

Item No. 5c**Application Reference Number:** P/23/1357/2

Application Type:	FULL	Date Valid:	26 th July 2023
Applicant:	Charnwood Borough Council		
Proposal:	Demolition of existing building and construction of 9no. bungalows with associated works to include landscaping, access and parking.		
Location:	St Michaels Court, Melton Road, Thurmaston, Leicestershire, LE4 8EE		
Parish:	Thurmaston		
Case Officer:	Lewis Marshall	Contact No:	

1.0 Background

1.1 This application is referred to Plans Committee as the application is submitted by or on behalf of the Council for its own development and is development of significant scale and impact.

2.0 Description of the application site

2.1 The site measures 0.23 hectares and is situated to the east of Melton Road located within the settlement limits of Thurmaston, which forms part of the Principal Urban Area of Leicester.

2.2 The existing site is occupied by a large, two storey, flat roof building likely constructed in the 1960's. The building is currently vacant but was formally used as sheltered housing accommodating 23 units. The existing building fronts Melton Road, but vehicular access is to the rear from Garden Street.

2.3 Residential properties lay to the north of the site boundary with a mix of residential, commercial and retail uses elsewhere along Melton Road.

2.4 The site is not in a designated Conservation Area, however, a grade II* Listed building, the church of St Michael and All Angels is located south of the application site. The site also falls within an area of archaeological interest.

2.5 The site is located approximately 130m east of the River Soar. The majority of the site is situated in flood zone 1 (low risk), although a small area measuring less than four square metres to the south west corner of the site falls within flood zone 3 (high risk).

2.6 The site contains a number of trees fronting Melton Road as well as a larger group of trees to the rear of the building which can be seen from Garden Street.

3.0 Description of the proposal

- 3.1 This full planning application proposes the construction of 9 no. bungalows to be used as affordable housing. The applicant intends to let the units on a social rent to persons over 60 or to those who are physically disabled or have a need for accessible accommodation. The development will follow the demolition of the existing building which comprises a two-storey block of flats.
- 3.2 The proposed buildings are single storey in scale and laid out in a terraced courtyard arrangement with open and shared garden areas to the sides and rear. A single detached unit (plot 9) is located to the rear and accessed independently from Garden Street. Proposed materials consist of red brick, render and reconstituted stone with concrete roof tiles. Ten parking spaces are proposed including two disabled bays. Refuse storage areas are proposed
- 3.3 The access as proposed will be taken from Melton Road with the formation of a new vehicular and pedestrian access. The existing vehicular access taken from Garden Street will be retained. Formation of the access will result in the removal of one tree and a section of hedgerow fronting Melton Road.

The application has been subject to amended documents and plans as the application has progressed. The application is supported by the following documents:

- Noise Survey
- Transport Statement
- Ground Condition Report
- Utility Assessment
- Heritage Statement
- Flood Risk Assessment and Drainage Strategy
- Biodiversity Net Gain Assessment
- Preliminary Ecological Appraisal
- Landscape and Ecological Management Plan
- Arboricultural Impact Assessment
- Archaeological Desk-Based Assessment and Heritage Statement
- Statement of Community Engagement

Full consultation with local residents and consultees was carried out on the 8th August 2023. A site notice was displayed at the site on 24th August 2023 and advertised in the local press on 16th August 2023.

4.0 Development Plan Policies

- 4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), and the Minerals and Waste Local Plan (2019).
- 4.2 The policies applicable to this application are as follows:

4.3 [Charnwood Local Plan Core Strategy \(2015\)](#)

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 – Strategic Housing Needs
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 – Sustainable Construction and Energy
- Policy CS17 – Sustainable Transport
- Policy CS24 – Delivering Infrastructure
- Policy CS25 – Presumption in Favour of Sustainable Development

4.4 [Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.5 Where they have not been superseded by Core Strategy Policies previous Local Plan Policies remain part of the Development Plan. In relation to this proposal, the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking Provision in New Development

5.0 **Other material considerations**

5.1 [The National Planning Policy Framework \(NPPF 2023\)](#)

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed and beautiful places.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

5.2 [Planning Practice Guidance](#)

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

5.3 National Design Guide

This is a document created by Government which seeks to inspire higher standards of design quality in all new development.

5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.5 Design Supplementary Planning Document (SPD) (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.6 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development and advice regarding the design of parking courts and waste collection.

5.7 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

5.8 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

5.9 The Draft Charnwood Local Plan 2021-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. Further hearings are to be held in February 2024 on limited matters following on from the consultation on the post hearing submissions which closed on 8th November 2023. Following the further hearings, it is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2024

5.10 In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy DS1 - Development Strategy
- Policy DS5 - High Quality Design
- Policy EV6 - Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7 - Tree Planting
- Policy EV8 - Heritage
- Policy T3 - Parking Standards
- Policy CC1 - Flood Risk Management
- Policy CC2 - Sustainable Drainage Systems
- Policy CC4 - Sustainable Construction
- Policy CC5 - Sustainable Transport
- Policy INF2 - Local and Strategic Network

5.11 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

6.0 Relevant Planning History

6.1 There is no recent or relevant planning history recorded for the site, although the past land use is for Council owned and managed sheltered housing.

