Item: **02**

Reference: **11/00058/EXT**

Applicant: **Mr Terry Poulton**

Location: **Land Between Upper Bond Street, Druid Street And Neale's Yard Hinckley**

Proposal: **EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF THE EXTANT PLANNING PERMISSION (08/00037/FUL)**

Target Date: **28 April 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

Application Proposal

This application seeks to extend the time period for the commencement of extant planning permission 08/00037/FUL for a scheme for the demolition of a former hosiery factory on Druid Street, the conversion into seventeen apartments of a vacant former factory on Neale's Yard and the conversion into offices of a vacant factory at the corner of Upper Bond Street and Neale's Yard. The original application (08/00037/FUL) was granted on 24 April 2008. The application expires on 24 April 2011, however the extension of time application has been made prior to the expiry date.

The Site and Surrounding Area

The site area is 0.161 hectares and is relatively flat. It is located within the Druid Street Conservation Area. All of the factories within the application site have suffered from poor maintenance over many years and are in a very poor state of repair. They have rusting windows, broken glazing, bricked up openings and leaking gutters. Members will be aware of the many issues and the public concern about this site.

The application site extends between Upper Bond Street, Druid Street and Neale's Yard. The site consists of a range of former hosiery factories, which have been vacant for several years. The buildings include:-

The Ghia hosiery factory, which is located at the corner of Upper Bond Street and Neale's Yard. This is two storeys high and a landmark building on the main entry road into the town from the north.

The Puffer hosiery factory is three storeys high and the principle building on the site. It was constructed in 1911 and extends along both Neale's Yard and Druid Street. It has a cart entrance from Druid Street leading to a narrow passageway at the rear of the factory to link with Upper Bond Street beneath a further factory, which is not part of the application site. This factory is owned and occupied by Bond Street Glass who also has a right to use this passageway. Neale's Yard is an important pedestrian

route into the town centre and is also well used by children attending Holliers Walk School.

The Laban Tansley needle factory is two storeys high and fronts Druid Street. This building has been constructed in two distinct parts, one of which abuts the Puffer building. The interior of this factory has been greatly changed and extended over many years and many of its original features have been lost.

Vehicular access onto the site is available from Upper Bond Street at its northwest corner. However this does not provide access to any of the factories within the application site. It is, used by Bond Street Glass who has a right of vehicular access and own land adjacent to their building for four car parking spaces.

Technical Documents submitted with the application

The application is submitted with a Design and Access Statement which describes the scheme in reference to national and local policy and refers to the Council's shortfall in the five year housing land supply. The statement discusses the affordable housing requirement and financial contributions but states that the contributions need to be in conformity with Circular 05/2005.

History:-

08/00068/CON	Demolition of the Laban Tansley Building	Approved	28.05.08
08/00037/FUL	Demolition of existing building and conversion of remaining industrial buildings to form B1 Office use and 17 apartments	Approved	24.04.08

There is an on going enforcement investigation in relation to improving the appearance of the site. The owner has been requested to complete a schedule of repair works.



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Consultations:-

No objections received from:-

The Environment Agency
Director of Environment and Transport (Rights of Way)
Directorate of Chief Executive (Ecology).

No objection subject to condition received from:-

Directorate of Chief Executive (Archaeology)
Director of Environment and Transport (Highways)
The Head of Community Services (Land Drainage).

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

a) The Director of Environment and Transport (Civic Amenity) requests a contribution of £768
b) The Director of Adults and Communities (Libraries) requests a contribution of £761
c) The Director of Children and Young Peoples Services (Education) does not request any contributions
d) The Directorate of the Chief Executive (Ecology) does not request any contributions.

The Primary Care Trust do not object subject to previous contribution of £9,911 towards health care services.

A copy letter has been received in relation to issues of copyright for the design drawings submitted with the original application.

