

Planning Committee 10 October 2017
Report of the Head of Planning and Development

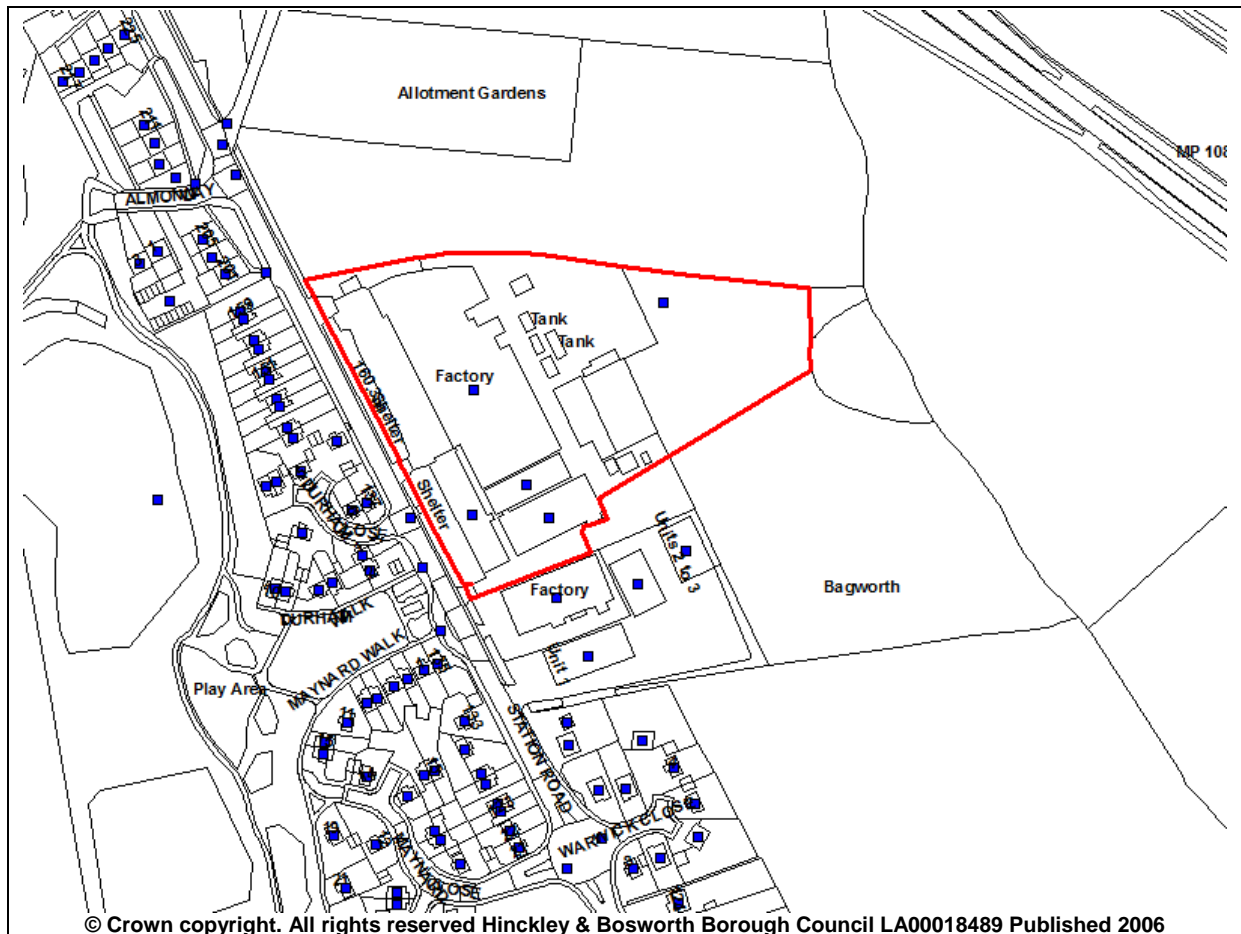


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00634/FUL
Applicant: Partner Construction
Ward: Ratby Bagworth And Thornton

Site: Dunlop Limited Station Road Bagworth

Proposal: Demolition of existing industrial unit and erection of 61 dwellings



1. Recommendations

1.1. Grant planning permission subject to::

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Primary education - £82,831.00
 - Off-site acoustic fence details, provision and maintenance
 - Off-site landscaping details, provision and maintenance
- 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 seeks planning permission for the erection of 61 dwellings and associated infrastructure. The development proposes 100% affordable housing of a social rented tenure only and comprises the following mix of dwellings
- 4 x 1 bedroom flats;
 - 25 x 2 bedroom houses; and
 - 32 x 3 bedroom houses.
- 2.2. The layout of the scheme has been substantially amended during the assessment of the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site is bounded by residential properties to the west facing Station Road and to the north and east are fields. Adjoining the southern end of the application site is an employment/industrial site.
- 3.2. The application site consists of derelict buildings previously used by Dunlop and land to the east comprising some woodland planting. The former Dunlop site consists of a range of industrial buildings of various ages, styles and sizes and areas of hardstanding. Boundary vegetation within the site comprises tree lined hedgerows to Station Road and the north of the site.

