

**Planning Committee 15 October 2019  
Report of the Planning Manager**

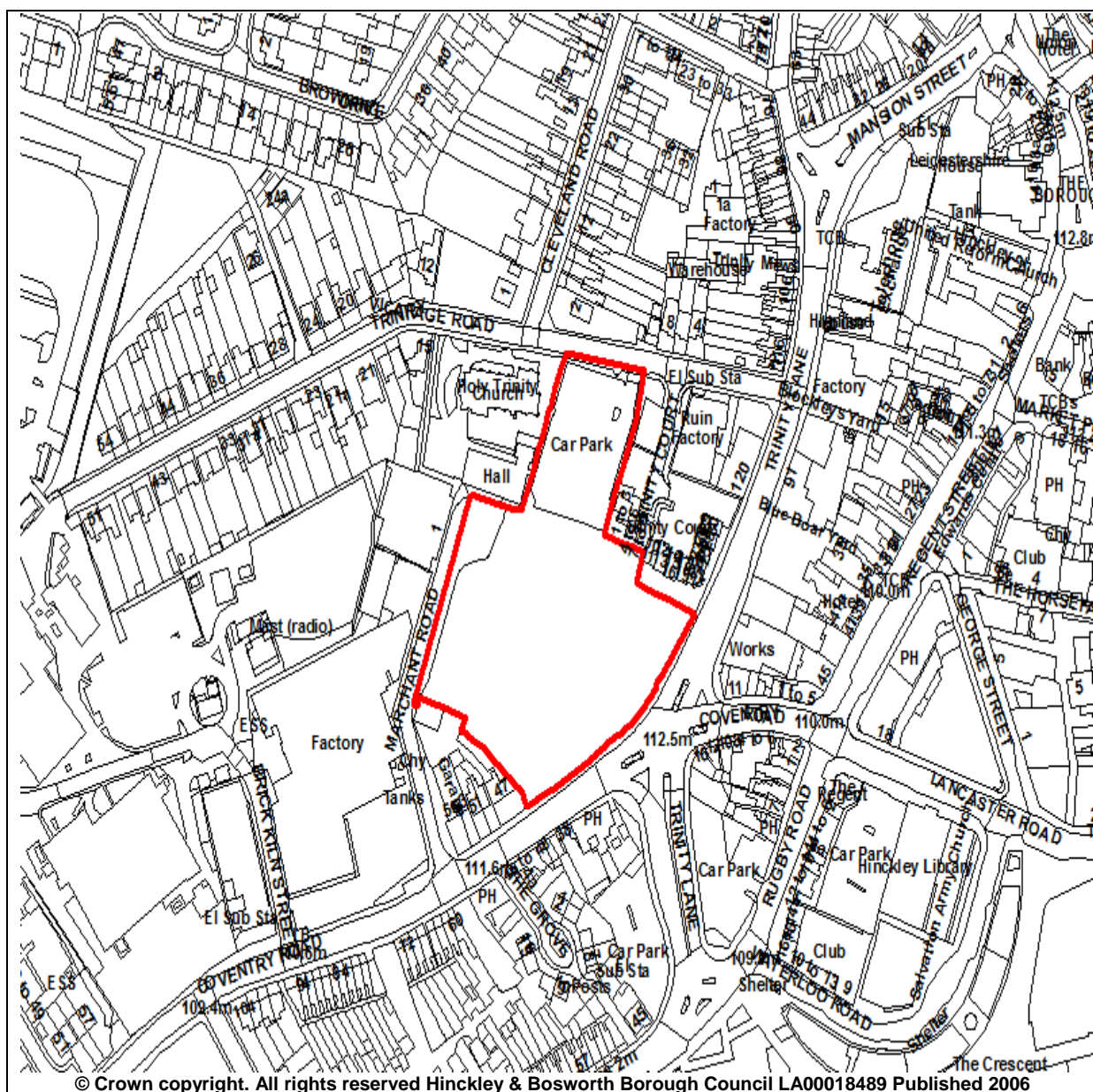


Hinckley & Bosworth  
Borough Council

**Planning Ref:** 18/01237/FUL  
**Applicant:** Green 4 Developments  
**Ward:** Hinckley Castle

**Site:** Land Adjacent Hinckley Leisure Centre Coventry Road Hinckley

**Proposal:** Erection of 66 apartments within two apartment blocks and 7 houses, including the provision of access, open space and associated infrastructure



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- The prior completion of a S106 agreement to secure the following obligations:

- Health - £17,574.48
  - Education – to be provided
  - Civic Amenity - £3,616.00
  - Libraries - £1,980.00
  - Highways – £22,500 towards two Traffic Regulation Orders, travel packs for each dwelling, two six month bus passes per dwelling, appointment of travel plan co-ordination, travel plan monitoring fee of £6,000, land to be gifted to LCC Highways for the provision of a cycle route.
  - Town Centre Improvements - £170,000.00
  - Public Open Space - £137,482.30
  - 20% Affordable Housing on site with a 50:50 tenure split of affordable rent and affordable home ownership
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
  - 1.3. That the Planning Manager 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 is for the erection of 7 houses and 66 apartments, which is a total of 73 dwellings.
  - 2.2. The scheme provides the following mix of dwelling types:
    - 4 x three bedroom houses
    - 3 x four bedroom houses
  - 2.3. Of these 73 dwellings, 15 are affordable, which equates to 20% of the total dwellings on site and consist of 15 x one bedroom flats.
  - 2.4. The dwellings proposed are situated within the centre of the site and abut the proposed car park to the north of the site.
  - 2.5. Two apartment blocks are proposed to the south of the site. Both apartment blocks have undercroft parking with three additional storeys of residential accommodation. The block facing Coventry Road, known as Hinckley Square would be 12.5 metres in height, to the highest point. The block beyond this fronting Marchant Road, known as Trinity House, would be 14.1m to the highest point.
  - 2.6. The proposal includes a total of 154 parking spaces on site with 3 electrical parking spaces also being provided. 61 of the proposed parking spaces would be situated in the car park to the north of the site. Allocated car parking for the houses are proposed at a ratio of 2 car parking spaces per 3 and 4 bedroom dwelling. There are no allocated car parking spaces for the flats, however each apartment block includes undercroft parking at a 1 to 1 ratio and a further 13 spaces adjacent to the apartment block situated to the east of the site.
  - 2.7. The proposal includes open space and children's play facilities and additional planting and footpaths around the apartment blocks to the south of the application site.
  - 2.8. Two access points are proposed one from Marchant Road and one from Trinity Vicarage Road.

