

Reference: 14/01004/FUL

Applicant: R Singh

Location: 116 High Street Barwell

Proposal: Demolition of factory and erection of a 12 dwelling apartment block

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major scheme for over 10 dwellings and was received prior to the new Scheme of Delegation being approved.

Application Proposal

This application seeks full planning permission for the demolition of vacant, semi-derelict former factory buildings and the erection of a 12 dwelling apartment block with associated parking and access. Amended plans have been submitted to address Officers' concerns in relation to the proposed height and design of the new apartment block and parking layout. The amended scheme now proposes an apartment block comprising of 9 x 2 bedroom apartments and 3 x 1 bedroom apartments arranged over two storeys and within the roof space. It is sited in a similar position within the site to the existing two storey former factory building. The layout includes a total of 18 vehicle parking spaces to serve the development, including three visitor parking spaces. An existing access is available from High Street and is to be upgraded as part of the proposed development of the site.

Re-consultation has been undertaken in respect of the amended plans.

The Site and Surrounding Area

The brownfield site measures approximately 0.13 hectares (excluding the access) and is located within the settlement boundary of Barwell and within the Barwell High Street Conservation Area. It comprises a two storey former factory building and attached single storey former bake house constructed of a variety of materials including brick and render with a slate roof and cast iron window frames. The buildings are identified in the Barwell High Street Conservation Area Appraisal and Map as Key Local Buildings due to their historic interest in being part of the Barwell Co-operative Society complex and the characteristic design and features, but they are currently derelict and in a state of disrepair. The remainder of the site including former associated outbuildings has been cleared but is now overgrown and the whole site is poor in terms of visual appearance.

To the east of the site lies a two storey residential terrace and chip shop fronting onto High Street and to the north a large residential garden. To the west there is a 24 hour commercial distribution warehouse (Crowfoots Carriers) with lorry parking and manoeuvring areas located on Mill Street Industrial Estate with access from Moat Way. To the south other commercial buildings containing a variety of uses including a window manufacturer and retail and leisure uses. The site is enclosed by a mix of walls and close boarded timber fencing and poorly maintained wire mesh fencing to the public footpaths that run to the south and west of the site.

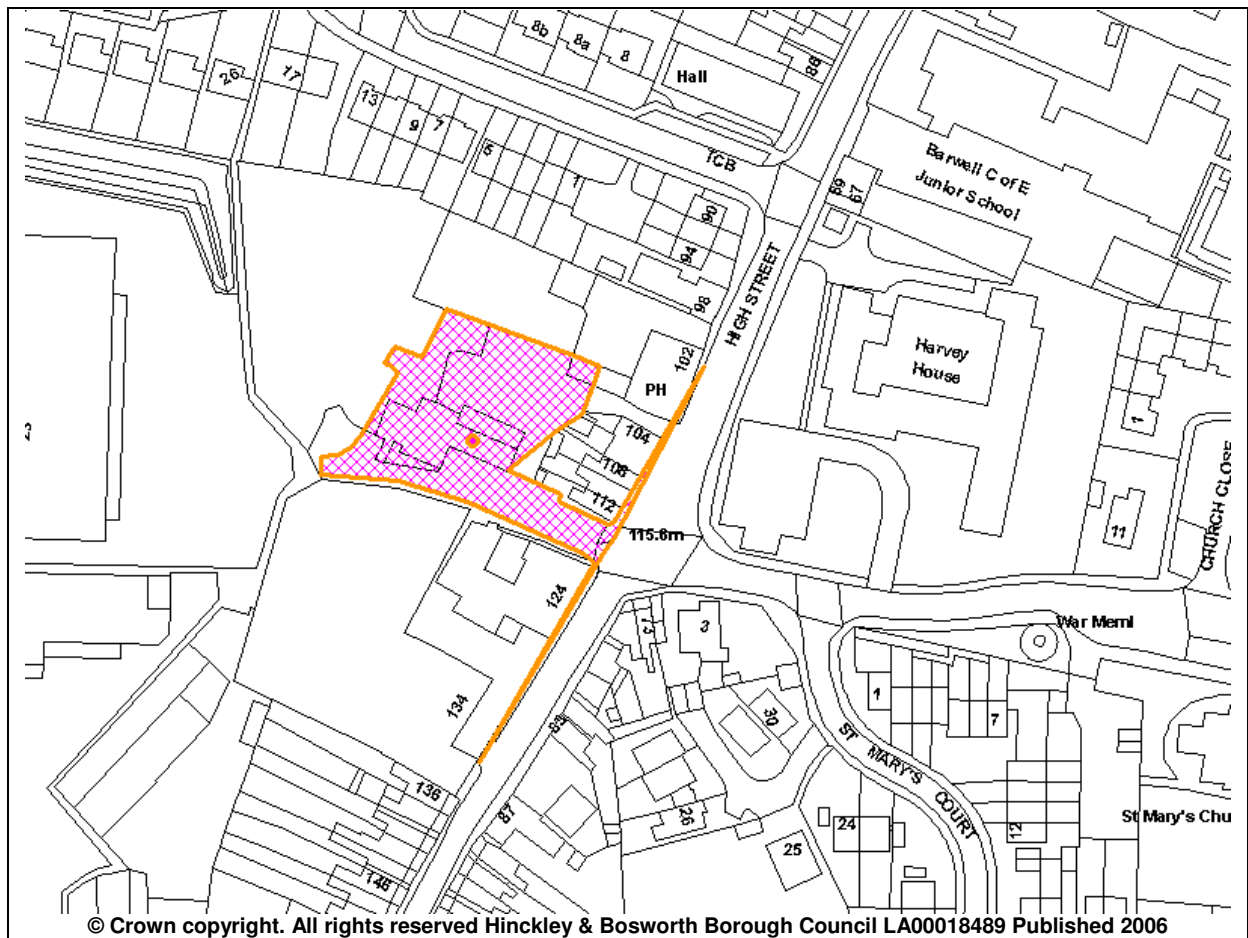
Technical Documents submitted with the Application

