

Planning Committee: 6 March 2018  
Report of the Planning Manager, Development Management

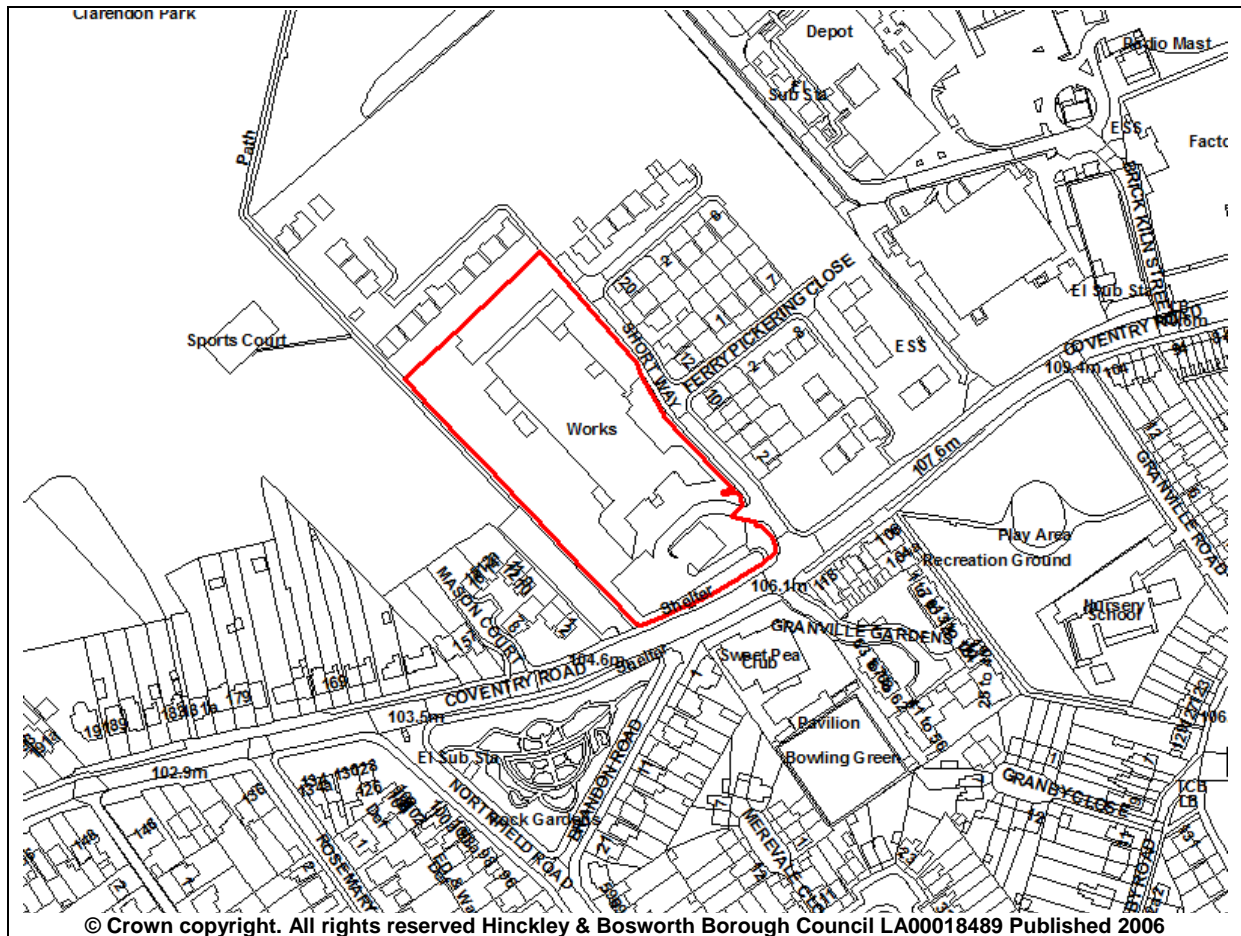


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/01240/OUT  
Applicant: SREIT Property Ltd  
Ward: Hinckley Castle

Site: Transco Nts Coventry Road Hinckley

Proposal: Outline application for residential development for up to 42 dwellings (Access only) and demolition of the existing building



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways – to be agreed
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Education Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ration of 0.24 per dwelling
  - Health - £23,280.48
  - Public Open space –
    - Equipped Children's Play Space 3.6m<sup>2</sup> per dwelling, Off site provision per square metre £181.93 and Maintenance £87.80

- Casual/informal Play spaces 16.8m<sup>2</sup> per dwelling, Off site provision per square metre £4.44 and £5.40
  - Outdoor sports provision 38.4m<sup>2</sup> per dwelling, Off site provision per square metre £9.05 and maintenance £4.30
  - Accessibility and natural green space 40m<sup>2</sup> per dwelling, off site provision per square metre £4.09 and maintenance £7.10
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.
  - 1.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the contributions agreed by the committee.

## **2. Planning Application Description**

- 2.1. This is an outline application for residential development on former Transco Site, Coventry Road, Hinckley. All matters are reserved with the exception of access which is for consideration.
- 2.2. Access to the site is to be taken from Short Lane, which leads to the north west of Coventry Road, Hinckley. An indicative plan has been provided which illustrates a residential development of 42 dwellings, with a mix of types and sizes of residential units. The indicative layout seeks to demonstrate how a development of up to 42 dwellings could be arranged within the application site together with access, parking, amenity and landscaping requirements.
- 2.3. A Design and Access Statement, Market Report, Transport Statement, Ground Investigation Report, Preliminary Surface Water Drainage Strategy an Ecology Survey and Tree Survey have been submitted to support the application.