- 2.9. A re-consultation has been carried out since the last committee meeting due to amended plans being received which decreased the height of Hinckley Square and increased the parking proposed on site. The car park to the north of the site is also now being retained.

### **3. Description of the Site and Surrounding Area**

- 3.1. The site previously held a leisure centre within the southern area. This has since been demolished and this element of the site consists of levelled rubble and the landscaping and trees to the east along Coventry Road has been retained.
- 3.2. The north of the site is an existing public car park with an access from Trinity Vicarage Road. The car park has 88 standard parking bays and 4 disabled bays. The car park is bound with a hedge and tree planting along Trinity Vicarage Road and the boundary with the adjacent church. The division between the car park and the rest of the site is marked by a retaining wall, steps and a slope and tree planting.
- 3.3. There is an 8 metre level difference across the site, the most significant change is from north to south with the highest point being the north (car park) of the site.
- 3.4. The site includes a number of trees along the south eastern areas, and the northern element of the site.
- 3.5. The site is surrounded by a mix of uses. To the north, the car park element of the site, the adjacent land uses and buildings are to residential flats, dwellings and a grade II listed church. To the south, the part of the site which was occupied by the leisure centre, landscaped areas and servicing, there are a number of adjoining uses including residential, employment, a vacant site which has planning permission for a retail store, car wash facility, funeral directors and retail units across Coventry Road to the south east.
- 3.6. The site is surrounded by a mixture of three storey and two storey buildings.
- 3.7. The site is within the centre of Hinckley and is within 200 metres from The Crescent, a shopping area and is less than 500 metres from other shopping areas of Hinckley, such as Castle Street and the Britannia Centre.

### **4. Relevant Planning History**

15/01195/GDOD	Demolition of Hinckley leisure centre and associated car park	Prior approval was not required	06.01.2016
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### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Three site notices were posted within the vicinity of the site and a notice was also displayed in the local press.
- 5.2. 35 Letters of objection have been received from 29 separate addresses; the comments are summarised below:
- 1) Impact to surrounding residents;
  - 2) Increase of on-street parking;
  - 3) Redevelopment of the site should be more community oriented;
  - 4) Impact upon infrastructure;
  - 5) Highways safety impact/congestion;
  - 6) Loss of public car park;
  - 7) Proposed housing density being too high;
  - 8) No consultation between planners and service providers (i.e. doctors);

- 9) Overdevelopment of the site;
  - 10) Proposed building being characteristic within the surrounding area;
  - 11) The proposed through road being used as a 'rat run';
  - 12) Inadequate parking proposed on site;
  - 13) Overshadowing of the church;
  - 14) Affect the health and well-being of neighbouring occupiers;
  - 15) Height of the proposal;
  - 16) Increase anti-social behaviour/crime;
  - 17) Loss of light to surrounding properties;
  - 18) Flooding problems of site;
  - 19) Overlooking;
  - 20) Overdevelopment within the area due to a combination of planning applications;
  - 21) Reduction in sale price of neighbouring properties;
  - 22) Consultation and advertisement not carried out correctly;
  - 23) No highways impact assessment submitted;
  - 24) Site should be turned into a new park with a memorial or statue of Princess Diana;
  - 25) Traffic calming measures should be introduced
  - 26) Parking spaces should be marked and allocated, every space should have vehicle charging facilities
  - 27) Retained element of the car park should be made available during construction
- 5.3. One letter has been received from a resident which supports the redevelopment of the site and states the sooner the site is not a pile of rocks the better.
- 5.4. A petition objecting to the application has been received which included 94 signatures. This petition raises concerns with the removal of the car park, the creation of a through road from Marchant Road to Trinity Vicarage Road and the impact upon pedestrians. The petition questions if it would be better and safer with a multi-storey car park.
- 5.5. One letter of support has been received regarding the aesthetic of the site being improved.
- 6. Consultation**
- 6.1. No objections, some subject to conditions/note to applicant, have been received from:
- National Grid/Cadent
  - Severn Trent Water
  - Lead Local Flood Authority
  - NHS England
  - LCC Highways
  - LCC Ecology
  - LCC Archaeology
  - LCC Developer Contributions
  - Leicestershire Police
  - HBBC Conservation Officer
  - HBBC Waste
  - HBBC Pollution
  - HBBC Drainage
- 6.2. Environment Agency has no comments to make as there are no constraints within the site that fall within their remit.

6.3. HBBC Arboricultural Officer has objections to the removal of certain trees but overall no objections subject to conditions.

6.4. No comments have been received from:

HBBC Town Centre Management  
Hinckley BID  
Hinckley Area Committee  
Leicestershire Fire and Rescue Service

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

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

7.3. Hinckley Town Centre Area Action Plan (2011)

- Policy 6 – Leisure Centre
- Policy 11 – Public Realm Improvements

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- The Setting of Heritage Assets (2<sup>nd</sup> Edition) (Historic England) - December 2017
- Open Space and Recreational Facilities Study 2016
- Leicestershire Highways Design Guide

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon Historic Assets
- Impact upon existing and proposed residential amenity
- Impact upon highway safety
- Impact upon contaminated land

- Impact upon existing trees on site
- Drainage
- Ecology
- Affordable Housing
- Infrastructure Contributions
- Other Matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the NPPF states that the development plan is the starting point for decision making.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Hinckley Town Centre Area Action Plan (2011).
- 8.4. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.5. Policy 1 of the Core Strategy identifies Hinckley as a sub-regional centre and supports residential development within the settlement boundary of Hinckley. It requires new development to respect the character and appearance of the area, enhance the poor public realm within the town centre and the type of housing provided should reflect the mix of people within the town.
- 8.6. The site is identified within the Hinckley Town Centre Area Action Plan (AAP) (2011) as a redevelopment site. Policy 6 of the AAP states that the key aspirations of the sites redevelopment are:
  - Provision of a landmark residential scheme to provide a welcoming image at this key entrance to the town centre
  - Provision of a soft landscaping scheme to the residential frontage with Coventry Road
  - Maintaining and improving pedestrian links from Trinity Vicarage Road to Trinity Lane/Coventry Road.
- 8.7. The supporting text to this policy also identifies that in order to provide the potential landmark building, a higher density scheme may be appropriate for this location. The text also acknowledges that the redevelopment would result in the loss of an existing surface car park.
- 8.8. The Site Allocations and Development Management Policies DPD (SADMP) (2016) identify the site as HIN08 and allocates the site for residential development. This allocation therefore replaces Policy 6 of the AAP, however the aspirations for the site and the supporting text still remain relevant and material considerations.
- 8.9. Objections have been received regarding the loss of the surface car park; however the plans have been amended to show the retention of a public car park for 61 spaces. The principle of residential development and the loss of this car park has been established since 2011 and has been assessed through the examination of the AAP and the SADMP.
- 8.10. A car parking assessment of Hinckley Town Centre was published in 2017. This study assessed all car parks within Hinckley. It was acknowledged within this study

that the car park was part of a re-development site, however the document did not fully consider that the site is allocated for residential development and the car park would be lost. Notwithstanding that this document is more recent than the SADMP it carries very limited weight in the determination of this application as it failed to acknowledge the residential allocation on site which was set within the local plan. Nevertheless, the amended proposal sees the retention of 61 spaces in this car park the loss of only 30 spaces, which is deemed to be acceptable in meeting both the development needs of the Borough and the Council's parking aspirations for Hinckley Town Centre.