Design and Access Statement
Heritage Statement (June 2014)
Structural Inspection Report (July 2014)
Economic Viability Report (October 2014)
Protected Species Survey (May 2014)
Bat Emergence/Re-entry Surveys (May 2015)

Relevant Planning History:-

The application site forms part of a previously approved residential scheme for the conversion of the existing factory building to 9 apartments and for the erection of 11 new houses and 2 new apartments on land to the rear (reference 06/01196/FUL). The 2006 application was submitted following a refusal of planning permission and a dismissed appeal on an earlier scheme for the demolition of the existing buildings and new build development of the whole site. Conditions were discharged and works were commenced on the scheme to convert the existing factory and therefore the previously approved conversion scheme remains extant. The current application is supported by a viability report that compares the viability of the extant conversion scheme to that of the proposed demolition and new build scheme. The approved new build part of the scheme on the land to the rear was revised (reference 09/00797/FUL) and an application for an extension of time on that revised new build scheme was approved in 2012 (reference 12/01045/EXT).

12/01045/EXT	Extension of time application for planning permission 09/0797/FUL for the erection of 11 dwellings	Approved	22.05.12
09/00797/FUL	Erection of 11 new dwellings	Approved	12.03.10
08/01020/FUL	Erection of 12 dwellings	Withdrawn	21.01.09
06/01196/FUL	Conversion of industrial buildings to 9 apartments, demolition of other buildings & redevelopment with 11 houses and 3 apartments including associated parking and access	Approved	20.02.07
05/00982/OUT	Residential Development	Withdrawn	25.01.06
04/00974/OUT	Residential Development	Refused Appeal Dismissed	03.11.04 20.01.06



Consultations:-

No objection has been received from:-

- Environment Agency
- Leicestershire County Council (Ecology)
- Leicestershire County Council (Public Rights of Way)
- Leicestershire Fire and Rescue Service
- Environmental Health (Land Drainage)

No objection subject to conditions has been received from:-

- Leicestershire County Council (Highways)
- Leicestershire County Council (Archaeology)
- Severn Trent Water Limited
- Environmental Health (Pollution)
- Street Scene Services (Waste)

Leicestershire County Council (Developer Contributions) has the following comments:-

- a) Director of Children and Young Peoples Services (Education) requests no contributions.
- b) Director of Environment and Transport (Civic Amenity) requests a contribution of £594 to mitigate the impact of the proposed development on nearby civic amenity waste facilities.
- c) Director of Adults and Communities (Libraries) requests a contribution of £320 to mitigate the impact of the proposed development on nearby library facilities.

Press notice and site notice posted and neighbours notified, one neutral response received raising concern of being overlooked to a bathroom and bedroom but otherwise supporting the scheme to improve the area and make use of disused buildings.

