

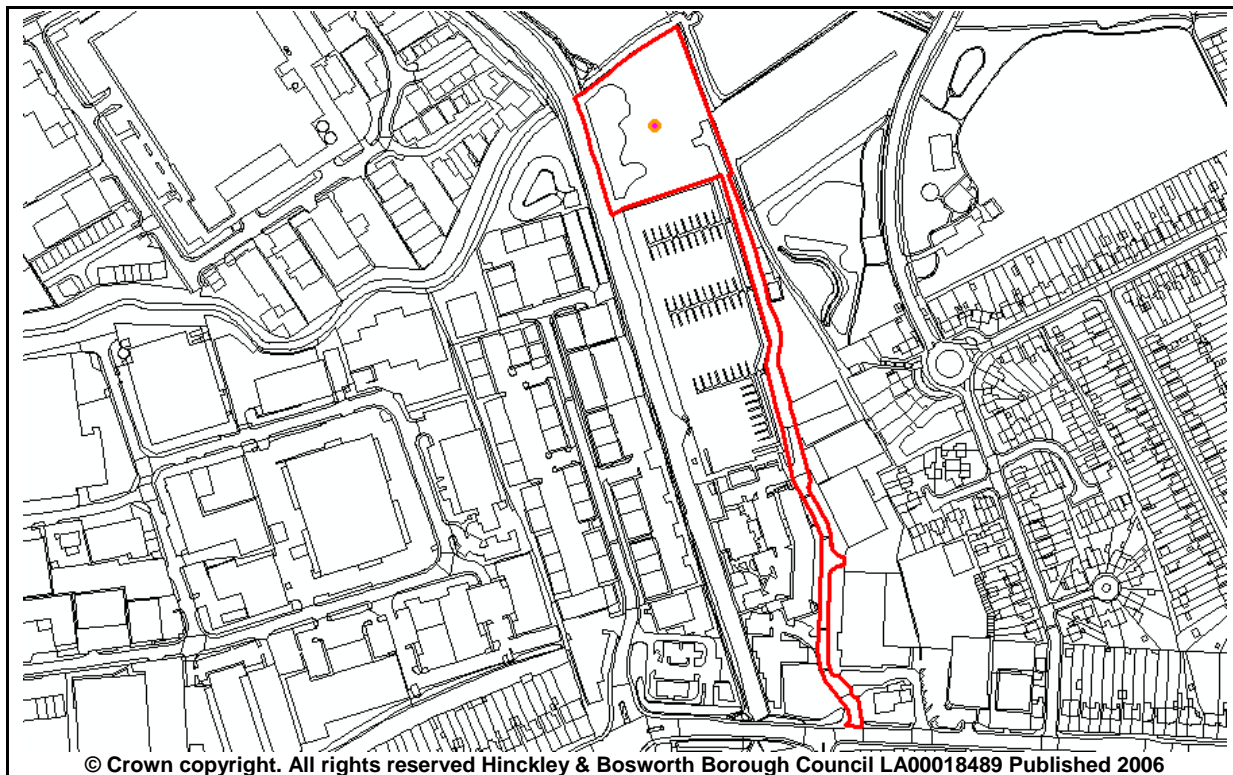
Planning Ref: 22/00839/FUL
Applicant: AG Homes Ltd
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Trinity Marina, Coventry Road, Hinckley, Leicestershire

Proposal: Full planning application for three apartment blocks comprising 76 one and two bedroom apartments with associated parking and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- The completion of a unilateral Undertaking to secure the following obligations:
 - Travel Packs
 - Bus Passes
- Planning conditions outlined at the end of this report
- That the Assistant Direct Planning and Regeneration be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. The application seeks full permission for the erection of three apartment blocks comprising 76 one and two bedroom apartments, associated parking and landscaping. The applicant has stated that the apartments will all be for rented accommodation.

- 2.2. The site is proposed to be developed with three blocks of apartments. Block A is located to the south of the site, parallel with the rear of the marina basin and consists of three floors of accommodation with a roof that divides the structure into nine gabled bays, reminiscent of a traditional wharf building. Block B is exactly the same as Block A and lies at 90 degrees to Block A so that it is parallel with the Ashby Canal. Access to these two blocks is provided by three external stairs, one at each end and with a central stair linking the two blocks. Block C is a smaller square building located to the north east corner of the site and consists of four floors of accommodation arranged around a central stair and lift core, so each elevation of the building is the same. The building has a shallow pitched roof topped by a central roof lantern. The elevations of this building have less glazing compared to Blocks A and B and more timber effect cladding
- 2.3. A single brick is proposed for all three blocks. In all three blocks all apartments on the upper floors have recessed balconies with those on the ground floor having recessed terraces and the external stair access on Blocks A and B allows all apartments to have large living spaces with windows in both elevations so that for all apartments in these two blocks the main living area faces water, open kitchen areas are then located centrally with dining areas facing the internal elevations. All three blocks have dark grey standing seam roofs. All balconies are fronted with metal railings set within the nine brick bays that frame the elevations. Within these nine bays the main material is glazing with some vertical timber effect cladding and grey window frames and spandrel panels. Open space is provided around the perimeter of the site with the main open space located on the northern boundary between Blocks B and C. The centre of the site is taken up with a landscaped parking area providing. Existing trees and hedgerows on the northern and western boundaries of the site are to be retained, and new tree planting is to be provided within the site. Landscaped buffers are provided to the western boundary with the canal, a significant part of which lies outside of the application site, and to the northern boundary.
- 2.4. In terms of the mix of accommodation the proposed apartments have either one or two bedrooms and between 48 and 74 square metres with all apartments meeting the Nationally Described Space Standards, providing though that, for example, the three apartments that have fewer than 50 square metres of floorspace were only occupied by a single person. The mix of accommodation is as follows:
- One bed apartments – 26
 - Two bed apartments – 50
- 2.5. No major changes are proposed to the current access arrangements apart from a new white lined pedestrian access route being clearly marked and signed from the site to the adopted highway. As this access is within the ownership of the applicant a condition requiring a detailed Access Management Strategy to be submitted and approved and implemented before any apartment is occupied. The applicant has stated that this can include clear signage to direct vehicles and residents appropriately and to discourage misuse; monitoring arrangements to oversee access and respond to issues that may arise and automatic number plate recognition or equivalent systems to regulate and record vehicular movements where necessary.
- 2.6. A total of a total of 90 parking spaces of which six are accessible spaces and 12 have EV charging points. Three combined cycle parking and bin store buildings are proposed within the site.

