

Planning Committee 20 June 2017  
Report of the Head of Planning and Development

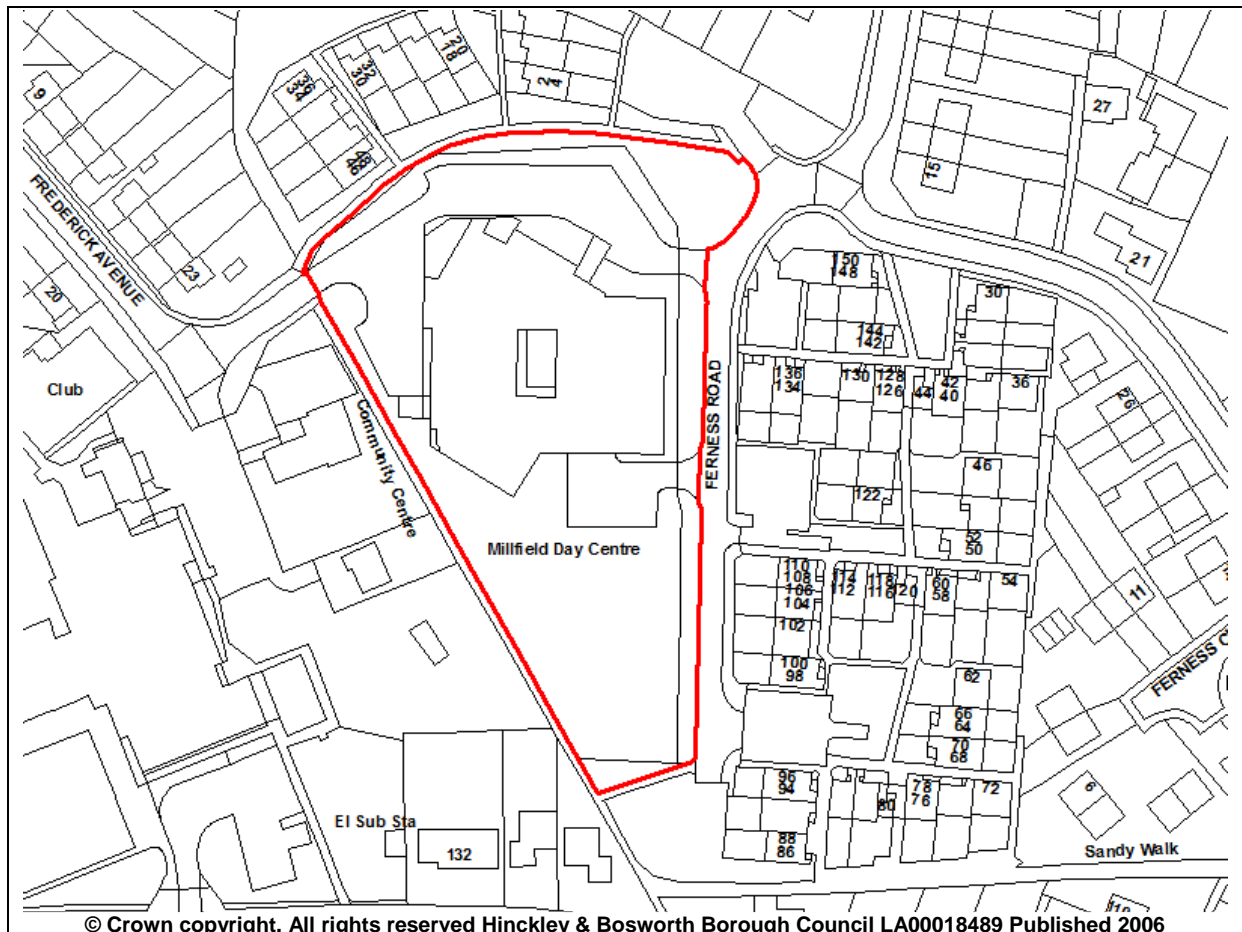


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/00278/DEEM  
Applicant: Mr Steve Robson  
Ward: Hinckley Trinity

Site: Millfield Day Centre Frederick Avenue Hinckley

Proposal: Residential development of up to 23 dwellings (Outline - access only)



## 1. Recommendations

### 1.1. Grant outline planning permission (access only) subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Public play and open space facilities contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit
  - Primary school sector education facilities contribution of £66,786.54
- Planning conditions outlined at the end of this report.