7.0 Responses of Consultees & Other Comments Received

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways (LHA)	No objection – the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Conditions are recommended in respect of the access, visibility splays, parking, and the removal of permitted development rights for gates.
Leicestershire County Council – Lead Local Flood Authority (LLFA)	No comment – The proposals are not considered to be major development and therefore the LLFA is not a statutory consultee. It is confirmed that the site is located within Flood Zone 1 being at low risk of fluvial flooding with a small part of the site being in Flood Zone 3 being at a high risk of fluvial flooding. The site is at low risk of surface water flooding.
Historic England	No comment – advice should be sought from the Council's specialist conservation and archaeological advisers.
Environment Agency	No objection – Although a very small part of the southwest corner of the site falls within flood zone 3, all construction, hard standing and accommodation falls within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site.
Charnwood Borough Council Design and Conservation Team	<p>No objection:</p> <p>The proposed development will have no impact on the heritage significance of the listed church building itself. The significance of the setting is derived from the open and verdant characteristics of the churchyard which contrasts markedly with the surrounding land uses, and the emerging views of the church tower as one travels along the high street towards the church.</p> <p>The proposal for a single storey development set within landscape grounds will not adversely impact on either of the elements which contribute to the heritage significance of the setting of the church.</p>

Consultee	Response
<p>Charnwood Borough Council Environmental Health Team (contamination)</p>	<p>No Objection: <u>Ground Assessment</u> The Ground assessment identified the risk from potential asbestos contamination in soil as low/moderate. No remediation measures were therefore proposed.</p> <p>Recommend the additional condition: <i>If, during the development works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the local planning authority.</i></p> <p><u>Noise</u> The Quantum Acoustic Report concluded that the site is dominated by road traffic noise associated with Melton Road. It was concluded that noise levels could be suitably controlled through the use of standard thermal double glazing and acoustic rated trickle ventilators for properties overlooking Melton Road, with properties overlooking Garden Street controlled through the use of standard thermal double glazing and standard trickle vents. Details of the proposed glazing and ventilation was given in Section 9.3 of the report. It is recommended that these glazing and ventilation requirements be conditioned in any permission.</p> <p>Appropriate external noise levels in private amenity areas were also achieved by a proposed 1.8m high brick wall along the northern and southern boundary fronting Melton Road. It is therefore recommended that this be conditioned in any permission.</p> <p><u>Demolition/Construction</u> The site is situated close to existing residential/business premises and there is therefore the potential for noise and dust nuisance from development of the site. I recommend that the applicant be made aware of the notes to minimise the potential nuisance from demolition/construction sites, particularly.</p>
<p>Charnwood Borough Council Tree Officer</p>	<p>Objection: The scheme ignores any value from the trees and does not provide a design that enables reasonable mitigation or sufficient on-site compensation. The scheme therefore fails to meet the local and national policy.</p>
<p>Charnwood Biodiversity</p>	<p>A revised version of the submitted metric is provided.</p>

Consultee		Response
		<p>The revised calculation shows a net gain of 4.53% which gives reasonable confidence that the application can be brought forward with no net loss of biodiversity. Although the calculation also shows a breach of the trading rules this is entirely explained by a small reduction in projected urban tree cover.</p> <p>Given the small size of this change and deficiencies in the metric for projecting ecological value of individual trees, this apparent deviation from the trading rules is not considered sufficient to undermine the proposal as a whole.</p> <p>Recommended Conditions: Landscaping – to include Native hedge along the frontage, native trees where they can reasonably be accommodated and a wildlife garden area.</p>
Thurmaston Council	Parish	<p>Raises the following concerns –</p> <ul style="list-style-type: none"> • The Social housing may be lost in future due to the Right to Buy Scheme. • There will only be 2 visitor and 2 disabled parking bays between all residents. The Parish Council feels that this is an insufficient amount of disabled spaces, as the development is proposed for senior/disabled residents. • The entrance to the development (including visibility splays) will total 15m and this will potentially remove existing parking spaces during restricted parking times. • Question the viability of the access to plot 9 over unadopted land. • The Parish Council would like to recommend that the development is called St Michael's Court (or a variant of this).

Responses to publicity	
One letter of comment has been received from The Parish of Church of St Michaels and All Angels	<ul style="list-style-type: none"> • The development is welcomed in principle. • It will enhance the street scene. • It will improve visibility of the grade II* listed church building. • The proposed access on Melton Road will reduce availability of car parking. • Parking spaces within the development will be undesignated and therefore may increase demand for on street parking. • The visibility splays within the access are likely to be inadequate.

	<ul style="list-style-type: none"> • The existing vacant building is associated with anti-social behavior. • Dust, traffic, noise and vibration should be managed during construction.
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8.0 Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015), “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 In light of the revisions to the NPPF released on 20th December 2023 and guidance contained in paragraph 226, the Local Plan has been submitted for Examination and the Council can demonstrate in excess of a four year housing land supply (4.27 years based on a 4 year supply over a 5 year requirement – 4.49 years if the 5% buffer is not applied). The Core Strategy and Borough of Charnwood Local Plan are over 5 years old and it is important to take account of changing circumstances affecting the area and relevant changes in national policy (NPPF Dec 2023).
- 8.3 With the exception of policies addressing the supply of housing, the weight of the relevant policies listed above are addressed for their extent of compliance with national guidance in the report below, to consider whether there is reason for them to be given reduced weight. As the Core Strategy is over 5 years’ old, it is important to consider if the most relevant policies within the Development Plan are up to date in order for paragraph 11c of the NPPF to be applicable. Under NPPF Paragraph 11 c) Development proposals that accord with an up-to-date Development Plan must be determined without delay. It is considered that the most important policies are considered to be up to date for the reasons set out later in this report.
- 8.4 Amongst the material considerations are the emerging Charnwood Local Plan 2021-37 (ELP) and the National Planning Policy Framework (NPPF).
- 8.5 The main planning considerations applicable to this application are considered to be:
- Principle of Development
 - Design and impact on the street scene
 - Heritage
 - Landscaping
 - Ecology and Biodiversity
 - Residential Amenity
 - Flooding and Drainage
 - Sustainable Construction
 - Highway and Parking
 - Other matters

