

Delegated Report

Planning Ref: 25/00627/FUL
Applicant: Mr M Stephenson
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Former Factory Works, Upper Bond Street,
Hinckley

Proposal: Conversion of former hosiery factory into 21 one-bedroom
apartments and four 2-bedroom apartments

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- Unilateral Undertaking securing the following:
 - Health contribution £16,472.00

2. Planning Application Description

- 2.1. The proposal is for the conversion of both the “Puffer” and “Ghia” Buildings from commercial to residential use. Both buildings are former hosiery factories and are to be converted to 25 apartments across four floors: 21 one-bedroom, and four 2-bedroom. The apartments are of varying sizes due to the internal configuration of the building, but all meet Nationally Described Space Standards (NDSS).
- 2.2. The external elevations of the building are to remain largely unchanged, with the main alteration to replace the steel casement windows with grey uPVC windows, with minor alterations also including new entrance doors and masonry additions/repairs.
- 2.3. The proposal will provide 25 covered cycle parking spaces, 5 motorcycle spaces, and a bin store area within an internal courtyard. No off-street parking is provided as part of the proposal.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the town centre of Hinckley, and within the Druid Street Conservation Area (DSCA) which has been designated in recognition of the special interest of the hosiery industry within Hinckley and the role it plays in Hinckley's heritage.
- 3.2. The buildings are known as the Ghia Factory (two-storey element) and the Puffer Building (three-storey element), both former hosiery factories constructed during the late 19th and early 20th century. The frontages are largely unchanged; however, both buildings are in a state of noticeable disrepair and have been vacant for several years. The buildings form part of a wider complex of historic factories, all of which are important local buildings within the Druid Street Conservation Area Appraisal. The three-storey scale of the Puffer Works means it is the dominant building on the wider site and street scene.

4. Relevant Planning History

24/00366/FUL Demolition of existing building and Permission 05.09.2024
erection of new apartment building,
parking, landscaping and
associated works

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of 24 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Three objections have been received making the following comments:
- No parking provision
 - Lack of consultation to neighbouring dwellings
Officer comment: the consultation included adjoining neighbours and extended further to the west and east along Druid Street. A site notice and newspaper advert was also posted. The statutory requirements were therefore met and exceeded.
 - Incorrect description referring to one-bed apartments only
Officer comment: this was later corrected and is viewable on public access
 - Rat infestation in the factory will be exacerbated
 - Subsidence on Druid Street will be exacerbated
 - Additional noise pollution

6. Consultation

- 6.1. No objections have been received from:
- HBBC Environmental Health (subject to conditions)
 - HBBC Conservation Officer
 - HBBC Drainage (subject to condition)
 - Severn Trent (subject to conditions)
 - LCC Ecology
 - LCC Highways (subject to conditions)
 - NHS England (subject to financial contribution)
 - Leicestershire Police (no objection but suggestions made)
 - LCC Developer Contributions: no request for contributions.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
 - Policy 16: Housing Density, Mix and Design
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- Heritage Strategy (2020)
- Housing Needs Study (2024)
- Hinckley Town Centre Area Action Plan (2011)
- Hinckley Druid Street Conservation Area Appraisal (HTCCAA) (2013)
- Heritage Strategy (2020)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies and housing land supply
- Design and impact upon the character of the area and heritage assets
- Impact upon residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology and Biodiversity

Assessment against strategic planning policies and housing land supply

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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.
- 8.3. Paragraph 12 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and Hinckley Town Centre Area Action Plan (AAP) (2011).
- 8.4. Paragraph 161 of the NPPF states that the planning system should actively shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings.

- 8.5. Paragraph 61 of the NPPF sets out that “it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
- 8.6. The CS sets out the Spatial Strategy for the Borough with Hinckley identified as the sub regional centre and the key focus for new development within the Borough. To support Hinckley’s role as a sub-regional centre, Policy 1 of the adopted CS seeks to allocate land for the development of 1120 new residential dwellings for Hinckley, diversify the existing housing stock in the town centre, support the sympathetic reuse of existing buildings and require new development to enhance the public realm within the town centre.
- 8.7. The Planning Policy team have reviewed the revised NPPF and implications for the Council’s Five-Year Housing Land Supply. As of April 2024, the Council had 5.26 Years of housing supply. However, the Council can no longer demonstrate a Five-Year housing land supply, and the latest figures are expected to show up to 3.95 years of supply as of April 2025.
- 8.8. Given this, and due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF. For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.9. Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135 and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.10. Regarding affordable housing requirements, Core Strategy, policy 15 states that sites of 15 dwellings or more, or 0.5 hectares or more in urban settlements, require 20% of the housing to be offered for affordable housing. Delivery of 25 flats would therefore require 5 of the flats to be provided for affordable housing.
- 8.11. The proposed mix of 21 one-bedroom and 4 two-bedroom apartments aligns with the latest Housing Needs Survey. An “over provision” of one-bedroom apartments is supported given that the Council is experiencing shortfalls in one-bedroom market dwelling provision across the Borough. Additionally, when considering the town centre location and absence of parking provision, Officers consider it preferable to