### 1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

- 1.3. That the Head of Planning and Development 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 made by Leicestershire County Council under Regulation 4 of the Town and Country Planning General Regulations 1992 for deemed consent. A majority of the application site is owned by Leicestershire County Council but also includes land within the ownership of Hinckley and Bosworth Borough Council. The application seeks outline planning permission for access only with all other matters (layout, scale, appearance and landscaping) reserved, for the demolition of a former County Council community day care centre and redevelopment of the site for the erection of up to 23 dwellings.
- 2.2. The scheme proposes the use of two altered (existing) vehicular accesses off Ferness Road and the closure of the other existing access to the site off Frederick Avenue. A third access would be created off Ferness Road to serve dwellings at the southern end of the site. An indicative site layout has been submitted to demonstrate how up to 23 dwellings could be arranged within the application site together with access, parking, amenity and landscaping requirements.
- 2.3. A Design and Access Statement, Transport Statement, Ground Investigation Report, Preliminary Surface Water Drainage Strategy and Extended Phase I Habitat Survey, Tree Survey and s106 Heads of Terms have been submitted to support the application.

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

- 3.1. The application site is located within the settlement boundary of Hinckley and is designated as a 'Community Facility' within the adopted Site Allocations and Development Management Policies Development Plan Document. It measures approximately 0.88 hectares. It comprises a former day care centre (a single storey red brick building with a flat roof design), car parking areas to the north and west of the building, landscaped/garden area and some hardstanding to the south and peripheral incidental grassed areas along Ferness Road to the east. The boundaries of the site are a mix of hedgerows and small trees with metal palisade security fencing of between 2.4 metres and 2 metres in height inside the planting. There are three existing vehicular accesses to the site, one off Frederick Avenue in the north west corner and two off Ferness Road to the east.
- 3.2. The application site is located in a predominantly residential area with dwellings located to the north, east and south of the site and Battling Brook Primary School and pre-school and Wykin Social Club located to the west. A public footpath (PRoW U42) runs along the western boundary between the application site and school. Another non-designated footpath runs along the northern boundary linking Frederick Avenue and Ferness Road.

## **4. Relevant Planning History**

No relevant planning history.

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. One response received objecting to the application on the grounds that it would adversely affect views, result in loss of privacy and devalue property.

## **6. Consultation**

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

Leicestershire County Council (Highways)  
Leicestershire County Council (Public Rights of Way)  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Ecology)  
Severn Trent Water Limited  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Street Scene Services (Waste)

6.2. Standing advice has been received from:-

National Grid  
Leicestershire Fire and Rescue Service

6.3. Leicestershire County Council (Drainage) request additional information to be provided in respect of surface water drainage to enable them to provide a more detailed response

6.4. Hinckley Area Committee comment that safe access needs to be provided, the houses should be in keeping with the area and section 106 contributions should be sought for the area including education, healthcare and police and affordable housing

6.5. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-

- 1) Director of Children and Family Services requests a contribution of £66,786.54 towards educational services and facilities to accommodate the capacity issues created by the proposed development in the Primary School Sector in Hinckley;
- 2) Director of Environment and Transport requests a contribution of £1,339 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the additional use of the facility as a result of the proposed development;
- 3) Library Services Locality Manager North does not request a contribution.

6.6. No responses have been received from:-

Leicestershire Police  
NHS England  
Ramblers  
Cycling UK

## **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)(SADMP)

- 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

### 7.4. Other relevant guidance

- Affordable Housing Supplementary Planning Document
- Open Space, Sports and Recreation Facilities Study (2011)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Redevelopment of part of a community facility
- Impact upon the character of the area/density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Affordable housing
- Infrastructure contributions
- Biodiversity/Trees
- Archaeology
- Drainage
- Ground investigation
- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 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. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 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. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

- 8.6. The HBBC 'Briefing Note 2016 - Five Year Housing Land Supply Position at 1 April 2016' confirms that the Council is able to demonstrate a five year housing land supply of 5.84 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF. The settlement-specific housing targets within the adopted Core Strategy are only 'minimum' figures and as at 1 April 2016 the allocation of 1120 dwellings for Hinckley had already been exceeded by 72 additional dwellings. There is therefore no overriding need for additional housing for Hinckley.
- 8.7. Notwithstanding this, the application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. Residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan. However, the site is currently designated as forming part of a 'Community Facility' (reference HIN168 – Battling Brook Community Hub) within the SADMP.