- 8.11. Therefore the principle of residential development on this site and the loss of part of the surface car park has been established through the adopted local plan, initially in the AAP and then within the SADMP identified as residential allocation HIN08.

Design and impact upon the character of the area

- 8.12. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13. Paragraph 127 of the NPPF states that decisions should ensure developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.14. The proposal includes 7 three storey houses which are situated within the central part of the application site. Additionally two apartment buildings are proposed, both three storey buildings with undercroft car parks, making them four storeys in total.
- 8.15. Currently the majority of the site is vacant with the area to the north being currently used as a public car park. Previously the site included a Leisure Centre; this building took up a large majority of the site (excluding the car park area). The applicant has provided an overlay plan which identifies the scale of the building which was previously on site compared to the proposed. This provides a useful context to how the site fits within the street scene when the old Leisure centre building was there. The overlay shows that the four storey building to the west of the site is not dissimilar in height to the previous Leisure Centre; however it is positioned closer to Marchant Road. The proposed four storey apartment building to the east of the site would be slightly taller than the old Leisure Centre and is sited closer to Coventry Road. However, it maintains open space and landscaping to the south and east of the site.
- 8.16. The levels of the site vary, the site is higher to the north than it is to the south and there is a difference of approximately 8 metres between the north and south of the

site. The larger, higher buildings are positioned within the lower part of the site to the south and the houses upon a higher part of the site to the north. The proposed car park is situated at the highest northern part of the site.

- 8.17. The height of buildings within the local area along Trinity Vicarage Lane and Coventry Road are mainly 2-3 storeys in scale with the Cadent building, which is a commercial use, being a larger building in the area with 3 storeys and plant rooms on the roof and the Church being a larger building on a high point within the town centre. Adjacent to the west of the site is a telecommunications tower, which the highest structure in the area and can be seen from many vantage points, the height of this structure is 67.5 metres.
- 8.18. The four storey apartment block proposed to the west of the site, whilst larger in scale to the prevailing 2-3 storey buildings would assimilate well into its surroundings due to the land levels and its flat roof design.
- 8.19. The apartment block to the east of the site, would also be four storeys overall. This building would be prominent in the street scene and from wider vistas. The site is a key regeneration site and due to its prominent location it is identified within the Hinckley Town Centre AAP (2011) that there is an opportunity to create a landmark residential scheme. Whilst the structure would be slightly higher than surrounding residential buildings and prominent due to its elevated position within the town, landscaping is proposed to the front of the site between the building and Coventry Road which retains openness to the site. The design provides interest and includes a curvature which gives a modern softer design to this key space within Hinckley Town Centre. Due to the use of materials, such as glazing, render and brick, this provides a high quality design which is in keeping with the materials of the area but adds a modern take on the use of these materials together. It is acknowledged that this building would be prominent and visual within the townscape and street scene both within the vicinity and wider across Hinckley however due to the elevated position of this site it is considered any building of size would. The design is considered to be a good modern design with a good use of materials; whilst different to the more traditional brick built buildings which surround the site it would provide a key building which would add to the character of the area.
- 8.20. The proposed dwellings to the centre of the site, Plots 1-7, include a matching material pallet to the apartment buildings to ensure consistency in design throughout the development. Additionally the designs of the buildings include vertical emphasis similar to the apartment buildings. There would be six sets of semi-detached houses and one detached house. The design and materials are considered acceptable and would add to the character of the area. Plot 1 and 7 are corner plots and include design features to both elevations facing the corners which add interest and design to both street scenes. The properties also include gable designs to the front elevations and are three storeys in scale. The proposed dwellings are set within the site and would not be read immediately in the context of Trinity Vicarage Road or Marchant Road but within the context of the proposed development and the new street scene this would create.
- 8.21. The scheme includes a large area of landscaping to the south adjacent to Coventry Road and around the apartment buildings, with a play area situated within the centre of the site. A large number of mature trees along the Coventry Road frontage are to be retained and additional tree planting is proposed to enhance the landscaping and planting of the site further. Indicative details have been provided with this scheme and are generally acceptable, however a detailed landscaping scheme, implementation and management plan would be required to ensure the landscaping of the development will soften the impact of the buildings on the street scene and will enhance the character of the area. These details could be secured



by condition and are included within the recommended conditions at the end of this report.

- 8.22. Policy 16 of the Core Strategy requires a mix of housing in accordance with the most up to date housing market assessment study, this is the Housing and Economic Development Needs Assessment (HEDNA). The HEDNA identifies in table 55 that the mix of housing should be 0-10% for 1 bedroom properties, 35-45% for 2 bedroom properties, 45-55% for 3 bedroom properties and 5-15% for 4+ bedroom properties. The mix on site is as follows:
- 1 bedroomed properties – 20% (15)
  - 2 bedroomed properties – 66% (48)
  - 3 bedroomed properties – 10% (7)
  - 4 bedroomed properties – 4% (3)
- 8.23. This mix differs to the suggested mix within the HEDNA and includes more 1 and 2 bedroomed properties and less 3 bedroom properties. The site is however made up by a large percentage of apartments and three bedroomed apartments are often unpopular and difficult to sell/let and therefore it is justified in this instance due to its sustainable location within the centre of Hinckley and the type of development proposed that the mix is acceptable. Additionally Policy 16 requires a density of at least 40 dwellings per hectare, this proposal significantly exceeds this and stands at 66 dwellings per hectare. Due to the town centre location it is expected that dwellings would be of a smaller size to match the prevailing character of the area and therefore a higher density is expected and in accordance with paragraph 123 of the NPPF.
- 8.24. The Design and Access statement sets out how the scheme will incorporate sustainable design principles including maximising solar gain, utilising passive design strategies, using efficient appliances and fittings, use of smart metering, solar photovoltaics on the roof and incorporating Sustainable Urban Drainage principles in to the drainage strategy.
- 8.25. For the reasons discussed above the scheme is considered to provide a landmark residential scheme in a key regeneration site within Hinckley Town Centre. The design and use of materials are considered to provide a high quality scheme which would compliment and enhance the character of the area in accordance with Policy DM10 of the SADMP and Policy 6 of the Hinckley Town Centre AAP.

