

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

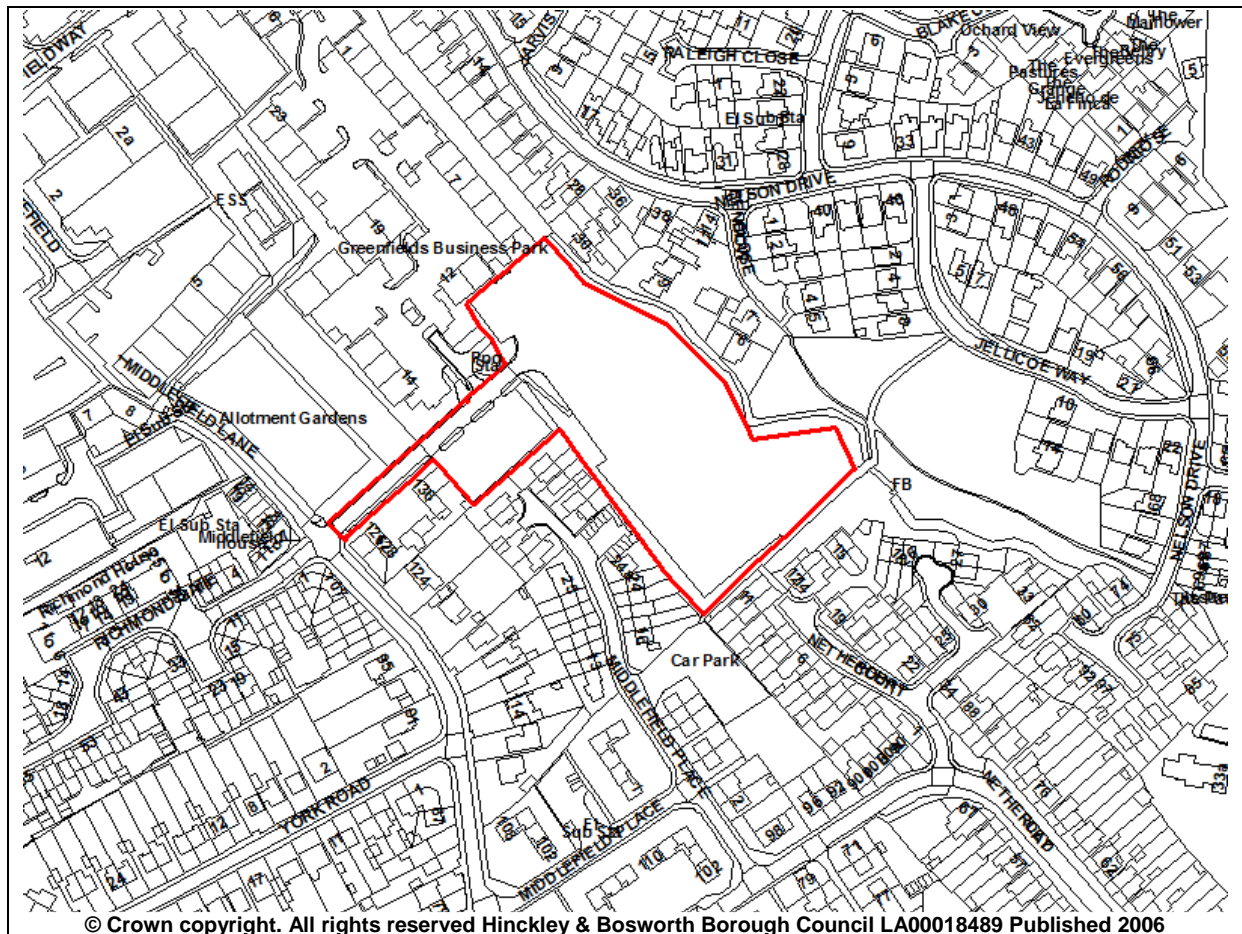


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01338/FUL
Applicant: Mr Moore
Ward: Hinckley DeMontfort

Site: Former Council Depot Middlefield Lane Hinckley

Proposal: Residential development of 54 dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Play and open space contributions:
 - Provision £66,995.65
 - Maintenance £46,219.68
 - Health contribution of £27,198.60
 - Travel Packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass

- Planning conditions outlined at the end of this report.
- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
 - 1.3. 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.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of 54 new dwellings. The scheme comprises of 10x 1 bedroomed apartments, 30 x 2 bedroomed dwellings and 14 x 3 bedroomed dwellings. The layout proposes a single point of access into the application site from Middlefield Lane, which is the existing depot access. To the northern section of the application site a block of ten 1 bedroomed flats are proposed, with parking to the rear, and an open space to the south. Dwellings within the site would comprise of two storey properties with a mix of semi detached and terraced dwellings. Parking spaces are provided either to the side or front of each dwelling.
- 2.2. A Design and Access Statement, Planning Statement, Transport Statement, Flood Risk Assessment/Drainage Strategy, Geotechnical Assessment Report, Phase II Site Appraisal Report and Noise Assessment have been submitted to support the application.
- 2.3. Amended plans have been submitted during the course of the application to address issues raised by the Officer in respect of the layout, house designs and highway safety issues. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1.3 hectares and is currently a vacant parcel of scrub land following the demolition of the former council depot building. The application site is located within the settlement boundary of Hinckley and to the south east of an existing industrial estate. The site is currently designated as a residential allocation for 53 dwellings (reference HIN11) in the Site Allocations and Development Management Policies DPD.
- 3.2. The application site is located within an area which is predominately residential being bound on three sides by residential properties, which vary in character and style. The site is enclosed by a 2 metre fence to the south, and bound by an existing brook to the north east facing boundary, with rear gardens backing onto the site along the south west facing side of the application site. To the west of the application site and positioned to the north west side of the access to the former depot site are allotment gardens. The topography of the site although generally flat does slope towards the south.

4. Relevant Planning History

13/00093/GDOD	Demolition of the Council Depot	Prior notification granted	07.03.2013
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and two representations have been received which neither support nor object to the application making the following comments:-

- 1) Will there be a provision for the crossroads on Middlefield Lane, Tudor Road, Netherley Road, as there have been several serious accidents here, and this would have an impact.
- 2) There are several trees along the brook, will these be removed?

6. Consultation

6.1. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Lead Local Flood Authority
Environmental Health (Drainage)
Environmental Health (Pollution)
Street Scene Services (Waste)
Natural England
Severn Trent Water Limited

7. Policy

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Affordable housing
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Noise
- Land Contamination
- Ecology
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2018 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy.
- 8.6. As of the 20 July 2018, following the publication of the Inspector's appeal decision on 'Land east of The Common, Barwell' (Appeal reference APP/K2420/W/17/3188948) the Council is currently able to demonstrate a 5.5 years housing land supply (reduced from 5.74 years). However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.7. Policy DM1 of the SADMP and paragraph 11 of the NPPF set out a presumption in favour of sustainable development and state that development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
- 8.8. The application site measures approximately 1.37 hectares and was previously identified within the Employment Land and Premises Review (2013) as forming part of a larger 12.03 hectare site known as Hinckley Fields Industrial Estate. The Employment Land and Premises Review identifies that the former Council Depot site is to be lost to housing. The site is identified as HIN11 within the Site Allocations and Development Management Policies DPD, and is allocated for residential development to meet minimum residual housing requirements for Hinckley. The site is allocated for 53 dwellings, this proposal seeks a residential development for 54 dwellings, which is in accordance with the Development Plan policies.
- 8.9. It is therefore considered that residential development on the application site would be acceptable in respect of the strategic planning policies of the development plan subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.10. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that

