

Delegated Report

Planning Ref: 23/01014/CONDIT
Applicant: Dr And Mrs S Ahmad
Ward: Hinckley De Montfort



Hinckley & Bosworth
Borough Council

Site: Essentia House, 56 Upper Bond Street, Hinckley

Proposal: Variation of Conditions 7 (details of windows and doors) and 2 (plans and elevation) of planning application 19/00982/FUL.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks planning permission for variation of conditions 7 and 2, to allow variations to the plans and drawings approved under 19/00982/FUL.
- 2.2. Various amendments are proposed and these are detailed in the paragraphs below.
- 2.3. Stone quoins have been added to all corners of the building and are visible from all elevations. Some of the proposed amendments, such as the stone quoins, are already in place.

Proposed east elevation (fronting Upper Bond Street)

- 2.5. On the right side of the elevation, a column of windows and dormers has been removed. At third floor level the remaining dormers have been changed to a curved roof type and the 2.3m tall misted side screens added to the west elevation are just visible. The remaining 17 Juliet balconies have changed to glass.

Proposed west elevation

- 2.6. At third floor level, two 2.3m tall misted glass screens have been added either side of the pitched roof and five of the approved dormers have been changed to a curved roof type. On both the right and left side of the elevation, three windows have been removed. All of the remaining eleven Juliet balconies have changed to glass.

Proposed north elevation

- 2.7. At third floor level, the number of dormer windows has reduced from eight to five. The remaining five have been changed to a curved roof type. At first and second floor levels, the number of windows has reduced from ten to nine. All of the remaining 18 Juliet balconies have changed to glass. At ground floor, the number of windows has reduced from three to two and the double door and portico moved into the centre.

Proposed south elevation

- 2.8. At third floor level, the number of dormer windows has reduced from nine to five. The remaining five have been changed to a curved roof type. At first and second

floor levels, the number of windows has reduced from ten to six. All of the remaining 16 Juliet balconies have changed to glass.

Internal

- 2.9. An increase in the footprint means a total of 32m² of floor space has been added across the other floors, to offset 39m² of floor space lost in the basement level. Unit BR16 is now a duplex apartment, with rooms into the basement level. Flat layouts have amended across all floors, with roof terraces added to the third floors.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Hinckley to the north west side of Upper Bond Street and south east side of Factory Road. It forms a small part of a designated employment allocation for mixed uses. The site measures approximately 0.16 hectares and currently comprises a vacant/part derelict 19th Century three storey factory building with a basement fronting onto Upper Bond Street together with external hard surfaced parking areas to either side with access from Upper Bond Street. An additional access to the main parking area is available from Factory Road.
- 3.2. The building is constructed of red facing brick walls and has a pitched roof front range with a perpendicular hipped roof rear range. The building has been vacant since 2007 and parts have been subject to damage by fire. Some internal repair/renovation works have since been undertaken by the applicants. External areas are generally poor in terms of visual appearance.
- 3.3. There are two storey residential flats to the south east of the site, a two storey terrace of houses to the northwest with long rear gardens backing onto the factory building. To the south west there are industrial premises and two public houses and to the north east a petrol filling station.

4. Relevant Planning History

19/00982/FUL	Change of use and conversion of factory building including three storey side extensions and alterations to elevations to form 35 residential apartments.	Permitted	30.08.2019
22/00303/DIS CON	Application to discharge Planning Conditions 3 (Drainage), 4 (Long Term SuDS Maintenance), 5 (Construction Traffic Management), 6 (Materials) and 7 (Windows) attached to planning permission 19/00982/FUL	Discharged	29.07.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Four letters of objection have been received raising concerns regarding proximity of windows and terraces, overlooking, noise, and loss of privacy.

6. Consultation

- LCC Highways – no objection.
- HBBC Pollution – no objection.
- Hinckley Town Centre Management – no response.
- HBBC Conservation – no objection.

