

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

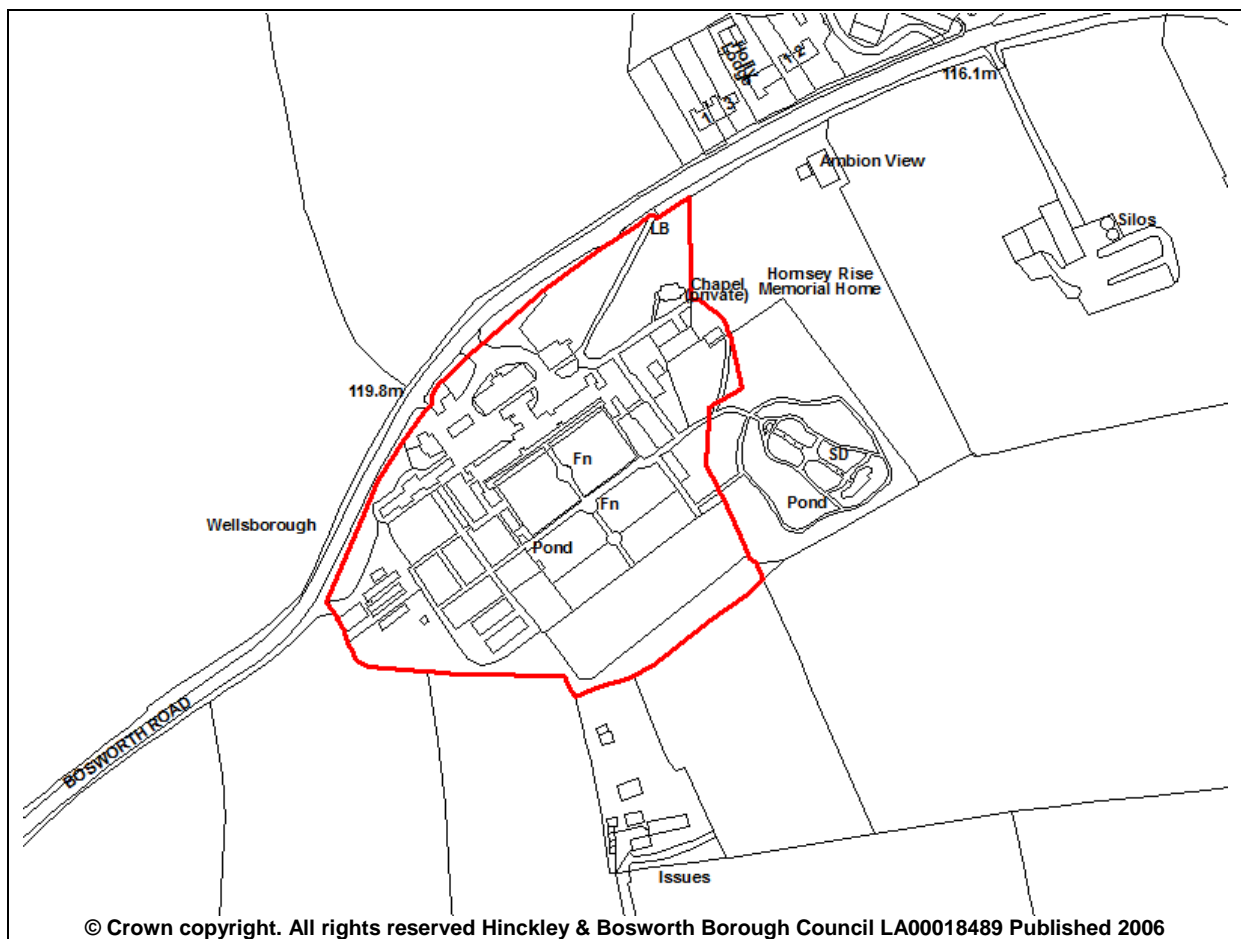


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/01050/OUT  
Applicant: Mr A Burr  
Ward: Ambien

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

Proposal: Demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part)



1. This application was previously considered by Planning Committee on 31 July 2018 and members resolved to approve outline planning permission (access only) subject to the prior completion of a suitable section 106 agreement to secure a number of appropriate planning obligations from the development and subject to a number of planning conditions. A copy of the previous committee report is attached as Appendix A.
2. The outline planning permission has not yet been issued as the final detail of the draft section 106 agreement is still being circulated.
3. Recommended planning condition 4 currently requires that:  
*'Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with*

*the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.'*

This condition was recommended to ensure an appropriate housing mix is provided to meet the housing needs of the locality in accordance with Policy 16 of the Core Strategy (2009).