the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

- 8.11. 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 40 dwellings per hectare within Hinckley.
- 8.12. Paragraphs 124 and 127 of the NPPF (2018) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; optimise the potential of the site to accommodate an appropriate amount and mix of development and support local facilities and transport networks; create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- 8.13. Paragraph 130 of the NPPF (2018) states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 8.14. The site is situated to the north east of Middlefield Lane, Hinckley and extends along the rear of existing dwellings which front onto Middlefield Lane, and Middlefield Place, and north facing side elevations of Netherley Court. To the north east the site is enclosed by the existing Jellicoe Way Play and open space and the south southern facing side elevations of Nelson Drive. Although appearance of dwellings within the immediate area is varied, they are predominately two storey dwellings, with a number of single storey detached dwellings present along Middlefield Lane. Given the former allocation of the site as Employment land, the Greenfields Business Park is situated to the north.
- 8.15. The proposal seeks the erection of 54 dwellings on a 1.37 hectare site and a mix of 1 to 3 bedroomed dwellings across the application site, all of two storey scale, which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types.
- 8.16. A single point of access is proposed from Middlefield Lane, which is also the existing access serving the former depot site. The access would extend centrally into the south of the site, with the proposed dwellings orientated to provide a strong street frontage, and afford natural surveillance within the proposed street scene and access. The exception to this is plots 11 – 21 where the proposed dwellings would be positioned facing into a parking court, however plots 11 and 21 have been design to be dual frontage, to ensure there is active frontages to the development. The orientation of these plots ensures the development provides a frontage to the existing public right of way which bounds the application site to the south east, and provides a pedestrian link from Middlefield place to the open space along Jellicoe Way, which is currently enclosed with little natural surveillance.
- 8.17. The proposal includes a mix of house types of two storey scale, and the proposed dwellings would include some design detail within elevations to provide relief and interest within the street scene, such as brick detailing to window and door cills and front canopies above doors. A condition is necessary to ensure appropriate materials are employed within the development to ensure a cohesive and complementary development, in addition to a high quality landscaping scheme to enhance and soften the built form.

- 8.18. To reduce car dominance within the proposed street scene with the exception of plots 11-21 where parking would be provided in the formation of a car court, denoted by a change in material, parking spaces are provided either to the side or front of properties. The proposed flats, plots 45-54 which occupy the northern corner of the site, would have parking situated to the rear, within a parking court. Although this parking court is situated to the rear of the development, there are patio doors proposed to open out to the rear amenity space and habitable windows serving the living rooms of the proposed flats, which would ensure the rear parking area is sufficiently overlooked.
- 8.19. Although the proposed development has been designed as a cul-de-sac, pedestrian access through the site into the wider area to the south east would be possible as the application site would link in with the wider footpath network along the south of the application site. The proposed development would be reflective of the wider area, and would enhance the existing site allowing pedestrian permeability.
- 8.20. The density, layout and the two storey nature and design of the dwellings would complement and enhance the character and appearance of the site, and wider area. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP and the overarching design principles of the NPPF (2018).

Affordable Housing

- 8.21. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.
- 8.22. It has been identified that there are currently 1402 applicants on the register for affordable dwellings for Hinckley. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31st March 2018, 1056 affordable dwellings have been provided. The requirement therefore to provide 2090 affordable dwellings by 2026 is not on track to being met and the proposed development of 54 dwellings with no market dwelling provision should be given significant weight, as it would make a contribution towards meeting this identified need.
- 8.23. The application offers a mix of 10 x 1 bedroomed properties, 30 x 2 bedroomed properties and 14 x 3 bedroomed properties. The tenure split is 50% affordable rented housing with the remaining tenure being 38% shared ownership and 12% rent to buy.
- 8.24. Policy 15 of the Core Strategy seeks that the tenure split on site is 75% social rented and 25% intermediate housing. The application proposes to provide a 50% split on site. Whilst this is not the split as required by Policy 15, the proposed development would provide a 100% affordable housing scheme, which is over and above the 20% affordable housing target on a development. The proposed development is therefore considered to be in accordance with Core Strategy Policy 15.

