bounty public house.
- 2.3. The principal front elevation and rear courtyard elevation would have full height glazing to each floor leading to private external balconies to upper floor apartments. A number of new windows are proposed in the side elevation walls. The design includes central atriums with vaulted glazed domes in both the conversion scheme and new build apartments. Private roof gardens are proposed for the top floor apartments in the conversion scheme. The existing access to the building would lead to an entrance foyer on the ground floor. Bin storage areas are proposed close to the existing vehicular access. A total of 29 vehicle parking spaces are proposed to serve the development comprising 15 parking spaces and cycle storage area on the ground floor and 14 vehicle spaces at first floor accessed by a new ramp.
- 2.4. A Design and Access Statement, Heritage Statement, computer generated images and Heads of Terms information sheet have been submitted to support the application.
- 2.5. Amended plans have been submitted with minor amendments to the ground floor and first floor layout and access ramp.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.142 hectares (1420 square metres) and is located within Hinckley Town Centre between The Horsefair and Market Place. The site comprises a former dance hall/theatre/concert hall building constructed in 1935 (most recently used as a nightclub before its closure in 2012), an under-croft vehicle parking and servicing area and a C20th single storey flat roof building attached to the rear of The Bounty Public House and used as a function room.
- 3.2. The site is surrounded by buildings of different scale, design and appearance used for a variety of commercial purposes including retail, public house, café, offices and residential apartments.

4. Relevant Planning History

None relevant

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice has been displayed in the local press. The public consultation period remains open at the time of writing this report and expires on 8 February 2017.
- 5.2. No responses have been received at the time of writing this report as a result of public consultation.

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Severn Trent Water Limited
Environmental Health (Drainage)
Environmental Health (Pollution)
Street Scene Services (Waste)
- 6.2. Leicestershire County Council (Developer Contributions) have assessed the scheme and request the following infrastructure contributions:-
- 1) Director of Children and Family Services requests a contribution of £14,034.85 towards education facilities in the Primary School Sector in Hinckley
 - 2) Director of Environment and Transport requests a contribution of £1,337 towards the delivery of civic amenity services and facilities at the nearest site in Barwell
 - 3) Library Services Locality Manager requests a contribution of £820 towards the delivery of library services and facilities in Hinckley Library
- 6.3. Leicestershire County Council (Drainage) has provided a holding response pending the submission of additional surface water drainage strategy and flood risk information.
- 6.4. No responses have been received at the time of writing this report from:-
NHS England
Leicestershire Police
Leicestershire Fire and Rescue Service
Cyclists Touring Club
CAMRA

7. Policy

- 7.1. Hinckley Town Centre Area Action Plan
- Spatial Objectives 1, 2, 4 and 7
 - Policy 11: Public Realm Improvements
- 7.2. Core Strategy (2009)
- Policy 1: Development in Hinckley
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision

7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10 Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Hinckley Town Centre Conservation Area Appraisal and Map (2013)
- Affordable Housing Supplementary Planning Document
- Open Space, Sports and Recreational Facilities (PPG17) Study

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character and appearance of the Hinckley Town Centre Conservation Area
- Impact upon neighbouring residential amenity
- Parking and impact upon highway safety
- Drainage
- Ground investigation
- Affordable housing
- Infrastructure contributions

Assessment against strategic planning policies

8.2. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley, diversify the existing housing stock in the town centre, support the sympathetic reuse of existing buildings and require new development to enhance the public realm within the town centre. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

8.3. The application buildings were last used as a nightclub and function room but do not have any formal use designation within the adopted SADMP. The site is located within the settlement boundary of Hinckley and in a highly sustainable location in the town centre close to a full range of services and facilities where residential development is generally acceptable in principle subject to all other planning matters being satisfactorily addressed. Therefore a sympathetic residential conversion/new build scheme that would enhance the appearance of the site would result in planning gain and be in accordance with adopted strategic planning policies.