#### Impact upon Historic Assets

- 8.26. Policy DM11 states that the Council will protect, conserve and enhance the historic environment through the borough through careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.27. Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. It goes on to identify that all development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification.
- 8.28. Policy DM13 states that where applicable, justified and feasible remains will be required to be preserved in situ ensuring appropriate design, layout, ground levels, foundations and site work methods to avoid any adverse impacts on the remains. Where preservation in situ is not feasible and/or justified a full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.

- 8.29. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.
- 8.30. These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designation heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.31. A Heritage and Archaeology Report has been submitted with the application. This report makes reference to 23 heritage assets within the area, one of these being a designated heritage asset. This asset is to the north-west of the site is the Church of the Holy Trinity which is a Grade II Listed Building. The Church was designed by Alexander Ellis and built in 1909-1910 to replace the former Trinity Church. The church derives the main part of its heritage significance from the quality of the architectural work and is therefore in main the reason why it is listed.
- 8.32. Historically this part of Hinckley was a built up area and therefore the church was and could still be described as an urban church. To the north there is residential development and to the east is the town centre. In 1966 a church hall was constructed to the south of the church. This building partially screens the church from any buildings to the south/south-east. To the east of the east end of the church is a fence and a substantial hedge. This partially screens the church from the northern part of the site. The most valuable views of the church are therefore from the existing car park in the northern part of the site and Trinity Vicarage Road. Views from the southern part of the site and the roadside of Coventry Road are of less value as the 1960/70's church hall blocks clear views.
- 8.33. The southern part of the site would site the two apartment blocks. These two buildings would be slightly visible within views of the church from Trinity Vicarage Road. The Hinckley Square Apartment block would be sited approximately 90 metres away from the church and at a level approximately 4 metres lower than the church. Due to the 4 metre levels difference between the church and the proposal and the large separation difference the proposed apartment building may be viewable when viewed in context of the church from the church grounds but would not be viewable from Trinity Vicarage Road. Due to the urban setting of the church it is not considered to be harmful to the setting of it. The Trinity House apartments would be viewable but would appear subservient to the church and therefore there would be no harmful impact on the heritage significance of the grade II listed building from this part of the proposal. The church has never been intended to be focal point within the landscape and therefore the proposed focal building would not detract from the significance of the church. The proposed housing in the central part of the site would also be subservient to the church and sited at a lower level which

would mean there would be no harmful impact upon this Grade II Listed building from this part of the proposal.

- 8.34. The views from the northern part of the site would remain the same as the hard surfaced car park would be retained. These views are currently limited due to the mature planting separating the site from the church. The view of the eastern side of the church are significantly limited due to the existing planting along the site boundary with Trinity Vicarage Road. The car park is a private site and is not considered to be a public area and therefore the views of the church from here can be restricted significantly if the site were to be closed up. The proposal would result in no change to the north of the site.
- 8.35. As noted above, the church was built as an urban church at the time when its immediate setting included both housing and industry and therefore the proposed development would not present an alien intrusion into its setting. The proposal would therefore result in a neutral impact upon the setting of the Church. Due to this the public benefits do not need to be weighed in accordance with paragraph 196 of the NPPF, however there are a number of public benefits to the scheme which are discussed throughout this report and identified in the conclusions.
- 8.36. In the way of archaeological findings, the submitted report summarises that Archaeological remains from any period prior to the early nineteenth century are unlikely to be present. There is a low to medium likelihood of the below-ground remains of an early nineteenth century smithy and neighbouring stables (demolished in the mid-twentieth century), the mid nineteenth century Trinity Church (demolished mid-1970s) and the early twentieth century cattle market (replaced by a council depot in the mid-twentieth century). There is a moderate likelihood of the survival of below-ground traces of the vicarage below the present-day car park, with a lower likelihood of traces of the church below the former site of the leisure centre. There is a high likelihood of harmful impact if any archaeological findings are on site, but given the relatively low heritage significance of the potential archaeological features no mitigation is recommended.
- 8.37. LCC Archaeology agree that there is limited evidence to indicate pre-medieval activity in the area, however, Roman Coins were reported to have been recovered from Walton Terrace to the south of the application site (HER re.: MLE7941). The site lies outside the projected medieval and post-medieval historic settlement core of the town. The old Trinity Vicarage was sited where the existing car park was and therefore LCC Archaeology has recommended a condition to require the applicant to undertake a two stage programme of archaeological mitigation. It is considered that this condition is reasonable and necessary due to the topographical position of the site and the recovery of Roman coins from Walton Terrace.
- 8.38. In conclusion, the setting of the church has been urban since its construction. The site makes a small contribution to the significance of the church, but this is limited to the views of the east end of the church that are presently possible from the car park area at the north end of the site. These views would be retained. Visitors to the church will be unaffected as they will be largely screened from the development by the 1960s/70s church hall to the south of the church and the hedge and fence between the church and the car park area to the east. Part of the new housing development would be viewable but it is considered to be compatible with the urban setting of the church. Views of the church from the south of the site and Coventry Road are largely blocked by the church hall and are in any case limited to the less important, unfinished south elevation of the church (to which a south aisle was intended to be added) which has been harmed by unsympathetic brick additions. Therefore, the harm to the overall significance of the church would be neutral.

- 8.39. It is considered that the proposed development would have a neutral impact upon the grade II listed church and any buried archaeological heritage assets subject to the recommended conditions. Therefore the proposal complies with Policies DM11, DM12 and DM13 of the SADMP, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the overarching policies of the NPPF.