Impact upon neighbouring residential amenity

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

- 8.26. The application site, is located within an area which is primarily surrounded by residential development, with the exception along the northern boundary which is an existing industrial estate.
- 8.27. Plots 1 to 7, would be situated to the south east side of the existing access into the site, and situated to the north east of No.134 and No.136 Middlefield Lane, the rear elevations and amenity space of which would face onto the side elevation of Plot 1 of the proposed development. The rear elevation of No's 134 and 136 Middlefield Lane would have a separation distance of approximately 16.5 metres to the side elevation of Plot 1. There is one window proposed within the first floor of Plot 1 side elevation, which would serve a bathroom window and would therefore be obscurely glazed, reducing any potential for overlooking. Given the separation distance between the existing dwellings on Middlefield Lane, and plot 1 it would not result in any overbearing impact or loss of light to these dwellings.
- 8.28. The rear of plots 1 – 7 would face towards a new development situated upon Middlefield Place to the south east. The rear elevation of the proposed dwellings would face the side elevation and associated rear amenity space of No.33 and No.34 Middlefield Place, which are two and half storey dwellings. There are existing side elevation windows at first floor which serve the landing of each of the existing dwellings. There would be a separation distance of approximately 17 metres from the proposed and existing dwellings, and therefore given this distance there would be no impact in terms overbearing impact or loss of privacy between the existing and proposed dwellings. In addition the rear elevations of plots 9 and 10 would face the rear elevations of No. 30 – 34 of Middlefield Place, however the separation distance would be in excess of 20 metres and therefore would not result in any direct overlooking.
- 8.29. The side elevation of plots 16 and 27 would face towards the rear gardens of 24 and 24a Middlefield Place, and would be set away approximately 5 metres from the boundary, and would have an overall distance of approximately 15 metres separation distance from the rear elevations. There would be side facing windows serving a proposed bathroom which would be obscurely glazed, and would not result in any overlooking. Taking into consideration the separation distances there would be no impact upon these properties in terms of overbearing impact or overshadowing from this proposal.
- 8.30. At the southern end of the site, the proposed dwellings would be orientated to face south east to provide an active street edge to an existing right of way which follows the site boundary. There are existing dwellings along this footpath which serve Netherly Court. No.11 and 12 Netherley Court are three storey properties with north west facing side elevations facing onto the footpath. No 15 and 16 Netherley have front elevations which face north west onto the footpath, however these are screened by existing vegetation. Plots 22 to 30 would face towards the footpath and Netherly Court. A shared drive and parking would be positioned between the front elevations of the proposed development and the public footpath, ensuring that a distance of at least 20 metres is achieved between the proposed and existing dwellings within Netherly Court, to ensure that there is no direct overlooking or impact from this development.
- 8.31. To the north east side of the site, the proposed development would back onto existing dwellings along Benbow Close and Nelson Drive, which are two storey detached dwellings. The rear elevation and amenity space serving plots 37 and 38 would back onto the side elevation of No.6 Benbow Close and would have a separation distance of approximately 21 metres, and therefore given this separation distance the proposed development would not result in any significant impact upon amenity, and would not result in any overbearing impact to this property. The rear

elevation of 8 Benbow Close would back onto to the application site, and the rear of plots 40 and 41 would face towards this dwelling. There would be a window to window separation distance of approximately 30 metres, ensuring that there would be no loss of privacy or overlooking between these properties, and secure adequate private amenity for both occupiers.

- 8.32. The south west side elevation on No.9 Benbow Close faces towards the application site and the rear elevation of proposed plots 43 and 44 would face towards this dwelling. The proposed separation distance from the rear elevation to the side elevation of No.9 would be approximately 22 metres and given there are no significant habitable windows within this side facing elevation, there would be no impact in terms of overlooking, and the separation distance ensures that there would be no overbearing impact from the proposed development to the existing dwelling.
- 8.33. The proposed flats, plots 45 to 54, which are situated to the north west portion of the site, would be positioned adjacent to the side boundary of No.30 Nelson Drive. They would have a separation distance of approximately 10 metres from the side elevation of plots 45-54 to the side elevation of no. 30, and there are no proposed windows within the side elevation of the proposed apartment block. Given the proposed distance there would be no overshadowing or overbearing impact to this property. Furthermore given that there are no windows proposed within the side facing elevation of the flats there would be no overlooking.
- 8.34. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space for future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.35. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.36. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.37. A Transport Statement has been submitted in support of the application. This concludes that the site is within reasonable walking distance of local amenities, services, public transport and employment opportunities, the site is also identified as being accessible by non-car travel modes. The proposed development would have a single point of access from Middlefield Lane, and would use the existing access serving the site, which is un-adopted. The proposed access into the site would dissect through the central portion of the site into a proposed cul-de sac. The access to the site is situated upon an existing junction with Middlefield Lane and Richmond which currently is not formalised in terms of vehicle priority. The proposed development would lead to a material increase in vehicles using this access, and as such the proposal seeks to provide a give way lining and signage to ensure clear priorities at this junction.
- 8.38. Within the proposed development, the scheme includes traffic calming to ensure vehicle speeds within the development are below 30mph. The proposal includes parking for all proposed dwellings, for one bedroomed dwellings one parking space

is provided per plot and for two and three bedroom dwellings two parking spaces or more are provided per plot.