9.0 Key Issues

9.1 Principle of the Development

- 9.1.1 The NPPF makes it clear that the purpose of the planning system is to contribute towards achieving sustainable types of development through economic, social and environmental objectives. In terms of meeting the need for new homes, it is clear the framework promotes the effective use of land, while safeguarding and improving environments and healthy living conditions. It is expected that Local Planning Authorities should plan to make as much use as possible of previously developed or brownfield land, in achieving sustainable patterns of development.
- 9.1.2 The application proposes to regenerate a brownfield site to provide a housing development for nine bungalows within the settlement limits of Thurmaston, which is within the Principal Urban Area of Leicester. The principle of this development is guided by Local Plan Policy of the Charnwood Core Strategy (2015) that acknowledges the majority of growth will be met in the Principal Urban Area in terms of housing delivery and supports sustainable development that makes effective use of land.
- 9.1.3 Policy ST/2 of the adopted Local Plan 2004 directs development to allocations and locations within limits to development. This spatial strategy is no longer capable of meeting the Borough's current housing needs and as such is inconsistent with NPPF Chapter 5, and as such is regarded as out of date, and therefore its weight is reduced to 'limited'. The proposed development falls within the defined Limits to Development and as such benefits from this limited weight.
- 9.1.4 In terms of Planning policies contained in the Core Strategy that relate to the principle of development, Policy CS1 defines a hierarchy of settlements for the Borough. The Leicester Principal Urban Area is expected to provide for the majority of the growth which contributes towards meeting development needs, supports the strategic vision, makes effective use of land and is in accordance with the policies elsewhere in the Charnwood Core Strategy. This application will deliver new homes that contribute towards the greatly needed housing supply in a highly sustainable location.
- 9.1.5 Policy CS1 is concerned primarily with the strategy for the distribution of housing and economic development having regard to its overall environmental impact, with the object of securing a sustainable pattern of development. That is also the purpose of policy DS1 of the emerging Local Plan. However, the strategy of urban concentration focusing on the Principal Urban Area ("Leicester Urban Area"), Shepshed and Loughborough is broadly unchanged. That indicates the strategy of CS1 remains up-to-date and can therefore be afforded full weight.

- 9.1.6 Policies CS1 of the Core Strategy and DS1 of the emerging Local Plan are principally concerned with securing a sustainable pattern of development. The pattern promoted by Policy CS1 is broadly the same as that advanced by policy DS1. Since policy DS1 is up to date and CS1 mirrors its purpose and strategy, it follows that CS1 is also up to date. Policy CS1 ensures that growth is directed to the right places in accordance with the principle of urban concentration and be sustainable, and steer away from less sustainable and unsustainable locations. That accords with the 'golden thread' of the Framework. CS1 thus retains its utility and accords with the Framework.
- 9.1.7 The application proposes a purpose-built housing development, that seeks to regenerate a brownfield site of sheltered housing accommodation that has fallen into disrepair. The site is located within the Leicester Urban Area and adjacent to the town centre boundary as defined in the Core Strategy, with ease of access to the facilities in Thurmaston and to Leicester City either on foot or by public transport. The principle of developing the site for residential accommodation is therefore in accordance with the adopted Development Plan which remains up to date.
- 9.1.8 The submitted Local Plan 2021-37 is a material consideration. Its Policy DS1 defines a future development strategy for the Borough. At this date this policy of the emerging Local Plan carries limited weight due to the nature and extent of unresolved representations made which are subject of Examination. It is however supportive of sustainable development within the limits to development and allocated in the plan. This further supports the principle of development in this location being considered acceptable.
- 9.1.9 The site will contribute towards the further economic, social and cultural growth of Thurmaston, in that it makes the best use of land and regenerates a brownfield site, providing for affordable homes that meet demand, in a sustainable location. The regeneration of this site will provide an active visual frontage to Melton Road on a site that has fallen into vacancy and disrepair. Therefore, the proposal is acceptable in principle as it meets the aims of Policies CS1 of the Core Strategy (full weight), ST/2 of the Saved Local Plan Policy (2004) albeit with limited weight, Policy DS1 of the emerging Local Plan (limited weight), and policies contained in the NPPF that encourage the best use of land and the re-use of brownfields sites in sustainable locations.