At the time of writing the report, comments have not been received from:-

The Historic Buildings Panel
Leicestershire Fire and Rescue
Severn Trent Water Limited
The Ramblers Association.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflects guidance in PPS1 stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

Planning Policy Statement 5 (PPS5): Planning for the Historic Environment published on 23 March 2010 replaced Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). The document sets out the overarching planning policies on the conservation of the historic environment.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy to promote sustainable travel choices.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy Guidance

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

The Regional Spatial Strategy for the East Midlands is the East Midlands Regional Plan this provides a broad development strategy for the East Midlands. The following policies are relevant to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' sets out that land for the development of 1120 residential dwellings will be allocated with an aim to diversify the existing housing stock in the town centre to cater for a range of house types. The policy also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision and that development should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within urban areas at the rate of 20% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16: 'Housing Density, Mix and Design' 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within Hinckley.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24: ‘Sustainable Design and Technology’ seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

The Town Centre Area Action Plan (2011) includes the site within the area of the Plan. It refers to Hinckley's historic development and confirms that heritage will continue to be a key driver of its regeneration in the future. It confirms the Borough Council's intention to review the Druid Quarter Regeneration Strategy and Masterplan, this together with a full appraisal of the Druid Street Conservation Area and a conservation area management plan to protect and enhance the industrial heritage will further promote the area. There are no directly related policies applicable to this site or the development proposed.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: ‘Contributions towards the Provision of Infrastructure and Facilities’ requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy RES3: ‘Provision of Affordable Housing on Sites not Specifically Allocated for Residential Purposes’ states that the Borough Council will negotiate to provide an element of affordable housing. The Borough Council will seek to negotiate this provision on site.

Policy RES5: ‘Residential Proposals on Unallocated Sites’ states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy BE1: ‘Design and Siting of Development’ seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; have regard to the safety and security of both individuals and property; incorporate design features which reduce energy consumption; incorporate landscaping to a high standard; have regard to the needs of wheelchair users and other people with disabilities; ensure adequate highway visibility for road users and adequate provision for parking for residents and visitors together with manoeuvring facilities and should not adversely affect the occupiers of neighbouring properties.

Policy BE7: 'Development in Conservation Areas' seeks to preserve or enhance the special character of Conservation Areas including buildings, related spaces and views in and out of the area.

Policy BE16 Archaeological Investigation and Recording of Sites requires a satisfactory level of investigation and recording be carried out, in the area of archaeological interests.

Policy NE17: Contaminated Land relates to the protection of the water environment from the development of contaminated land.

Policy T5: ‘Highway Design and Vehicle Parking Standards’ refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Policy T9: ‘Facilities for Cyclists and Pedestrians’ refers to development encouraging walking and cycling as safe and convenient means of transport.

Policy REC3: ‘New Residential Development - Outdoor Play Space for Children’ requires the appropriate level of children’s play space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision and maintenance of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Supplementary Planning Guidance/Documents

The Council’s Supplementary Planning Guidance (SPG): ‘New Residential Development’ provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council’s Supplementary Planning Document 2011 (SPD): Affordable Housing sets out the key principles for delivering the amount and tenures of affordable housing in urban and rural areas.

The Council’s Supplementary Planning Document (SPD): ‘Play and Open Space’ provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

The Council’s Supplementary Planning Document (SPD): ‘Sustainable Design’ aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

The Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions provides a commitment for new development to contribute to planned infrastructure deficiencies and proposals within Hinckley Town Centre requirements and requires a flat rate tariff of £4500 per new apartment and £5500 per new dwelling house to deliver these infrastructure commitments.

Other Material Planning Documents

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions:-

"Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date".

The guidance continues:-

"Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main consideration with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application. There are additional considerations such as if the originally imposed conditions are still required and whether additional conditions or financial contributions should be applied.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Of particular relevance to this application is Planning Policy Statement 3: Housing (PPS3).

The previous application was considered in light of Planning Policy Guidance Note 3: Housing published in March 2000. Early editions of Planning Policy Statement 3 were issued in 29 November 2006 and 19 January 2010 and have been superseded by the latest issue of PPS3 in June 2010. The particular revisions issued on 9 June 2010 were the removal of private residential gardens from the definition of previously developed land and the removal of the national indicative minimum density of 30 dwellings per hectare.