have a mix which is focused more on smaller households that are less likely to require the use of a private car.

- 8.12. The applicant has indicated that the building would meet the criteria for vacant building credit, and that therefore no affordable housing needs to be provided as part of the development. This is on the basis of the calculation that the full 1,300m² existing floorspace is equal to the proposed floor space, thereby making the calculation:

Revised Requirement (RR) = AH requirement (AH) – ((AH x Existing Floor Space EFS) / Proposed Floor Space PFS)

RR = AH – ((AH x EFS) / PFS)

0 = 5 – ((5 x 1300) / 1300)

- 8.13. As stated in paragraph 65 of the NPPF, to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. The Applicant has demonstrated through the Vacant Building Credit calculation that there is no affordable housing requirement, as the proposal utilises the entirety of the exiting floor space within the building.
- 8.14. To summarise, the site is within the settlement boundary within a sustainable location in terms of the proximity to facilities and services within Hinckley. Furthermore, the proposal seeks to redevelop an existing building which in accordance with the NPPF is given substantial weight. Lastly, the site is underutilised presently, with the building becoming dilapidated through lack of use for many years. The principle of development is therefore acceptable in accordance with the relevant policies of the Development Plan and NPPF, subject to the application complying with all other material considerations.

Design and impact upon the character of the area and heritage assets

- 8.15. Policy DM10(c), (d) and (e) of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.16. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable, and that new development should respect the character and appearance of the Hinckley Conservation Area.
- 8.17. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance. Local policy is considered to accord with the NPPF.
- 8.18. The Council's Good Design Guide (2020) sets out the process to be followed to ensure good quality design for new residential development.
- 8.19. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and

heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate: a) An understanding of the significance of the heritage asset and its setting, and b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and c) How the benefits of the proposal will outweigh any harm caused d) Any impact on archaeology in line with Policy DM13.

- 8.20. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.21. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.22. Paragraph 210 states that in determining planning applications, local planning authorities should take account of: a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.23. Local Planning Authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 219).
- 8.24. Policy DM12 requires all development proposals to accord with Policy DM10. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans). Policy DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.25. General guidance and an assessment of the character and appearance of the Hinckley Town Centre are contained within the HTCCAA. Guidance and several potential means of enhancing the character and appearance of the site are provided in the Hinckley Town Centre Conservation Area Management Plan (2013).
- 8.26. The form, appearance, and overall design of the building is to be largely unchanged as part of the conversion. The LPA originally specified that a traditional metal framed material would have been preferable for the replacement windows as opposed to uPVC, however the Applicant expressed that this would render the scheme unviable. The Applicant has provided details of the proposed window specification (grey uPVC with faux mullions), and these have been assessed by Officers (including the Conservation Officer) and are considered acceptable on balance.
- 8.27. Other alterations to the building include the refurbishment of existing doors, the addition of new windows to serve the ground floor apartments, new entrance doors within the courtyard (Neales Yard) and new masonry panels where required.

- 8.28. The redevelopment proposal provides a number of benefits towards achieving the objectives of sustainable development (paragraph 8 of the NPPF), including some short-term employment during the construction of the redevelopment, the provision of dwellings and their contribution to meeting the Borough's housing supply and the use of local services by future occupants.
- 8.29. Overall, the proposal would preserve the character and heritage significance of the historic building within the Druid Street Conservation Area and therefore in my opinion the development accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 8.30. Taking the above into account and the balanced approach required by paragraph 210 of the NPPF the proposal is not considered to have an unacceptable impact upon the local heritage asset identified. Furthermore, the proposal is considered to complement and enhance the character of the surrounding area, the development is also therefore in compliance with Policy DM10(c), (d) and (e) of the SADMP and Policy 1 of the Core Strategy.