Redevelopment of part of a community facility

- 8.8. Policy DM25 of the adopted SADMP states that the redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:
- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or
  - b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
  - c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.

The policy also states that where replacement facilities will not be provided or a surplus cannot be demonstrated that loss of the facility would only be acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.
  - e) It has been offered to the local community for them to take ownership of the facility.
- 8.9. The submitted Design and Access Statement advises that the former Millfield Day Care Centre was a facility for the care of individuals with complex learning disabilities and/or multiple needs. In 2013 the County Council undertook an Equality Impact Assessment which concluded that Millfield was no longer fit for purpose and would require significant modernisation in order to deliver specialist services required under the Day Services Strategy. The services provided were therefore relocated to the Deveron Way Community Life Choices Centre approximately 0.38 kilometres to the south of the site. The statement also advises that there are two further centres: Roseleigh Day Care, a brand new day care facility supporting young people and adults with learning disabilities and The Limes, a facility offering dementia and respite care to older people. Both of these facilities are within 2 miles of the application site and close to the centre of Hinckley. The combination of these facilities now covers the service needs for young people and adults with learning disabilities and older people and therefore Millfield is surplus to requirements. The applicant has confirmed that the only use of the building that remains is to provide mess facilities for a small fleet of minibus drivers that operated from the site. These will also be transferring to an alternative site in the Blaby area in the near future.

- 8.10. Leicestershire County Council has not marketed the site for alternative community use due to the incompatible nature of the building for alternative uses. The building was constructed to a specification for the specialist needs of the users at that point in time. There are a large number of smaller rooms and no rooms of a size conducive to community uses. The cost of adapting the building to alternative uses would be unviable. Modern purpose built facilities have adequately replaced the buildings former use as a day care centre and adequate replacement facilities have been provided therefore criteria d and e of Policy DM25 are not relevant to this case.
- 8.11. On the basis that the application can demonstrate that adequate replacement community day care services have been provided within nearby alternative centres and that the Millfield Day Care Centre is surplus to requirements, the loss of the centre and redevelopment of the site would be in accordance with relevant Policy DM25 criteria and acceptable in principle.
- 8.12. Therefore, notwithstanding that the minimum allocation for Hinckley in the Core Strategy has already been exceeded, given the settlement's status as a sub-regional centre and the thrust of national planning guidance contained within the NPPF which seeks to boost the supply of housing sites in sustainable locations, a sympathetic residential development of the site that complies with all other relevant development plan policies would be acceptable in terms of the strategic planning policies of the development plan.

Impact upon the character of the area/density

- 8.13. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.
- 8.14. Surrounding residential development to the north and east of the site is characterised predominantly by short terraces of two storey dwellings and flats with private rear amenity spaces and communal parking courts. These developments provide very limited street frontages.
- 8.15. The application seeks outline planning permission for access only at this stage with layout, scale, appearance and landscaping being matters reserved for consideration at a later date. However, the submitted illustrative masterplan for the site demonstrates that the site would be capable of providing a scheme that would complement the density of surrounding residential development. The NPPF identifies that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Subject to detailed layout and design which will be considered at the reserved matters stage, redevelopment of the site would provide an opportunity to positively enhance the character of the area through the inclusion of active street frontages and appropriate landscaping to mitigate the loss of the existing mature hedgerow that currently encloses the site along Ferness Road to the east.
- 8.16. Policy 16 of the adopted Core Strategy requires a mix of house types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare unless individual site characteristics dictate that a lower density can be justified. In this case, the provision of 23 dwellings on the site would result in a density of just 26 dwellings per hectare. In order to achieve 40 dwellings per hectare an additional 12 dwellings would be required from the site. The illustrative masterplan layout includes the retention of a generous landscaping buffer to existing dwellings to the north and south and the public right of way to the west to enhance the appearance of the development and to ensure that it assimilates into the existing built form. An increase in the density on the site would be likely to result in the undesirable removal of landscaped buffers, a compromise

in private amenity space for each unit and/or the addition of more flats rather than family houses. Therefore the lower density proposed for the site is considered to complement that of surrounding development and be justified in this case.

