

Reference: 14/00426/OUT

Applicant: Johal & Kler Partnership

Location: Dunlop Limited Station Road Bagworth

Proposal: Redevelopment of former factory for residential development and employment (B1 and B2) (outline - access only)

RECOMMENDATION:- Grant subject to conditions a S106 agreement

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as the Chief Planning & Development Officer considers it necessary to be determined by the Planning Committee.

Application Proposal

This is an outline application for a mixed use development of up to 61 dwellings and employment units at land to the east of Station Road, Bagworth. Access is the only matter for determination at this stage with all other matters reserved.

The application was first submitted in 2010 (ref: 10/00640/OUT) and refused planning permission in December 2010 because the applicant failed to complete a Section 106 agreement.

This was then resubmitted (ref: 11/00063/OUT) for a similar development of up to 61 dwellings and 2800 square metres of employment floorspace (Class B1) (outline – access and layout only), which was granted permission in April 2011.

This application as originally submitted was for the erection of 82 dwellings with no employment provision retained across the site. As the site is designated as an employment site, the applicant agreed to amend the proposal to reduce the residential element and provide employment on the site. The description and indicative layout has been amended to provide residential development of up to 61 dwellings (145,665 square metres) and to retain 2800 square metres of employment (Class B1 and B2). This would be on the basis of 70% of the site utilised for residential development and 30% retained for employment use.

Two accesses are proposed to the site; firstly, the existing access to the south of the site which serves the industrial units is proposed to be retained to serve the industrial units, while to the north of the site an existing access is proposed to be altered to provide access to the residential element. Both accesses are from Station Road.

An indicative layout has been provided which shows a mix of detached, semi-detached and terraced properties of 2, 3 and 4 bedrooms. 16% of the dwellings are offered as affordable housing. The southern part of the site is shown to accommodate employment uses in the south-eastern corner with parking and a manoeuvring area.

The Site and Surrounding Area

The application site extends to just over two hectares and currently consists of derelict buildings previously used by Dunlop to the north and a further industrial area to the south. The site forms an irregular shape as a further building occupied by Presscut Components which forms part of this industrial area but does not form part of the application site.

The former Dunlop site consists of a range of industrial buildings of various ages, styles and sizes and areas of hardstanding. The only planting within the site consists of a tree lined hedge to Station Road. The site is bounded by residential properties to the south and west facing Station Road. To the north and east are fields, outside of the settlement boundary, with some tree planting beyond the eastern boundary.

Technical Documents submitted with the application

Design and Access Statement
 Planning Statement
 Transport Statement and Travel Plan
 Site Investigation Report, Ecological Report
 Flood Risk Assessment
 Noise Impact Assessment
 Archaeological Assessment
 Employment Land Report

Relevant Planning History:-

11/00063/OUT	Development of up to 61 dwellings and 2800 square metres of employment floorspace (Class B1) (Outline – Access and Layout only)	Granted	28.04.11
10/00640/OUT	Mixed use development comprising Up to 68 dwellings and employment (outline – access only)	Refused	02.12.10
08/00215/FUL	Demolition of existing factory and erection of 68 dwellings with associated access and parking	Refused	06.06.08
05/01047/OUT	Redevelopment of site for residential use	Refused	05.12.05