- 8.39. Leicestershire County Council (Highways) has assessed the scheme and has no objection to the proposed development, subject to the imposition of conditions. The conditions seek to ensure that prior to occupation the off site highway works, drainage, access parking and turning provision proposed is completed. A further condition is also requested in relation to submission of a construction management statement, given the residential character within the area, to ensure lorries are routed accordingly, operating hour and deliveries are actively managed on site and wheel washing facilities are provided. The conditions are considered necessary and reasonable to ensure the impact of the development is appropriately mitigated, and would not result in any highway safety issues. The proposed development is therefore in accordance with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.40. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.41. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.42. Leicestershire County Council (Drainage), Severn Trent Water Limited and Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system for prior approval. The conditions would be reasonable and necessary to prevent flooding and maintain water quality by ensuring the satisfactory storage and disposal of surface water from the site and a suitable maintenance regime for its long term performance.
- 8.43. Subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

Noise

- 8.44. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Paragraph 170 of the NPPF advises that planning policies and decisions should prevent new and existing development from contributing to, being put at an unacceptable risk from, or being affected by unacceptable levels of noise pollution.
- 8.45. The application has been supported by a noise assessment, owing to the existing industrial use neighbouring the site. The application site is in close proximity of a neighbouring industrial estate, known as Greenfields Business Park, to the north west of the application site. The nearest residential dwellings proposed would be plots 45-54 and would be approximately 20 metres from the nearest industrial unit. The proposal seeks to erect a 3 metre high close boarded timber fence to be erected along the north west boundary which neighbours the industrial premises, to offer acoustic protection. Environmental Health (Pollution) have considered the application, and have no objections to the proposed development subject to the specification of the proposed close boarded fencing is agreed prior to its erection, to ensure adequate protection is secured. Therefore subject to the imposition of

conditions the proposed development would be in accordance with Policy DM10 of the SADMP and the overarching principles of the NPPF.

Land Contamination

- 8.46. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.47. During the course of the application a Phase II Site Appraisal Report has been received and is subject to consultation with Environmental Health (Pollution). As comments have not been received in respect of this document this matter will be updated by way of late item.

Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied with an up to date Ecology report. The content of this has been considered by Leicestershire County Council (Ecology). The application site is primarily made up of large areas of hardstanding, with some ruderal vegetation. There is however an existing brook which travels along the north east side of the application site, and would be the only likely area of interest in terms of ecology, although limited. The proposed layout seeks to provide a 5 metre brook maintenance brook along this north east edge which would be outside any proposed plot boundaries to ensure it would be maintained in a semi natural state. A condition within the landscaping scheme should seek to ensure that any planting along this edge comprises of locally native species only. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Infrastructure contributions

- 8.50. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.51. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Public play and open space

- 8.52. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.
- 8.53. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. This application is for 54 dwellings.

8.54. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30
Accessibility Natural Green Space	40spm	£4.09	£7.10

8.55. The application site is located adjacent to Jellicoe Way, which is situated to the south east of the application site. Jellicoe Way provides Amenity Green Space. The quality score for Jellicoe Way is 71% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Jellicoe Way, it is considered that the future occupiers would use the facilities on this site as an accessible natural amenity green space. Within 600 metres of the application site is Richmond Park, which is a formal play space which provides equipped childrens play space, outdoor sports facilities and facilities for young people and has a quality score of 72% within the Open Space and Recreation Study 2016, which is below the 80% quality target quality score. Given the close proximity of the application site to this recreational facility, and taking into consideration the size of the proposed dwellings which would appeal to families it is considered that future occupiers would use this facility for Equipped and casual play space in addition to the outdoor sports provision that is on offer at Richmond Park. The proposed development would attract the following contributions:-

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	provision contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	54	194.4	£181.93	£35,367.19	£87.80	£17,068.32
Casual/Informal Play Spaces	16.8	54	907.2	£4.44	£4,027.97	£5.40	£4,898.88
Outdoor Sports Provision	38.4	54	2073.6	£9.05	£18,766.08	£4.30	£8,916.48
Accessibility Natural Green Space	40	54	2160	£4.09	£8,834.40	£7.10	£15,336.00
				Provision total	£66,995.64	Maintenance total	£46,219.68

8.56. These contributions are considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.

Education

8.57. An assessment of the development's impact upon the local education provisions has been provided by Leicestershire County Council. These have been broken down into Primary, Secondary and Special School Requirements.