9.2 Design and Impact on Character

- 9.2.1 Policy CS2 of the Core Strategy is concerned with ensuring new development respects and enhances the character of an area whilst reinforcing a sense of place and local distinctiveness through high quality design.
- 9.2.2 Saved Policy EV/1 of the Local Plan 2004 supports development that is of a design, scale, layout and mass compatible with the locality and which uses appropriate materials. It seeks positive and attractive built frontages to existing or proposed public spaces including roads, footpaths and areas of public open space.
- 9.2.3 These policies generally accord with the NPPF and National Design Guide and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

- 9.2.4 Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The emerging Local Plan is at an advanced stage, with limited contention, and this policy can be given moderate weight.
- 9.2.5 The character of the area is mixed in terms of scale and form with a variety of materials used. The current land use of the site is residential, being the former sheltered housing accommodation block that has fallen into disrepair and the building and overall site do not positively contribute to the character and appearance of the area.
- 9.2.6 The application proposes to demolish the existing two storey flat-roofed former sheltered housing block, replacing it with a single storey block of buildings with amenity space and landscaped areas provided within the blocks, forming a courtyard as seen from Melton Road.
- 9.2.7 In terms of scale of the proposed development, the bungalows are single storey with dual pitched roofs extending to a maximum ridge height of 5.8m. The bungalows are laid out in a courtyard style and include projecting and recessed elements and variations to the elevations to increase architectural interest. Plot 9 is a separate detached bungalow with a maximum ridge height of 4.2m.
- 9.2.8 In terms of the proposed appearance, the bungalows are considered to take on a contemporary style with recessed porches to allow for a covered areas for mobility scooters, benches or scooter charging space. Large windows are proposed to provide good light levels and maximum opportunity for surveillance, a sense of community and interaction between residents. Proposed materials include reconstituted stone, render and brick to the external walls and slate style roof tiles. Photovoltaic panels are proposed to south facing roof slopes.
- 9.2.9 Based on the above assessment the proposed layout and design of the scheme including scale, appearance and the chosen materials will provide a high quality, legible and coherent scheme that will be locally distinctive and in keeping with the character of the area. The details therefore accord with the relevant provisions of Policies CS2 of the Core Strategy, Saved Policy EV/1 of the Local Plan, Emerging Policy DS5, the NPPF and the Design SPD.

9.3 Heritage

- 9.3.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 9.3.2 Policy CS14 (Heritage) of the Core Strategy seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting. The policy accords with the content of the NPPF and as such retains full weight.
- 9.3.3 Emerging Local Plan Policy EV8 seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight.
- 9.3.4 The application is accompanied by a heritage assessment addressing the setting of nearby heritage assets. NPPF chapter 16 provides national guidance on consideration of heritage assets.
- 9.3.5 The heritage assets that have the potential to be impacted upon by this proposal are clearly identified in the submitted heritage statement. The only setting of a heritage asset considered to be affected is the grade II* listed church of St Michael and All Angels, which is located to the southern boundary of the site.
- 9.3.6 The heritage asset does have a wider setting given its prominence within the street scene and local townscape. The proposal has sought to mitigate any impact on the contribution the listed building makes to the area so that, overall, there will be an enhancement to its immediate setting. This is achieved by reducing the height and mass of the proposed buildings compared with that of the existing building to be demolished which better reveals the listed building in views along Melton Road, particular when looking south along Melton Road.
- 9.3.7 It is therefore concluded that this proposal will have a positive impact on the setting and significance of the grade II* listed Church and this will therefore result in no harm to the identified heritage asset or its setting. It is informative that the Council's Conservation officer concludes that there would be no harm on the setting of the Church (see section 7 above).
- 9.3.8 The site lies within an area of archaeological interest given it is located within the historic core of Thurmaston and adjacent to historic buildings. It is recommended that a scheme of archaeological investigation and recording is undertaken post demolition, which can be secured by planning conditions.
- 9.3.9 Subject to conditions, the proposal is in accordance with Policy CS14 of the Core Strategy and Policy EV8 of the emerging Local Plan.

9.4 Landscaping and Trees

- 9.4.1 Policy CS2 of the Core Strategy seeks to ensure high quality design including landscaping. This policy generally accords with the National Planning Policy Framework and as such retains full weight.

- 9.4.2 Emerging Local Plan Policy DS5 makes similar requirements and EV7 encourages tree planting. These policies are at an advanced stage following hearing sessions in June 2022 and they are consistent with the NPPF and can, therefore, be given moderate weight.
- 9.4.3 The site does not currently contribute positively to the street scene and wider area given the condition and appearance of the existing buildings and the large areas of hardstanding within the site. Existing trees within the site do however positively contribute to the street scene. Whilst the site is located in an urban area, where the expectation of planting differs from rural areas, soft planting that contributes to the high-quality design and appearance of the site is encouraged by planning policy and the NPPF.
- 9.4.4 The application is accompanied by a proposed landscaping plan and an Arboricultural Impact Assessment. This confirms that the removal of one Cherry tree (T19) and part of the Hornbeam frontage hedgerow (H1) will need to be removed to provide vehicular and pedestrian access from Melton Road. Both trees are category B specimens (trees with moderate quality and value). A further 19 trees and one group to the rear of the site are also proposed for removal to facilitate the proposed development and make efficient use of the site. Of the trees to be removed, 8 individuals are considered to be category B with the remainder being category C or U.
- 9.4.5 Four of the surveyed trees (T24, T25, T26, T27 and T28) are located beyond the site's southern boundary, within Church grounds. It is anticipated that the foundations of the boundary wall will have prevented the roots of these trees encroaching into the site and as such will not be affected by the development within it.
- 9.4.6 The submitted Arboricultural Impact Assessment concludes that the loss of three trees (T1, T16 and T19) will represent a significant loss of amenity and should be mitigated and compensated for with new planting. The loss of other lower quality trees also weight against the proposal.
- 9.4.7 The proposed landscaping plan proposes the planting of 8 new trees, although precise details of species have not been provided. Whilst the soft planting indicated on the submitted plans is welcomed, it is not considered to fully mitigate the proposed loss of trees across the site overall and therefore fails to comply with specific policies that seek to protect and retain trees. It is for this reason that the Council's Senior Tree Officer has raised an objection to the application and renders it contrary to Core Strategy Policy CS2 and emerging Local Plan Policy EV7 giving rise to a limited degree of harm (see section 7 above).