7. Policy

7.1. Hinckley Town Centre Area Action Plan (HTCAAP) DPD (2011)

- Policy 12a: Area of Mixed Uses, Upper Bond Street

7.2. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM19: Existing Employment Sites

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Employment Land and Premises Review (ELPR) (2013)
- Druid Quarter Masterplan & Regeneration Strategy (2002)
- Affordable Housing Supplementary Planning Document
- Open Space and Recreational Facilities Study (2016)
- National Design Guide (2019)
- Good Design Guide Supplementary Planning Document (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the 'Druid Quarter' and surrounding area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2023 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the adopted Hinckley Town Centre Area Action Plan DPD (2011) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

- 8.4. Policy DM1 of the SADMP and paragraph 11 of the NPPF set out a presumption in favour of sustainable development and state that development proposals that accord with an up-to-date development plan should be approved without delay unless materials considerations indicate otherwise
- 8.5. The application site lies within the settlement boundary of Hinckley with reasonable access to a full range of services and facilities by sustainable transport modes and where residential development is generally supported in principle by Policy 1 of the adopted Core Strategy.
- 8.6. The application site forms a small part of a designated Employment Site (reference: Area of Mixed Uses, North of Upper Bond Street, Hinckley) identified in the Hinckley Town Centre AAP and the latest Employment Land and Premises Review. The wider designation area remains predominantly in use for employment or commercial uses. The ELPR identifies the site as a Category 'C' site or lower quality employment area where part or whole redevelopment would be appropriate but that architecturally significant buildings should be retained where appropriate as required by Policy 12a of the adopted HTCAAP. Policy DM19 of the adopted SADMP states that a more flexible approach will be taken towards Category 'C' sites in accordance with the latest ELPR. This is also demonstrated through the previous but unimplemented planning permission for residential development of the application site in 2008.
- 8.7. It is therefore considered that the proposed residential development of the application site would be in accordance with strategic Policy 12a of the adopted HTCAAP, strategic Policy DM19 of the adopted SADMP and the recommendations of the latest ELPR (2013) subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the 'Druid Quarter' and surrounding area

- 8.8. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that "assets identified on the Locally Important Heritage Asset List" should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11". The adopted SADMP also states that "development proposals should make every effort to retain the significance of locally listed heritage assets". Policy DM11 requires that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
 - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c) How the benefits of the proposal will outweigh any harm caused.
- 8.9. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.10. Section 16 of the National Planning Policy Framework (2024) provides the national policy on conserving and enhancing the historic environment. Paragraph 202 recognises that heritage assets (including buildings of local historic value) are an irreplaceable resource that should be conserved in a manner appropriate to their significance.

- 8.11. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected to understand the potential impact of the proposal on their significance (paragraph 207). Local planning authorities should also take account of (paragraph 210):
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.12. Paragraph 216 of the NPPF (2023) states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.13. Paragraph 135 NPPF (2023) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.14. Essentia House is a former factory constructed during the late-19th century. It is situated within the ‘Druid Quarter’ area which developed to the north of Hinckley town centre during the late-Victorian period following the adoption of powered factory production in the hosiery industry. The building is of standard construction with loadbearing red brick walls and comprises a pitched roof front range with a perpendicular hipped roof rear range. The plan, with a multi-storied range fronting the street, was to become typical of hosiery factories in Hinckley by c.1900.
- 8.15. In accordance with the consultation response from Leicestershire County Council (Archaeology), a Historic Building Written Scheme of Investigation and Photographic Survey has been undertaken and submitted to better understand the significance of Essentia House. Information on the historical development of the building is also contained within the Borough Council’s Druid Quarter Masterplan & Regeneration Strategy (2002). Hinckley’s former hosiery (and associated industry) factories are perceived as a source of identity, distinctiveness and cohesion, with them contributing to a sense of place and providing a communal value. The historical development of the building provides it with value and interest, with it being illustrative of two local industries (hosiery and boot and shoe) operating at a factory scale and allowing people to understand the social and economic development of the town.