No response has been received at the time of writing this report from:-

NHS England
Police Architectural Liaison Officer
Cyclists Touring Club
Ramblers Association
Barwell Parish Council

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 3: Development in Barwell
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

The site is located within the settlement boundary of Barwell and within the Barwell High Street Conservation Area as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy BE8: Demolition in Conservation Areas
Policy BE16: Archaeological Investigation and Recording
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE2: Pollution
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Development Plan Documents

Earl Shilton & Barwell Area Action Plan (DPD)
Barwell High Street Conservation Area Appraisal and Map (2010)
Play and Open Space (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)

Appraisal:-

The main considerations in determination of this application are:-

- The principle of development
- Structural condition and viability of conversion
- Layout, design and impact on the character and appearance of the Barwell High Street Conservation Area
- The amenities of neighbouring properties
- Access, parking and highway safety
- Developer contributions
- Other issues

Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the saved policies of the adopted Local Plan (2001).

Policy 3 of the adopted Core Strategy supports development within the settlement boundary to deliver a minimum of 45 new residential dwellings in Barwell in addition to a Sustainable Urban Extension to include 2500 new homes. The application site is located within the settlement boundary of Barwell as defined on the Proposals Map of the adopted Local Plan where residential development is generally acceptable in principle and is in a sustainable location within a reasonable distance of services and facilities. Policy RES5 of the adopted Local Plan supports housing development on unallocated sites within the boundaries of urban areas subject to satisfactory siting, design and layout.

The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable housing development. This is set out within paragraphs 14 and 49 of the NPPF. For decision taking this means:-

- approving development proposals which accord with the development plan without delay, and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
- specific policies in the NPPF indicate development should be restricted.

Notwithstanding that the minimum number of new homes to meet the Core Strategy allocation for Barwell has been achieved, this is a minimum figure and the proposed 12 new apartments would provide only an additional net 3 dwellings over the approved extant conversion scheme.

The NPPF identifies three dimensions to sustainable development; social, economic and environmental. The proposal would contribute to the social role by providing additional dwellings to contribute to the overall supply of housing in the Borough. The scheme would contribute to the economic role through the construction/development of the site and related employment and purchasing of materials and services and would support the vitality and viability of the village through the future occupation of the dwellings. Whilst the scheme would result in the loss of buildings of some historic note, it would also contribute to the environmental role through the redevelopment of a derelict/untidy site and therefore enhance

the character and appearance of the Barwell Conservation Area. This balance/contribution of the scheme to the environmental role is discussed later in this report.

The site is within a sustainable urban location. The scheme is considered to meet the three roles of sustainable development in accordance with the overarching principles of the NPPF and is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Notwithstanding that the site is identified as an employment site (category B) in the Earl Shilton & Barwell Area Action Plan, the site already has an extant planning permission for conversion of the former factory buildings to 9 residential apartments and the principle of residential development has already been established.

Structural Condition and Viability of Conversion

The Structural Inspection Report submitted to support the application identifies serious defects in the main structure of the buildings including the roof trusses, rafters and wall plates due to water penetration, to the outer walls (particularly at first floor) due to rotation and poor quality brickwork and the large buttressing chimney which is considered to be structurally unstable. The report considers that underpinning works may also be necessary to secure the long term stability of any walls retained. The supporting information also suggests that the scale of works necessary to stabilise the buildings and to secure their serviceable life are so extensive that the extant conversion scheme is no longer considered to be sustainable in terms of retention of the structure or financially viable.

The viability of the scheme has been subject to an independent review in accordance with current working arrangements with Coventry City Council. The review concludes that the approved extant conversion scheme is clearly not viable due to the abnormal costs associated with the conversion of the building, the liability for VAT and low values and number of units. It also concludes that even if viability was assessed against the wider scheme it would not make economic sense to develop the conversion scheme, even if it was offset against the remainder of the units, due to the scale of the development and proportion of loss making units. The proposed new build scheme is considered to be viable to develop due to the additional three units proposed, and the exemption from the payment of VAT.