Design and impact upon the character and appearance of the Hinckley Town Centre Conservation Area

- 8.4. Section 12 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure that the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which lead to the overall enhancement of the conservation area, will be supported and encouraged. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.5. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.6. The site comprises the principal building fronting onto The Horsefair, a ballroom constructed in 1935, and a 20th century flat roofed building to the rear which is proposed to be demolished. The 20th century building is related to the former George Hotel (now The Bounty) so is included within the Hinckley Town Centre Conservation Area boundary, however the building is of no historical or architectural interest and does not contribute to the significance of the conservation area. As such, its demolition would not be unacceptable in this case.
- 8.7. The appearance of the former ballroom is of no particular architectural interest so it is not included within the conservation area boundary. The building has been vacant for approximately four years, requires significant repair and by virtue of its current appearance does not contribute in a positive way to the setting of the conservation area. Some physical elements of the building, including the metal roof and variety of construction materials, could be considered to have a detrimental visual impact on the surrounding area, including the conservation area. As a result of its former historic entertainment/leisure uses, the building does retain some social significance and this has been recognised with a blue plaque at the main entrance from The Horsefair. It is therefore fitting that the position and scale of the entrance to the building would to be retained as part of the proposed conversion scheme. The blue plaque will be retained in a similar position as part of the proposed conversion.
- 8.8. The demolition of the flat roof single storey building at the rear and its replacement with a new, well designed two and four storey apartment block attached to the proposed conversion scheme would result in an enhancement of this section of the conservation area. The existing pedestrian access to the former ballroom between The Horsefair and Market Place would be retained and this would also provide a reference point to the social history of the building.
- 8.9. The existing parapet wall of the principal building measures approximately 15.2 metres in height and the central ridge is approximately 19.7 metres in height. The proposed scheme would result in an eaves height of approximately 17.85 metres (an increase of 2.65 metres) and a glazed dome height of 22.8metres (an increase of 3.1 metres). This would effectively result in an extra storey being added to the building which already comfortably exceeds the height adjacent buildings.

- 8.10. Notwithstanding this, the design of the proposed conversion, which includes the removal of the metal roof and its replacement with a more sympathetic glazed vaulted roof, provides the opportunity to improve the overall physical appearance of the building and lead to an enhancement to the setting of the conservation area.
- 8.11. The proposed design includes external balconies with metal columns and railings and full height glazing to the main front and rear elevations, together with some modest additional fenestration to the side elevation walls and proposes the use of more sympathetic external materials. It is considered that the architectural detail and enhanced appearance of the proposed scheme, particularly to the main façade on The Horsefair, would outweigh any concerns in relation to its relatively modest increase in height and would therefore be acceptable in this town centre location. External materials and landscaping could be controlled through the use of a planning condition to ensure a satisfactory appearance that would reflect the character and context of the surrounding area including the conservation area.
- 8.12. By virtue of the layout, scale and design of the conversion and new build scheme, together with the use of sympathetic external materials, the proposal would preserve the significance of the Hinckley Town Centre Conservation Area and would enhance its setting. The proposal would therefore be in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP, section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The Conservation Officer therefore raises no objections to the scheme.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the occupiers of the development would not be adversely affected by activities within the vicinity of the site.
- 8.14. The site is surrounded by buildings of smaller scale that are used for a variety of commercial purposes including retail, public house, café, offices and residential apartments. The proposed external balconies and additional fenestration to all elevations is likely to result in additional views being available from the development towards surrounding properties. However, by virtue of the adjoining properties predominantly commercial use and separation distances to nearby residential apartments, it is considered that the scheme would not result in any significant adverse effects on neighbouring residential amenity from loss of privacy from overlooking or visual intrusion. No objections to the scheme have been received from any neighbouring properties. However, to protect surrounding properties from potential noise and disturbance during the construction phase Environmental Health (Pollution) recommend the imposition of a reasonable condition to require the submission of a construction environmental management plan for prior approval should planning permission be granted.
- 8.15. A degree of noise and activity is not unreasonable in a town centre location. However, the proposed apartments would be surrounded by a variety of commercial activities including a licensed public house which has the potential to affect the residential amenity of the occupiers of the proposed development. Therefore, whilst raising no objections in principle, to protect future occupiers from potential noise and disturbance from nearby commercial operations, Environmental Health (Pollution) recommend the imposition of a reasonable condition to require the submission of noise mitigation measures for prior approval should planning permission be granted.