4. Relevant Planning History

14/00426/OUT	Redevelopment of former factory for residential development and employment (B1 and B2) (outline - access only)	Approved	19.01.2016
11/00063/OUT	Erection of up to 61 dwellings and 2800 square metres of employment floorspace (class b1) (outline - access and layout only)	Approved	28.04.2011
10/00640/OUT	Mixed use development comprising up to 68 dwellings and employment (use classes b1c and b2) (outline - access only).	Refused	02.12.2010

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Six letters of objection and one letter neither supporting nor objecting to the application has been received; the comments are summarised as follows:
1. 100% social housing would not benefit the area as there is not a requirement for this many affordable dwellings;
 2. The existing vegetation should not be removed;

3. The development will create a greater need for facilities including schools, doctor's surgeries, community facilities and parks;
4. There is no bus service in the evening;
5. The proposed house designs are characterless and drab;
6. There are existing issues with cars speeding along Station Road;
7. The noise assessment does not adequately assess the noise from the adjacent businesses to the south;
8. The adjacent business can operate for 24 hours and on Saturdays.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
 - Leicestershire County Council (Highways)
 - Leicestershire County Council (Ecology)
 - Leicestershire County Council (Drainage)
 - Severn Trent Water
 - Environment Agency
 - Environmental Health
 - Affordable Housing Officer
 - Waste Services
- 6.2. National Forest Company – the proposal results in the loss of woodland cover. Additional planting is required on-site and a contribution towards off-site woodland planting
- 6.3. As a result of the Developer Contribution consultation, the following planning obligations are sought:
 - Leicestershire County Council (Civic Amenities) - £3,988.00
 - Leicestershire County Council (Libraries) - £1,840.00
 - Leicestershire County Council (Education) –
 - Primary education - £177,129.51
 - Upper school education - £76,072.60
 - Post 16 education - £38,849.08
 - Leicestershire County Council (Highways) –
 - Travels packs – £52.85 per dwelling
 - Bus passes – two per dwelling at £350 per pass
 - Improvement to bus stops – two nearest bus stops at £3852 per stop
 - NHS West Leicestershire CCG - £18,290.88
- 6.4. Cllr C Boothby – there are existing issues with speeding drivers through Bagworth and illegal drivers. It should be explored whether there a possibility of providing an ANPR Camera that can identify illegal drivers.
- 6.5. Bagworth and Thornton Parish Council – conditionally object to the application because the development is not sustainable development for the following reasons:
 1. There is an acute problem of educational provision for primary and secondary school places in the surrounding schools;
 2. The previously approved planning permission secured a contribution of £35,794.80 towards off-site open space and a pedestrian crossing on Station Road;
 3. The settlement has no GP practice, supermarket, pharmacy, post office, library or dentist and has no significant employers.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 21: National Forest

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

- Policy SA4: Former Dunlop Factory, Station Road, Bagworth
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Affordable housing
- Design and impact upon the character of the area
- Impact upon amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology
- Contamination
- Play and open space
- Planning obligations
- Viability
- Demolition and construction

Assessment against strategic planning policies

8.2. The application site is located within the settlement boundary of Bagworth and forms part of a designated mixed-use allocation.

8.3. Policy 7 of the Core Strategy identifies that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.

8.4. Policy 10 of the Core Strategy identifies that to create a new sense of place and improve the provision of local services the Council will allocate land for the development of a minimum of 60 new homes at Bagworth.

8.5. Policy SA4 of the SADMP states that development proposals for the site at the Former Dunlop Factory should ensure a mixed-use development which:

- Retains a minimum of 2,800sqm of B1/B2 employment floor space on site;
- Provides B1/B2 starter units of between 150-300sqm on site;

- Delivers a minimum of 61 dwellings with a housing density, mix and design in line with Core Strategy Policy 16; and
 - Ensures the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10.
- 8.6. This application seeks planning permission for the erection of 61 dwellings. The number of dwellings would be in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP.
- 8.7. The proposed development forms part of the allocation SA4 which seeks provision for B1 and B2 uses. The application site only forms part of the mixed-use allocation and retains sufficient land to the south which would be able to meet the employment needs as identified in Policy S4.
- 8.8. The application is considered to be acceptable in-principle in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP, subject to an assessment of the impact of future occupiers made below, and satisfying all other relevant policies and material planning considerations.