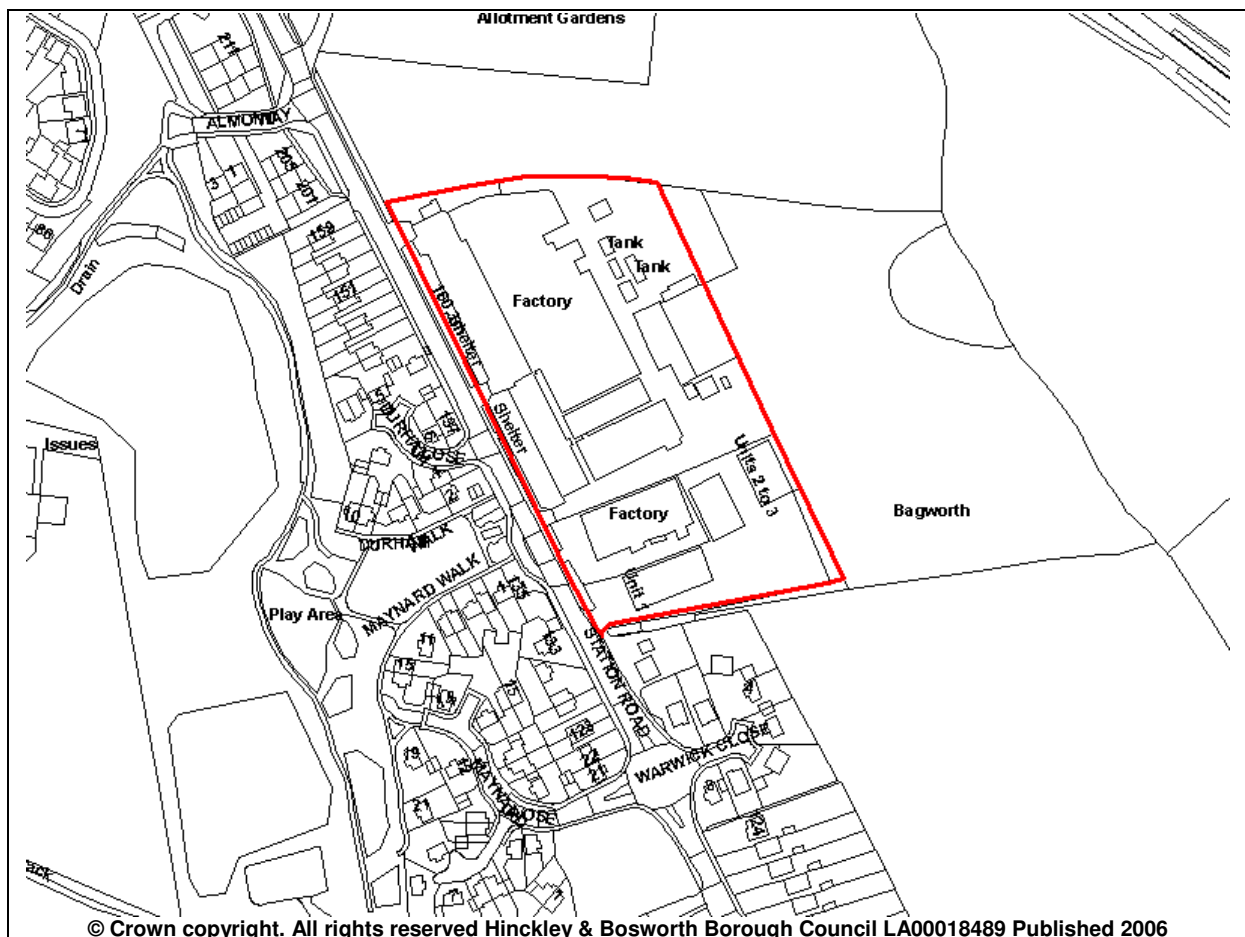
The application site has been subject to three previous similar proposals as set out above. Firstly, application 05/01047/OUT proposed residential development of the southern part of the site. This was refused due to the loss of employment land, impact of noise on future occupiers, land contamination and lack of contributions. The decision was upheld at appeal where the Inspector considered employment land supply and concluded that the buildings contribute to meeting an identified demand. It should be noted that this application concerned only the southern part of the site and that these buildings have since been occupied.

A subsequent application 08/00215/FUL, concerned the Dunlop part of the application site and proposed its demolition and the erection of 68 dwellings. This application was refused because of concerns about the loss of employment land and the subsequent impact on the sustainability of Bagworth. The scheme was not considered to be a sustainable location for residential development, with issues over the design and layout and pollution from adjacent commercial operations. The refusal was not challenged at appeal.