- 8.16. Subject to satisfactory construction management and noise mitigation measures being submitted, the proposal would not result in any significant adverse impacts on any neighbouring occupiers or the future occupiers of the development and the scheme would therefore be in accordance with Policy DM10 of the adopted SADMP.

Parking and impact upon highway safety

- 8.17. Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing, other modes of transport available. Proposals in Hinckley Town centre should also demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.18. The Horsefair is a relatively narrow one way street with parking restrictions in the form of double yellow lines along both sides. It is a public highway that serves a number of commercial and residential properties. The application site currently benefits from two vehicular accesses from The Horsefair to a ground floor under-croft parking area. Both accesses are approximately 3.7 metres in width and have little or no visibility in either direction. A narrow pedestrian footway crosses the site frontage.
- 8.19. One of the accesses is proposed to provide under-croft parking at first floor level through the construction of an internal ramp (gradient 1:12), the other is proposed to provide access to under-croft parking at ground floor similar to the current situation. A total of 29 parking spaces over two floors are proposed to serve the 27 two bedroom apartments, along with a cycle storage area at ground floor.
- 8.20. The proposal has been assessed by Leicestershire County Council (Highways) who have no objections to the scheme in principle as it could not be demonstrated that it would result in a material increase in traffic visiting the site. Concerns are raised in respect of the available (existing) visibility at the accesses, in particular in respect of pedestrians using the narrow footway across the site frontage. To address this issue the highway authority recommend the imposition of a reasonable condition to require a scheme of pedestrian safety mitigation to be submitted for prior approval, including warning signage and potentially shutter type gates with automated audible warning signals. The Highway Authority note that the proposed parking provision of 1 space per two bedroom dwelling is less than standard for a two bedroom dwelling, however, they also acknowledge and take into account that the development is in a town centre location where other modes of sustainable travel are readily available and that roads in the immediate vicinity are subject to parking restrictions. The Highway Authority therefore raises no objection to the proposed parking provision in this case and no significant adverse impacts on highway safety are identified as a result of potential on-street parking.
- 8.21. Subject to reasonable conditions including parking and turning provision, cycle storage provision and ramp gradient in accordance with the submitted plans, a satisfactory scheme of pedestrian safety mitigation and construction site/traffic management being agreed, the proposed scheme would be acceptable in respect of Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.22. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.

- 8.23. Leicestershire County Council (Drainage) request that additional information in the form of a surface water risk assessment, drainage strategy and Sustainable Drainage Scheme assessment be submitted before a response can be provided. However, the site measures only 0.142 hectares and is located in a town centre location within Flood Zone 1 where neither national nor local requirements require the submission of such details to be submitted prior to determination.
- 8.24. Severn Trent Water Limited and Environmental Health (Drainage) raise no objection to the application subject to the imposition of a reasonable condition to require the submission for prior approval of a sustainable surface water drainage scheme and foul sewer drainage system for the site and its subsequent implementation to ensure that the scheme does not create or exacerbate flooding as a result of development in accordance with Policy DM7 of the adopted SADMP.

Ground investigation

- 8.25. Policy DM7 of the adopted SADMP seeks to ensure that development does not result in any adverse impacts from pollution and that appropriate remediation of any contaminated land is undertaken.
- 8.26. Environmental Health (Pollution) therefore recommend the imposition of reasonable conditions to require appropriate ground investigations and remediation of any contamination found to be undertaken to ensure safe development of the site in accordance with Policy DM7 of the adopted SADMP.