9.4.8 The harm arising from this policy conflict needs to be weighed up in the planning balance having regard for achieving the most effective and efficient use of the site and competing policy objectives such as the provision of bungalows which absorb more of the sites total area which has been encouraged to limit the overall height of the development having regard for the setting of heritage assets considered above. It should also be noted that existing trees within the site are not protected by a Tree Preservation Order (TPO) nor is it suggested that any of the trees within the site are worthy of protection by a TPO and could be removed at any time.

9.5 Ecology and Biodiversity

9.5.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity. Policy CS13 accords with this objective and therefore retains full weight.

9.5.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given only moderate weight until the emerging policy is further progressed towards adoption.

9.5.3 The submitted Preliminary Ecological Appraisal (PEA) comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of the land has been submitted to support the application.

9.5.4 The site is not subject to any statutory nature conservation designations. No internationally important sites are located within a 15km radius of the proposed development site. Three nationally important statutory sites are located within 2km of the Site with Birstall Local Nature Reserve (LNR) being the closest at 270m to the north-west. Seven non-statutory sites designated as Local Wildlife Sites (LWS) are present within 2km of the Site.

9.5.5 The PEA identifies the existing two storey building with low potential to support bat foraging or roosts due to the high levels of noise and light within the urban area of the site. However, the PEA recommends further emergence surveys to discount the presence of roosting bats prior to demolition. The provision of bat boxes as a form of mitigation is recommended.

- 9.5.6 The PEA identifies that the site contains habitat suitable for breeding birds and therefore measures must be taken to avoid harm such as carrying out works outside of the bird nesting season or additional bird breeding checks to be undertaken prior to the works commencing. The provision of bird boxes as a form of mitigation is recommended.
- 9.5.7 The PEA identifies that the site provides a low chance of hedgehogs using the site for foraging and commuting although the development has the potential to remove foraging habitat. It is recommended that a plan to allow connectivity of habitats around the site is implemented.
- 9.5.8 The application is supported by a Biodiversity Impact Assessment (BIA) which considers the site pre-development has a biodiversity value consisting of 7.32 habitat units and 0.2 hedgerow units. The BIA reports that the development will result in a 63.48% loss of habitat units and 20% loss of hedgerow units.
- 9.5.9 The proposed landscaping plan does not fully compensate for the loss in habitat units, mainly as a result of the scattered tree removals. However, various inaccuracies have been identified with the application of the BIA and it has been recalculated following the provisions of the methodology. This has resulted in a calculation demonstrating the site contains 0.28ha habitats of various types at present and 0.05km linear, amounting to 2.36 and 0.02 linear Biodiversity Units once the standard methodology is employed (a total of 2.38).
- 9.5.10 The biodiversity value of the landscaping proposals and enhancements is calculated to be 2.67 area-based biodiversity habitat units and 0.16 hedgerow units. As such the proposed development is predicted to result in a net gain of +0.31 area-based habitat units and a loss of -0.04 hedgerow units. This results in a net percentage gain of +13.27% area habitat units and a loss of -20.00% of hedgerow units. Due to the loss of hedgerow units an overall net gain has not been achieved. This is a result of 0.01km of native hedgerow being removed and not replaced with a habitat of equal distinctiveness or higher.
- 9.5.11 Compensation measures are proposed in the form of enhancing the composition of the hedgerows with 'species rich' planting, improving the quality of amenity grass to 'neutral grassland', use of native planting, and addition of bat and bird boxes & feeding tables. The Senior Ecologist has advised that this approach provides confidence that net loss can be avoided (see comments in section 7 above) subject to fulfilment of the proposals and the exact planting specification. These matters can be secured by conditions imposed on any permission granted.
- 9.5.12 This, subject to the conditions described, will ensure adequate compensation for the biodiversity impact of the development, in accordance with Policy CS13 of the Charnwood Core Strategy 2015 and emerging Local Plan Policy EV6 and can be secured by means of a condition.

9.6 Residential amenity

- 9.6.1 Policies CS2 of the Core Strategy and EV/1 of the saved Local Plan seek to protect the amenity of existing and future residents. They require high quality design that does not impact on the amenity of adjacent properties or create poor standards of amenity for future occupiers.
- 9.6.2 Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. The policy is at an advanced stage following hearing sessions in June 2022 and it is consistent with the NPPF but is subject to objections and can therefore only carry limited weight.