Impact upon existing and proposed residential amenity

- 8.40. Policy DM10 of the SADMP identifies that development 'would not have a significant adverse effects on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Additionally, Policy DM7 ensures that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.
- 8.41. The nearest residential properties are situated to the north east of the site and are in a complex named Trinity Court which consists of 30 flats. Some of the flats face on to the site (the south facing apartments). In addition to Trinity Court, the side/rear (southern) boundary to 2 Cleveland Road is adjacent to the site but is separated by Trinity Vicarage Road.
- 8.42. Flats 1 to 11 are situated adjacent to the 16 proposed unallocated parking spaces and the entrance to the apartment building which is located to the south east of the site. Currently to the south of these flats is a landscaped area with a footpath leading to Coventry Road. The apartment block, which is adjacent to the existing flats, is four storey building (three storey residential and an undercroft car park), which would be approximately 12.5 metres in height. The flat blocks sit on a ground level approximately 2 metres higher than the floor level of the proposed apartment building. Trinity Court is a three storey building and is sited at a higher level than the proposed apartment building. Due to the distances between the existing Trinity Court and the proposed apartment building to the south this development would not have an overbearing impact or impact upon privacy that would warrant refusal of this application.
- 8.43. Flats 1-3 Trinity Court include windows within the western elevation. To the north of the site the car park is being partially retained and no residential development is proposed in this part of the site. Therefore there would be no adverse impact upon the residential amenity of the occupiers of these dwellings.
- 8.44. No. 2 Cleveland Road includes windows within its side (south) elevation, which overlook the north of the site, these appear to be secondary windows serving habitable rooms. The proposed dwellings would be located approximately 85 metres to the south of the existing dwelling on Cleveland Road. Additionally the properties would be separated by the car park, gardens, footpaths and highway. This separation distance is acceptable and would not cause harm to existing residential amenity.
- 8.45. The proposed dwellings identified in plots 1-7 (inclusive) are located adjacent to the Church Hall. Environmental Health (Pollution) have identified that the church hall would have a noise impact upon the future residential amenity of these plots, additionally the applicant has discussed this within the Design and Access Statement. The applicant identifies that appropriate site noise buffering and house construction acoustic measures and detailing would be implemented in accordance with BS8233:2014.
- 8.46. The proposed apartment building to the south west of the site is opposite a site which has recently been granted planning permission for a retail store. The store is

now complete. To the north of this is a 'meeting room' number 1 Marchant Road, however there is resolution from planning to approve a residential scheme, subject to a Section 106 which is currently being agreed. As the use is still in place the application will need to consider this and the potential future use of the site which considering the impact of noise upon, the apartment block and Plot 1-4 (inclusive) would need to be considered. A condition requiring the submission of a noise attenuation scheme to ensure the future occupiers of the proposed residential properties are protected from nearby noise is considered reasonable and necessary to ensure the development is acceptable.

- 8.47. Plots 1 – 7 include private rear gardens of various sizes, due to their sustainable location and the proposed open space on site to the south it is considered the proposed garden sizes are acceptable in this instance. However it is recommended that permitted development rights are removed for rear and side extensions to ensure the private amenity space can be retained and is not reduced further to the detriment of future residents.
- 8.48. The apartment buildings both provide a number of balconies but not for all apartments. The proposal also includes a large area of open space and play equipment surrounding the apartment buildings. It is considered that sufficient amenity areas are provided on site to serve the 66 apartments.
- 8.49. The proposed development would not detrimentally impact the existing residential amenity of residents and would provide sufficient outdoor amenity space to serve the future residents of this scheme. The proposal is therefore in accordance with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.50. Policy DM17 and DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.51. Paragraph 108 of the NPPF states that development should ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.52. A number of revisions to the site layout and transport documents supporting this application have been made following discussions with the local highway authority, the most up to date transport documents are:
- Transport Assessment (TA), Encon Associates, Revision J dated 23 September 2019;
  - Travel Plan (TP), Encon Associates, Revision C dated 27 September 2019
- 8.53. Two new or improved vehicle accesses, along with a number of driveways, are proposed to serve the proposed development, as follows:
- The existing access from Marchant Road will be permanently closed and a new vehicle access junction is proposed towards the northern end of Marchant Road;
  - An improved access will be provided from Trinity Vicarage Road. This partially overlaps the existing car park entrance and is required to be marginally shifted westward to allow a 6m kerb radii and a 2m footway on the eastern corner of the junction;

- 8.54. The appropriate visibility splays are provided on both access points and the Highway Authority have confirmed that they are content that both junctions will operate well within their practical capacity.
- 8.55. With regards to trip generation and traffic impact the Highway Authority stated that they were content with the methodology used to predict the trip generation of the proposed development, which includes the retention of the public carpark. It is considered that the trip generation would not have an adverse impact upon the highway network or capacity of surrounding junctions.
- 8.56. Given that the site access road will form a through route between Marchant Road and Trinity Vicarage Road, the Highway Authority requires it to be adopted and therefore to be designed in accordance with Leicestershire Highways Design Guide (LHDG). The proposed site layout has been subject to a number of iterations following a series of comments, the Highways Authority have confirmed that the most recent planning layout is acceptable and could be adopted subject to dealing with a Section 38 (under the Highways Act) and the detailed design and technical approval process which would include Traffic Regulation Orders and speed reduction features (including a speed table to the entrance to the public carpark).
- 8.57. A number of concerns have been raised through the consultation process with regards to the potential through route this proposal would provide to vehicles. The Highway Authority have commented on this and state *'As the proposed site access road will provide a through route, it creates a potential for vehicles to use it to travel between B4666 Coventry Road and B4667 Trinity Lane thereby avoiding the signal controlled junction of these roads with the B590. However, the LHA considers that the layout of the proposed site access road together with Marchant Road and Trinity Vicarage Road does not provide a particularly direct route and therefore considers it unlikely that significant numbers of vehicles would use this to avoid the traffic signals.'*
- 8.58. The following development mix and corresponding parking levels are proposed:
- Houses:
- 4 x three-bedroom houses at two spaces per dwelling (allocated) = 8 allocated spaces
  - 3 x four-bedroom houses at two spaces per dwelling (allocated) = 6 allocated spaces
- Apartments:
- The 66 apartments (15 x one bed, 48 x two bed and 3 x three bed) will be served by 66
- In addition to the above, there will be 13 unallocated car parking spaces and 3 electric car charging points.
- Total residential parking: 98 spaces.
- 8.59. The above is generally acceptable against the guidance in LHDG. Whilst the Highway Authority notes that it would prefer more than one space per dwelling for the two-bed dwellings, it is noted that this is a town centre location with good links to existing sustainable travel opportunities. The proposed level of residential parking is therefore acceptable to the Highways Authority.
- 8.60. 13 parking spaces are provided to the north of the apartment block facing Coventry Road, adjacent to Trinity Court. Leicestershire The applicant has amended the levels of this parking area to reduce the levels difference. Due to the levels difference on site it is difficult to create a flat parking area, however it is considered

the solution put forward is acceptable and the parking spaces would be useable and shall count towards the parking provision for the site.