Affordable housing

- 8.9. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.
- 8.10. It has been identified that there is currently 738 applicants on the register for affordable dwellings, 12 of which have a connection to Bagworth. The Residential Land Availability Monitoring Statement for 1 April 2016 – 31 March 2017 identifies that since the start of the plan period to 31st March 2017, 947 affordable dwellings have been provided. Therefore, the requirement to provide 2090 dwellings by 2026 is not on track to being met and the proposed development of 61 affordable dwellings with no market dwelling provision should be given significant weight as it would make a significant contribution towards meeting this identified need.
- 8.11. This development proposes 61 dwellings on the site all of which would be of a social rented tenure. Bagworth is a settlement which falls within the Protected Rural Areas in national guidance. This restricts the sale of shared ownership homes to 80% of the full market value, or oblige the Registered Provider to purchase the dwelling from the owner should they wish to sell the property. Such restriction makes it more difficult to obtain mortgages for the properties.
- 8.12. Consultation between the interested Registered Provider, the Local Planning Authority and relevant ward members has resulted in a clear preference for delivery of the site as 100% affordable rented housing in order to maximise the retention of affordable housing stock for future. Whilst the tenure is not consistent with the 75% social rented and 25% intermediate housing split as set out in Policy 15, it is the preferred option for this specific site and therefore is in accordance with Policy 15.
- 8.13. Since the site is in a rural area of the Borough, a cascade mechanism should be included within the Section 106 agreement to give preference in the first instance to applicants with a connection to the Parish of Bagworth and Thornton. If there are surplus applicants from the parish the properties can be offered to people with a connection to the Borough of Hinckley and Bosworth.
- 8.14. The proposed development would make a significant contribution towards meeting the identified affordable housing needs of the Borough over the plan period in

accordance with Policy 15 of the Core Strategy. Whilst the tenure split is not as set out in Policy 15, the tenure has been agreed which meets the site-specific need.

Design and impact upon the character of the area

- 8.15. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided taking into account the type of provision that is likely to be required
- 8.17. Policy 21 of the Core Strategy seeks to support proposals that contribute to the delivery of the National Forest Strategy where the siting and scale of the proposed development is appropriately related to its setting within the Forest, the development respects the character and appearance of the wider countryside and the development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside
- 8.18. The proposed development comprises a mix of 1 bedroom flats, 2 bedroom houses and three bedroom houses which provides a mix of dwelling types to provide variation and meet the identified housing requirements. Whilst some larger dwellings would usually be incorporated within large developments, these cannot be provided on the scheme for 100% affordable housing due to issues with letting the units and underutilised room occupancy.
- 8.19. At present the site comprises several vacant buildings which are in a state of disrepair. There is significant vegetation along the frontage largely prohibiting views into the site but where views are available into the site they adversely impact on the character of the area.
- 8.20. The scheme as originally submitted proposed several car parking courts used to provide car parking for the units fronting onto Station Road. Several units did not front the internal road in order to provide overlooking of the car parking courts. The use of the car parking courts would have caused issues relating to security and antisocial behaviour, a poor relationship between the car parking spaces serving some dwellings and a poor streetscape due to the units overlooking entrances to the parking courts. Following concerns raised by the case officer, the scheme was amended to provide additional accesses onto Station Road for shared accesses to dwellings fronting Station Road allowing car parking adjacent to the dwellings and removal of the rear car parking courts. Removal of the car parking courts has allowed all of the dwellings on the western side of the internal road to provide frontage to the road where previously there were large gaps between the dwellings dominated by hard landscaping. The additional accesses also results in some dwellings being set further back from the road frontage allowing variation to the streetscape fronting Station Road which was monotonous. Dwellings of differing brick colours have been introduced to further provide variation between the designs to avoid monotony although the specific bricks have not yet been agreed and shall be secured through a planning condition. The layout proposed an internal road to be adopted with two private driveways. Where bin storage is required for dwellings on the shared driveways, these are set back from the highway frontage to minimise their visual impact. Having regard to the density of development on the site, it is considered reasonable to remove permitted development rights for extensions, alterations to the roof and boundary treatments.
- 8.21. Adjacent to the south east corner of the application site is an area of vacant land which would be retained for employment purposes. An acoustic fence is required adjacent to the commercial premises to the south, discussed in detail in a following section, and the area of vacant land would form part of the residential streetscene.