Impact upon residential amenity

- 8.31. Policy DM10 (a) and (b) of the SADMP states development will be permitted if it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.32. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space, including that wherever possible internal space standards for new development should aim to exceed those set by the Housing Standards (2015). The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.33. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Neighbouring Amenity

- 8.34. From the elevation facing Druid Street, No. 75 (bungalow) is separated from this elevation (Flats 1 and 2 on the basement floor, Flats 3 and 4 on the ground floor, Flats 11, 12 and 13 on the first floor, and flats 20, 21 and 22 on the second floor) by approximately 17m across Druid Street, and has a slight oblique relationship with the frontage of the Puffer Building. Whilst the separation distance would not meet the requirements in the Good Design Guide, it is acknowledged that this is an existing situation, and the historic commercial use of the building would present a similar relationship in terms of neighbouring amenity and overbearing/oppressive impacts.

- 8.35. No. 77 Druid Street is also a bungalow sited directly to the north east of No. 75. There is no direct intervisibility between this dwelling and the proposed apartments, and there are no neighbouring amenity concerns.
- 8.36. The apartment buildings at 6 and 125 Neales Court lie adjacent to the buildings, and there are no windows on the side elevations of these buildings. There would be some oblique views possible from the upper floor apartments, but there is no direct intervisibility and is an existing situation.
- 8.37. The Upper Bond Street Frontage would not create any neighbouring amenity issues as there are no neighbouring dwellings in the vicinity.

Occupier Amenity

- 8.38. All apartments meet the Nationally Described Space Standards for one and two-bedroom apartments
- 8.39. The proposed basement floor apartments (Flats 1 and 2) would be somewhat restricted in terms of natural light due to the positioning of the windows below street level. Notwithstanding this, all habitable rooms have a window, apart from the kitchen/dining area of Flat 1 which would be partially restricted by a stair balustrade. Whilst this would significantly restrict the levels of natural light, it is considered that the three large windows serving the living room and two bedrooms provide adequate natural light. Additionally, this situation would be something for prospective occupiers to consider. It is therefore considered that the natural light provision in Flat 1 is acceptable on balance.
- 8.40. All windows serving Flat 6 (ground floor) face inwards towards the courtyard area, which would restrict the levels of natural light to some degree. The Applicant has confirmed via photo evidence that the internal canopy area which covered the courtyard area has been removed, therefore allowing more natural light to the area. All habitable rooms have windows, and it is therefore accepted that this arrangement is acceptable.
- 8.41. The remaining apartments all have windows serving every habitable room, and whilst some of the arrangements may lead to some minor disturbance from the bin store area or motorcycle parking area, this is to be expected as part of a converted residential building within an urban area and would be a “buyer beware” scenario.
- 8.42. Whilst no outdoor amenity space is provided, Officers acknowledge the urban location of the site and the proximity to nearby Hollycroft Park (500m).
- 8.43. HBBC Environmental Health have requested a scheme for protecting the proposed dwellings from noise from the adjacent commercial/industrial premises to be submitted to and approved by the Local Planning Authority.
- 8.44. Additional information with respect to a Construction Management Plan is recommended via condition as are restrictions on construction hours.
- 8.45. In summary, it is considered that the proposed development is in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.46. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.47. Policy DM18 requires all proposals for new development to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available and appropriate design. Developments within Hinckley Town Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increase on-street parking.
- 8.48. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.49. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.50. The Applicant is not proposing any off-street parking for the scheme which is contrary to LHDG standards. However, the LHA notes that the submitted documents states that the sites former use was as a hosiery factory which the LHA considers to be 'Use Class B'. The Application Form states that the 'Gross Internal Floorspace' is 1300sqm. Table 29(a) of the LHDG indicates that the extant use of the building would typically have required 26 off-street parking spaces, whilst it is noted the proposals of 25 apartments would normally require 25 off-street parking spaces when compared to the LHDG.
- 8.51. The LPA explored potential options to provide off-street parking through a resident permit scheme where each household would be eligible for a parking permit within a nearby Council Car Park. The HBBC Car Parks Manager confirmed that both the Druid Street and Alma Road car parks are at capacity for resident permits, therefore the request to adopt a resident permit scheme for this application is not possible.
- 8.52. Notwithstanding this, the application site will provide secure and covered cycle parking and is located close to a number of sustainable transport hubs, including Hinckley Bus Station (1km) and Hinckley Railway Station (1.3km).
- 8.53. The LHA have also sought contributions from Travel Packs and Six-Month bus passes as part of the scheme. Upon request, the Applicant advised that they were not willing to include these contributions within the Legal Agreement as they have had previous experience of a low uptake of similar bus pass schemes and are willing to advise of nearby sustainable travel modes in the internal lobby areas of the development. The applicant was prepared to appeal the application if needed. It is considered that the absence of these contributions on this application would not justify refusing the scheme, were it to be the only such reason. Therefore, it was considered that the pragmatic approach would be to proceed to determination without the requests by the LHA.