Given that the site predominantly falls within the use class B2 and not residential curtilage then the re-classification of private residential gardens does not affect the determination of this application. In respect of the density, paragraph 47 of PPS3 states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range. In this case, through the adoption of the Hinckley & Bosworth Borough Council Local Development Framework Core Strategy, Policy 16 requires residential development at a minimum density of 40 dwellings per hectare within Hinckley. This proposal provides proposes 17 dwellings on a site of 0.161 hectares, which equates to a density of 105 dwellings per hectare. Although this is a high density development, given the sites proximity to the centre to the town centre and the range of services and transport choices that exists there this density is not considered to be unacceptable.

Regional Policy

In 2008 the scheme would have also been considered against Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad polices of the RSS which still seek to direct new development to urban areas and Brownfield land. Therefore while the development plan has changed since the original decision was reached it does not lead to a different conclusion on the acceptability of the application.

Core Strategy

The Local Development Framework Core Strategy was adopted in December 2009 and of relevance to the scheme are policies 1, 15, 16, 19 and 24.

Policy 1 - Development in Hinckley is an overarching policy to guide development in Hinckley which does not raise issues that would now imply that the development would be unacceptable.

Policy 19 - Green Space and Play Provision seeks high quality and accessible green spaces and play areas, whilst Policy 1 also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision. It is considered that the site is located close to Hinckley's town centre.

In line with Policy 24 - Sustainable Design and Technology, new residential units to be provided on a site should now be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Policy 24 of the Core Strategy now requires all new homes in Hinckley to be built to Code Level 3 of the Code for Sustainable Homes. This however, is not considered to be appropriate to the conversion of these historic buildings where it is most important to ensure that the heritage character and features of the buildings are not compromised and retained over and above sustainable design features. Accordingly, it is not considered appropriate to apply the requirements of Policy 24 in this case.

Policy 15 Affordable Housing which seeks a 20% affordable housing target to be split between 75% social rented and 25% intermediate housing. A request has been made to the applicant to provide three properties for social rent and one for intermediate tenure. At the time of writing the report negotiations are taking place to secure this affordable housing requirement through a legal agreement.

Also of relevance is Policy 16 - Housing Density, Mix and Design which seeks to provide a mix of housing types and tenures. The scheme provides one and two bed apartments. Resultant of the progressions with the legal agreement, this would ensure a mix of housing tenures.

In summary, since the determination of the previous application a number of policies of the Local Development Framework Core Strategy are relevant. In principle the policies do not raise further issues that would imply that the development would be unacceptable, however it is considered that a legal agreement to secure affordable housing and play and open space financial contributions are required in order for the scheme to be in compliance with these policies.

The Borough Council's Town Centre Area Action Plan (2011) includes the site within the area of the Plan but there are no specific policies in relation to it.

Local Plan Policy

The original scheme was granted on the 24 April 2008, therefore it was considered against the same Hinckley and Bosworth Local Plan (adopted 2001) policies which have been 'saved' by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

Following the adoption of the Local Development Framework Core Strategy the site triggered the threshold for affordable housing. As such this scheme should also be considered in light of Local Plan Policy RES3. Subject to the signing of the legal agreement to provide affordable housing on the site, the development will be in accordance with Policy RES3.

In summary, the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

Supplementary Planning Documents

The issues relevant to the Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions is considered below under the heading of Developer Contributions.

The Council's Supplementary Planning Document (SPD) on Hinckley Town Centre Strategic Transport Development, the County Council can request contributions via appropriate developments for infrastructure improvements within the Hinckley town centre. In this case, there has been no such request.
The Council's Supplementary Planning Document (SPD) on Affordable Housing reduced the threshold for affordable housing to 15 units and above. The requirement for affordable housing units is considered further elsewhere in the report.

Changes to Conditions

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether the original conditions are still relevant and whether additional conditions should be imposed.