Application 10/00640/OUT related to both the Dunlop part of the site and the southern industrial units. It proposed demolition and the erection of 68 dwellings and an employment

area. The report to the 2 November 2010 committee meeting recommended that planning permission should be refused because of the loss of employment land and the subsequent impact upon the sustainability of Bagworth, failure to demonstrate that sufficient affordable housing would be provided and the lack of measures to address the increased pressure upon play and open space in the local area. The determination of the application was deferred at that meeting to allow the scheme to be amended to retain 30% of the site for employment use, that there be no viability issues arising from that change and that the Section 106 be agreed and drafted in principle. On this basis it was resolved that the application be deferred to the next meeting. The application was reported back to the 30 November 2010 with a recommendation that planning permission should be granted subject to a legal agreement securing contributions. Planning permission was refused on 2 December 2010 because the applicants failed to complete a Section 106 agreement by the target date for the determination of the application.

A revised outline application, 11/00063/OUT, was resubmitted and then subsequently granted planning permission on 28 April 2011.



Consultations:-

No objection subject to conditions has been received from:-

- The Environment Agency
- Severn Trent Water Limited
- Environmental Health (Land Drainage).
- Leicestershire County Council (Highways)
- National Forest Company

NHS England
Leicestershire County Council (Ecology)
Leicestershire County Council (Flood Risk)
Environmental Health (Pollution)
Leicestershire County Council (Archaeology)
Bagworth and Thornton Parish Council

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

The neighbouring industrial unit to the site Presscut Components has objected to the proposal as originally submitted for the following reasons:-

- a) proximity of some of the proposed houses to boundary which may result in future complaints affecting their ability to operate
- b) factory is long established employment in the village
- c) the noise report uses date from 2010 and more machines have been installed since then
- d) no measurements have been taken from the south or east of the factory where the current occupied industrial units are located
- e) the factory has an unrestricted 24 hour working permission and there are 9 CNC presses that generate noise.

One letter of support from a neighbouring property has been received.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014
The Community Infrastructure Levy (CIL) Regulations 2010
Environmental Impact Assessment Regulations 2011

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
Policy 10: Key Rural Centres within the National Forest
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 21: National Forest
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy EMP1: Existing Employment Sites
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD)
Affordable Housing (SPD)

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission) – Feb 2014
Employment and Land Premises Study 2013

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of development
- Impact on character and appearance of the area
- Impact on neighbouring residential amenity
- Noise
- Highway safety
- Flood risk and drainage
- Ecology
- Affordable housing
- Infrastructure obligations

Principle of development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states 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 Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and 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.

The application site is within the settlement boundary of Bagworth where a presumption in favour of sustainable development exists.

The need to protect employment land in Bagworth is set out in Policy 7 of the Core Strategy which seeks to ensure there is a range of employment opportunities and Policy 10 which states that additional employment provision will be supported along with the provision of small industrial work units.

The Employment Land and Premises Study 2013, reflects the previous planning permission and 70% residential and 30% employment split. It categorises the site as being within category C. Policy EMP1 of the Local Plan states that for category C employment sites alternative uses should be considered subject to appropriate design and where environmental problems have been experienced.

While the application site does not extend to the whole employment site, it is considered that the split of housing and employment on the application site reflects the distribution required in the Employment Land and Premises Study.

The application proposes that the majority of the existing vacant former Dunlop buildings are redeveloped for housing with the remainder of the site be redeveloped to form a single building that could be split into smaller start-up units depending on demand. The indicative layout shows a scheme with 70% of the site proposed as housing and 30% as employment.

The application has been supported by a Planning Statement which makes reference to the current state of the buildings which have been subject to vandalism and theft and the fact that they are no longer secure. It cites the range of other employment sites within the vicinity at Interlink Park and Merrylees which could accommodate any need that exists locally.

The proposed mix would accord with emerging Site Allocations and Development Management Policies DPD which allocates the 30% of the site for retained employment purposes and the remaining 70% as residential.

Furthermore the Dunlop part of the site is vacant and classed as brownfield. The NPPF strongly encourages the redevelopment of previously developed land over greenfield sites.

The application is in outline form for a mix of housing and employment uses which is considered to be acceptable in principle on the basis of a 70% residential and 30% employment mix.