Layout, Design & Impact on the Character and Appearance of the Barwell High Street Conservation Area (BHSCA)

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning functions with respect to any buildings or other land in a conservation area special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. One of the core planning principles of the NPPF in paragraphs 17 and 126 is to conserve heritage assets in a manner appropriate to their significance. Paragraph 133 of the NPPF states that where development would lead to the harm or loss of a designated heritage asset applications should be refused unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh that loss (for example by bringing the site back into use). In weighing applications that affect non-designated heritage assets, paragraph 135 of the NPPF states that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy 3 of the adopted Core Strategy requires new development to respect the character and appearance of the BHSCA by incorporating locally distinctive features and to respect Barwell's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable. Policy BE1 (criterion a) of the adopted Local Plan

and the Council's adopted SPG on New Residential Development seek to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and is well integrated into its surroundings. Policy BE7 of the adopted Local Plan requires the siting and design of new development to preserve or enhance the special character and appearance of the conservation area and be in sympathy with the merits of neighbouring development. Policy BE8 states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss would not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area. Policy BE16 of the adopted Local Plan requires that appropriate archaeological investigation and recording is undertaken where necessary. These policies are considered to have a high degree of conformity with the NPPF and can therefore be given weight in the determination of the application.

The BHSCA Map and Appraisal (2010) identifies the application buildings (Co-operative building, Arguile Terrace) as being a 'Key Local Building' of local historic or architectural importance due to its former association with the Co-operative Society and its characteristic appearance of early boot and shoe manufacturing factories in the village.

The Heritage Statement submitted to support the application provides an examination of the significance of the buildings and their contribution to the character and appearance of the BHSCA. The statement concludes that by virtue of the erosion of their group value by the demolition of associated structures in the original complex and their typical rather than exceptional architectural design the application buildings have only limited historic or architectural significance. In addition the statement concludes that by virtue of its siting to the rear of the High Street frontage and limited views available from the High Street that the contribution of the buildings to the character of the BHSCA is also limited.

The Borough Council's Conservation Officer recognises that the former Co-operative Society buildings are a significant part of the historical development of Barwell and are clearly visible from the High Street and adjacent public footpaths, the total loss of this building is therefore highly undesirable. However, it is accepted that notwithstanding the requirements of Policy 3 of the adopted Core Strategy and the BHSCA Appraisal, it has been demonstrated that a conversion of the building is not viable either in terms of retention of a majority of the historic structure or in financial terms and the derelict building and wider site currently has a significantly detrimental impact on the character and appearance of the BHSCA. On that basis and in terms of planning balance, any adverse impact from the loss of the historic building is considered to be outweighed by the planning gains to the wider area that would result from the redevelopment of the site with a sympathetic new build scheme.

The amended new build scheme seeks to replicate the former factory buildings in terms of its position and scale and incorporates similar design features such as similarly proportioned windows, arched brick headers, brick eaves and decorative ridge tiles. By virtue of the layout, scale, design and proportions of the amended proposed new build scheme, which are considered to be acceptable, and subject to the use of appropriate external materials that can be secured by condition, the amended proposal is considered to preserve the special character of the wider BHSCA and would result in a scheme that would be well integrated into its surroundings.

On this basis, the Borough Council's Conservation Officer and LCC (Archaeology) raise no objections to the amended new build scheme subject to conditions to secure satisfactory historic building recording prior to demolition, control of external materials and new boundary treatments.

The scheme is therefore considered to be in accordance with Policies BE1 (criterion a), BE7 (criteria a, b, c and d), BE8 and BE16 of the adopted Local Plan, the SPG on New Residential Development and the overarching principles of the NPPF with particular reference to paragraphs 132, 133 and 135.

Impact on the Amenities of Neighbouring Properties

The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Policy BE1 (criterion (i) of the adopted Local Plan and SPG on new Residential Development require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

A press notice and site notice were posted and neighbours notified. One letter of support has been received and one response has been received raising concern of being overlooked to a bathroom and bedroom window but otherwise supporting the scheme to improve the area and make use of the neglected/disused site.

The proposed new build scheme includes an obscurely glazed bathroom window at first floor on this elevation and a second floor living room window to apartment 9 on this elevation. Notwithstanding the concern of overlooking raised, whilst the living room window would face towards the rear elevation of 110 and 112 High Street, by virtue of the different heights of the opposing windows (second floor and first floor) and the separation distance of over 17 metres it is considered that there would be no significant loss of privacy from overlooking and therefore this relationship is considered to be acceptable in this case. The separation distance would also ensure that the residential amenity of neighbouring properties would not be affected by any adverse overbearing/overshadowing impacts. By virtue of separation distances and existing and proposed boundary walls and fencing, the scheme would not have any adverse impacts on the residential amenity of any other neighbouring properties.