- 8.16. The Borough Council are currently compiling a list of Local Heritage Assets. The List is yet to be formally ratified but formal selection criteria has been adopted (in 2017) and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering development proposals.
- 8.17. Due to its adaptability for alternative uses there have been some alterations to the original building over time including the part use of unsympathetic replacement windows and roof materials. However, Essentia House retains some architectural enrichment including segmental arches to the window and door openings, a large opening for a recessed door comprising a grand entrance, terracotta string courses, and corbelling to the eaves, all of which provides the building with aesthetic value by virtue of its architectural interest. The building, in particular its exterior and front elevation facing on to Upper Bond Street, remains near to its original condition and due to its position on the back edge of the pavement, its height and wide frontage, and location on a main thoroughfare it has a visual prominence which singles out the building as a landmark within the local scene. The building is located to the west of the Druid Street Conservation Area which is where the greatest concentration of former hosiery factories remains. Essentia House is considered to have a clear historic, aesthetic and communal association with the buildings located within the conservation area which provides the building with group value. Such integrity, landmark quality and group value ensures that the local significance of the building is special and it stands out within the surrounding environment. For these reasons the local planning authority consider Essentia House should be identified as a locally important heritage asset (a non-designated heritage asset in terms of the NPPF).
- 8.18. The proposed 35 apartments are to be provided by converting the existing building and within three storey extensions to both sides of the front range of the building extending part way back into the site. The rear elevations and a majority of the side elevations of the existing building are to be incorporated into the proposed extensions leading to the demolition of a small number of the ancillary projections, but overall the main structure of the existing building, including its principle front elevation, is to remain.
- 8.19. Within the existing building replacement industrial style black aluminium windows frames in the existing arched openings and the insertion of roof lights are proposed for the front elevation. Further proposals to the front elevation include the insertion of one new matching window to serve the basement and the removal of the main entrance doors with part blocking up of the opening and the insertion of a new matching window. New industrial style windows are to be inserted in arched openings to serve each floor at the set back on the north elevation. Replacement industrial style windows are to be inserted within the existing arched openings to serve each floor at the set back on the south elevation. New multi-paned windows within cast stone (Bathstone colour) surrounds and cambered heads, these matching the proposed style of the fenestration within the extensions, are to be inserted at regular intervals upon the (currently) largely blank rear elevation. The facing walls are in a reasonable condition but are to be repointed with bricks replaced where necessary.
- 8.20. The retention and conversion of the existing building would reduce any further risks to the future of building by bringing it back into a use that would support its long term conservation. The proposed repairs will improve the condition of its historic fabric. The proposed replacement windows and surrounds (where new openings are to be created) are of an appropriate industrial style with the removal of the upvc windows reinstating the traditional appearance of the building, although it is suggested further details of the windows to secure this enhancement are required and could be secured by condition. Due to its scale and height the insertion of roof

lights to the front elevation are not considered to have an adverse visual impact upon the building or the wider area.

- 8.21. The proposed extensions have a Georgian architectural influence with mansard roofs matching the eaves level of the existing building but set down at the ridge. The extensions are also set back from the front elevation of the existing building. The facing walls are proposed to be constructed of a Shipley Blend orange brick and the roof is to be laid in a blue interlocking concrete tile. A cast stone balustrade runs along the eaves level of the top floor. The fenestration is set at regular intervals with dormer windows in the mansard roof and industrial style black aluminium framed windows set within cast stone surrounds and cambered heads serving the floors below. Glass Juliet balconies are proposed to serve each window on the first and second floors. A new entrance to the flats set within a stone portico with balustrade and columns is proposed on the southern elevation of the side extension. Within the side extensions there is undercroft access at ground floor level for two parking areas. The front elevations of the undercrofts are to be bound by metal gates, low brick walls and railings. Further car parking spaces are also provided to the rear in a hard landscaped courtyard.
- 8.22. The Georgian influenced design concept for the extensions is considered an appropriate contrast to the industrial character of the existing building. This design concept is accompanied by the subordinate scale and setting back of the extensions from the principle elevation, the mass being broken up by regular fenestration and mansard roof, appropriately styled fenestration, and construction materials that respect the existing building and wider area. These details all ensure that the extensions will sit comfortably against the existing building and continue to allow for an appreciation of its local significance.
- 8.23. The proposed external materials to be used for the construction of the external elevations of the scheme, including the use of a Shipley Blend brick by Weinerbeger for the facing walls, blue smooth interlocking tile for the roof, cast stone (Bathstone) for the window surrounds, balustrade and portico for the new entrance, and glass screens for the Juliet balconies and undercroft parking boundary treatments. The proposed materials are generally considered to be sympathetic to the character and appearance of the building but as no specific materials other than facing bricks have been submitted these can be secured by condition for prior approval to ensure a satisfactory appearance.
- 8.24. The glazing bar/multi-paned style and the black aluminium frame material are considered appropriate for the replacement windows to the existing building and the new windows to serve the extensions. However to ensure that the appropriate window product is selected it would be reasonable in this case to seek the submission of further details and/or a sample of the windows and doors to be provided for prior approval to ensure that they have a satisfactory appearance which preserves the significance of the local heritage asset known as Essentia House. These details could be secured by a planning condition.
- 8.25. By virtue of the proposed layout, scale, design and appearance, the scheme would preserve the significance of the local heritage asset known as Essentia House and complement and enhance the character and appearance of the existing building and the surrounding area. The proposal would therefore be in accordance with Policies DM11, DM12 and DM10 of the adopted SADMP and overarching principles of Section 16 of the NPPF (2024).

Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and

occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.27. To the north west of the site on Factory Road there is a terrace of two storey dwellings with rear ranges opening onto yard areas. A communal passageway across the rear of the yards leads to individual rear gardens of approximately 13 metres in length extending up to the boundary of the application site. The existing factory building extends almost up to the rear garden boundaries and currently has a limited number of windows within upper floors facing these gardens. Separation distances between the factory and main rear elevation windows of the dwellings is approximately 20 metres.
- 8.28. The proposed scheme would result in numerous additional upper floor windows in the rear elevation of the factory immediately facing the gardens however, these are proposed to be non-opening and fitted with obscure glazing below a height of 1.8 metres above the associated floor levels of the building.
- 8.29. The proposed roof terraces are suitably enclosed in 2.4m obscured glass screens to prevent overlooking. The proposed scheme would result in numerous additional upper floor windows in the rear elevation of the factory immediately facing the gardens however, these are proposed to be non-opening and fitted with obscure glazing below a height of 1.8 metres above the associated floor levels of the building.
- 8.30. These measures would mitigate any potential adverse impacts on the privacy and amenity of the neighbouring occupiers and could be secured by condition. The proposed scheme would also extend the factory building at three storey height either side and would result in additional rear facing windows at upper floors. However, these would be set back an additional 9 metres from the boundary of the site and offset from the rear gardens such that they would not result in any significant adverse overbearing impacts or loss of privacy to any neighbouring residential occupiers from overlooking.
- 8.31. There are residential apartments to the southeast of the site but these lie on the opposite side of the Upper Bond Street highway and by virtue of the separation distance of approximately 18 metres the proposal would not result in any significant adverse overbearing impacts or loss of privacy or amenity to the occupiers.
- 8.32. Notwithstanding that the scheme includes three storey extensions up to the south west and north east side boundaries of the site, by virtue of their siting these would not result in any significant adverse impacts on the adjacent employment premises or petrol filling station forecourt respectively. There are no uses in the vicinity of the site that would result in any significant adverse impacts on the residential amenity of the future occupiers of the site.
- 8.33. By virtue of the proposed layout, scale and design and subject to the control of windows/glazing where necessary the scheme would be in accordance with Policy DM10 of the adopted SADMP.

Previously imposed conditions

- 8.34. It is necessary with a Variation of Condition application to consider whether or not it is appropriate to re-impose the conditions attached to the previous permission granted under 19/00982/FUL as the variation results in a new permission.
- 8.35. The original permission was subject to 15 conditions.