- 2.7. Both the application description and the detailed design of the apartments have been significantly amended since the application was first submitted. The number of apartments has been increased from 73 to 76 and no three bed apartments are now proposed. The detailed design of the buildings has been revised to take account of land ownership clarification, utilities restrictions on the site and changes to provide a more efficient use of floorspace. This has resulted in changes to the siting, scale and appearance of the three proposed apartment buildings. The revisions have also enabled all apartments to now be dual aspect.
- 2.8. The applicant has submitted a Viability Appraisal which has been independently assessed. This matter is addressed in more detail below. The effect of this is that a proportion of the financial contributions usually required are being made and none of the dwellings would be classified as affordable homes.
- 2.9. The application is accompanied by the following reports and documents:
- Planning, Design and Access Statement
 - Design Addendum
 - Viability Statement
 - Transport Assessment
 - Travel Plan
 - Waste Management Plan
 - Reptile Survey
 - Noise Assessment
 - Otter and Water Vole Mitigation Strategy
 - Pond Walkover Technical Note

3. Description of the Site and Surrounding Area

- 3.1. The application site covers an area of approximately 0.86 hectares and is located to the north of the existing Trinity Marina, within the settlement boundary of Hinckley which is identified as a sub-regional centre in the Council's Core Strategy. A thin strip of land separates the site from the Ashby Canal to the west beyond which are industrial and commercial premises and by the Harrow Brook to the north beyond which is an area of unmaintained grass and overgrown vegetation. To the west the site is also bounded by the Brodick Road allotments, public open space to the west of Brodick Road and maintained grassland within the Trinity Marina site east of the access road. Beyond the marina to the south is a pub and a hotel and a mix of industrial and commercial premises.
- 3.2. The access to the site is gained from an existing access from Coventry Road which has separate entry and exit only openings either side of the fuel filling station on the Coventry Road frontage. This current access arrangement serves the marina as well as the pub, hotel, car dealerships and other commercial premises and is private and unadopted. Coventry Road is well served by buses with a service in each direction approximately every 30 minutes.
- 3.3. The site is generally flat but with an embankment to the northern and eastern boundaries of the marina and currently comprises partially maintained grassland and partially overgrown vegetation, particularly to its margins. There is a landscaped strip of vegetation that varies in depth between the site and the canal to the west. The Ashby Canal and its immediate margins lie within the Ashby Canal Conservation Area which covers the length of the canal through the borough.

- 3.4. The site is overgrown and not used for any purpose. The planning history of the site indicates that development of the site had always been envisaged but, for reasons unknown, has never taken place.
- 3.5. The application site is located within flood zone 1. There are no listed buildings within the vicinity of the site.
- 3.6. The site is an 11 minute walk from the Londis convenience store at the corner of Strathmore Road and Coventry Road and a 13 minute walk from the One Stop convenience store at the corner of Coventry Road and Beaumont Avenue.

4. Relevant planning history

- 4.1. 79/00512/4 – Outline planning permission for the erection of garage complex comprising of offices, showrooms, workshops, car sales, petrol station etc., motel and marina – Approved June 1979
- 4.2. 95/00072/OUT – Outline planning permission for marina, vehicle service area, public house and restaurant, vehicle franchise facilities, hotel/leisure club/staff accommodation. Approved July 1995

Officer comment – the site layout plan indicated a leisure club and hotel at the far end of the site where the apartments are now proposed.

- 4.3. 99/00766/REM – Approval of reserved matters for canal marina, public house/restaurant, shop, associated buildings and car parking. Approved May 2000
- 4.4. 00/00926/FUL – Erection of pub/restaurant (revised scheme). Approved October 2000
- 4.5. 18/00058/OUT – Mixed use development including up to 74 apartments, marina facilities (toilets/shower/bath facilities, café, shop, launderette and marina offices/storage) and associated landscaping and infrastructure (outline – access, landscaping, layout and scale only) – Approved 7 August 2019

Officer comment: This application relates to a slightly smaller area and included land to the east of the marina adjacent to the open space east of Brodick Road.