- 8.61. In terms of cycling provision, the Highway Authority has an aspiration to provide a 3m wide footway cycleway along the north side of Coventry Road in the future. In this respect, the Highway Authority have asked the applicant to widen the existing footway to 3m as part of the development proposals, which would require a narrow strip of land to be provided from the site. This will ultimately benefit the residents of the development as well as assisting in mitigating the transport impact of the proposals and the LHA therefore requires this to be provided in connection with the development. The applicant has agreed that they are agreeable to this.
- 8.62. The proposal is considered to provide the appropriate level of parking, appropriate access points in line with the LHDG, an adoptable highway and would not have a severe impact upon the highway network. The proposal is therefore in accordance with Policy DM17 and DM18 of the SADMP and the provisions of the Leicestershire Highways Design Guide (LHDG).

#### Impact upon Contaminated Land

- 8.63. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate ground investigation and any necessary remediation of contaminated land is undertaken.
- 8.64. A phase 1 Site Investigation report has accompanied the application which notes the previous use of the site as a leisure centre and car park but also as a council yard and warehouse in the 1960s. the report states it is possible that significant contamination is present associated with the sites mixed previous uses and recommends an intrusive ground investigation assessment be carried out followed by a Risk Estimation and to confirm on site ground conditions.
- 8.65. Environmental Health have considered the application and have raised no objection subject to the imposition of conditions relating to the submission of a scheme for the investigation of any potential land contamination on site and any required remediation works. These conditions are considered necessary and reasonable due to the history of the site. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

#### Impact upon Existing Trees on Site

- 8.66. Paragraph 175 of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.67. Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The works as proposed by the applicant were assessed by the HBBC Arboricultural Officer.
- 8.68. An arboricultural report has been submitted with the application. It is proposed that 23 trees and 1 group on site would be retained and 11 trees (of which one is already dead) and 2 groups would need to be removed to facilitate the scheme. None of the trees proposed to be removed would be Category A trees.
- 8.69. Recommendations have been made within the report to safeguard those trees that can be retained from any damage due to construction work including the erection of protective fencing around them to separate them from the construction activities. A Tree Protection Plan and Construction Method Statement would be required to be submitted before commencement on site via a condition.

- 8.70. In order to mitigate for the loss of some of the trees on site that are proposed to be removed to allow the development to be undertaken, several proposed new trees would be included in the new landscaping of the site. The submitted landscape plan shows a large number of new trees (approximately 80) are proposed to be planted on site and therefore the impact of the development and loss of existing trees has been adequately mitigated against.
- 8.71. Due to the planting of a significant number of trees and the retention of the majority of 'important' trees on site it is considered that the proposal would not have a severe detrimental impact on the amenity of the area and therefore would comply with Policy DM10 of the SADMP and Paragraph 175 of the NPPF.

#### Drainage

- 8.72. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not create or exacerbate flood risks.
- 8.73. A Flood Risk and Surface Water Assessment, Surface Water Flooding Report and a letter including additional details required by the Lead Local Flood Authority have been submitted with the application.
- 8.74. The site is in Flood Zone 1, a low flood risk area, considered to have an annual risk of flooding from fluvial (rivers) and tidal sources less than 0.1% on average in any given year. The risk of flooding to the developable site area from surface water/pluvial flow, groundwater and artificial waterbodies also appears to be low with respect for site topography, published geology and flood risk outlines. Means of flood resistant design address the residual risk of localised flooding.
- 8.75. The proposals include an indicative drainage plan which illustrates an attenuation lead drainage system which throttles surface water discharged to the public sewer network using a Hydrobrake (or equivalent) flow control device. Surface water storage is shown in a single bank of geocellular crates (such as Aquacell). An open body of water is not considered acceptable in the location identified (adjacent to Coventry Road in the south of the site) and therefore the drainage system will be underground.
- 8.76. The Lead Local Flood Authority considers the proposals to be acceptable subject to two conditions to require full details of drainage and the maintenance of drainage on site. These conditions are reasonable and necessary and are recommended.
- 8.77. Subject to the suggested conditions adequate drainage would be provided for the development and is therefore in accordance with Policy DM7 of the SADMP.

#### Ecology

- 8.78. Policy DM6 of the SADMP seeks to conserve or enhance biodiversity and features of nature conservation.
- 8.79. As indicated within the submitted ecological appraisal the application site is of relatively low ecological value. The majority of the site is comprised of hardstanding with some small areas of vegetation. The site is not considered to have suitable habitats to support protected species. There is a large amount of public open space to the east and north of the site which is all proposed to be amenity grassland.
- 8.80. There are a number of swift nesting boxes proposed to be installed on the apartment buildings. These boxes would enhance the on-site biodiversity by focusing on a Local Biodiversity Action Plan species. The proposed scheme is therefore considered to comply with DM6 of the SADMP.



### Affordable Housing

- 8.81. Policy 15 of the adopted Core Strategy seeks contributions towards affordable housing in rural areas on sites of four dwellings or more or sites of 0.13 hectares or more. Of these, 75% should be for social rent and 25% for intermediate housing. The NPPF required 10% of dwelling on site should be for affordable home ownership.
- 8.82. The greatest need for rented affordable housing in the borough is for smaller properties, including 1 bedroom flats and 2 bedroomed family houses.
- 8.83. The proposal includes fifteen 1 bedroomed flats for affordable housing provision with a tenure split of 50% intermediate housing and 50% affordable or social rent. It is considered that this mix is acceptable and details should be required by the S106. The proposal is therefore in accordance with Policy 15 of the SADMP.

### Infrastructure contributions

- 8.84. 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. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.85. The request for any planning obligations (infrastructure contributions) must be considered against the requirements set out within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require 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.

### Education

- 8.86. Leicestershire County Council (Education) have identified that the site falls within the catchment area of Westfield Infant School and Westfield Junior School, additionally there are an additional 6 primary schools within a 2 mile walking distance of the site. Reviewing the places available it is concluded that there is a deficit of 19 pupil places within a 2 mile walking distance and therefore a contribution towards the accommodation of capacity issues caused by the proposed development is requested. The contribution would be used to improve, remodel or enhance existing facilities at Westfield Infant and Junior School or any other school within the locality of the development. The deficit created by the development is multiplied by the DFE cost multiplier which results in a contribution request that is currently unknown (previously £105,208.32, which will be reduced following amended plans and resulting reduction in units). No contribution requests are sought for secondary education or post-16 education as it is identified there is a surplus of places for these educational facilities. Additionally, no contributions are requested to special educational needs schools as the development does not meet the criteria of 250+ dwellings. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

### Libraries

- 8.87. Leicestershire County Council Library Services have requested a contribution of £1,980.00 towards the provision of additional materials for Hinckley Library. The proposed site is within 200metres of Hinckley Library, which is situated on Lancaster Road. The catchment population for Hinckley library is 44,669 and it is estimated by LCC that the proposal would add 196 additional library users which would have an impact upon the library's services and the availability of the facilities.