Removal of Conditions

The Head of Community Services (Land Drainage) raises no objections to the proposal but requests a condition in respect of the submission of drainage plans for the disposal of surface water and foul sewage and sustainable drainage principles, respectively. Historically the development control process has sought to control the design of drainage systems: however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the local planning authority is usually subject to change. In line with recent appeal decisions and the Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

The Director of Environment and Transport (Highways) has recommended that the previous highways conditions are imposed on the determination of this application. However, it is not considered that there are any special circumstances with regard to this application which would require the imposition of conditions in relation to the deposit of materials onto the highway during the construction period, or for drainage into the highway following completion of the development. Therefore, these conditions have been omitted from the recommendation.

Additional Conditions

As previously discussed, since the determination of the original application, The Local Development Framework Core Strategy has been adopted (2009). In particular, Policy 24 requires new dwellings to be constructed to a minimum of Code Level 3. However because this scheme is for conversion of existing buildings, it is not considered that this requirement should be imposed in this case.

Affordable Housing Provision and Development Contributions

Affordable Housing Provision

This planning application is for 17 apartments in the centre of Hinckley. Under the original planning application this site did not cross the threshold for a requirement for affordable housing, However, the Affordable Housing Supplementary Planning Document adopted in April 2008 reduced the threshold for affordable housing to 15 units and above. The Core Strategy, adopted in December 2009, confirmed that in urban areas the requirement would be for 20% affordable housing to be provided for sites of 15 dwellings and above. The split of tenure should be 75% of this provision to be for social rented properties and 25% for intermediate tenure.

The applicant has committed to providing 20% affordable housing with a tenure split of 75% for social rent and 25% for intermediate tenure, which is in accordance with Core Strategy Policy 15. This equates to the provision of 3 affordable homes. Due to the small number of units required, the Council would accept either 3 units for social rent or 2 units for social rent and 1 for intermediate tenure, dependant on Registered Social Landlords partners preference.

The Council's waiting list has 337 people on the list for 1 bedroomed apartments and 44 people for 2 bedroomed apartments. As the properties in the urban areas are to meet the needs of applicants to the Borough as a whole, the connections criteria in the section 106 agreement should be a local connection to the Borough rather than to the settlement. The provision proposed is welcomed and is in accordance with the policy requirement.

Developer Contributions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 has become a statutory requirement and this requires the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed.

The application proposes 17 residential units, which attracts infrastructure contributions.

The Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions provides a commitment for new development to contribute to planned infrastructure deficiencies and proposals within Hinckley Town Centre and requires a flat rate tariff of £4,500 per new apartment and £5,500 per new dwelling house to deliver these infrastructure commitments. Accordingly, a total contribution of £76,500 is required.

It should be noted that recent appeal decisions of this authority have found that requests received from Leicestershire County Council in respect of libraries, civic amenity and from the Primary Care Trust and Police Architectural Liaison Officer are not being adequately quantified against the CIL regulations. On consideration of these requests it is considered that they do not meet the tests as set out in the Community Infrastructure Levy 2010 and are therefore not considered appropriate.

Furthermore, the flat rate tariff approach of the Hinckley Town Centre Strategic Transport Development Contributions SPD is not CIL compliant.

As the site does not make any provision for on site open space a contribution would be required to improve existing open space within the immediate locality. Such a contribution would be required to meet the CIL tests and would need to show that the financial contribution request is necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

In terms of open space and play policies, Policy REC3 of the Local Plan suggests that direct or indirect (financial) contributions will be expected for open space provision (REC3) on developments of less than 20 dwellings.

The site is located within 400 metres of informal space Ashby Road Cemetery (other informal play types include churchyards and cemeteries). Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

Financial contributions in terms of the Ashby Road Cemetery for public realm improvements in terms of landscaping of the woodland burial area are therefore sought. The Play and Open Space SPD sets out how the contribution is worked out proportionate to the size and scale of the development. A total of £2,664.45 is sought: (£1,432.20 for the provision and £1,232.25 for maintenance). Due to the proximity of the site to the Ashby Road Cemetery, it is considered that future occupiers would utilise the facilities.