Impact on the Character and Appearance of the Area

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

The quality, layout and mix of housing would be addressed through the details submitted at the reserved matters stage. An indicative layout was submitted as part of the application which was not considered to be a high quality form of development due to the position of dwellings in relation to the neighbouring employment uses and the number of parking courts proposed to the rear of dwellings. Improvements to this design and layout would be required at the reserved matters stage. A revised indicative layout has been submitted which shows the general areas of employment and residential development to maintain the 70%/30% split.

It is considered that subject to detailed design and layout matters being considered at the reserved matters stage the proposal could be a high quality form of development.

Highway Safety

Saved Policy T5 of the Local Plan seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The applicant has submitted a Transport Assessment and Residential Travel Plan.

The scheme has been considered by Leicestershire County Council (Highways) who raise no objection subject to conditions. The Highway Authority raised concern with the previous submitted indicative layout with parking courts and the likelihood of occupiers of plots fronting Station Road parking on the highway rather than using the parking courts at the rear of dwellings. As layout is not a matter for consideration at this stage this aspect could be designed out to the satisfaction of the Highway Authority at the reserved matters stage.

The site is within a reasonable walking distance of facilities within Bagworth and the road network is considered capable of serving the development from a capacity and safety point of view.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of conditions. On this basis, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

Impact on Neighbouring Residential Amenity

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.

The nearest residential dwellings are located to the west of the site along Station Road. The proposed dwellings would front onto Station Road and given the separation distance across the highway would have no impact on the amenity of those dwellings.

There are no other dwellings that would be affected directly from an amenity perspective by the proposal. The development is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan.

Noise

Policy NE2 of the Local Plan requires new development to take in consideration impacts in terms of pollution. Policy BE1 also requires development to minimise impacts on occupiers from noise.

The scheme has been considered by Environmental Health (Pollution). There are issues from a noise perspective from the level of noise emitted from Presscut Components and the proposed future residential development. The concerns raised by Presscut Components have been considered carefully through the determination of this application. The applicant has carried out a Noise Monitoring Report to ascertain current levels of noise from the industrial operations taking place at Presscut and the surrounding site. Given the equipment that Presscut uses to manufacture components there is a certain level of noise that is emitted which could impact on any future dwellings that are located immediately adjacent to that part of the site.

There could also potentially be noise issues arising from the future operations of any new industrial units on the site and the impact on the occupiers of the proposed dwellings.

It is considered that through the careful design, siting and location of the proposed dwellings and appropriate noise mitigation measures such as acoustic fencing, mechanical ventilation to the windows of facing elevations that the impacts could be mitigated appropriately. Notwithstanding the detail shown in the Noise Monitoring Report a condition has been imposed to require further details to be supplied prior to the commencement of development to ensure that internal and external noise levels reflect acceptable standards.

Flood Risk and Drainage

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Leicestershire County Council (Drainage).

The Environment Agency and Leicestershire County Council (Flood Risk) have raised no objection to the proposed development subject to conditions relating to surface water and the improvement foul water drainage.

Based on this and the conditions recommended by the Environment Agency that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.

Severn Trent Water has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. It is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan.

Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An ecological assessment was submitted with the application, which has been considered by Leicestershire County Council (Ecology) who raises no objection but has raised comments that the hedgerows to the northern and southern boundary of the site should be retained and protected with an appropriate buffer of at least 5 metres between any road or building at the reserved matters stage.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

National Forest Planting

Policy 21 of the Core Strategy requires that developments within the National Forest shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. A development of this scale would expect to provide 20% of the development area for woodland planting and landscaping or 0.41ha. Alternatively a financial contribution could be made which would equate to £8,200 in this instance. A clause will be inserted into the S106 agreement to require either 0.41 hectares on site to be planted or the contribution to be made.

Policy 21 also states that new developments will be required to reflect the character of the Forest context in their landscape proposals. At the reserved matters stage this would include an emphasis on tree planting within gardens, verges and public open space.

It is considered that at the detailed reserved matters stage a scheme could be designed to accord with the National Forest planting guidelines and the proposal is considered to accord with Policy 21 of the Core Strategy.

Affordable Housing

The application is supported by a viability appraisal stating that affordable housing can be provided at 16%. Policy 15 of the Core Strategy requires 40% affordable housing to be provided in rural settlements such as Bagworth.