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers 20 local addresses. Letters have also been sent with regard to revised plans. Site notices have also been posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.2. Objections have been received from a total of 26 separate addresses, which raise the following concerns and points:
- Access arrangements are poor and there is already significant congestion with the access road being blocked regularly due to operations relating to the car dealerships and car transporters, and this will make matters significantly worse.
 - Pedestrian access is unsafe at the moment given vehicle parking, manoeuvring, loading and unloading associated with the car dealerships. Providing 76 flats will make the situation significantly worse

- The highway information submitted with the application is deeply flawed – the proposal is wholly unsuitable and poses serious risks in terms of highway and pedestrian safety
- There is insufficient parking already for marina residents and the car dealerships this development would make the parking situation unacceptable
- One of the benefits of the existing marina is that it is secure with the access protected by a locked vehicular gate, pedestrian gate and gates to the individual jetties – much of this will be removed as a result of this development
- Residents of the marina have to cross the access road to reach the shower block – the road being used by residents and visitors to the apartments will significantly increase the vulnerability of marina residents and make them feel less safe
- The tranquillity of the marina will be lost
- The buildings will be an eyesore
- Building this close to the canal basin could compromise the structural integrity of the canal boat marina
- Construction noise will have an unacceptable impact on residents of the area
- Three storey elements will block natural light onto the marina and its occupants
- Loss of privacy for residents on the marina
- The buildings will overlook the marina and its occupants impeding on their mental wellbeing
- People living in narrowboats on the marina are being treated differently from people living in houses – this is not fair and is contrary to Human Rights legislation
- The application documentation suggests that it has direct access to the canal towpath. The canal towpath on this side is part of the marina and should not be accessible to the residential development
- Loss of trees and wildlife including otters and water voles
- No arboricultural report has been submitted
- This will increase risks of flooding
- The application is invalid and has not been properly submitted
- If permission is granted, then there should be conditions securing the following: highway upgrades to the marina access road or access provided via Brascote Road; providing safe, well-lit pavements and crossings for pedestrians and cyclists; parking provision

6. Consultation

- 6.1. **Canal and River Trust** – Considers that the initially submitted revised design is an improvement although the side elevations of blocks A and B are not particularly engaged with the canal and were disappointing when compared with the greater interest and articulation achieved in the principal elevations. The proposed palisade fence along the canal is disappointing and a less utilitarian boundary treatment should be considered. The soft landscaping details are inadequate and given that the canal lies within a conservation area the provision of adequate landscaping is essential.

With regard to the revised plans, while Block B (which faces the canal) retains a broadly similar character, the loss of articulation and removal of variations in the height of the block are relatively disappointing and remove some of the interest that

had been achieved in the previous iteration. Concerns regarding landscaping remain.

Officer comment: the submission of a scheme for hard and soft landscaping is secured via condition.

- 6.2. **Inland Waterways Association** – The Association originally objected to the height of the development but the reduction to three storeys at most is welcomed and the IWA has no further objections to the scheme.

The latest plans are considered to be an improvement on the 2023 designs. The concept views showing open gardens and an unfenced canalside landscape setting are appreciated. The IWA did want to be consulted though on the detailed landscaping proposals.

The IWA supports the application.

- 6.3. **LCC Highway Authority** – The Local Highway Advice (LHA) advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

90 parking spaces are proposed, including six accessible spaces and 12 electric car charging spaces. This works out at one space per flat and 14 visitor spaces. Given the location of the site, which has frequent bus services to Hinckley town centre/ Leicester/ Nuneaton/ Coventry the site is considered to be in a sustainable location. The Applicant is also providing secure cycle parking within the development. The LHA would be willing to accept one parking space per one bed flat and, given the sustainable location of the development, it is considered one space per two bed flat would be acceptable. In addition, the proposals are located some distance from the adopted highway and it is considered unlikely that parking would occur in the highway as a result.

If parking is a concern, the LPA may wish to condition a Parking Management Plan to be provided by the Applicant which would need to be submitted and agreed prior to occupation of the flats. This would need to set out how resident/ visitor parking would be managed throughout the development site. This could include for example allocating a numbered parking space/ spaces to each flat and making residents aware of the number of spaces they are allocated prior to purchasing/ renting the flats or discussing parking requirements with residents prior to purchase/ renting. It would then be clear to potential residents what parking provision is available to them. This would also eliminate any concerns there may be a 'free for all' type situation, where residents/ visitors park wherever they please within the site and purchase/ rent the property with the anticipation of being able to park multiple vehicles in the car park, as there would be allocated spaces throughout.

Whilst it has no objections, connectivity to the site for pedestrians along the private road from Coventry Road is considered currently to be poor. No improvements to the pedestrian route have been made and no improvements have been shown to clearly highlight the vehicle exit routes out of the site.

Conditions and or financial contributions are requested regarding cycle parking, a travel pack and two six month bus passes for each apartment as well as Real Time Information sign boards are the two nearest bus stops on Coventry Road, a construction traffic management plan and on-site parking.