To ensure the vacant land is not unsightly a landscaping scheme shall be secured. The area of vacant land is outside the red line of the application site but within the ownership of the applicant and therefore the landscaping scheme shall be secured through a S106 agreement. The landscaping scheme shall incorporate a basic planting scheme. As the land forms part of the employment land within the allocation and is likely to be brought forward for redevelopment substantial planting with a high expense may discourage redevelopment of the land.

- 8.22. The proposal would require the removal of the existing vegetation fronting Station Road but retain the vegetation fronting the countryside on the northern boundary. Some woodland planting to be east of the application site would need to be removed to facilitate the proposed attenuation pond. A tree survey and landscaping plan has been submitted. The National Forest Company has commented that the landscaping plan doesn't accurately reflect the amount of woodland to be removed to accommodate the balancing pond and cumulatively with the removal of the trees fronting Station Road will lead to a notable loss of woodland. While these all may have been assessed as category C, they form part of the National Forest where Core Strategy 21 supports the increase of woodland cover. There is some scope for planting between the houses and the balancing pond which could be specimen trees rather than further block woodland and a financial contribution is a further option which would be £5,600 to increase woodland planting off-site. Subject to a revised landscaping plan and financial contribution, the proposal would be in accordance with Policy 21 of the Core Strategy.
- 8.23. The proposed development would enhance the character and appearance of the area and provide a strong streetscape to the Station Road frontage and proposed internal road. The proposed development would be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon amenity

- 8.24. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. Policy SA4 of the SADMP seeks to ensure the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10. Paragraph 17 of the NPPF seeks to ensure developments provide a good standard of amenity for all existing and future occupants of land and buildings;
- 8.25. Due to the siting of the application site on the eastern side of Station Road there are no directly adjoining residential properties that would be impacted by the development. There are dwellings on the western side of Station Road although these are sufficiently separated from the site to avoid adverse impacts on the occupiers.
- 8.26. The proposed dwellings would be served by reasonably sized gardens to provide private amenity space. The dwellings would be sufficiently separated from one another to avoid overlooking or intervisibility of windows. Four of the plots at the southern end of the site would be south facing and would face a boundary treatment across a small area of landscaping. Whilst this outlook is not favourable due to the separation from the boundary treatment, the outlook would not be impacted significantly to an extent that it could be considered there would be an overbearing impact on the occupiers of the habitable rooms. The dwellings would have a reasonable level of amenity resulting from the layout.
- 8.27. Adjoining the southern side of the application is a commercial site with two adjoining businesses: The land to the south comprising the commercial businesses forms part of the mixed use allocation and the employment uses are protected. Presscut Components is unrestricted in its hours and days of operation. A noise impact

assessment has been submitted with the application to demonstrate recorded noise emissions from the commercial operations and proposes mitigation to ensure the amenity of the future occupiers of the proposed dwellings. The mitigation proposed includes an acoustic fence adjacent to the commercial operations, the details of which shall be secured through a planning condition. However, a section of the acoustic fence, in order to be most effective, would need to be located outside the red line of the application site but within land in the ownership of the applicant. Where the acoustic fence is located outside the application site, the details and maintenance of the fence shall be secured through a S106 agreement. When the employment site is redeveloped including the vacant land north of the acoustic fence, the amenity of the proposed dwellings would be secured by ensuring noise emitting machinery is located on a section of the site away from the dwellings.

- 8.28. In addition to an acoustic fence, Environmental Health (Pollution) have commented that mechanical ventilation is required on the dwellings closest to the commercial premises to ensure that any noise fluctuations or extended periods of noise from operations do not impact on the amenity of the occupiers. The details of the ventilation shall be secured through a planning condition
- 8.29. It is considered that the proposed development would provide a good standard of amenity for the future occupiers and due to the proposed mitigation the proximity of residential dwellings to the commercial premises would not inhibit their operations. The proposed development is in accordance with Policies SA4 and DM10 of the SADMP and paragraph 17 of the NPPF.