Whilst the affordable housing proposed is below the policy requirement it is considered that the applicant has demonstrated through the viability appraisal that the scheme is not viable to be delivered with the policy level of affordable housing given the site constraints and costs associated with remediating and developing on a brownfield site and maintaining an appropriate split between employment and residential uses.

It is considered that the 16% affordable housing provision proposed should be accepted in this instance.

Infrastructure Obligations

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon community services and facilities.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play & Open Space

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005 - 2010 & Audits of Provision 2007 (Update).

As the proposed development is partly for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Bagworth Recreation Ground, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 61 dwellings this would total £35,794.80. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the recreation ground. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space through enhancement.

The residential element of the development triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2

and REC3 supported by the Play and Open Space SPD. The residential element of the site is located 440m from the nearest informal play and open space. As it is more than 400m away it does not meet the requirements for Policy REC3. However, as it is within 1 km of formal open spaces within the village a contribution towards the provision and maintenance of formal open space is required.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £324,198.06 is sought on the basis of 82 dwellings or £241,171.72 on the basis of the indicatively shown 61 dwellings for primary and high school education. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Health

NHS England (Leicestershire and Lincolnshire Area) requests £14,242.17 on the basis of 82 dwellings. This equates to £173.68 per dwelling or £10,533.78 on the revised indicative scheme of 61 dwellings. The contribution would be used towards expanding existing treatment rooms and increasing capacity to enable the practice to offer additional appointments to provide additional care and treatment options for new patients in a primary care setting at Ibstock GP surgery.

It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Police

Leicestershire Police has provided detailed justification for a S106 request of £28,742 originally on the basis of 82 dwellings. This would be required for start up equipment for a new police officer that would be required as a result of the development, associated vehicle costs, additional radio call capacity, Police National Database additions, additional call handling, ANPR cameras, mobile CCTV equipment, additional premises and hub equipment for officers. This equates to £350.51 per dwelling or based on the revised indicative amount of 61 dwellings £21,381.24.

It is considered that this infrastructure is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Transport

A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.

Improvements are sought for the nearest bus stops on Station Road (to provide raised and dropped kerbs to allow level access) at £3263.00 per stop. £5840 is also sought for each bus stop to equip it with Real Time Information displays. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for residents and an enhancement in the facilities for public transport users.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £5,120.00 on the basis of 82 dwellings or £3,808.78 for the indicative shown number of 61 dwellings for use of provision and enhancement of library facilities at Markfield Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £5,361.00 for 82 dwellings or £3,988.00 on the basis of 61 dwellings for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Conclusion

It is considered for the reasons set out above that the proposal would be acceptable in principle as it would allow for the redevelopment of a brownfield site to provide housing and employment. Subject to satisfactory design and consideration at the reserved matters stage the proposal would provide for a high quality form of development reflective of the surrounding village setting and character of the National Forest. Subject to detail noise mitigation the proposal would have limited impacts in terms of noise and general amenity of the future occupiers of residential dwellings. Satisfactory highway access could be achieved to the site and appropriate vehicle parking incorporated into the scheme at the reserved matters stage.

The provision of 16% affordable housing proposed is not policy compliant. However, it is considered from the viability appraisal presented that in this instance the costs associated with redeveloping a brownfield site would make it unviable to deliver the site at the policy required level of provision, whilst retaining a suitable split between housing and employment uses. It is recommended that a lower provision is accepted to ensure delivery of the scheme.

Overall the proposal is considered to be a sustainable form of development and subject to conditions and the satisfactory completion of a S106 agreement to secure infrastructure obligations the scheme is considered to be acceptable.

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the 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 would be a sustainable development, would not have an adverse impact upon the character and appearance of the countryside, flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley & Bosworth Core Strategy 2009:- Policies 7, 10, 15, 16, 19, 21 and 24.

Hinckley & Bosworth Local Plan 2001:- Policies RES5, BE1, EMP1, REC2, REC3, T5, NE2 and IMP1.