It is considered that the play and open space contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and the contribution is justified in this instance. As such it is considered necessary to secure these contributions through a legal agreement.

In summary, the contributions requested and considered CIL compliant include:-

a) Affordable Housing (20% which equates to three units)
b) Play and Open Space £2,664.45

A Unilateral Undertaking is under negotiation to secure the financial contributions and affordable housing units.

Other Issues

Correspondence has been received from architects who maintain that the copyright in the plans submitted by the applicant remains with them and that the applicant does not have their permission to use the plans in the making of this application.

Copyright law is complex and specialised and it is not clear what the Council`s position is in such a situation. The Legal Section is exploring this issue further with a view to obtaining a definitive position, because, if there is an issue for the Council as Local Planning Authority in such circumstances, then it is a potential issue for all Local Planning Authorities. In the meantime, it is considered that the application should continue to be considered on its planning merits and any further information will be reported to the Committee as a late item.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. It is considered that all other remaining conditions are considered necessary. As such, the extension of the scheme for a further three year period is acceptable subject to the imposition of conditions as considered within this report. The implementation of the planning permission will result in a positive enhancement to the character and appearance of the Conservation Area.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 to provide affordable housing and financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to granted planning permission subject to the conditions below. Failure to complete the said agreement by 28 April 2011 may result in the application being refused:-

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, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the previous application and changes to policy since the last planning permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, RES3, RES5, BE1, BE7, BE16, T5, T9, REC3, NE17.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1,15,16,19,24.

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: plans 5921B-06B AND 08A received 10 March 08 by the Local Planning Authority and 02B received on 26 March 2008.

3 Demolition of the factory shall not take place until the applicant or their agents or successors in title have secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

4 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

5 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority

which shall include details of how any contamination shall be dealt with. 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 being first occupied.

6 If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

8 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.

9 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings 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.

10 Notwithstanding the submitted drawings, detail drawings and specifications of the proposed windows, doors, surface treatment of the Puffer building north gable, car park lighting, bin storage and the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

11 Notwithstanding the submitted drawings, detail drawings and locations of the proposed pedestrian safety barriers and the separation bollards between the residential and commercial vehicle areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.

13 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

14 For the period of the construction of the development the vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

15 Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of the dwelling and shall be retained for these purposes thereafter.

16 Before first occupation of the dwellings hereby permitted, the access drive, car parking and turning space shall be surfaced with hard bound material (not loose aggregate) and so maintained at all times. The specification of the material to be agreed in writing with the Local Planning Authority.

17 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

18 Each dwelling should be issued with a travel pack and 2x 3 monthly travel passes prior to the first occupation.

19 No more than 10 apartments shall be occupied before office scheme is completed.

20 Not withstanding the submitted drawings, no gates shall be erected to the vehicular access to Druid Street.

21 Notwithstanding the submitted drawings, all doors and windows at ground floor on the road or footpath frontages shall be of a type other than outward opening and thereafter shall be so maintained.

22 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.

23 Before the development hereby permitted is first used, off-street parking provision shall be made within the application site in accordance with the submitted plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.

4 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.

5&6 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.

7&8 To safeguard the residential character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9&10 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

11 In the interests of road safety and to ensure that the proposed use does not become a source of annoyance to future and nearby residents to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.

12&13 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

14 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy T5 of the Hinckley & Bosworth Local Plan.

15 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

16&17 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

18 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

19 To ensure the development is completed within a reasonable period of time to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

20 To enable a vehicle to stand clear of the Highway in order to protect the free and safe of traffic, including pedestrians, in the public highway and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

21&22 In the interests of the safety of users of the public highway to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

23 To ensure that adequate off-street parking facilities are available and to accord with policies BE1 and T5 of adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force

on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The application site lies within the boundary of the Druid Street Conservation Area and the Local Authority will be anticipating that high quality traditional materials, such as granite sets, will be used for all ground surfacing.

6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Louise Forman Ext 5682