8.58. With regards to Primary School requirements the site falls within the catchment area of Richmond Primary School. There are 5 other primary schools within a two mile walking distance of the application site. There is an overall surplus in this sector after including all the primary schools within a two mile walking distance of the development of 125 pupil places and therefore a primary school education contribution is therefore not reasonable nor necessary.

8.59. In terms of Secondary School, the application site is situated within the catchment area of Redmoor High School Academy Trust, which has a net capacity of 925 and 1046 pupil projected including this development, this results in a deficit of 121 pupil places. A total of 149 pupil places are included in the forecast for this school being funded from Section 106 agreements for other development in this area and therefore have to be deducted. This reduced the total deficit for this school and creates a surplus of 28 pupil places. Overall there is a surplus in this sector after including 2 further schools within a three mile waling distance from the development of 55 pupil places, and therefore a request for a secondary contribution is not reasonable or necessary.

8.60. There are two post sixteen schools near to the application site, Hinckley Academy and John Cleveland College. The College has a net capacity of 600 and 657 pupils are projected on roll should this development proceed, this results in a deficit of 57 pupil places after taking into account the 2 pupil generated by this development. A total of 79 pupil places are also being funded at these schools from S106 agreements for other development in this area and have to be deducted. This results in a surplus of 22 pupil places, and therefore a contribution for this sector is not reasonable or necessary.

- 8.61. As the development is for less than 250 houses with two or more bedrooms a claim for a special school contribution has not been made.

Health

- 8.62. Assessment of the impact of the development upon the health service in the area has been assessed by the NHS. It is identified that the development could have an estimated population of 130 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need 3.42 additional patient appointment hours per week for a consulting room and 0.91 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Hollycroft Medical Centre. This centre has experienced continual growth of patient numbers which is currently impacting upon the capacity within the existing premises. To accommodate any further additional patients they would need to consider extending the current clinical space to maintain services. The indicative size of the premises requirements has been calculated based on current typical sizes of new/refurbished surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per square metre has been calculated by a quantity surveyor experienced in health care projects. The additional floor space required is calculated to be 0.11 square metres per person. The cost of additional accommodation per patient equates to £1902 per square metre. The cost of providing additional accommodation would be £27,198.60
- 8.63. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement.

Civic Amenity

- 8.64. The Director of Environment and Transport requests a contribution of £2675 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on civic amenity facility (an additional 14.9 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/2013). It is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered CIL compliant and therefore is not supported.

Libraries

- 8.65. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £1,480 for use of provision and enhancement of library facilities at Hinckley Library on Lancaster Road, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bed roomed properties. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Highways

- 8.66. In order to encourage sustainable travel to and from the site, achieve modal shift targets and reduce car use, Leicestershire County Council (Highways) have requested:

Welcome packs to be provided to inform new residents from first occupation what sustainable travel choices are in the surrounding area. To either be prepared by the developer as part of the home briefing packs or supplied by Leicestershire County Council at £52.85 per pack. Delivery to be secured through Section 106.

Six month bus passes to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Two bus passes should be provided per dwelling at £360 per pass.

CIL compliance

- 8.67. The request to pay the contributions must be considered in accordance with the statutory requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations state that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. This assessment has been undertaken and it is considered that all of the contributions requested save for libraries and civic amenity as set above, meet the tests and therefore are considered to be CIL compliant.

Other Matters

- 8.68. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. This will form part of the details required within the landscaping scheme to ensure adequate provision is provided within the site, in appropriate locations.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site forms part of a designated 'Existing Employment Site' within the Employment Land and Premises Review (2013) but is identified to be lost for housing. The SADMP (2016) allocates the site (HIN11) for residential development.

- 10.2. The application site lies within the settlement boundary of Hinckley in a sustainable urban location for residential development with reasonable access to a full range of services and facilities from sustainable transport modes. The approval of a sympathetic residential scheme on this sustainable brownfield site would contribute

to boosting the supply of housing and reduce pressure to release less sustainable greenfield sites.