Existing residents

- 9.6.3 The proposed development is single storey in scale and is to be positioned away from the boundaries shared with nearby residential properties, primarily along the northern site boundary by approximately 5m.
- 9.6.4 It is acknowledged that the development will change the existing living environments in Melton Road through the removal of the linear, two storey somewhat plain housing block set back from the road to the proposed more modern single storey development in a courtyard arrangement, but it should also be acknowledged that improvements to the outlook and character of the area will be made compared to the existing situation. In relation to amenity, an assessment is necessary in this regard according to planning policy.
- 9.6.5 The dwelling to the north of the site, no.769 Melton Rd, presents a two storey blank gable end to the site and as such overlooking and overbearing issues are negated. The single storey scale of the units ensure that boundary treatment will prevent overlooking of gardens and is an improvement over the existing two storey arrangement. This boundary also adjoins no 12 Garden St which also present a blank gable end to the site. The site wraps around no 12 Garden St but windows have been carefully positioned so as not to face this property or to be overlooked by it, and to allow outlook in a direction it does not impede.
- 9.6.6 To the south, the site abuts the Churchyard. To the rear (east) the site abuts an informal car park beyond which is Garden Street itself and the blank gable end of no 3.b beyond,
- 9.6.7 In relation to the issues raised about potential noise, dust and vibration during construction, it is acknowledged that some noise and disturbance will be evident during demolition and construction, however this will be temporary disruption to neighbours. It is recommended that a planning condition is imposed to require the submission, approval and adherence to a construction management plan to mitigate the impacts over the demolition and construction period.
- 9.6.8 The objections to the application in relation to lack of parking is considered below in the relevant Highways and Parking section of the report.

Future occupiers

- 9.6.9 The site is proposed to accommodate residents aged 60 and over and/or those with mobility issues in a purpose-built accommodation, that will provide safe and secure living environments for residents, along with on-site shared amenity spaces and designs that can be adapted to meet specific needs and contributes to the general well-being of the residents. The site is also within walking distances of the facilities and other public green spaces within Thurmaston.
- 9.6.10 Internally, each unit has been constructed to exceed the minimum space standards set by the Nationally Described Space Standard (NDSS 2015).
- 9.6.11 Overall, the proposed design would represent an enhancement to the amenity of existing nearby residents compared with that of the existing building and future residents would benefit from a high quality purpose built accommodation that accords with Policy CS2 of the Core Strategy, saved Policy EV/1 of the Local Plan and Emerging Local Plan Policy DS5. The relationship between buildings prevents any conflict with the separation distances for overlooking and overshadowing as set out in the Design Supplementary Planning Document.

9.7 Flooding and drainage

- 9.7.1 Core Strategy Policy CS16 and the NPPF direct development away from areas at the highest risk of flooding. As CS16 is in accordance with the NPPF it can be given full weight. Emerging Local Plan Policy CC1 (Flood Risk Management) and Policy CC2 (Sustainable Urban Drainage Systems) require that development proposals are assessed for their risk of being flooded, and the risks of flooding elsewhere arising from the proposals themselves. Policy CC1 can be afforded limited weight at this date. The Examination Inspectors have requested further submissions following publication of the PPG on Flood Risk and Coastal Change published in August 2022. Policy CC2 can be afforded moderate weight as the discussions on representations to that policy have concluded, and the policy is consistent with NPPF paragraphs 167 and 169.
- 9.7.2 The Environment Agency (EA) have confirmed that the development site is located in flood zone 1 with a small part of the sites south western corner being in flood zone 3. As no habitable spaces or other development is proposed within the small area of flood zone 3 that falls within the site boundary, no objection is raised.
- 9.7.3 The Lead Local Flood Authority (LLFA) response states that as the application is not a major development, they are not a statutory consultee and accordingly make no comments.
- 9.7.4 The submitted application form states that surface water will be disposed of by sustainable drainage system although no details of any SUDs features are shown on the submitted site plan. It is therefore recommended that full details of surface water drainage be secured by means of planning conditions. Foul drainage is to be disposed of via the mains sewer.

9.7.5 It is considered that subject to conditions, the scheme does comply with Core Strategy Policy CS16 and emerging Local Plan Policies CC1 and CC2 and with the NPPF.

9.8 Highway and Transport Matters

9.8.1 Policy CS2 of the Core Strategy requires new development to provide well defined and legible streets and spaces that are easy to get around for all. Policy CS17 makes provision to achieve a 6% shift from travel by private car to walking, cycling and public transport. Policy CS18 of the Core Strategy requires network improvements where necessary. These policies are not considered to be out of date and as such hold full weight.

9.8.2 The proposed development seeks to provide a new shared access onto Melton Road which is a classified C-Road subject to a 30mph speed limit. The submitted drawings show a hard surfaced access measuring 4.8m in width for at least the first 5m from the public highway. Also demonstrated are clear margins in excess of 0.5m and unrestricted pedestrian visibility splays of 2.0m by 2.0m on either side of the access. No speed survey has been provided as part of the application to determine vehicle speeds at the access location, however, the access and visibility splay has been designed and demonstrated to exceed the distances for a 30mph road and instead are sufficient for a 36-40mph road. There have been no recorded Personal Injury Collisions within 500m in all directions of either access in the previous five years. Therefore, the Local Highway Authority (LHA) has no pre-existing highway safety concerns at this location. Therefore, safe and suitable access from Melton Road can be achieved.

9.8.3 Proposed plot 9 located to the rear of the site will have independent access from Garden Street. The Parish council has suggested that access may not be feasible due to the unadopted status of the highway along Garden Street. However, existing access to the site is primarily obtained via Garden Street and the proposed development will continue to access the site via Garden Street, albeit only for one dwelling as proposed. Therefore, the proposal does not lead to any intensification of use of the existing access.

9.8.4 Public Footpaths J28 and J29 run adjacent to the proposed development. The Local Highway Authority is satisfied that the use and enjoyment of Public Footpaths J28 and J29 will not be significantly affected by the proposed development.