- 8.17. The proposed residential redevelopment of the site would therefore be in accordance with Policy DM10 of the adopted SADMP and acceptable in respect of Policy 16 of the adopted Core Strategy in this case.

Impact upon neighbouring residential amenity

- 8.18. 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.
- 8.19. An objection has been received on the grounds that the development would adversely affect views and result in loss of privacy from overlooking.
- 8.20. The illustrative masterplan demonstrates that, subject to siting, design and careful positioning of windows which would be assessed at the reserved matters stage, a residential development of up to 23 new dwellings could enable adequate separation distances to be achieved to the windows and gardens of neighbouring dwellings such that it would not result in any significant overbearing/overshadowing impacts or loss of privacy from overlooking.
- 8.21. A residential development of the site that protects the residential amenity of neighbouring occupiers and future occupiers of the site would therefore be achievable and in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.22. Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.
- 8.23. A Transport Statement has been submitted to support the application along with details of Ferness Road access junction visibility splays and swept path analysis in respect of refuse vehicles.
- 8.24. Ferness Road is an adopted road and is adequate in respect of its width and construction to cater for redevelopment of the site for the proposed number of new dwellings. The scheme proposes the use of two existing access points to the site off Ferness Road and the creation of a third access to serve dwellings at the south end of the site. By virtue of the size of the site and the illustrative masterplan submitted adequate access would be available from the public highway and adequate off-street parking could be provided to serve each plot in accordance with adopted highway design guidance. The site is within a sustainable urban area with access to sustainable means of transport to access services and facilities.
- 8.25. Leicestershire County Council (Highways) has assessed the scheme and considers that the proposal would not result in a material increase in traffic visiting the site taking into account the previous use and traffic generation. Therefore, the highway authority raises no objections to the scheme. A number of highway related conditions are recommended to ensure safe and satisfactory development. A condition to require the accesses to be constructed in accordance with the approved details would be reasonable and necessary. However, site layout and design details would be fully assessed at the reserved matters stage, a sustainable drainage scheme is required by a condition covering the whole site and given the

scale and location of the development a condition to require construction traffic/management details would not be reasonable or necessary in this case.

- 8.26. The proposed scheme would not result in any adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Affordable Housing

- 8.27. Policy 15 of the adopted Core Strategy requires the provision of 20% affordable housing on sites of over 15 dwellings or more or on sites measuring 0.5 hectares or more in Hinckley. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities.
- 8.28. As of 20 April 2017 there were 1229 households on the Council's housing register for Hinckley and that the preferred mix of dwellings for affordable housing in this case would be for 5 x two bedroomed 4 person houses, either 3 for rent and 2 for intermediate tenure of 5 for affordable rent.
- 8.29. The Affordable Housing Statement within the submitted Design and Access Statement suggests that 20% of the dwellings proposed (5 units) would be affordable in line with Policy 15 of the adopted Core Strategy. However, the statement also refers to the application site qualifying for Vacant Building Credit (for 2,069 square metres of gross internal area) as detailed in Planning Practice Guidance.
- 8.30. This provides an incentive for brownfield development on sites containing vacant buildings. It states that where a vacant building is demolished the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution (paragraph 021 reference ID: 23b-021-20160519).
- 8.31. As the application seeks the approval of outline planning permission for access only, the proposed floorspace provided by the development will be unknown until the submission of reserved matters and therefore the ultimate provision of any affordable housing on the site will not be able to be calculated until that stage.