Notwithstanding the comments received, by virtue of the siting, scale, design and separation distances the amended scheme is considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF in this respect.

Access, Parking and Highway Safety

Policy BE1 (criterion (g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards.

The scheme has been considered by Leicestershire County Council (Highways) who raise no objection to the scheme. Notwithstanding that the access is currently substandard, particularly in terms of visibility, surfacing, kerbs and footway, it is considered that a satisfactory scheme of improvements to the access would be possible to meet highway authority design standards and could be secured by planning conditions to provide an acceptable access to serve the development. The level of additional traffic generated by the scheme is not considered to be on a scale likely to result in any significant adverse impact on highway safety.

The proposed site layout would provide 15 allocated parking spaces to serve the 12 apartments plus three visitor spaces along with adequate turning space to enable vehicles to enter and leave the site in a forward direction. Given the sustainable location of the site close to the centre of the village and its services and facilities, this level of provision is acceptable.

The scheme is not considered to result in any demonstrable adverse impacts on highway or pedestrian safety and is therefore in accordance with Policies BE1 (criterion g) and T5 of the adopted Local Plan.

Developer Contributions/Viability

Policy IMP1 of the adopted Local Plan requires developers to provide contributions towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed and requires developers to enter into planning obligations to ensure that provision. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations state that developer contributions need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

a) Play and Open Space Facilities

Policy REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The application site is within 400 metres of Boston Way Local Equipped Area of Play (LEAP). Within the Green Space Quantity/Accessibility Audits of Provision (2007) the LEAP was assessed with a quality score of just 60% and therefore in need of improvement.

A contribution can be requested on the basis that the occupiers of the units are likely to use the LEAP due to their close proximity and increase the wear and tear of the equipment and land. Any contribution being secured would help to improve the quality of the LEAP and mitigate impact from the future occupiers of the development upon the existing facilities. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and is therefore compliant with the CIL Regulations.

In this case, based on the calculations within the adopted SPD on Play and Open Space, the total contribution required would be £14,071.50 (split between a capital sum £9,200.25 and a future maintenance sum £4,871.25) including the discount for the three one bedroom units.

b) Education Facilities

No contributions have been requested by Director of Children and Young Peoples Services (Education).

c) Library Facilities

Director of Adults and Communities (Libraries) requests a contribution of £320 to mitigate the impact of the proposed development on nearby library facilities in Barwell. In this case due to the limited scale of the assessed impact, the contribution is not considered to be justified to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

d) Civic Amenity Facilities

Director of Environment and Transport (Civic Amenity) requests a contribution of £594 to mitigate the impact of the proposed development on nearby civic amenity waste facilities at Barwell. In this case due to the limited scale of the assessed impact, the contribution is not

considered to be justified to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

e) Viability Assessment

It is recognised that the economic viability of any development plays a fundamental role in the delivery of development. Appeal decisions have confirmed that economic viability is a determining factor in deliverability and should be a material consideration in the determination of any planning application.

The NPPF, in paragraph 173, suggests that sites and the scale of development identified in the development plan should not be subject to a scale of obligations and policy burdens such that their ability to be developed viably is threatened. To ensure viability, the costs of any infrastructure or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and developer to enable the development to be deliverable.

A Viability Assessment has been submitted to support the application and has been subject to an independent review in accordance with current working arrangements with Coventry City Council. The independent review concludes that following the receipt of reasonable additional financial information and evidence, the proposed development of 12 apartments would not be viable or therefore deliverable if the CIL compliant play and open space contribution request of £14,071.50 were to be provided by the development.

Based upon the evidence provided and in view of the conclusions of the independent review, and having regard to paragraph 173 of the NPPF which requires decision makers to have regard to the need to provide competitive returns to developers and landowners it is considered that there is a justifiable case to forego any contribution in order to enable delivery of the development. Accordingly the contribution has not been pursued in this case.

Other Issues

Policy BE1 (criterion h) of the adopted Local Plan requires that development is not adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the future occupiers. Policy NE2 of the adopted Local Plan requires that development should not suffer material harm from existing or potential sources of soil pollution. The site has already been investigated for land contamination. Environmental Health (Pollution) raise no objection to the scheme subject to a condition to secure the provision of a noise mitigation scheme to protect the proposed dwellings from noise from the nearby commercial operations and a condition requiring the investigation and remediation of any previously unidentified land contamination found during the development phase. These conditions are considered to be reasonable and necessary to secure satisfactory development of the site.