Officer comment: In addition to the conditions provided it is considered that the proposed detailed Access Management Strategy condition will ensure that the necessary improvements to the access route and signage strategy can be secured.

- 6.4. **LCC Ecology** – No objections following the submission of further information. Several conditions are proposed regarding further surveys, landscaping and ecology matters.
- 6.5. **LCC Planning Obligations** – The following contributions totalling £34,461.15, are required as a result of this development:
- Waste – Barwell RHWS - £3,764.28
 - Libraries – Hinckley Library - £1,917.55
 - Primary Education – Westfield Infant and Junior School - £40,254.71
 - Secondary Education – No requirement
 - Post 16 Education – No requirement
- 6.6. **Severn Trent Water** – Requests a condition regarding surface water and foul sewage.
- 6.7. **NHS England** – The proposed development will result in a minimum population increase of 111 patients. The GP practices closest to this development, the Station View Health Centre and the Hollycroft Medical Centre, are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resulting from this proposed development. A contribution of £22,342.08 is required and this should be released prior to first occupation.
- 6.8. **HBBC Conservation** – The development proposed consists of the erection of three apartment blocks located on an undeveloped parcel of land to the north of Trinity Marina. A thin strip of land divides the marina and application site from the Ashby Canal to the west, consisting of access to the canal moorings and a dense screen of hedgerow vegetation and semi-mature trees. The length of the Ashby Canal is a designated conservation area. The red line edge of the proposal appears to run parallel to the band of landscaping along the east of the canal and therefore the proposal is located within the immediate setting of the conservation area.

The Ashby Canal Conservation Area Appraisal (ACCAA) (2009) identifies the history and key characteristics of the canal and its setting that contribute to its significance. The navigation was originally constructed as cheaply as possible to transport coal in large quantities rapidly to the Coventry Canal. The cross section adopted for the canal had soft edges which soon became overgrown with vegetation giving it a natural river-like appearance. Despite its industrial ancestry, the canal generally meanders through attractive open countryside passing few large centres of population. Even in Hinckley, the impression is generally that of a semi-rural navigation with numerous green fields and hedgerows on either side.

The ACCAA identifies two long open panoramic views from the canal over the application site (one is over the undeveloped land, and one view is over the marina). These views no longer exist as the western boundary of the application site currently consists of a length of dense hedgerow vegetation and semi-mature trees which only allow for very limited seasonal glimpses beyond. The vegetation now provides a semi-rural character to both sides of the stretch of canal immediately to the west of the application site, and this characteristic positively contributes towards the character and significance of the conservation area,

predominantly directing views up and down the canal rather than outwards towards surrounding development.

The ACCAA acknowledges that where buildings have been constructed within the canal corridor through Hinckley appropriate built form has been restricted in height and visually separated to ensure any visual impact is limited. The ACCAA also identifies the threats to the canal's character and setting from proposed development, with design guidance seeking to ensure that all future development sites along the canal maintain an appropriately landscaped set back from the canal to ensure that the canal's semi-rural appearance within Hinckley is maintained.

Due to the siting and three storey height of blocks A and B, the development would be visible in views looking north along the canal and from the canal towpath to the west of the site where it rises above the existing vegetation screen. Despite block C being four storeys in height, it is likely that visibility of this block will be limited due to the siting and scale of blocks A and B. The height of the blocks A and B provide them with a consistent scale and to the extent where it is considered that they would not have an overbearing impact upon the canal or be considered uncharacteristic when compared to the scale of some built form within the wider site context. The alternating gabled roof form and recessed balconies on each bay also breaks up the mass of each block on the canal facing elevations which also reduces their visual impact.

Whilst the design concept does not necessarily closely match traditional canalside architecture such as a wharf building, blocks A and B have a consistent and simple approach and rhythm to its form, and the dual pitched gable roofs do follow local context, so generally the design concept for these blocks is considered to be acceptable. Assessment of the acceptability in general design terms of the proposed decking and external stair/lift access arrangements on blocks A and B is left to the decision-taker, as it is considered that these design features have no more than a negligible visual effect upon the conservation area. Block C has a markedly different form and plan compared to blocks A and B, and in my opinion its design does not reflect traditional canalside architecture. However, given the lack of visibility between this block and the canal it is considered there would be no adverse visual effects from block C upon the conservation area.

The construction materials are varied. The buff brick for the facing walls of each block does not follow local traditional characteristics (with a red/orange tone brick being most prevalent), but its more muted tone may be acceptable as part of a contemporary design concept and ensuring that the brick is appropriately specified. To secure this a planning condition is suggested. The timber cladding for the balconies and facing walls of the blocks does reflect rural canalside materials, and whilst the approaches to the windows and balcony railing are considered to be contemporary in nature they are also acceptable. The roofing material for the blocks has not been confirmed. The previous proposal was for a slate roof which is a locally prevalent material. The revised elevations suggest that the proposed roof material could be metal, such as zinc / aluminium with a standing seam. Again, whilst not a traditional or locally prevalent material this does seem to fit with the more contemporary design concept for the revised scheme. The roofing details should be secured via a planning condition.

The maintenance and strengthening of the landscape screen along the western boundary of the site bordering the canal is critical to provide a level of visual screening and retain a key characteristic of the Ashby Canal Conservation Area.