#### Infrastructure contributions

- 8.32. 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.
- 8.33. The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance 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.
- 1) Public play and open space
- 8.34. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.35. In this case, the site is located within 400 metres of a number of areas providing a range of public play and open space facilities. These include Wykin Park that provides children's equipped play facilities, casual/informal play space along with natural and semi-natural green space, Preston Road children's equipped play



facilities and a number of other green open space amenity areas. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit has been identified towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site, particularly at Wykin Park.

## 2) Education

- 8.36. The Director of Children and Family Services requests a contribution of £66,786.54 towards education facilities in Hinckley to mitigate the impact of additional users from the development on the Primary School Sector either at Battling Brook Community Primary School or Richmond Primary School where deficits have been identified. No contributions are requested for the Secondary School Sector or Special Schools Sector.

## 3) Civic amenity

- 8.37. The Director of Environment and Transport requests a contribution of £1,339 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 the civic amenity facility (an additional 6 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/13) 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 requested.
- 8.38. The infrastructure contributions identified above, with the exception of civic amenity are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and could be secured through the completion of a suitable section 106 agreement which is currently under negotiation.

## Biodiversity/Trees

- 8.39. Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation value. On site features should be retained, buffered and managed favourably. The removal of such features would only be acceptable where it can be demonstrated that the proposal would not result in any net loss of biodiversity.
- 8.40. An Extended Phase I Habitat Survey and Tree Survey has been submitted to support the application. The habitat survey concludes that the site is dominated by common and widespread habitats of low ecological interest other than the species poor hedgerow bounding the site which has some ecological value. A number of recommendations are made to mitigate any potential adverse impacts on any protected species. Leicestershire County Council (Ecology) raises no objection to the application subject to the recommendations within the report and advises that an updated bat survey would need to be completed if a reserved matters application is not submitted prior to December 2017. The recommendations could be secured by a planning condition to accord with Policy DM6 of the adopted SADMP.
- 8.41. The Tree Survey identifies 25 trees within the site predominantly of moderate quality and one of high quality. The illustrative masterplan suggests that the trees around the northern perimeter could be retained but those within the central areas of the site would be removed and mitigation provided through replacement tree planting to be considered at the reserved matters stage.

### Archaeology

- 8.42. Policy DM11 and Policy DM13 of the adopted SADMP seek to protect and enhance the historic environment and archaeology and full archaeological investigation and recording to be undertaken within areas of potential archaeological interest prior to any development commencing.
- 8.43. Leicestershire County Council (Archaeology) advises that the site lies within an archaeological interest and therefore recommends a number of pre-commencement conditions to ensure satisfactory archaeological investigation and recording of the site in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF.

### Drainage

- 8.44. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.45. A Preliminary Surface Water Drainage Strategy has been submitted to support the application. This concludes that it would be possible to provide a feasible drainage solution for the site which includes a sustainable drainage system to attenuate surface water run-off to ensure that it would not pose an increased risk to the site or wider catchment.
- 8.46. The response from Leicestershire County Council (Drainage) advises that insufficient detail has been provided to enable them to provide a detailed response. However, the application is for outline planning permission for access only at this stage. The site is located within Flood Zone 1 within an urban area. There is no suggestion that it is susceptible to flooding and therefore the requirement to submit full details prior to determination would not be reasonable or necessary in this case.
- 8.47. Environmental Health (Drainage) has also assessed the submitted strategy and considers that it is satisfactory in that it proposes a 30% decrease in existing run-off rates which is reasonable for a brownfield site. A planning condition is therefore recommended requiring the submission of surface water drainage details, incorporating sustainable drainage principles, prior to any development commencing and the completion of the approved scheme prior to completion of the development to ensure compliance with Policy DM7 of the adopted SADMP.

### Ground investigation

- 8.48. 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.
- 8.49. A Ground Investigation Report has been submitted to support the application. This concludes that no specific remedial measures would be necessary to ensure safe development and protection of future occupiers of the site.
- 8.50. Environmental Health (Pollution) has assessed the report and raises no objection to the scheme. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

### Other issues

- 8.51. Public footpath U42 runs along the western boundary of the site. As the application is outline only with layout as a reserved matter, Leicestershire County Council (Public Rights of Way) recommend a condition to require full details of a scheme for the treatment of the public footpath, including management during construction, to be submitted in the interests of amenity, safety and security of users.