- 8.54. Overall, subject to conditions, it is considered that the proposals accord with the requirements of the NPPF and Policy DM10, DM17 and DM18 of the SADMP.

Flood Risk and Drainage

- 8.55. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.56. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.57. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning being at low risk of fluvial flooding and is not identified as being at risk of surface water flooding.
- 8.58. HBBC Drainage, LCC Drainage and Severn Trent Water advise that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water, and disposal of foul sewerage. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.59. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.60. The County Ecologist assessed the initial submission and confirmed that the development is below a de minimis threshold for biodiversity net gain. County Ecology did however have a holding objection pending the submission of:
- A preliminary roost assessment,
 - A site plan showing mitigation and enhancements for bats, sparrows and swifts
- 8.61. This information has been provided and LCC Ecology have removed their holding objection.
- 8.62. Overall, subject to conditions the application is considered to be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

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. Overall, the application accords with the development plan and is acceptable in principle. The provision of 25 dwellings, in this highly sustainable location, is a benefit of the proposal, which coupled with the use of underutilised brownfield land is given significant weight in favour of the scheme.

10.2. The proposed development is not considered to have a significant harmful effect on the character and appearance of the Druid Street Conservation Area. In this regard it would be acceptable and consistent with the requirements of Policy DM10 of the SADMP.

10.3. Whilst it is acknowledged that there will be a localised negative impact on parking provision as a result of the development, the site is in a highly sustainable location with regard to alternative sustainable modes of transport. The effects of this proposed development are therefore not considered to pose an unacceptable impact on highway safety or biodiversity, in accordance with the requirements of Policies DM6, DM17 and DM18 of the SADMP.

10.4. The proposed development would not result in unacceptable impact on neighbouring or prospective occupier's residential amenity and would therefore be in accordance with the requirements of Policy DM10 of the SADMP and the Good Design Guide.

10.5. In conclusion, planning permission should be granted in these circumstances.

11. Recommendation

11.1. **Grant outline planning permission** subject to:

- Planning conditions outlined at the end of this report.
- Unilateral Undertaking securing the following:
 - Health contribution £16,472.00

11.2. Conditions and Reasons

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

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

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

- Site Location and Block Plan – Drawing No. 25-09 P-L
- Proposed Elevations – Drawing No. 25-09-P-07 Rev B
- Proposed Basement and Ground Floor Plan – Drawing No. 25-09-P-05C
- Proposed First and Second Floor Plan – Drawing No. 25-09-P-06

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

3. In the event that a replacement roof or roof repairs are required, prior to the replacement of any roof covering, details and specification of the roof covering shall be submitted to for approval by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and the conservation of historic and architectural interest, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall not commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall not be occupied until such time as secure and under cover cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

6. The development hereby permitted shall not be occupied until such time as 2x bat boxes, 3x swift nest boxes, and 1x Sparrow Terrace are integrated into the structure of the new building in accordance with the submitted plan: 25-09-P-06 – Ecology Enhancement Plan – received 17.03.2026.

Reason: To ensure the protection of protected wildlife species and their habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD (2016).

7. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the

Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

8. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development, in accordance with policy DM7 of the adopted Site Allocations and Development Management Policies Plan Document (2016).

9. The development hereby permitted shall be implemented in accordance with the Acoustic Assessment and Mitigation document (received 24.03.26). All works forming part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development hereby permitted shall not commence until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. 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 in writing 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 first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to Applicant

1. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
2. 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.
3. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
4. In relation to conditions 10 and 11, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
5. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
6. The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
7. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
8. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
9. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
10. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
11. Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at <http://www.digdat.co.uk/>