Due to the suitable scale, mass, layout, form and design and construction materials for each block (subject to a condition) the proposal would result in an appropriate development within the immediate setting of the Ashby Canal Conservation Area causing no harm to its significance. Subject to further details (secured by condition) the proposal would retain the existing landscaping screen along the western boundary of the site which would preserve the semi-rural character of the canalside setting and the proposal has the potential to strengthen the amount of soft landscaping within the site boundary. For these reasons the proposal would preserve the significance of Ashby Canal Conservation Area and consequently it complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF.

- 6.9. **HBBC Affordable Housing** – Core Strategy Policy 15 indicates that 20% of the dwellings in urban areas should be for affordable housing of which 75% should be for affordable rent and 25% for shared ownership. To comply with guidance there should be 15 affordable homes. Previous applications related to this site indicated that viability issues would prevent the site from delivering any affordable housing on site. If the applicant still feels this to be the case, an up to date viability assessment should be submitted, which will be independently verified on current values to see if the site is able to provide any affordable housing either via on site provision or by way of a commuted sum if the residual value gives a low contribution.

- 6.10. **HBBC Compliance and Monitoring** – An off-site contribution for play and open space should be secured for all typologies (equipped, informal, outdoor sports and accessible green space). These can be put towards Langdale Road Park and Brodick Road amenity green space.

A pedestrian access to the site should also be provided. The development site is adjacent to Brodick Road which would then allow access and links to recreation areas nearby.

- 6.11. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 6.12. **HBBC Environmental Health** – No objections subject to conditions regarding contamination and a Construction Environmental Management Plan. Further information is requested regarding noise issues.

7. Policy

7.1. 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
- Policy 23: Tourism Development
- Policy 24: Sustainable Design and Technology

7.2. 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 DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (2024)
 - Ashby Canal Conservation Area Appraisal
 - Ashby Canal Conservation Area Management Plan
 - Heritage Strategy (2020)
 - Housing Needs Study (2019)
 - Affordable Housing SPD (2011)

8. Appraisal

- 8.1. This is a full application for the development of 76 apartments within Hinckley. The following represent the key issues:
- Principle of Development
 - Housing Land Supply
 - Housing Mix
 - Impact upon Highway Safety
 - Impact on the Character and Appearance of the Area
 - Residential Amenity
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - S106 Heads of Terms
 - Conclusions and Planning Balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and 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. For the purposes of the application the development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site Allocations and Development Management Policies DPD (2016) (SADMP). The NPPF states at paragraph 12 that

where a planning application conflicts with an up-to date neighbourhood plan, permission should not usually be granted.

- 8.4. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development referred to in paragraph 11, applies to applications for housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
- The neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - The neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - The LPA has at least a three year supply of deliverable housing sites;
 - The LPA's housing delivery was at least 45% of that required over the previous three years.

It is not considered that any of these circumstances apply in this instance.

- 8.5. The Emerging Local is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme was published on 6 March 2025. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight, and none are considered of relevance to this application.
- 8.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located within Hinckley and Policy 1 of the Core Strategy states that to support Hinckley's role as a sub-regional centre the Council will allocate land for a minimum of 1120 new dwellings and will seek to diversify the existing housing stock in the town centre.
- 8.7. Permission has been granted in August 2019 for a similar development that included a range of facilities in addition to the 76 apartments. While that permission has expired the circumstances remain broadly similar.
- 8.8. The site lies within the settlement boundary of Hinckley
- 8.9. It is considered that the principle of the development of 76 apartments on the site remains acceptable subject to the detailed considerations set out below.

Housing Land Supply

- 8.10. 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.
- 8.11. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough Council is able to demonstrate 3.89 years of deliverable housing as of July 2025. 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 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. It should be noted that the assessment of housing land supply is due to be updated very soon.

- 8.12. 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 (7) provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- 8.13. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.*

- 8.14. Paragraph 61 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”.*

- 8.15. Paragraph 79 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*

- 8.16. Development on this site would contribute to the housing land supply and consideration should be given to paragraph 81 of the NPPF which states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”

- 8.17. Therefore, currently 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.
- 8.18. The provision of 76 dwellings, albeit that none would be for Affordable Housing, is considered to be a significant benefit. In light of the failure to deliver a 5 year supply though it is considered that significant weight should be given to the provision of the proposed dwellings.

Housing Mix

- 8.19. 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. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for a Healthy Life, unless unviable. A minimum density of 40 dwellings per hectare is required in Hinckley, a lower density may be required where individual site circumstances dictate and are justified.
- 8.20. The Good Design Guide SPD advocates the use of the Building for a Healthy Life Assessment.
- 8.21. 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.
- 8.22. The mix of apartments provides a range of sizes with the majority of the apartments being two bed.
- 8.23. 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. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.24. The housing officer has requested 20% of units on the site to be affordable, but the applicant has submitted a viability assessment stating that the provision of affordable homes is not viable. The Council has had the assessment independently assessed and it has been concluded that the provision of affordable homes would not be warranted in this instance due to viability issues.
- 8.25. The proposal is therefore, in these specific circumstances, deemed to be acceptable with respect to housing mix and affordable housing.