4. Before the outline planning permission is issued, the applicant seeks to secure the prior approval of the proposed housing mix at this outline stage to ensure that there is certainty for all parties on what will be delivered on the site and that development of the site will be able to provide the recommended and agreed level of planning obligations.
5. Accordingly, the planning agent has submitted additional information in respect of the proposed housing mix for the site with the intention of amending the wording of condition 4.
6. In support of the proposed housing mix the planning agent states that:

'My client has always promoted the delivery of larger homes on the site, to both meet the expectation of the housing market in such a locality, to most appropriately reflect the character and landscape density of the site, but also to ensure that a family focused community is created here. The already agreed developable area was, and remains based on an indicative layout of larger homes, those of 3, 4 and 5 bed configuration. When Planning Committee first considered the application back in July ..... I addressed the committee on the basis that the submitted and agreed Viability Appraisal was predicated on the provision of larger homes. As such we continue to promote the following mix:

- 2 x 3 bed homes (1no. to be formed by the conversion of the Chapel)
- 9 x 4 bed homes
- 9 x 5 bed homes

The delivery of larger homes on this site will better reflect the existing low density of the site and character of the village, allowing for landscape led, low density development to be delivered. The delivery of larger homes will provide for proportionate and larger gardens, which in turn will deliver the landscape character as set out in the Landscape Visual Impact Assessment and as defined by the Parameters Plan. The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), paragraph 8.36 recognises that matters of setting and character should be considered:

*"The conclusions on the mix of market housing needed are strategic conclusions which could be used for monitoring purposes. Care should be taken in applying these prescriptively to individual development sites, where consideration should be given to the mix of housing locally, the setting of the site and character of the area, and local demand evidence. This recognises that logically there will be sites more suitable for development of different densities".'*

7. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of at least 30 dwellings per hectare in rural areas. In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. Paragraph 122 of the NPPF (2018) states that planning policies and decisions should support development that makes efficient use of land taking into account, amongst other matters, the desirability of maintaining an area's prevailing character and setting.

8. The housing mix as set out in the adopted Core Strategy is now out of date and therefore the findings of the most up to date HEDNA should be taken into consideration when assessing housing mix. However, as the HEDNA (and Policy 16) suggest, consideration should also be given to the desirability of maintaining an area's prevailing character and setting and individual site characteristics, to ensure appropriate density of development on a site by site basis.
9. This site forms part of the rural hamlet of Wellsborough which is characterised by sporadic low density development, principally located along Bosworth Road. The submitted Parameters Plan constricts development within the site towards the more central previously developed areas to ensure that a significant landscaped buffer remains to limit any visual impacts on the surrounding landscape.
10. By virtue of the rural location of the site and the low density character of Wellsborough, higher density development of smaller homes would be out of character with the surrounding area. The proposed mix of larger homes would not be strictly in accordance with the findings of the HEDNA, however, the development would contribute to the provision of smaller homes through the agreed off-site affordable housing contribution that has been negotiated following a Viability Appraisal based on the provision of larger homes on the site.
11. It is considered that in this specific case, taking into account the prevailing character of the surrounding area and the rural setting of the site, the proposed mix of larger homes, with proportionately large gardens, would deliver an appropriate housing mix for this exceptional rural site.
12. It is therefore recommended that condition 4 be amended to secure the appropriate proposed housing mix and enable the development of the site and housing delivery to come forward.
13. **Recommendation**
- 13.1 **Grant outline planning permission (access only) subject to:**
  - The prior completion of a S106 agreement to secure the following obligations:
    - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
    - Education facilities contribution of £130,538.02
    - Health facilities contribution of £5,512.32
    - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000)
  - Planning conditions outlined at the end of this report.
- 13.2 That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 13.3 That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 13.4 **Conditions and Reasons**
  1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. 04A received by the local planning authority on 12 October 2017; Proposed New Access Drawing No. 17398-05 received by the local planning authority on 30 January 2018 and Development Parameters Plan Drawing No. 05H received by the local planning authority on 16 March 2018.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed, which shall not exceed 10 metres in height, in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The access arrangements within the site for vehicles, cycles and pedestrians
  - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development shall deliver the following mix of housing:
  - 2 x 3 bed homes (one of which is to be the conversion of the former chapel)
  - 9 x 4 bed homes
  - 9 x 5 bed homes

**Reason:** To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy (2009).

5. Any reserved matters application shall be accompanied by a Sustainability and Energy Statement that demonstrates the sustainable design standard that each dwelling can achieve for the prior written approval of the local planning authority. The development shall then be completed in accordance with the approved details.