Impact upon highway safety

- 8.30. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.31. This application proposes a new access onto Station Road providing an internal road within the site which is to be adopted. The access is in the same position as the previously approved application. Additionally, two accesses are proposed onto Station Road serving shared private driveways. Sufficient visibility splays can be achieved from all accesses and would not adversely impact upon highway safety. The internal road has been designed to adoptable standards and includes speed calming measures to ensure pedestrian and vehicular safety. Leicestershire County Council (Highways) has raised no objection to the proposal subject to conditions.
- 8.32. Two car parking spaces are proposed for all three bedroom properties and some two bedroom properties. Some two bedroom properties would have a single off-street car parking space. Some concern has been raised by Leicestershire County Council (Highways) over on-street car parking adjacent to junctions and the highway safety implications. However, it is considered reasonable for some two bedroom dwellings to have a single car parking space and is unlikely to result in an over proliferation on street car parking. One bedroom flats are proposed to be served by a single car parking space. It is considered that the level of car parking proposed would be sufficient to serve the occupiers of the proposed dwellings. Concern has previously been raised regarding potential car parking along the Station Road frontage. A railing is proposed along the Station Road frontage, with the exception of a gap to allow pedestrians to cross the road, to ensure occupiers do not park along Station Road causing a highway safety concern.
- 8.33. Leicestershire County Council (Highways) has requested contributions towards the improvement of two bus stops nearest to the development, a travel pack per dwelling and up to two bus passes per dwelling. These are considered to be reasonable and necessary and shall be secured through a S106 agreement.

- 8.34. Concern has been raised over speeding vehicles and illegal vehicles travelling along Station Road. It has been requested that an ANPR camera is provided to identify illegal vehicles. Illegal vehicles along Station Road are an existing issue and are not directly related to the proposed development. Therefore, it would not be CIL compliant to require the provision of an ANPR camera.
- 8.35. The proposed development would not have an adverse impact on highway safety and would provide sufficient car parking to serve the occupiers. The proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

Flood risk and drainage

- 8.36. 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 exacerbate flood risks.
- 8.37. A flood risk assessment and drainage strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged with the use of an attenuation pond to be located to the east of the application site. Environmental Health (Drainage), Leicestershire County Council (Drainage) and Severn Trent Water have raised no objection to the development subject to the submission of a detailed drainage scheme to be secured through the imposition of a planning condition.
- 8.38. It is considered that the proposed development would not adversely impact on water quality and would not create or exacerbate flood risk. The proposed development is in accordance with Policy DM7 of the SADMP.

Ecology

- 8.39. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 8.40. An ecological Appraisal and subsequent Bat Emergence Survey have been submitted. The site is infrequently used by bats for foraging but there are no roosts on site. Additionally, no other protected species have been found to be present on the site. The hedgerow on the northern boundary of the site has ecological potential and should be retained and enhanced although it is identified as presently being species-poor. Leicestershire County Council (Ecology) has raised no objection to the application subject to the recommendations of the reports for ecological enhancements which shall be secured through the imposition of a planning condition.
- 8.41. The proposed development would not result in the loss of features of biodiversity value. The proposed development is considered to be in accordance with Policy DM6 of the SADMP.

Contamination

- 8.42. Policy DM7 of the SADMP seeks to ensure appropriate remediation of contaminated land in line with minimum standards.
- 8.43. A Ground Condition Desk Top Survey and Pre-Demolition Phase II Ground Investigation have been undertaken and submitted. The report makes numerous recommendations for further investigation of differing substances and at differing stages. Environmental Health (Pollution) has commented that the additional information could be secured through planning conditions.
- 8.44. Subject to the imposition of planning conditions, appropriate remediation of contaminated land could be secured in accordance with Policy DM7 of the SADMP.

Play and open space

- 8.45. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards the provision and maintenance of green space and play provision.
- 8.46. The development proposes no green space or play provision on the application site and therefore contributions are sought for provision and maintenance of facilities off-site. Policy 19 identifies four categories of green space and play provision for which contributions can be sought. The following sites have been identified as falling within the categories and requiring improvement:
- Equipped children’s play space – Bagworth Community Centre Play Area
 - Casual/informal play space – Bagworth Recreation Ground
 - Outdoor sports provision – Colliery Lane Sports Ground
 - Accessible natural green space – Bagworth Heath Country Park
- 8.47. Contributions shall be sought in accordance with the below table.