9.8.5 In respect of parking, eight parking spaces and two disabled parking spaces are proposed to serve Plots 1-8 which are all one-bedroom dwellings. These spaces are to be accessed from Melton Road and the Local Highway Authority confirm that the proposed parking provision is in accordance with Leicestershire Highways Design Guide and that the dimensions of the spaces also accord with the Guide. Plot 9, also a one-bedroom dwelling, is to be served by two parking spaces which are to be accessed from Garden Street. The Local Highway Authority advise that the number and design of the spaces are acceptable.

- 9.8.6 The Parish Council have raised concerns that the formation of the new access along Melton Road will reduce the amount of available on street parking. The road to the front of the existing building is currently parking restricted, therefore the creation of the new access as proposed will not materially impact existing on street parking within the locality. Furthermore, it is important to consider that the existing building provides 23 sheltered housing units served by 4 existing parking spaces. The proposed development is to provide 10 parking spaces for nine one-bedroom bungalows. Accordingly, and overall, the quantum of off street parking compared to the existing situation is likely to improve the quantum of off-street parking availability.
- 9.8.7 The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided and subject to conditions, the development therefore does not conflict with paragraph 115 of the National Planning Policy Framework (2023).
- 9.8.9 The site can be provided with safe access as has been noted by the Local Planning Authority. It is in a highly sustainable location which encourages travel by means other than the car. The scale of the scheme is such that no infrastructure enhancements are required and therefore the application also accords with Policies CS2, CS17 and CS18 if the Core Strategy.

9.9 Other Matters

- 9.9.1 The Parish Council has raised concerns that the social housing could be lost in future to the Right to Buy scheme. The applicant has confirmed that most new social housing is exposed to Right to Buy, however it does not arise in certain circumstances, including where the property is let for the purpose of housing disabled persons or elderly persons or persons with a mental disorder; and has substantially different features to ordinary dwellings. Notwithstanding that any such risk would not be a material planning consideration that can be taken into account, the risk is nonetheless very low in this particular circumstance.
- 9.9.2 The neighbouring Church has requested that the construction process be considerate of funerals taking place at the Church. Whilst this matter cannot be controlled through the planning process, the applicant is aware of the Church's request and in turn the main contractor will be made aware through the tender process.
- 9.9.3 The Council's environmental health team have reviewed and accepted the provisions proposed in respect of noise and ground contamination, produced within the reports into such matters respectively, and ask that these are secured by condition. They also seek a condition to cover the possibility of unanticipated contaminants being encountered. It is considered that these conditions are reasonable and necessary and can be duly applied.

10.0 Conclusions

- 10.1 Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise. Based on the recently updated NPPF the Council can demonstrate in excess of a 4-year supply of housing land (4.27 years or 4.49 years where the 5% buffer is not applied) and as such, the tilted balance under paragraph 11d(ii) of the NPPF is not engaged. The proposal is therefore to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 The application proposes purpose-built affordable housing accommodation that will deliver housing of a type for which there is growing need. However the site and proposal is considered to be suitable for residential development of any kind and as such the positive assessment of the application does not rely upon nor is justified by this bespoke provision, The existing vacant building currently does not offer social or economic benefit to the local area. The delivery of the affordable housing will regenerate a brownfield site within one of the most sustainable areas of the borough. The proposal is considered to contribute towards the continued economic growth of Thurmaston.
- 10.3 The proposed new building has been through a rigorous design process and whilst it is acknowledged that there will be some change to the street scene and more localised character of the area, it will provide a high quality, legible and coherent scheme that will be locally distinctive and enhance the character of the area and the Melton Road street scene.
- 10.4 The proposal will result in smaller scale buildings compared to current situation, and there will be an inevitable change to the outlook of the local residents. However, this is not considered to result in any harmful impacts to existing local residents, and the scheme will provide a high quality living environment for future occupiers.
- 10.5 There are no technical constraints relating to highways, drainage or flooding that cannot be mitigated. The development will lead to a loss of trees and biodiversity on site. The loss of trees would not warrant the refusal of planning permission as they are not protected and not worthy of protection and can therefore be removed without the need for permission. In relation to biodiversity, the loss of hedgerow units can be suitably mitigated to avoid a net reduction in biodiversity interests, and therefore the harms associated with this are considered to be eradicated.
- 10.6 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and result in significant harm. The regeneration scheme provides for purpose-built affordable housing in this sustainable location and benefits the Council's housing land supply deficit and deliverability, it is a sustainable location, the economic growth of the Borough will benefit and there will be enhancement to the setting of the Grade II* listed Church. The application should therefore be supported subject to appropriate conditions being attached.

10.7 It is considered that the development represents strong fulfillment of the ambitions and policies of the adopted Development Plan and emerging Local Plan in most respects, and some considerations add further positive weight in their own right. It is therefore considered that planning permission of this full application should be granted.

11 Recommendation

11.1 It is recommended that permission is granted subject to the imposition of the following planning conditions and reasons and that the Head of Planning and Growth be given delegated authority to determine the final detail of these planning conditions, in consultation with the Chair of the Plans Committee:

1. The development, hereby permitted, shall be begun not later than 3 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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development, hereby permitted, shall be carried out in accordance with the approved plans and documents listed in as:

- Proposed Site Location Plan P100
- Proposed site Roof Plan P102 Rev. C
- Proposed Site Plan GF P103
- Site Sectional Elevations P104
- Proposed Plans – 1-8 P201
- Sections 1-8 P202
- Plot 9 Sections and Elevations P203

REASON: To provide certainty and define the terms of the permission.