**Reason:** To reduce the environmental impact of the development in accordance with Policy DM2 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

7. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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

8. No development shall commence on site until a programme of archaeological work (commencing with initial trial trench investigation and including any appropriate subsequent mitigation) has been detailed within a Written Scheme(s) of Investigation (WSI), submitted to and approved in writing by the local planning authority. The WSI(s) shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;
- A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);
- The programme for public outreach and dissemination;
- The programme for post-investigation assessment and subsequent analysis;
- Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
- Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.

**Reason:** To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

9. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.

**Reason:** To make the archaeological evidence and any archive generated publically accessible in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

10. No development 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 first being occupied.

**Reason:** To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment dated January 2017 (Revision P2) has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

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

15. The development shall be implemented in accordance with the recommendations contained within the submitted Extended Phase I Ecological Survey (updated November 2017), Internal/External Bat Survey (updated October 2017), Dawn/Dusk Emergent Bat Surveys (updated October 2017), Badger Survey (February 2017) and Great Crested Newt Habitat Suitability Survey (updated November 2017) by Dr S. Bodnar.

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

16. Before any development commences on site, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority and the development shall then be implemented and thereafter maintained in accordance with the approved details.

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

17. No part of the development hereby permitted shall be occupied until such time as the Proposed New Access arrangements shown on David Tucker Associates Drawing No. 17398-05 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

18. Notwithstanding the submitted Proposed Pedestrian Improvements David Tucker Associates Drawing No. 17398-04 Rev A, the proposed footpath widening shall be as wide as possible, given constraints of vegetation and to the satisfaction of the local planning authority and no part of the development shall be occupied until such time as these offsite works have been implemented in full.

**Reason:** To mitigate the impact of the development in the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

19. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(s) on Bosworth Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the local planning authority.

**Reason:** In the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

21. Notwithstanding the submitted details, before any development is commenced on site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

**Reason:** To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected during construction in the interests of visual amenity and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall thereafter be carried out in accordance with the approved details.

**Reason:** To conserve and enhance features of nature conservation within the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. All built form shall be contained within the developable area identified by the land within the orange dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018.

**Reason:** To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site



Allocations and Development Management Policies Development Plan Document (2016).

24. All residential curtilage shall be contained within the cultivated landscape area identified by the land within the green dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018 and shall be permanently maintained as such at all times.

**Reason:** To protect the rural character and appearance of the site and surrounding landscape and to protect the natural buffer around the site in the interests of conserving the biodiversity value of the site in accordance with Policies DM4 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Class E shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

**Reason:** To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## 5.2. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. In relation to conditions 8 and 9, the applicant must obtain a suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from suitably qualified archaeological person(s) and/or organisation(s) acceptable to the local planning authority. A WSI for the exploratory trial trenching should be submitted for approval but will not be sufficient for the discharge of the relevant Condition(s).

The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's "Management of Research Projects in the Historic Environment" (MoRPHE). The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

The applicant should commission the trial trench investigation at an early stage to enable the costs and timescales of any further mitigation work to be ascertained and fully integrated into the development programme.

The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the local planning authority.

3. In relation to conditions 10 and 11 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

4. In relation to condition 12, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 13, the details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. In relation to condition 14, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
7. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:  
<http://www.leicestershire.gov.uk/Flood-risk-management>
8. In relation to condition 15, badger mitigation should be based on the recommendations in the Badger Survey (Dr S. Bodnar, 2017), with a minimum of a 30 metre buffer surrounding the badger sett. Should the reserved matters application not be submitted before August 2018 it is recommended that an updated badger survey is completed to ensure that that mitigation strategy is still appropriate.

Updated bat surveys may be required in advance of the reserved matters application/prior to commencement after May 2018 (two years since the date of the previous survey). The buildings were assessed as having bat roost potential.