Below ground archaeological investigation and recording has already been undertaken under the requirements of the previously approved scheme to the satisfaction of LCC (Archaeology) therefore no further works are required in this respect.

Policy BE1 (criterion d) requires development to incorporate design features that encourage recycling. Street Scene Services (Waste) require the relocation of the proposed recycling and refuse bin store and therefore recommend a condition requiring a scheme for the provision of a waste and recycling collection point adjacent to the highway boundary. This condition is considered to be reasonable and necessary to secure satisfactory development of the site in this case.

Conclusion

Paragraph 14 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The application site is in a sustainable location within the settlement boundary of Barwell where residential development has already been approved and is therefore acceptable in principle. Satisfactory evidence has been submitted to demonstrate that conversion of the existing building is no longer sustainable in terms of retention of the historic structure or financial viability. By virtue of the layout, scale, design and appearance of the proposed new build scheme, the proposal would preserve the character of the Barwell High Street Conservation Area and enable the approved adjacent residential development to come forward to further enhance the appearance of the wider derelict site. Notwithstanding the lack of any developer contributions towards play and open space facilities, the planning gains of the development in terms of additional housing and improvement to the environment from the development of this derelict site are considered to outweigh the loss of the identified historic building which can be mitigated by historic building recording. By virtue of the design and separation distances together with existing and proposed boundary treatments the proposed scheme would not have any material adverse impacts on the privacy or amenity of any neighbouring properties. By virtue of the layout and scale of the development and proposed alterations to the access the proposal would not have any adverse impacts on highway or pedestrian safety.

Therefore, the proposal is not considered to result in any significant or demonstrable adverse impacts that would weigh against the presumption in favour of sustainable housing development supported in paragraph 14 of the NPPF. The scheme is considered to be in accordance with Policy 3 of the adopted Core Strategy, Policies BE1 (criteria a, d, g, h and i), BE7 (criteria a, b, c and d), BE8, BE16, NE2, NE14, RES5, T5 and T9 of the adopted Local Plan, the Council's SPG on New Residential Development and the overarching principles of the NPPF. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, the character and appearance of the Barwell High Street Conservation Area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is a sustainable development within the settlement boundary of Barwell and by virtue of its layout, scale, design and appearance the proposal is considered to preserve the character and appearance of the Barwell High Street Conservation Area and would not result in any adverse impacts on the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Core Strategy (2009):- Policy 3.

Hinckley & Bosworth Local Plan (2001):- Policies BE1 (criteria a, d, g, h and i), BE7 (criteria a, b, c and d), BE8, BE16, NE2, NE14, RES5, T5 and T9.

In dealing with the application, through ongoing negotiation and the receipt of amended plans, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 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 drawing ref. JA:02:102 received by the local planning authority on 30 October 2014; Site & Block Plan drawing ref. 2384-03-A3 Rev C and Proposed Floor Plans & Elevations drawing ref. 2384-02-A3 Rev I received by the local planning authority on 23 February 2015.
- 3 No demolition/development shall commence until a programme of archaeological work (Historic Building Photographic Survey) including a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - the programme and methodology of site investigation and recording
 - the programme for post investigation assessment
 - provision to be made for analysis of the site investigation and recording
 - provision to be made for publication and dissemination of the analysis and records of the site investigation
 - provision to be made for archive deposition of the analysis and records of the site investigation
 - nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 4 No demolition/development shall commence until the site investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 The demolition hereby permitted shall not be undertaken unless and until:-
 - a) a binding contract for carrying out of the works of re-development of the site in accordance with the planning permission hereby granted has been entered into, and its contents have been agreed in writing by the local planning authority.
 - b) a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in strict accordance with the agreed timetable of works.
- 6 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the apartment block hereby permitted and any new boundary walls shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 7 Before any development commences, full details of the window style, reveal, sill and header treatment, doors and conservation roof lights shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