- 8.36. The time limit cannot be extended or altered for Section 73 applications and, as such, Condition 1 (Time) needs to refer to the original 3-year time scale for implementation of the development.
- 8.37. Condition 2 (Approved Plans) needs amending to refer to the new proposed plans for the application to ensure satisfactory development.
- 8.38. Condition 3 to 7 have all been discharged. As the proposals and exterior materials have changed, updated documents will be required to require discharge conditions 6 and 7 again.
- 8.39. Other planning conditions remain reasonable and necessary to ensure satisfactory development of the site and have been updated as necessary. No additional conditions are considered to be necessary.
- 8.40. The planning obligations have not been paid and therefore a Deed of Variation is required.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Policy DM1 of the SADMP and paragraph 11 of the NPPF provide a presumption in favour of sustainable development and state that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2. The site is located within the urban area of Hinckley and close to the town centre with easy access to a full range of services and facilities by sustainable transport modes. The site is previously developed (brownfield) land and, notwithstanding its location within a designated employment site, is identified as a site where alternative uses will be supported subject to all other planning matters being satisfactorily addressed. As such the proposed residential scheme would be in

accordance with the adopted strategic planning policies of the development plan and national planning guidance.

- 10.3. The application building, Essentia House, is identified as a Local Heritage Asset. By virtue of the proposed conversion of the existing building including the retention of the most significant and prominent Upper Bond Street front range together with the proposed layout, scale, design and appearance of the proposed extensions, the scheme would preserve the significance of the local heritage asset and complement and enhance the character and appearance of the site and surrounding area.
- 10.4. Subject to conditions, the proposed scheme would not result in any significant adverse impacts on the privacy or residential amenities of any neighbouring properties or future occupiers of the site, highway or pedestrian safety or surface water drainage. The scheme would also contribute to the provision of off-site affordable housing and other CIL compliant infrastructure contributions.
- 10.5. The proposal is considered to be a sustainable development and in accordance with Policy 12a of the adopted Hinckley Town Centre Area Action Plan, Policies 1 and 15 of the adopted Core Strategy, Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17, DM18 and DM19 of the adopted SADMP together with the overarching principles of the NPPF (2024). The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Ground Floor and Basement Plan. Drg No. 30F (Received 10/06/2024)
- Proposed First Floor Plan. Drg No. 20-3D. (Received 10/06/2024)
- Proposed Second Floor Plan. Drg No. 20I. (Received 10/06/2024)
- Proposed Third Floor Plans. Drg No. 21J. (Received 10/06/2024)
- Proposed Roof Plan. Drg No. 20-6. (Received 22/11/2023)
- Proposed Elevation. Drg No. 20-8. (Received 22/11/2023)
- Proposed Elevation. Drg No. 20-7. (Received 22/11/2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. Notwithstanding the submitted details, the external surfaces of the retained part of the building shall not be altered or replaced and no development above foundation level of the extensions and alterations hereby permitted shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the conversion and extensions and alterations have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials..

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the submitted details, the windows and doors within the retained part of the building shall not be altered or replaced and no development above foundation level of the extensions and alterations hereby permitted shall commence on site until full details of the window and door types, including representative samples of the types and colours of materials to be used on the external elevations, style, reveal, cill, and header treatment have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan Drawing No. BR01 Rev B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

5. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained at all times with nothing within those splays higher than 0.6 metres above the level of the adjacent highway footway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent highway footway and, once provided, shall be permanently so maintained at all times thereafter.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as off street car parking provision and turning facilities have been provided, hard surfaced and demarcated in accordance with Proposed Site Plan Drawing No. BR01 Rev B received by the local planning authority on 5 December 2019. Thereafter the on-site parking provision and turning facilities shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

9. The development hereby permitted shall not be occupied until such time as the vehicular access gates are erected in accordance with the set back distances shown on Proposed Site Plan Drawing No. BR01 Rev B received by the local planning authority on 5 December 2019 and have been implemented in full.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

10. The development hereby permitted shall not be occupied until such time as secure (and undercover) cycle parking has been provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be permanently so maintained and kept available for use at all times.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 115 and 117 of the National Planning Policy Framework (2024).

11. The windows in the Rear (West) Elevation facing Factory Road at all floors shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below a height of 1.8 metres above the associated floor level of the room that they serve, as identified on the Proposed Rear Elevation Drawing No. BR08 Rev A received by the local planning authority

on 14 January 2020. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
5. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
6. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
7. The applicant is advised that the refuse and recycling bin storage areas will require effective and ongoing management and maintenance to ensure minimisation of odour to protect the amenity of the occupiers of the neighbouring property.