	Provision per dwelling (based upon 2011 census - 2.4 people per dwelling)	Off site provision per square metre	Maintenance contribution per square metre
Equipped Children’s Play Space	3.6 m ² x 61 = 219.6	£145.08 x 219.6 = £31,859.57	£70.70 x 219.6 = £15,525.72
Casual/Informal Play Spaces	16.8 m ² x 61 = 1024.8	£6.16 x 1024.8 = £6,312.77	£5.30 x 1024.8 = £5,431.44
Outdoor Sports Provision	38.4 m ² x 61 = 2342.4	£13.76 x 2342.4 = £32,231.42	£13.20 x 2342.4 = £30,919.68
Accessibility Natural Green Space	40 m ² x 61 = 2440	£6.16 x 2440 = £15,030.40	£5.30 x 2440 = £12,932.00

- 8.48. The above contributions are considered to be CIL compliant and should be secured through a S106 agreement.
- 8.49. Planning obligations
- 8.50. Policy DM3 of the SADMP states that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly.
- Primary education
- 8.51. The site falls within the catchment area of Nailstone Dove Bank Primary School. The School has a net capacity of 105 and 132 pupils are projected on the roll should this development proceed; a deficit of 27 pupil places, of which 12 are existing and 15 are created by this development. There is one other primary school within a two mile walking distance of the development with a surplus of 6 places.

The overall deficit including all schools within a two mile walking distance of the development is 21 pupil places.

- 8.52. The 15 places generated by this development cannot be accommodated at nearby schools and a claim for an education contribution in the primary sector sought. In order to provide the additional primary school places anticipated by the proposed development Leicestershire County Council has requested a contribution for the Primary School sector of £177,129.51. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Dove Bank Primary School or any other school within the locality of the development.

High school education

- 8.53. The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 814 pupils are projected on roll should this development proceed; a deficit of 109 pupil places. A total of 162 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This reduces the deficit at this school and creates a surplus of 53 pupil places.
- 8.54. There is one other high school within a three mile walking distance of the development: Markfield South Charnwood High School which has a deficit of 39. There is an overall surplus in this sector after including all high schools within a three mile walking distance of the development creating 14 pupil places. An education contribution has not been sought towards high school places.

Upper school education

- 8.55. The site falls within the catchment area of Coalville King Edward VII Science and Sport College. The College has a net capacity of 840 and 867 pupils are projected on roll should this development proceed; a deficit of 27 pupil places. There is one other upper school within a three mile walking distance of the development: Markfield South Charnwood High School with a deficit of 11 places.
- 8.56. In order to provide the additional upper school places anticipated by the proposed development, the Leicestershire County Council requests a contribution for the upper school sector of £75,072.60. The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Coalville King Edward VII Science and Sport College or any other school within the locality of the development.

Post 16 education

- 8.57. The nearest school providing Post 16 education to the site is Coalville King Edward VII Science and Sport College. The College has a net capacity of 353 and 378 pupils are projected on roll should this development proceed; a deficit of 25 pupil places (of which 22 are existing and 3 are created by this development). There are no other post 16 schools within a three mile walking distance of the site.
- 8.58. In order to provide the additional post 16 school places anticipated by the proposed development, Leicestershire County Council requests a contribution for the post 16 school sector of £38,849.08. The contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Coalville King Edward VII Science and Sport College.

Special education

- 8.59. As this development is for less than 250 houses with two or bedrooms a claim for a Special School contribution is not sought.

Civic amenity

- 8.60. Leicestershire County Council considers there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is required of £3,988.00.
- 8.61. The nearest Civic Amenity Site to the proposed development is located at Coalville and residents of the proposed development are likely to use this site. Each household in Leicestershire in 2012/13 delivered on average approximately 0.276 tonnes of municipal waste to a Civic Amenity Site. On this basis the proposed development of 61 units would generate over 16 tonnes of additional Civic Amenity waste at the Coalville Civic Amenity Site. The proposed development would place additional demand on the Coalville 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.

Library

- 8.62. The proposed development on Station Road, Bagworth is within 4.5km of Markfield Library on Oakfield Avenue, being the nearest local library facility which would serve the development site. Active users of Markfield Library currently borrow on average 17 items a year. The national performance indicator NI9 measures the percentage of adults who have used a public library service in the past 12 months (the latest figure is Oct 08 - Oct 09) and for Leicestershire this figure is approximately 48%.
- 8.63. Consequently the proposed development at Station Road, Bagworth is likely to generate an additional 88 plus users and would require an additional 212 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. Leicestershire County Council consider the library contribution of £1,840.00 is justified

Health

- 8.64. The development is proposing 61 dwellings which based on the average household size of 2.42 per dwelling (2001 Census) could result in an increased patient population of 146. This proposed development falls within the practice boundary of Newbold Verdon Medical Practice, St Georges Close, Newbold Verdon, LE9 9PZ. The premise currently has 3 GP consulting rooms and 1 treatment room all of which are used consistently throughout the week. The practice has seen their list size grow significantly over the past 3 to 4 years. The practice therefore proposed to use any S106 Health Care contributions to refurbish and improve their premises to enable and support increased service provision for the identified population increase.
- 8.65. The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sqm has been identified by a quantity surveyor experienced in health care projects. The cost of providing additional accommodation for 44 patients and requested contribution is £18,290.88.