It is identified by LCC that the Museums, Libraries and Archives Council recommends a minimum stock figure of 1,157 per 1,000 population and that to mitigate the impact of the development additional materials to meet the needs of the increased population arising from this development is necessary. LCC have identified that the contribution would be towards additional children stock provision, reconfiguration of space to account for additional usage of the venue. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Civic Amenity

- 8.88. Leicestershire County Council have requested a contribution of £3,616.00 towards the provision to increase operational area within the Barwell Civic Amenity site. The nearest Civic Amenity site to the proposed development is located at Barwell and residents of the proposed development are likely to use this site. Barwell Civic Amenity site accepted approximately 7,874 tonnes per annum (based upon 2012/2013 figures). At the local facilities, the proposed development would generate an additional 1.054 tonnes per annum. It is calculated by LCC that on average approximately 0.211 tonnes of municipal waste was delivered by each household in 2017/2018. It is therefore calculated by LCC that 173 dwellings would generate over 15 tonnes of additional civic amenity waste at the Barwell site. The proposed development would place additional demand on the Barwell Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the demands placed on the site as a result of the proposed development. LCC have specifically identified a project which will improve the drainage at the site and will result in an increased operational area. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Health

- 8.89. West Leicestershire CCG have requested a contribution of £17,574.48 towards projects for the four surgeries which this development would have an impact upon. The proposal is within 0.5 miles of The Maples Medical Practice, Castle Medical Practice, The Centre Surgery and Station View Surgery. All practices are reporting increased demand and capacity. It is identified by the CCG that the development would result in an additional minimum population of 77 patients, using the figure of 2.42 people per dwelling and 1.2 people per apartment. It is identified by the CCG that the standard area metres squared per person is calculated to be 0.12, using this and the cost of extending clinical space at £1,902 per metre square the total cost of providing the additional accommodation for 77 patients is £17,574.48. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Play and Open Space

- 8.90. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 73 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	385.2	172	213.2
Casual/Informal Play Spaces	16.8	1226.4	617	609.4
Outdoor Sports Provision	38.4	2803.2	0	2803.2
Accessibility Natural Green Space	40	2920	0	2920

Using the costings identified within the 2016 study the total contributions towards on site maintenance and off site provision and maintenance of open space is £137,422.72. The breakdown of this figure for each typology is shown in the table below:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£30,203.20	£16,519.24	£7,972.24	£54,694.68
Casual/Informal Play Spaces	£6,663.60	£2,705.74	£3,290.76	£12,660.10
Outdoor Sports Provision	/	£25,368.96	£12,053.76	£37,422.72
Accessibility Natural Green Space	/	£11,972.80	£20,732.00	£32,704.80

- 8.91. The nearest off site open space is Clarendon Park (HIN10 & HIN 55) with a score of 72% for the formal play space and 76% natural open space.
- 8.92. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.
- Town Centre contributions.
- 8.93. Policy 1 of the Core Strategy states 'Require new development to enhance the poor public realm within the town centre'. Additionally Policy 5 of the Core Strategy identifies that development within the Hinckley sub-regional centre should include transport interventions, including improvement of sustainable transport and supporting Hinckley Town Centre. This development has the opportunity to increase

the sustainable transport modes into the centre including cycle routes, of which the applicant is gifting some of the land to the Highway Authority to extend the footpath along Coventry Road to create a cycle path and footpath. Additionally pedestrian links to the town centre could be improved and enhanced by works to the public realm. Currently a public realm masterplan for the Hinckley Town Centre area is being worked upon and the contributions from this scheme could help fund some of the identified projects which would help connect the site with the wider town centre. A figure of £170,000 has been requested which is based upon costings of other schemes within the Town Centre, the applicant has agreed this figure. This contribution is considered necessary and reasonable in scale and kind to the development in accordance with the CIL regulations.

#### Highways

- 8.94. LCC Highways have requested a number of obligations to offset impacts upon the local highway network. This includes three sums of £7,500 (total £22,500) towards Traffic Regulation Orders to address parking restriction of Trinity Vicarage Road, the relocation of parking restrictions and parking enforcement along the new development access road which are all required as a consequence of the proposed development. The obligations also include the requirement to provide travel packs to inform new residents of sustainable travel choices in the area, along with 6 month bus passes to encourage new residents to use the bus service. The requested obligations from LCC Highways also include the appointment of Travel Plan co-ordinator and a Travel Plan monitoring fee for LCC to be able to support the appointed co-ordinator. The applicant has agreed these figures and they are considered necessary to offset the highway impacts and are reasonable in scale and kind to the development proposed, in accordance with the CIL regulations.

#### Other matters

- 8.95. An objection has been raised in regards to the reduction in the value of neighbouring properties. This is not a material planning application and therefore cannot be taken into account in the course of this application.
- 8.96. Cadent Grid/National Grid have identified operational gas apparatus within the application site boundary. Low or Medium pressure (below 2 bar) gas pipes and associated equipment and above ground gas sites and equipment has been identified. Due to this an advisory note to the applicant is provided.

### **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.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. The proposal is for residential development on an allocated site and therefore the principle of residential development is acceptable. The design of the proposal provides a landmark building in a prominent site in Hinckley town centre. The scale of the proposal is largely in keeping with the character of the area. Whilst the building is significant in scale the design and materials proposed are considered appropriate to provide a landmark building design in this location. The development would provide a number of benefits both environmentally by the better use and re-development of the site, socially by the provision of 73 dwellings and economically result in job creation during the construction of development. The development is therefore considered to be sustainable development in accordance with DM1 of the SADMP.
- 10.2. Subject to the recommended conditions the proposal would not have a detrimental impact upon residential amenity, impact upon the setting of listed buildings or archaeological impacts, ecology, drainage and contaminated land.
- 10.3. Subject to the recommendations outlined at the end of this report the proposal is considered acceptable and in accordance with Policies 1,5,15, 16 and 19 of the Core Strategy; Policies DM1, DM3, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP; and Policy 6 of the Hinckley Town Centre AAP and the wider policies of the NPPF.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
    - Health - £17,574.48
    - Education – to be provided
    - Civic Amenity - £3,616.00
    - Libraries - £1,980.00
    - Highways – £22,500 towards two Traffic Regulation Orders, travel packs for each dwelling, two six month bus passes per dwelling, appointment of travel plan co-ordination and travel plan monitoring fee of £6,000
    - Town Centre Improvements - £170,000.00
    - Public Open Space - £137,482.30
    - 20% Affordable Housing on site with a 50:50 tenure split of affordable rent and affordable home ownership
  - Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3. That the Planning Manager 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 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