Impact upon Highway Safety

- 8.26. 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)).

- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users Paragraph 116 of the NPPF states 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 117(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.
- 8.29. The applicant has been required to submit further information in order to satisfy the Local Highway Authority that the proposals are, in the view of the LHA, acceptable.
- 8.30. Despite the unusual access arrangements the Local Highway Authority have no objections to the proposed development and a condition securing an Access Management Strategy is proposed in order to secure and maintain a safe pedestrian route from the apartments to Coventry Road.
- 8.31. The Leicestershire Highway Design Guide sets out that dwellings with up to three bedrooms require two parking spaces. The Guide though makes no distinction between dwellings in the countryside and dwellings that lies within an urban location where easy access to frequent bus services is available approximately twice an hour.
- 8.32. The Local Highway Authority has confirmed that it considers, these site specific circumstances, the level of parking provision to be sufficient. It has further suggested that the LPA might wish to attach a condition requiring the submission of a Parking Management Plan that could include such measures as allocated parking, drawing attention to the fact that there was one parking space per apartment, discussing parking requirements with prospective occupiers prior to moving in and penalties for parking in unallocated parking spaces.
- 8.33. The applicant has stated that the target market for the properties is primarily downsizers and empty nesters, who typically have a lower level of car ownership, often one vehicle per household. In addition secure cycle parking is provided within the site.
- 8.34. The proposal is, with the addition of the conditions proposed, considered to be acceptable with regard to highway safety and its impacts on the local highway network in accordance with the requirements of policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Documents and as required by the NPPF.

Impact on the Character and Appearance of the Area

- 8.35. As set out above the site lies within the built-up area of Hinckley with a mix of uses in the vicinity of the site. The impact on heritage assets is addressed in a separate section below.

- 8.36. Point c) of Policy DM10 of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.37. The site is currently well screened from public viewpoints by the trees that either lie within the site or on neighbouring land bordering the site. The originally submitted scheme included four-storey elements, and this has been revised so that the maximum height across the blocks closest to the Ashby Canal Conservation Area is three storeys. Following changes to the detailed design it is considered that the proposal is a well-designed scheme that will be an attractive development that will sit well in its self-contained setting adjacent to the marina.
- 8.38. The nature of the site will change significantly but given the variety of neighbouring uses, it is not considered that the proposed development will result in any harmful effects on the character of the surrounding area in accordance with the requirements of Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

Impact on Heritage Assets

- 8.39. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.40. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 197 of the NPPF advises local planning authorities to take account of
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.41. Paragraphs 199-202 of the NPPF require that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification and for that harm to be weighed against the public benefits of a proposal.
- 8.42. Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.43. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and

- b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 8.44. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.45. The Ashby Canal Conservation Area lies approximately 5m from the boundary of the site and therefore the site and the proposed buildings are located within the immediate setting of the Conservation Area.
- 8.46. The Ashby Conservation Area Appraisal (MBCAA) points out that the canal is noted for its visual charm, meandering peacefully for most of its length through the quiet pastoral landscape of western Leicestershire with very limited hints of the coalmines and heavy industry that prompted its creation. Even in Hinckley the impression is generally that of a semi-rural navigation with green fields and hedgerows on either side.
- 8.47. As set out by the Council's Conservation Officer the identified view from the canal over the application site no longer exists as the western boundary of the application site consists of dense hedgerow and semi-mature trees. The hedgerow would be retained in the landscaped buffer strip as would many of the trees. The vegetation now provides the semi-rural character that is a characteristic of the canal. This contributes positively to the character and significance of the conservation area.
- 8.48. The Council's Conservation Officer has required improvements to be made to the proposals resulting in both a lowering of the height of the buildings and in detailed improvements to the elevations. While the proposed development would be seen above the trees and glimpsed further in winter it is considered that the proposal represents an appropriate form of development that retains the existing landscaping screen along the western boundary of the site which would preserve the semi-rural character of the canalside setting . The proposal is considered therefore to preserve the significance of the Ashby Canal Conservation Area and consequently complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF.

Impact upon Residential Amenity

- 8.49. 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.
- 8.50. 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.
- 8.51. 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.

- 8.52. Paragraph 198 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.
- 8.53. There are no traditional dwellings within close proximity of the site but it is the case that since the marina was first developed as a leisure facility more and more people have started to live full time on boats on the marina. Block A is located 2.2m from the marina and approximately 16m from the closest point of the largest boat moored at this end of the marina according to aerial photography. Residential moorings at the marina though are currently limited to 60 boats, having been increased from 50 in April this year and it has been confirmed that there are, in total, 134 moorings available at the marina. It is not known how many of the boats on the line of moorings closest to Block A are residential, but it is clearly feasible to ensure that none of these are occupied by boats that are used as full-time homes. Objections have been received regarding loss of privacy and natural light and overlooking. Given the distances set out above and the limited number of residential moorings at the marina it is considered that the scheme does not have an unacceptable relationship with the marina or an unacceptable effect on the amenity of any users of the marina whether they live full time on a boat or use the marina for leisure purposes.
- 8.54. The Environmental Health Officer has recommended a Construction Environmental Management Plan condition.
- 8.55. In terms of amenity for future occupiers the closest relationship between buildings is between the northern elevation of block A and the three storey gable of block B. The distance between the blocks is 9.2m and while this distance is shorter than would normally be considered acceptable the habitable room windows in block A are deliberately oversized and all apartments are now dual aspect. There is one bedroom on each of the three floors of Block A that faces the lift that is located between the two blocks. The distance between the window and the lift shaft is 4.6m. Landscaping treatment is provided in front of all bedroom windows that face on to the external access to the apartments as well as between the two buildings in the form of tree and shrub planting to mitigate privacy issues. It is considered that, on balance, the proposal provides future residents with an acceptable level of amenity. Details of this landscaping are covered by condition.
- 8.56. It is considered that the proposed development is 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

- 8.57. 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.
- 8.58. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.