- 8 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 9 No development shall take place until full details of all boundary treatment (including walls and fencing) have been submitted to and approved in writing by the local planning authority and these works shall be carried out in accordance with the approved details.
- 10 Notwithstanding the submitted details, no development shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be provided before first occupation of any of the dwellings hereby permitted and permanently maintained as such at all times thereafter.
- 11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water 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.
- 12 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.
- 13 Before any development commences a noise mitigation scheme for protecting the dwellings hereby permitted from noise from adjacent commercial operations shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before first occupation of any of the dwellings hereby permitted and shall be permanently maintained as approved at all times thereafter.
- 14 Before first occupation of any dwelling hereby permitted, the access road shall be widened to a minimum of 4.8 metres for a minimum distance of 10 metres behind the highway boundary and provided with a dropped crossing at its junction with the adopted road carriageway (High Street). The access road shall be permanently so maintained at all times thereafter.
- 15 No development shall commence until details of design for off-site highway works, being improvements to visibility at the junction of the access with High Street by means of kerb realignment and footway widening, have been submitted to and approved in writing by the local planning authority. The works shall be constructed and completed in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted.
- 16 Before first occupation of any dwelling hereby permitted, the access drive shall be surfaced with hard bound permeable material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and once provided shall be permanently maintained as such at all times thereafter.

- 17 Off-street car parking and turning facilities shall be provided within the application site in accordance with the approved Site Layout Plan drawing ref. 2384-03-A3 Rev C and shall be surfaced with hard bound permeable material and marked out prior to the development first being brought into use. Once provided the parking and turning areas shall be permanently maintained as such at all times thereafter
- 18 Before any development commences on site, full details of cycle parking provision shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be provided prior to first occupation of any of the dwellings hereby permitted and shall be permanently so maintained at all times thereafter.
- 19 No development shall commence on the site until 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 be carried out in accordance with the approved details and timetable.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 To ensure satisfactory archaeological investigation and recording in accordance with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 5 To protect the character and appearance of the Barwell High Street Conservation Area in the interests of visual amenity to accord with Policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 6&7 To ensure that the development has a satisfactory external appearance to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 8&9 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 (criterion a) and BE7 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure satisfactory recycling and refuse facilities are provided to serve the development in accordance with Policy BE1 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 11 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 NE14 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure the safe development of the site and to protect the amenities of the future occupiers of the site to accord with Policies BE1 (Criterion c) and NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.
- 13 To protect the amenities of the future occupiers of the development in accordance with Policies BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan.

- 14 To ensure that vehicles entering and leaving the site may pass each other clear of the highway in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To mitigate the increase in turning traffic at the junction of the access with High Street where visibility is substandard in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interest of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To ensure that adequate off-street parking and turning facilities are available to serve the dwellings hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with Policy T9 of the adopted Hinckley and Bosworth Local Plan.
- 19 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in the interest of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 This planning permission does NOT allow you to carry out access alterations 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 you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), or email roadadoptions@leics.gov.uk.
- 6 In relation to Condition 15, you will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted to and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

- 7 The proposed access road does not conform to an acceptable standard for adoption and therefore it will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or telephone (0116) 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the local planning authority before any dwelling is first occupied.
- 8 The applicant's attention is drawn to the consultation response of Leicestershire County Council (Public Rights of Way) dated 12 November 2014 in respect of the adjacent public footpaths and responsibilities during the construction phase of the site. These footpaths must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 9 Any statutory undertaker apparatus that requires relocation shall be moved entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.
- 10 Severn Trent Water Limited advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water Limited will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 11 In relation to Condition 11, the existing combined sewerage network in the locality is likely to have limited capacity and the opportunity should 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 propose development. 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; but runoff attenuation (alone or in combination with infiltration) should be considered if the preferred SuDS methods based solely on infiltration are shown to have limited application.
- 12 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for surface water management. A proposal to make the LLFA a statutory consultee is currently out to consultation. Please note that from 6 April 2015 the responsibility for approval of sustainable drainage systems will rest with Local Planning Authorities. More information, including options for future maintenance, can be found at: <https://www.gov.uk/government/consultations/sustainable-drainage-systems-changes-to-the-planning-system>.
- 13 In relation to Condition 10, the applicant is reminded that the collection point for domestic recycling, garden waste and refuse is from the public highway and

satisfactory arrangements will have to be made by the future occupiers of the site to present the relevant containers in a suitable position on collection days.

- 14 In relation to Condition 13, the noise mitigation scheme should include the provision of acoustically attenuated active ventilators for all habitable rooms where necessary that will prevent external noise levels exceeding an internal noise level of a maximum of 30 decibels between 23.00 and 07.00 hours. The scheme shall also include the provision of windows serving all habitable rooms where necessary that will prevent external noise levels exceeding an internal noise level of a maximum of 45 decibels with 'A' Frequency weighting between 23.00 and 07.00 hours.

Contact Officer:- Richard Wright Ext 5894