Affordable housing

- 8.27. Policy 15 of the adopted Core Strategy requires the provision of 20% affordable housing on sites of over 15 dwellings or more or on sites measuring 0.5 hectares or more in Hinckley. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities.
- 8.28. The Housing Strategy and Enabling Officer has confirmed that as of 18 November 2016, there were 1147 households on the Council's housing register for Hinckley, including 394 households for two bedroom accommodation. In this case, the provision of a total of 6 x two bedroom affordable units, four for social rent and two for intermediate housing tenure within the scheme would be in accordance with Policy 15 of the Core Strategy. The affordable units have not been identified on the submitted plans and clarification will be sought and reported as a late item to the agenda.

Infrastructure contributions

- 8.29. 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.
- 8.30. The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

1) Public open space/public realm

- 8.31. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. Policy 1 of the adopted Core Strategy and Policy 11 of the adopted Hinckley Town Centre AAP seek new development to enhance the public realm within Hinckley town centre. The Open Space, Sports and Recreational

Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.

- 8.32. In this case, the site is located within the Hinckley town centre and within 400 metres of both Argents Mead and Hollycroft Park which provide a range of public play and open space facilities. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £38,548.88 has been identified towards improving public open space facilities within the vicinity.

2) Education

- 8.33. The Director of Children and Family Services requests a contribution of £14,034.85 towards education facilities in Hinckley to mitigate the impact of additional users from the development on the Primary School Sector. No contributions are requested for the Secondary School Sector or Special Schools Sector.

3) Civic Amenity

- 8.34. The Director of Environment and Transport requests a contribution of £1,337 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale nature of the development it is not considered that the development would result in additional pressure to civic amenity services that need to be mitigated by way of a contribution. Therefore in this instance this requested contribution is not considered CIL compliant and is not requested.

4) Libraries

- 8.35. The Library Services Locality Manager requests a contribution of £820 towards the delivery of library services and facilities in Hinckley library to mitigate the impact of additional users from the development on the facility. Due to the small scale nature of the development it is not considered that the development would result in additional pressure to library services that need to be mitigated by way of a contribution. Therefore in this instance this requested contribution is not considered CIL compliant and is not requested.

5) Health

- 8.36. No response has been received at the time of writing this report from NHS England.

6) Police

- 8.37. No response has been received at the time of writing this report from Leicestershire Police.

- 8.38. The infrastructure contributions identified above, with the exception of civic amenity and libraries, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and could be secured through the completion of a suitable section 106 agreement which is currently under negotiation.

Other issues

- 8.39. Due to the scale of the development, likely timescale/duration of construction works and the potential for disturbance to neighbouring occupiers and the highway from obstruction, Environmental Health (Pollution) and Leicestershire County Council (Highways) recommend the imposition of a reasonable condition to require the submission of a construction management scheme for prior approval to address potential environmental and highway issues.

Street Scene Services (Waste) recommend the imposition of a condition to require the submission of a scheme for refuse and recycling storage. However, the

amended ground floor plan submitted would provide refuse storage and collection areas in close proximity to the access to the site from The Horsefair.

9. Equality Implications

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

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

10. Conclusion

10.1. A sympathetic residential conversion/new build scheme in this highly sustainable town centre location would not be in conflict with any strategic planning policies, would provide additional housing for the Borough and would result in environmental improvements through the enhancement of the appearance of the site. The proposed scheme would preserve the character of the Hinckley Town Centre Conservation Area and would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties or highway safety. The proposed scheme would provide appropriate affordable housing and infrastructure contributions through the completion of a suitable section 106 agreement.

10.2. The proposal would be in accordance with Policies 1, 15 and 19 of the adopted Core Strategy and Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions and no significant new material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.

11. Recommendation

11.1. **That the Head of Planning and Development be given delegated powers to grant planning permission** subject to:

- No further letters of objection raising new and material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.
- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable Housing – 6 units, four for social rent and two for intermediate housing
 - Public open space facilities/public realm improvements - £38,548.88
 - Primary School Sector education facilities - £14,034.85
- Planning conditions outlined at the end of this report.