- 10.3. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. Technical reports have been submitted to demonstrate that the proposal would not result in any significant environmental impacts on biodiversity, flooding or pollution. The scheme would contribute towards affordable housing. The proposed scheme is considered to be in accordance with Policy 1 and 16 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10 DM18 and DM17 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Play and open space contributions:
 - Provision £66,995.65
 - Maintenance £46,219.68
 - Health contribution of £27,198.60
 - Travel Packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass
- Planning conditions outlined at the end of this report.

- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

- 11.3. 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.

11.4. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan Dwg No.40356011

Proposed front and rear elevation Dwg No.40356 010A

Proposed side elevations Dwg No.40356009A

Proposed floor plan and elevations Dwg No.40356008A

Proposed floor plans and elevations Dwg No.40356007A

Proposed floor plans and elevations Dwg No.40356006A

Proposed floor plans and elevations Dwg No.40356005A

Proposed floor plans and elevations Dwg No.40356004A

Received on the 22 December 2017

Site layout plan Dwg No.40356002 Y

Technical Layout Plan Dwg No. 40356014Q

Received by the Local Planning Authority on the 2 October 2018.

Reason: To ensure a satisfactory impact of the development to accord with

Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. Before any development commences above damp course level, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

- 1) Means of enclosure
- 2) Car parking layouts
- 3) Other vehicle and pedestrian access and circulation areas
- 4) Hard surfacing materials
- 5) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- 6) Planting plans
- 7) Waste recycling collection and storage points
- 8) Written specifications
- 9) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- 10) Implementation programme

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. No development shall commence, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved 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 external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. The access and off site highway works into the development hereby approved, shall be carried out in accordance with the Technical Site Layout Dwg No.40356 014Q received on the 2 October 2018 shall be implemented and completed before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

7. The development hereby permitted shall not be occupied until the access, parking, turning and layout arrangements as shown on Technical Site Layout

Dwg No.40356 014Q received on the 2 October 2018 has been completed and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner and reduce the possibility of the proposed development leading to on street parking problem, in the interests of highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

8. Any dwellings which are served by private access drives (and any turning space) shall not be occupied until such a time as the private access drive that serves those dwelling has been designed in accordance with figure DG20 of the Leicestershire Highways Design Guide, and submitted to the Local Planning Authority to be approved in writing. The agreed private access drives shall be completed prior to occupation of the development and thereafter maintained in perpetuity.

Reason: To ensure and reduce the risk of possible deleterious material being deposited in the highway, in the interests of highways to safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

9. Notwithstanding the provisions of Part 2, 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within 5 metres of any highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

10. No part of the development hereby approved shall be occupied until such a time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the all private accesses 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 maintain in perpetuity.

Reason: In the interests of pedestrian safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. Development shall not begin until a scheme to provide a surface water drainage scheme has been submitted to and approved 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 satisfactory means of surface water and foul water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure that surface water from the site does not drained into the highway and cause a highway safety issue to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to first occupation of the site details in relation to the long term maintenance of the sustainable surface water drainage system within the

development has been submitted to and application in writing by the Local Planning Authority, and shall be carried out and maintained in accordance with the agreed details.

Reason: To ensure the long term performance and maintenance, both in terms of floor 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).

13. No development approved by this planning permission shall take place until such time as 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.

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 in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

15. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, working hours, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

16. No development approved by this permission shall be commenced until a scheme for the remediation/mitigation and validation of the identified land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how the contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation/mitigation 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).

17. 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 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).

18. Prior to first occupation of the development hereby approved the mitigation measures shall be completed in accordance with the recommendations set out within the submitted Noise Impact Assessment by P M Dyson of Acute Acoustics Ltd received on the 22 December 2017.

Reason: To ensure the future occupants of the development does not have an adverse impact in terms of noise from the neighbouring industrial use to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

19. Prior to occupation of the development hereby approved specifications of the proposed acoustic fence to be erected along the northern boundary of the application site, shall be submitted to and agreed in writing. The agreed acoustic fencing shall be erected and completed prior to first occupation of the development and retained in perpetuity.

Reason: In the interests of protecting residential amenity in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. 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>.
3. Maintenance, Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
4. The scheme shall include the utilisation of holding sustainable drainage 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.

5. 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.
6. 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.
7. 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.
8. The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.