- 8.59. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. The western, northern and eastern margins of the site are at a low risk of surface water flooding.
- 8.60. The HBBC Drainage Officer advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. No objections have been received from Severn Trent Water. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.61. 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 174 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.
- 8.62. The County Ecologist has required that additional information be submitted and having assessed that submitted information has no objections but has requested several conditions. In accordance with the requirements of Policy DM6 and paragraph 174 of the NPPF a condition regarding demonstration that a biodiversity net gain is achieved on the site is also attached.
- 8.63. Subject to these condition requirements the proposed development is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

Other Matters

- 8.64. The development would result in the loss of five trees from the site, but this would be compensated for by new tree planting. Trees on the margins of the site would all be retained.
- 8.65. Objections have been received regarding site security. It is considered that this is a detailed matter for the respective owners and is a matter that can be satisfactorily left for them to resolve rather than requiring a condition to be attached.
- 8.66. Objections have been received regarding construction noise, but this is addressed by condition.
- 8.67. The Environmental Health Officer has requested further information on noise but on the basis that the location plan in the noise report does not match the submitted location plan. The difference though only relates to the access, and the noise report accurately plots the proposed apartment buildings. The noise report concludes that the noise climate is of distant traffic and distant plant to the west, albeit at relatively low levels such that a good standard of residential amenity will be achieved even with partially open windows and that standard double glazing and standard trickle vents are considered appropriate.
- 8.68. On this basis it is considered that no noise condition is required.

S106 Heads of Terms

- 8.69. 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.
- 8.70. 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.
- 8.71. The contributions sought are detailed below:
- Off-Site Play and Open Space
 - Affordable Housing – 20% (15 dwellings - 75% social or affordable rented and 25% intermediate tenure/shared ownership).
 - Library Services (£1,917.55)
 - LCC Waste Management (£3,764.28)
 - Healthcare (£22,342.08)
 - Primary Education (£40,254.71)
 - Secondary Education (no requirements)
 - Post 16 Education (no requirement)
 - Primary SEND Education (no requirement)
 - Secondary SEND Education (no requirement)
 - Early Years Education (no requirement)
 - Travel packs for all new residents (one per dwelling - £52.85 per pack)
 - Two x 6 month bus passes per dwelling to encourage new residents to use bus services and make behavioural changes (£510.00 per pass)

The total S106 financial contribution resulting from the development, excluding affordable housing and off-site open space, is £149,815.22.

- 8.72. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated. However, as set out at paragraph 12.18 of the SADMP where a developer considers that a reduced level of infrastructure provision will be necessary as the cost of delivering the entire development will render the scheme unviable, they will be expected to identify and explore issues of viability as soon as possible with the Council.
- 8.73. A viability report has been submitted by the applicant which includes no S106 costs within it. This has been independently assessed by the Council's consultants. The conclusion of that assessment is that affordable housing and S106 financial contributions cannot be supported by the proposed development.
- 8.74. The applicant has agreed to provide travel packs, bus passes and the bus stop upgrades required by the Local Highway Authority. These costs amount to over £85,000, a significant proportion of the financial contributions sought by the County

Council. Given these contributions it is not considered that further assessment of the financial viability of the proposals is warranted.

- 8.75. The applicant has submitted a signed Unilateral Undertaking regarding these highway related requirements. As such the application is considered to comply with the requirements of Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.

Conclusions and Planning Balance

- 8.76. 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.
- 8.77. 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.
- 8.78. The provision of 76 dwellings is considered to be a benefit of the proposal to which significant weight in favour of the scheme is attached.
- 8.79. The proposed development has no harmful effect on the character and appearance of the site and surrounding area. The development would also, via condition, meet the environmental protection aims of the NPPF.
- 8.80. The proposal is, on balance and subject to the conditions proposed, considered acceptable with regard to its impacts on highway safety, in accordance with the requirements of policies DM17 and DM18 of the SADMP and meets the requirements set out in Paragraph 115 of the NPPF.
- 8.81. This development would have a neutral effect on the setting of the Ashby Canal Conservation Area and therefore upon its significance.
- 8.82. Other benefits of the scheme apart from the delivery of 76 dwellings include the relative accessibility to facilities and services and the economic and social benefits through the construction of dwellings and from subsequent activities of future residents in the local area. These benefits are considered to attract moderate weight.
- 8.83. Consequently, as the tilted balance in paragraph 11 of the NPPF is engaged, the adverse impacts of granting permission do not significantly or demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF when taken as a whole. The proposal would therefore represent sustainable development and planning permission should be granted.