Viability

- 8.66. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council

will balance the adverse impact of permitting the scheme on the delivery of such provision, with any appropriate evidence to support this justification.

- 8.67. A Viability Statement has been submitted by the applicants to demonstrate that the scheme is unable to provide the contributions detailed above. The development is for 100% affordable housing which is funded through a Homes and Communities Agency Affordable Housing Program grant and the remainder through financing to be paid back through the returns on rent. Due to the development being 100% affordable housing, lower than market rents would be achieved which would not be sufficient to cover the cost of the development if the S106 contributions are sought.
- 8.68. The Viability Statement has been independently assessed by a third party instructed by the Local Planning Authority. Following discussion and negotiation with the applicant it has been agreed that the housing value was underestimated and that a small sum contribution could be paid to be deducted from the construction company's profit. It has been agreed that a sum of £82,831 shall be provided towards S106 contributions.
- 8.69. A financial contribution has been sought for the following facilities: primary education, upper school education, post 16 education, civic amenity, health, bus passes, travel packs, improvement to bus stops, and green space and play provision and for additional woodland planting off-site. Based on the justification for the differing contributions it is considered that the most important to provide through this development would be primary education. In this instance, it is recommended that the £82,831 should be spent on the provision of additional primary education facilities within either of the two schools identified within two miles of the application site.
- 8.70. The proposed development would provide a partial payment towards primary education facilities and would fail to provide the other sought infrastructure contributions. The occupants of the proposed development would be dependent on the existing infrastructure in the area surrounding Bagworth and the additional burden on the existing infrastructure must be balanced against any identified planning benefits of the scheme.
- 8.71. There are existing green and play spaces in close proximity to the application site. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities. The development would lead to a loss of woodland cover in the National Forest and would be unable to provide off-site planting. This would be contrary to the aims of the National Forest. There would be no improvement to the nearest bus stops although these would still be able to operate and serve the future occupiers. The lack of travel packs and bus passes would not encourage sustainable modes of transport although these services would still be able for use. The development would provide a partial contribution towards primary education facilities but no contribution towards upper school education or post 16 education. However, the Local Education Authority has a statutory duty to provide school places for children and although occupants may have to travel, they would not be deprived school places. The development would not provide a contribution towards health facilities which was sought to refurbish an existing consulting room to provide a multi purpose room. The contribution is not essential for the practice to be able to accommodate the population increase.
- 8.72. The application proposes to provide 61 affordable dwellings. The provision of affordable housing should be given significant weight due to the existing provision during the development plan period and the identified requirement for affordable housing both in Bagworth and across the Borough. In this instance, it is considered that the provision of affordable housing outweighs the harm caused by the under

provision of the requested contributions. The proposed development would be in accordance with Policy DM3 of the SADMP.

Demolition and construction

- 8.73. The applicant has submitted a Demolition Method Statement to facilitate commencement of works once the application has been determined. Leicestershire County Council (Highways) has agreed the document and Environmental Health (Pollution) are yet to comment on the document. Demolition works shall be carried out in accordance with the document which shall be secured through a planning condition. If Environmental Health make any comments on the document, these shall be provided as an update to the planning committee.
- 8.74. The applicant has submitted a Construction Method Statement. Leicestershire County Council (Highways) and Environmental Health (Pollution) have not yet made comment and agreed the document. Therefore, a Construction Environmental Management Plan shall be secured through a planning condition to be agreed prior to commencement of development (excluding demolition works)
- 8.75. The applicant has submitted a Construction Surface Water Management Plan. Leicestershire County Council (Drainage) has not made comments on the document. It is proposed to condition all works be carried out in accordance with the document which shall be secured through a planning condition. If LCC (Drainage) provide comments then these will be provided through an update to the planning committee.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development forms part of the allocation SA4. The application would provide the number of dwellings required by the policy whilst retaining sufficient land for employment purposes. The development would be 100% affordable housing of a social rented tenure and would provide a mix of housing types. The development would be in accordance with Policy SA4 of the SADMP and Policies 7, 10, 15 and 16 of the Core Strategy.
- 10.2. The proposed development would complement and enhance the character of the area. The development would not have an adverse impact on the amenity of surrounding residential and commercial premises and would provide a good standard of amenity for future occupiers. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers. The development would adequately attenuate surface water

runoff and would not have an adverse impact on features of ecological value. The proposed development is considered to be in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP.