3. Notwithstanding the details shown in the submission of the application, the development hereby permitted shall not reach past slab level until full details of the materials to be used in the construction of the external surfaces have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved material details and drawings.

REASON: To ensure that the external appearance of the building is satisfactory and does not detract from the character and visual amenity of the area in accordance with Policies CS2 of the Charnwood Core Strategy, Policy EV/1 of the Local Plan, Emerging Policy DS5 the NPPF and the local and national design guide.

4. Notwithstanding the landscaping plan submitted, prior to the first occupation of the development hereby permitted a soft and hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submission details shall include:

- the treatment proposed for all ground surfaces, including hard surfaced areas;
- planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;
- finished levels or contours within any landscaped areas;
- any structures to be erected or constructed within any landscaped areas including street furniture and means of enclosure;
- All other boundary treatments;
- functional services above and below ground within landscaped areas.

The landscaping scheme shall thereafter be implemented in complete accordance with the approved details and within the first available planting season following approval of the detail.

REASON: To ensure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Core Strategy.

5. Prior to the first occupation of the development a landscape management plan (5 years minimum), including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage systems, shall be submitted to and approved in writing by the Local Planning Authority.

The approved landscape management plan shall then be fully implemented.

REASON: To ensure that shared spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS2, CS11 of the Core Strategy, Policy C1 and Policy EV1 of the Emerging Local Plan.

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Pelham Architects drawing number 2691/P102C have been implemented in full. The access arrangements shall thereafter be retained in perpetuity.

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 the National Planning Policy Framework (2023).

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 76 metres to the north and 2.4 metres by 73 metres to the south have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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 the National Planning Policy Framework (2023).

8. 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 footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

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 the National Planning Policy Framework (2023).

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Pelham Architects drawing number 2691/P102C. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

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 the National Planning Policy Framework (2023).

11. Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no unit shall be extended nor shall any first floor accommodation be created unless permission is first granted by the Local Planning authority.

REASON: to ensure that any alterations to the properties hereby approved do not result in an unacceptable impact on the amenities of other residences, in accordance with Policy CS2 of the Core Strategy 2015 and Policy DS5 of the emerging Charnwood Local plan 2021 – 37.

12. No development shall commence until a construction management plan is submitted to and approved in writing by the Local Planning Authority. The management plan will provide details on the control of noise, dust and smoke during the demolition of the existing buildings and the construction of the proposed building, and proposed times of construction, to be agreed with the Local Planning Authority. The Plan shall include:

- No burning on site,
- All demolition/construction work to be carried out in such a manner as to minimise the risk of dust nuisance to neighbouring properties,
- All work to follow good practice guidance such as those detailed in BS5228 “Noise control on construction and open sites” 2009, to minimise noise,
- No demolition/construction work outside of regular daytime hours, namely, before 07.30 or after 18.00 hours Monday to Friday or between 0800 and 1300 hours on Saturdays, with no working on Sundays or Public/Bank Holidays.

The development shall thereafter be carried out in accordance with the approved construction management plan.

REASON: To ensure the demolition and the construction of the development hereby approved does not unduly impact upon the local residents, businesses and places of worship to comply with policy DS5 of the emerging local Plan having regard to the Strategic Objectives in the Core Strategy Policy SO1 and the NPPF to meet the aims of sustainable Development.

13. The development hereby permitted shall be carried out in accordance with the noise report prepared by Quantum Acoustics dated 26th May 2023 (Report No. QA23115/ENS).

REASON: In the interests of neighbour amenity in accordance with CS2 of the Core Strategy and Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of future occupiers and the people who live or work nearby and those who live in the new development.

14. No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the positioning of all external lighting and specification manufacturing details of the proposed lighting. The development shall thereafter be carried out in accordance with the approved lighting scheme and shall remain and be maintained as approved in perpetuity.

REASON: In the interests of neighbour amenity and resident safety and to ensure the lighting to be provided sympathetic to the character of the wider area, in accordance with CS2 of the Core Strategy and Emerging Local Plan Policy DS5 states that new development will be required to protect the amenity of future occupiers and the people who live or work nearby and those who live in the new development.

15. Prior to the commencement of development, a scheme for the management of surface water on the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and retained as such, unless otherwise approved.

REASON: in the interests of managing surface water flood risk in accordance with policy CS16 of the Core Strategy and Policy CC2 of the emerging Local Plan.

16. If, during the development works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed in an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that any contaminants encountered on the site are effectively remediated, in the interest of the health and well being of future residents.

17. No development, hereby permitted, shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions, and:

- (a) The programme and methodology of site investigation and recording;
- (b) The programme for post investigation assessment;
- (c) Provision to be made for analysis of the site investigation and recording;
- (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- (e) Provision to be made for archive deposition of the analysis and records of the site; and
- (f) Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.

The site investigation shall be completed prior to the development, or in such other phased arrangement, as first submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the WSI, and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON: To ensure satisfactory archaeological investigation, recording, dissemination and archiving.

18. The development shall be carried out in accordance with the recommendations set out in paragraphs 5.3 – 5.13 of the Biodiversity Net Gain Assessment (Temple; ref. T9514) submitted to the Local Planning Authority on 5th February 2024. Prior to first occupation, full details of the provision of bat boxes, bird breeding boxes, feeding tables and planting proposals, including a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority and subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure adequate compensation for the biodiversity impact fo the development, in accordance with Policy CS13 of the Charnwood Core Strategy 2015 and emerging Local Plan Policy EV6.

APPLICATION SITE