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, particularly given that objections consider that residents of the marina are being treated differently than would be the case if they resided in traditional homes.

- 9.3 Officers have assessed the application with regard to the effects on the amenity of occupiers of the canal boats. 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 **Grant planning permission** subject to:

- Planning conditions outlined below

10.2 Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
- Site Location Plan 22408 01 Rev P01
 - Site Plan 22408 101 Rev P01
 - Site Plan 22408 102 Rev P01
 - Proposed Block A Ground Floor Plan 22408 110 Rev P01
 - Proposed Block B Ground Floor Plan 22408 110 Rev P01
 - Proposed Block C Ground Floor Plan 22408 110 Rev P01
 - Proposed Block A First Floor Plan 22408 111 Rev P01
 - Proposed Block B First Floor Plan 22408 111 Rev P01

- Proposed Block C First Floor Plan 22408 111 Rev P01
- Proposed Block A Second Floor Plan 22408 112 Rev P01
- Proposed Block B Second Floor Plan 22408 112 Rev P01
- Proposed Block C Second Floor Plan 22408 112 Rev P01
- Proposed Block A Elevation A 22408 130 Rev P01
- Proposed Block B Elevation A 22408 130 Rev P01
- Proposed Block C Elevation A 22408 130 Rev P01
- Proposed Block A Elevation B 22408 131 Rev P01
- Proposed Block B Elevation B 22408 131 Rev P01
- Proposed Block C Elevation B 22408 131 Rev P01
- Proposed Block A Elevation C 22408 132 Rev P01
- Proposed Block B Elevation C 22408 132 Rev P01
- Proposed Block C Elevation C 22408 132 Rev P02
- Proposed Block A Elevation D 22408 133 Rev P01
- Proposed Block A Elevation D 22408 133 Rev P01
- Proposed Block A Elevation D 22408 133 Rev P01

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 above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings 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 in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

5. The development hereby permitted shall not be occupied until such time as the parking (and turning) facilities including the 12 electric vehicle charging bays have been implemented in accordance with Corstorphine and Wright drawing number 24255-CWA-XX-ZZ-DR-A-0302 Rev P02. Thereafter the onsite parking (and turning) and electric vehicle changing provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking and charging 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 DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

6. No development above floor plate level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, 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).

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable method should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason: To ensure that the development is provided with a satisfactory means of drainage, reducing the risk of creating or exacerbating flooding, to minimise the risk of pollution and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM3, DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

8. No development (including vegetation clearance) shall take place until an ecological mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. These measures shall include, but are not limited to native planting, wildflower grassland creation, and integrated bird and bat boxes within the new buildings. The measures should also achieve measurable Biodiversity Net Gain. Any mitigation, compensation or enhancement measures need to be clearly shown on all relevant submitted plans/elevations. All works shall proceed strictly in accordance with the approved scheme and the measures that ensure a Biodiversity Net Gain on the site shall be retained thereafter for the lifetime of the development.

Reason: To ensure that the development provides biodiversity enhancements in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document 2016 and Government guidance as contained within Section 15 of the National Planning Policy Framework 2021.

9. 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. Any 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 any contamination is dealt with appropriately to protect the amenity of future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. 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 agreed in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any approved remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that any contamination identified during development of the site is dealt with appropriately to protect the amenity of future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to commencement of development a Construction Environmental Management Plan shall be submitted 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. Any agreed details shall be implemented throughout the course of the development.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Site preparation and construction works shall be limited to the following hours:
Monday - Friday 07:30 - 18:00
Saturday 09:00 - 14:00
There shall be no working on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development above floor plate level shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to 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 prior to first occupation of the development.

Reason: To ensure that the proposed development provides adequate and accessible waste and recycling collection across the site, that would not affect the amenities of neighbouring and future occupants of the site to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

14. Prior to the first occupation of any of the dwellings hereby permitted, a Landscape Management and Maintenance Plan, including long term objectives, biodiversity net gain requirements, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance of the public open space hereby permitted shall thereafter be carried out in accordance with the approved details.

Reason: To conserve and enhance features of nature conservation within the site and in the interests of visual amenity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No dwelling shall be occupied until an Access Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The Access Management Strategy shall detail how a safe pedestrian route from the apartments to Coventry Road shall be secured and maintained at all times. The pedestrian route shall operate in accordance with the approved strategy thereafter for the lifetime of the development.

Reason: To secure safe and convenient access to the development for walkers and cyclists in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No dwelling shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall operate in accordance with the approved details thereafter.

Reason: In the interests of pedestrian and highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 115 of the National Planning Policy Framework (2016).

17. The development hereby approved shall not be occupied until such time as secure cycle parking has been provided in accordance with Corstorphine and Wright drawing numbers 24255-CWA-XX-00-DR-A-0310 Rev P01 and 24255-

CWA-XX-01-DR-A-0311 Rev P01. 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 the National Planning Policy Framework (2024).

18. No part of the development shall be occupied until such time as new Real Time Information sign boards have been installed at the two nearest bus stops to the development on Coventry Road (IDs 260070081 and 260010320) have been implemented in full.

Reason: To mitigate the impact of the development in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2024).