- 10.3. Contributions are sought for the following facilities: primary education, upper school education, post 16 education, travel packs, bus passes, improvement to bus stops, civic amenity, health and green space and play provision and for additional woodland planting off-site. A viability appraisal has demonstrated that only £82,831 can be provided towards these contributions which are recommended to be spent on primary education. The proposal would place a strain on existing infrastructure, would reduce woodland cover contrary to Policy 21 of the Core Strategy and would not provide green space and play provision contrary to Policy 19 of the Core Strategy. However, significant weight is given to the benefits of providing 61 affordable dwellings and therefore, on balance, the lack of contributions is considered acceptable in accordance with Policy DM3 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Primary education - £82,831.00
 - Off-site acoustic fence details, provision and maintenance
 - Off-site landscaping details, provision and maintenance
- 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) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

70170 D00 – Site Location Plan (received on 23/06/2017)

70170 DO1 rev T – Site Layout (received on 25/09/2017)

70170 D10 rev D – House Type 1A (received on 29/08/2017)

70170 D11 rev A – House Type P113 (received on 29/08/2017)

70170 D12 rev A – House Type P131 (received on 29/08/2017)

70170 D13 rev A – House Type P133 (received on 29/08/2017)

70170 D14 rev A – House Type 3A (received on 29/08/2017)

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

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

development shall be implemented in accordance with those approved materials.

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

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

Reason: To ensure appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

- 6) No development approved by this permission shall be commenced, excluding demolition, until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas 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 being first occupied.

Reason: To ensure appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

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

- 8) The demolition of the existing buildings on the application site shall be carried out wholly in accordance with the submitted document entitled 'Demolition Method Statement' received by the Local Planning Authority on 21/09/2017.

Reason: To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

- 9) The proposed development shall be carried out wholly in accordance with the submitted document entitled 'Construction Surface Water Management Plan (CSWMP) – Former Dunlop Site, Station Road, Bagworth – 61 Homes' received by the Local Planning Authority on 25/09/2017.

Reason: To ensure surface water is adequately discharged during the construction phase of the development to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

- 10) Notwithstanding the submitted Construction Method Statement, prior to commencement of development, excluding demolition works, 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 Construction Environmental Management Plan shall be implemented throughout the course of the site preparation and construction phases.

Reason: To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

- 11) All demolition and construction works shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday – 08:00 – 13:00

No work shall be undertaken on Sundays and Bank Holidays

Reason: To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

- 12) No development shall commence, excluding demolition works, until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling hereby permitted.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

- 13) No development shall commence, excluding demolition works, until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

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

- 14) No development shall commence, excluding demolition works, until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

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

- 15) No development shall commence, excluding demolition, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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

- 16) Notwithstanding the details shown on the submitted Landscape Plan, drawing no. 70170 D900, no development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans
- g) Written specifications
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) Implementation programme

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

- 17) Prior to occupation of any dwelling hereby permitted, an acoustic fencing scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the detailed design of the fencing and a program for its maintenance. The agreed scheme shall be implemented prior to occupation of any dwelling hereby permitted.

Reason: To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

- 18) Prior to occupation of any dwelling hereby permitted, a scheme for the installation of mechanical ventilation to plots 11-22, 52-53 and 56-61 shall be submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed on the applicable plots in accordance with the approved details prior to first occupation of the dwellings.

Reason: To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

- 19) No dwelling hereby permitted shall be occupied until such time as the accesses, parking, and turning arrangements shown on drawing number D01 rev T have been implemented in full and these shall be retained in perpetuity.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and 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, in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012.

- 20) Prior to first occupation of any dwelling hereby approved, a scheme for ecological enhancement in accordance with the recommendations of the document entitled 'Ecological Appraisal – Land off Station Road, Bagworth' received by the Local Planning Authority on 22/08/2017, shall be submitted to and agreed in writing by the Local Planning Authority. The ecological enhancements in accordance with the approved scheme shall be carried out prior to occupation of any dwelling hereby permitted.

Reason: to mitigate and enhance biodiversity in line with the recommendations of the submitted report to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

- 21) Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2 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) the buildings hereby approved shall not be extended or altered or buildings incidental to the enjoyment of the dwellinghouse erected 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 Policy DM10 of the Site Allocations and Development Management Policies DPD.

- 22) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 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) no gate, wall, fence or other means of enclosure shall be erected or constructed 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 Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.