- 11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.
- 11.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. **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 51 of 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 Plan; Principle Facade Drawing No. HMD/PD/0368/08A; Rear Elevation Drawing No. HMD/PD/0368/09A; Side Elevation (East) Drawing No. HMD/PD/0368/10A; Side Elevation (West) Drawing No. HMD/PD/0368/11A; Section Drawing Nos. HMD/PD/0368/12A and HMD/PD/0368/13A; Second Floor Layout Plan Drawing No. HMD/PD/0368/03A; Third Floor Layout Plan Drawing No. HMD/PD/0368/04A; Fourth Floor Layout Plan Drawing No. HMD/PD/0368/05A; Fifth Floor Layout Plan Drawing No. HMD/PD/0368/06A; Roof Plan Drawing No. HMD/PD/0368/07A received by the local planning authority on 11 November 2016 and Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B; First Floor Layout Plan Drawing No. HMD/PD/0368/02 REV B received by the local planning authority on 15 December 2016.

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

3. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the apartments hereby permitted 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 appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until drainage details for the disposal of surface water, incorporating sustainable drainage principles (SuDS), and foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a

flooding problem and to minimise the risk of pollution to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence until a scheme for protecting the proposed apartments from noise from nearby commercial operations has been 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 apartments hereby approved are first occupied.

Reason: To protect the amenities of the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Before any development commences, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall include hours of operation and detail how, during the site preparation and construction phase of the development, the potential impact on residential amenities and the environment from dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The approved details shall be implemented throughout the course of the development.

Reason: To protect the amenity of neighbouring occupiers and the environment during the site preparation and construction phase to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To ensure that construction traffic/site traffic associated with the development does not lead to on-street parking and access problems in the area or deleterious materials (mud, stones etc.) being deposited in the highway in the interest of highway safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Before first occupation of the development hereby permitted, full details of a scheme to warn all users of the highway, including pedestrians, of emerging traffic from the two access points shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of any access gates/barriers, warning signage and any visual and/or audible warning measures. The development shall be implemented in accordance with the approved details and permanently so maintained at all times thereafter.

Reason: In the interests of highway and pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the first occupation of any of the apartments hereby permitted, the accesses, access ramp gradient, vehicle parking and turning facilities and cycle storage shall be provided in accordance with the details submitted on Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B and First Floor Layout Plan Drawing No. HMD/PD/0368/02 REV B received by the local planning authority on 15 December 2016 and once so provided shall be permanently retained as such at all times thereafter.

Reason: To ensure satisfactory access, parking and turning is provided within the site and thereafter maintained in the interests of highway safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the first occupation of any of the apartments hereby permitted, the refuse waste and recycling storage areas shall be provided in accordance with the details submitted on Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B received by the local planning authority on 15 December 2016 and once so provided shall be permanently retained for such use at all times thereafter.

Reason: To ensure that the future occupiers of the development are provided with satisfactory waste and recycling storage facilities in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) Means of enclosure

- b) Hard surfacing materials
- c) Minor artefacts and structures (e.g. lighting, etc.)
- d) Planting plans
- e) Written specifications
- f) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- g) Implementation programme.

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to Condition 4, the existing sewerage network in the locality is likely to have limited capacity. The opportunity should therefore be taken to relieve this system of unnecessary surface water as and when brownfield development occurs within its drainage area. It is important therefore that a sustainable drainage approach is applied to surface water management in the proposed development, and peak run-off rates should be returned to greenfield levels wherever possible. The preferred use of infiltration devices (soakaways, pervious paving, filter drains, etc.) will depend on suitably permeable ground strata and the site being free from a previous land use legacy of ground contamination. Source control techniques and runoff attenuation systems should be considered and incorporated where possible.
4. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
5. In relation to Conditions 6 and 7, advice from Health and Environment Services can be viewed via the following web address:-

(<http://www.hinckley-bosworth.gov.uk/contaminatedsite>) which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

6. This planning permission does NOT allow you to carry out access alterations in the highway or to erect any signage in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
7. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.