- Site Location Plan A-001 Rev B received by the Local Planning Authority on 28 August 2019.
- Existing Site Plan A-002 Rev B received by the Local Planning Authority on 28 August 2019.
- Proposed Site plan A-003 Rev F received by the Local Planning Authority on 28 August 2019.
- Proposed Site Ground Level and Parking Plan A-004 Rev F received by the Local Planning Authority on 28 August 2019.
- Existing and Proposed Site Section A-005 Rev D received by the Local Planning Authority on 28 August 2019.
- Proposed Hardstanding plan A-006 Rev D received by the Local Planning Authority on 28 August 2019.
- Proposed Bins Storage Location Plan A-007 Rev D received by the Local Planning Authority on 28 August 2019
- Proposed Boundary Treatments Plan A-008 Rev D received by the Local Planning Authority on 28 August 2019
- Proposed Play Area Plan A-009 Rev A received by the Local Planning Authority on 28 August 2019
- Hinckley Square Proposed Plans Elevations Sections AA received by the Local Planning Authority on 2 September 2019.
- Trinity House Proposed Plans Elevations Sections AB received by the Local Planning Authority on 2 September 2019.
- 3 Bed Semi Detached Proposed Floor Plans and Elevations Plot 1,2,5,6 AE received by the Local Planning Authority on 28 August 2019.
- 4 Bed Semi detached Proposed Floor Plans and Elevations Plots 3,4 AG received by the Local Planning Authority on 28 August 2019.
- 4 Bed detached Proposed Floor Plans and Elevations Plot 7 AJ received by the Local Planning Authority on 28 August 2019.
- Access Arrangements A3907 Rev D received by the Local Planning Authority on 28 August 2019.
- TRO Amended to Trinity Vicarage Road A3907 Rev A received by the Local Planning Authority on 28 August 2019.
- Landscape Master Plan A3907-03D received by the Local Planning Authority on 28 August 2019.
- Schedule of Accommodation received by the Local Planning Authority on 28 August 2019.
- Schedule of Materials received by the Local Planning Authority on 28 August 2019
- Tree survey Report Rev D received by the Local Planning Authority on 28 August 2019.

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Schedule of Materials received on 28 August 2019.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The window(s) to eastern side elevation of plot 2, 4 and 6, western side elevation of plot 3, 5 and 7, shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and top opening only. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management (2016).

5. No development shall take place until a scheme of hard and soft landscaping works, In accordance with the general principles with the Landscape Masterplan, Drg No: A3907-03D received 28<sup>th</sup> August, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. 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 occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

8. No works or development shall take place within the site until a site specific no-dig construction method statement for the footpath areas within Root Protection Areas, has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose. The development shall then be implemented in accordance with the approved scheme.

**Reason:** To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4 to ensure the retention of trees important to the character of the area, in accordance with DM10 of the Site Allocations and Development Management Policies DPD (2016).

9. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from nearby commercial and industrial operations (including the Church Hall) has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local



Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To ensure that the development does not become a source of annoyance to nearby residents during construction in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Site preparation and construction shall be limited to the following hours; Monday to Friday 07:30 – 18:00, Saturday 08:00 – 13:00 and no working on Sundays and Public Holidays.

**Reason:** To ensure that the development does not become a source of annoyance to nearby residents during construction in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. The swift nesting boxes identified on plans Hinckley Square Proposed Plans Elevations Sections AA and Trinity House Proposed Plans Elevations Sections AB both received by the Local Planning Authority on 02<sup>nd</sup> September 2019 shall be in place prior to the occupation of any flat within the respective building.

**Reason:** To ensure a biodiversity enhancement for the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD(2016).

15. 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, Classes A, B, C, D and E shall not be carried out for Plots 1 – 7 inclusive without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD (2016).

16. 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 2, Classes A shall not be carried out on any part of the site outlined in red on drawing reference Site Location Plan (scale 1:1250) Drg No: G4D-0003- A-001 Rev: B, without the grant of planning permission for such development by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD(2016).

17. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and

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

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in line with Policy DM7 of the Site Allocations DPD(2016).

18. No development approved by this planning permission shall take place until such time as a surface water drainage scheme incorporating sufficient treatment train has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

**Reason:** To maintain or improve the existing surface water runoff quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD(2016).

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

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016).

20. No part of the development hereby permitted shall be first occupied until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

21. No part of the development hereby permitted shall be occupied until such time as 2.00 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the accesses and driveways 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 (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

22. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m metres by 43m metres have been provided at the site access junction with Trinity Vicarage Road and 2.4m metres by 56 metres in a southerly direction and 2.4 x 24 meters in a northerly direction on Marchant Road. 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 (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

23. The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Trinity Vicarage Road and Marchant 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 interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

24. Notwithstanding the submitted plans, the proposed accesses on to Marchant Road and Trinity Vicarage Road shall have a width of a minimum of 5.5 metres, a gradient of no more than 1:20 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 6 metre kerbed radii. The accesses once provided shall be so maintained at all times.

**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 (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

25. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Encon Associates drawing A3907-05 Rev H received 28 August 2019. Thereafter the onsite parking provision shall be so maintained 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 (2019) and Policy DM18 of the Site Allocations and Development Management Policies DPD (2016).

26. The development hereby permitted shall not be occupied until such time as secure cycle parking, for the apartment buildings shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019) and Policy DM18 of the Site Allocations and Development Management Policies DPD (2016).

No part of the development hereby permitted shall be occupied until such time as a 3m wide footway along the Coventry Road and Trinity Lane site frontage is implemented in full in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

27. Notwithstanding Encon drawing A3907 08 received by the Local Planning Authority on 24 September 2019, no part of the development hereby permitted shall be occupied until such time as a footway widening scheme on the eastern side of Marchant Road is implemented in full in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of pedestrian safety, to promote travel by sustainable modes in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

28. Prior to first occupation of the apartment buildings the bin stores shall be laid out in accordance with drawing Bins Storage Location Plan (scale 1:500) Drg No: G4D-0003- A-007 Rev: D received 28 August 2019 and shall be retained as such in perpetuity.

**Reason:** In the interests of good design to ensure appropriate bin storage is provided on site in accordance with Policy DM10 of the Site Allocations and Development Plan Policies DPD (2016).

29. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

30. No development shall commence on the site pursuant to this planning permission unless and until an agreement pursuant to section 106 TCPA 1990 in the form attached to this planning permission has been signed by all parties thereto and has been brought into force.

**Reason:** To ensure the development is delivered with the necessary infrastructure required to mitigate the impact of the development to accord with Policy DM3 of the Site Allocations and Development Management Policies DPD (2016).