In dealing with the application, 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 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:-
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

- 3 This permission and the development hereby permitted shall be carried out generally in accordance with the submitted details as shown on Dwg No. B5217(PL)06 Proposed Concept Plan with the site split between 70% (14,655 square metres) residential development and 30% (6,290 square metres) employment uses (B1/B2).
- 4 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 5 No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
 - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
 - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and

c) details of the route to be used to access the site.

The development shall be carried out in accordance with the agreed Construction Transport Management Plan.

- 6 For the residential development part of the scheme, no building shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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 For the employment part of the scheme, no building shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed offices/industrial buildings 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.
- 8 No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved 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 Prior to first occupation of the employment units, details of external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 9 No development shall commence until full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate to National Forest planting guidelines.
 - d) Implementation programme.
- 10 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.
- 11 The development shall be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal by Dr Jackie Underhill dated April 2014.
- 12 Development shall not commence until a surface water drainage limitation scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:-

- a) Details of how the scheme shall be maintained and managed after completion;
 - b) Sustainable drainage techniques or SuDS incorporated into the design;
 - c) Details to show the outflow from the site is limited to the maximum allowable rate;
 - d) That the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume);
 - e) Detailed design details of the proposed balancing pond, including cross sections and plans.
- 13 No development shall commence until a scheme for the disposal of foul water has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
 - 14 Notwithstanding the Noise Monitoring Report prepared by Mayer Brown dated November 2014, prior to the commencement of development a Noise Impact Assessment, to demonstrate that the noise levels inside the residential units will achieve the BS:8233 criteria for internal noise levels and that external amenity areas will achieve the WHO guidelines for community noise, shall be submitted to and approved in writing by the local planning authority. The assessment should also demonstrate that noise levels in external amenity areas as a result of any industrial or commercial noise do not exceed the BS:4142 assessment criteria. The mitigation shall be implemented prior to the first occupation of either the employment or residential element of the site, whichever the sooner
 - 15 Before the commencement of development a scheme to protect the neighbouring premises from dust during construction shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
 - 16 Notwithstanding the Ground Condition Desktop Study by Mayer Brown dated April 2014, following demolition of the existing redundant buildings on site and prior to the commencement of development, a scheme for the investigation of any potential land contamination on the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall include details of any contamination found and any remedial works required shall be carried out prior to the occupation of any dwelling.
 - 17 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 any 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 any dwelling first being occupied.
 - 18 Prior to the commencement of development, details of satisfactory pedestrian visibility splays at each access shall be submitted to the local planning authority for approval in writing. The approved pedestrian visibility splays shall be provided with nothing within those splays higher than 0.6 metres above ground level and shall be thereafter maintained.
 - 19 Prior to the commencement of the residential aspect of the development, details for the design of a pedestrian crossing on Station Road, in proximity to the site frontage shall be submitted to and agreed in writing by the local planning authority. Prior to the

occupation of the 26th dwelling the highway works shall be completed to the satisfaction of the local planning authority.

- 20 The development hereby permitted shall not be commenced until such time as a scheme for an oil interceptor to serve the industrial units has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 21 Prior to the first occupation of the 26th dwelling hereby permitted, the existing footway at the frontage of the site shall be widened to a minimum width of not less than 2.0 metres and the works completed to the satisfaction of the Highway Authority.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 To ensure the development is carried out in accordance with the submitted details, for the avoidance of doubt and in the interests of proper planning.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the protection of neighbouring residential amenity during construction and in the interests of highway safety to accord with Policy BE1 (criterion i) and Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6&7 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of visual and resident amenity, to accord with Policy BE1 (criteria a and i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure satisfactory landscaping is provided in the interests of visual amenity in accordance with Policy NE12 and Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 11 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 12 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 in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.

- 13 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 in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of protecting the amenity of future occupiers to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 15 In the interests of protecting the amenity of residents to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 16&17 In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 To ensure a safe and convenient pedestrian access is provided to the nearest bus stops and services to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 20 To avoid deleterious material being deposited within the highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 21 To ensure a safe pedestrian access is provided to the nearest bus stops and services to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

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).

Contact Officer:- Simon Atha **Ext** 5919