- 8.52. Street Scene Services (Waste) recommend a condition to require the submission of a scheme for the provision of waste and recycling facilities across the site. The application is in outline only with layout to be considered as a reserved matter. Therefore a condition is not considered to be necessary at this stage.

## **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. The equality implications arising from this application relate to the protected characteristics of the former users of the day care centre with learning disabilities and/or multiple needs.

- 9.4. The needs of the former users have been assessed within the Equality Impact Assessment undertaken in 2013 by Leicestershire County Council. The assessment concluded that the facility was not fit for purpose for the specialist services required under their Day Services Strategy. Therefore, the specialist service provision was transferred to an upgraded facility nearby (Deveron Way Community Life Choices). The provision of alternative specialist facilities ensures that there would be no adverse impacts on equality of opportunity for the former or potential future users of the facility.

## **10. Conclusion**

- 10.1. The application site forms part of a designated 'Community Facility' within the adopted SADMP. However, it has been demonstrated that it is no longer fit for purpose for the specialist services formerly provided and these services have not been lost but transferred to an alternative upgraded facility on a nearby site. The site is therefore surplus to requirements for the services.

- 10.2. The 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. The Transport Statement and submitted access junction visibility splays demonstrate that adequate access would be available to serve the site and that redevelopment for 23 dwellings would not give rise to any significant adverse impacts on highway safety.

- 10.4. The illustrative masterplan demonstrates that the redevelopment of the site for up to 23 dwellings would complement the density of surrounding development, provide an opportunity to enhance the character of the surrounding area through the provision

of active street frontages and would not have any significant adverse overbearing impacts or loss of privacy to any neighbouring properties. Technical reports have been submitted to demonstrate that the proposal would not result in any significant environmental impacts on biodiversity, important trees, flooding or pollution. Any impacts on archaeology can be controlled by conditions. The scheme would contribute towards affordable housing (subject to vacant building credit) and education facilities.

- 10.5. The scheme would therefore be in accordance with Policies 1, 15, 16 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM25 of the adopted SADMP and the overarching principles of the NPPF. The proposal is therefore recommended for outline planning permission for access only subject to conditions.

## 11. Recommendation

- 11.1. **Grant outline planning permission (access only)** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Public play and open space facilities contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit
  - Primary school sector education facilities contribution of £66,786.54
- Planning conditions outlined at the end of this report.

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

- 11.3. That the Head of Planning and Development 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. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. G5492.001 and Planning Application Boundary Drawing No. G5492.004 received by the local planning authority on 22 March 2017 and Junction Visibility Splays Drawing No. TPMA1430-103 Rev B received by the local planning authority on 16 May 2017.

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

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

6. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and foul sewerage disposal details have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with 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).

7. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching and test pitting, has been detailed within a Written Scheme of Investigation,

submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No demolition/development shall take place/commence other than in accordance with the Written Scheme of Investigation approved under condition 7.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development shall be carried out in accordance with the recommendations contained within Section 5 of the submitted Extended Phase I Habitat Survey by BSG Ecology dated December 2015.

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

11. No development shall take place until a scheme for the treatment of the Public Right of Way (U42) has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping and shall be fully implemented in accordance with the approved details.

**Reason:** In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The accesses hereby permitted shall be constructed in full accordance with the details submitted on approved Junction Visibility Splays Drawing TPMA1430-103 Rev B dated 16 May 2017.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.5. Notes to Applicant

1. The approved development requires Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. You will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced. Any street furniture, street lights or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant/developer, who shall first obtain the separate consent of the Highway Authority. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.
3. A public footpath (PRoW U42) runs adjacent to the western boundary of the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council. In relation to Condition 11 of this permission the applicant/developers attention is drawn to the public footpath design guidance contained within Leicestershire County Council's document: Guidance Notes for Developers.
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Telephone 024 7771 6843 or email [Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk).
5. The applicant/developers attention is drawn to the consultation response from National Grid in relation to electricity and gas network apparatus within and surrounding the site to ensure safe development.
6. The applicant/developer's attention is drawn to the consultation response from Leicestershire Fire and Rescue Service and their Standing Advice Notes to ensure safe development of the site.