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

- 3.1. The application site extends to approximately 1.2 hectares on Coventry Road, Hinckley. The application site comprises of a large former call centre building, with two large car parks and associated soft landscaping to the perimeters. The application site is relatively flat, and is positioned lower than Coventry Road. It is located close to the town centre to the west, and is accessed via Short Way, in close proximity to the junction with Coventry Road. The site is currently designated as forming part of an 'Employment Site' (reference HIN123) in the Site Allocations and Development Management Policies DPD.
- 3.2. The surrounding residential area includes a mix of types, designs and styles. To the east and north of the site there are modern dwellings which are currently under construction and close to completion, which comprises of 2 storey semi detached and detached dwellings. To the south west part of the site is a carpark serving Clarendon Park which extends to the north west of the application. Within the wider area are post war 2 storey, hipped roof dwellings and two storey terraced dwellings also in the vicinity.

#### 4. Relevant Planning History

96/00609/FUL	Erection of 2 storey office, external alterations to existing office factory building, extension and alteration to car park	Approved	18.09.1996
06/00850/OUT	Mixed use development comprising warehouse/ storage units (use class b8), retail warehousing (use class a1) and drive-thru restaurant (use class a3/a5) with associated parking and access	Refused	11.01.2007

#### 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. A total of 21 letters of objection have been received from neighbouring properties raising the following issues:-

- 1) Short Way struggles to give access to the existing residents due to the weight of construction traffic; this will have a knock on effect as there is only one access. Access should therefore be sought from Coventry Road
- 2) With the proposed Lidl site this will increase traffic along Coventry Road further, and making existing the estate harder, causing bottle necks down to Rieth Close and beyond
- 3) The proposed housing suggests 2-3 bedroom houses which is not in keeping with the Redrow houses, which are at least 3-4 bedroom, and this will impact on the value of the current Redrow development
- 4) Social housing will devalue the current Redrow development
- 5) This development will add further disruption and noise disruption due to construction
- 6) The proposal is overdevelopment
- 7) Short Way is not wide enough to cater for additional traffic
- 8) Lack of consultation
- 9) The application site should have an alternative access off Coventry Road
- 10) Redrow the developer contributed a significant sum of money to the local school for the local children occupying the site to take advantage of
- 11) The proposed development is likely to result in damage to neighbouring fences as gardens are not orientated back to back
- 12) Locations of proposed bin storage are of concern, as they are situated to the rear of properties, and could result in excessive odour
- 13) Development would lead to flood risk
- 14) Development of the site could lead to contamination risks
- 15) The proposed development would not be in keeping with the surrounding houses
- 16) Development by a different developer could ruin the existing character of the Redrow estate

- 17) This development would add pressure on the Local Primary School
- 18) The site attracts anti-social behaviour and the current owners have not kept the site secure
- 19) Traffic survey is out dated, due to more recent developments taking place
- 20) An independent bat survey needs to be carried out, as bats are seen in the vicinity

5.2. One letter has been received neither objecting to or supporting the planning application making the following comments:-

- 1) No objection to the proposed development as long as the work vehicles and lorries do not park along Short Way whilst work is being carried out.

## **6. Consultation**

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

Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Lead Local Flood Authority  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Street Scene Services (Waste)

6.2. No comments have been received from:-

Severn Trent Water Limited  
Cadent

## **7. Policy**

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

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

- Employment land and premises review (2013)
- Hinckley Town Centre Area Action Plan (2011)
- Open Space and Recreation Study (2016)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Redevelopment of an Existing Employment Site
- Impact upon Highway safety
- Design and impact upon the character of the area
- Housing Mix
- Affordable housing
- Impact upon neighbouring residential amenity
- Drainage
- Ground Investigation
- Impact upon Ecology
- Infrastructure contributions
- Other Matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) requires 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 development plan in this instance consists of the adopted Core Strategy (2009), the Hinckley Town Centre Area Action Plan (2011) 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 2017 - Five Year Housing Land Supply Position at 1 April 2017' confirms that the Council is able to demonstrate a five year housing land supply of 5.74 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 2017 the allocation of 1120 dwellings for Hinckley had already been exceeded. 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 'Employment Site' (reference HIN123) within SADMP.

#### Redevelopment of an Existing Employment Site

- 8.8. The application site measures approximately 1.2 hectares and forms part of a much larger designated employment site, identified in the latest Employment Land and Premises Review (2013), comprising of 12.1 hectares, formerly known as Transco HQ/Jarvis Porter, Coventry Road, Hinckley. Planning permission was granted for residential development as part of the wider employment site and therefore this has resulted in the application site being divided from the remaining employment site by residential development. The wider employment site is now fragmented into three allocations in the adopted Site Allocations and Development Management Policies DPD (SADMP) HIN123 (1.2 hectares) and HIN124 (7.1 hectares), both Employment HIN22PP (3.8 hectares), a residential allocation with planning permission. The application site is identified as HIN123 within the SADMP.
- 8.9. Policy DM19 of the adopted SADMP relates to 'Existing Employment Sites' and is therefore relevant to this application which relates specifically to HIN123. All designated employment sites within the borough have been prioritised into categories of importance in order to safeguard the most appropriate sites for continued economic activity as per the findings of the latest Employment Land and Premises Review (2013).
- 8.10. The wider employment site was identified as a Category B site within the latest Employment Land and Premises Review (2013). It is therefore deemed to be fit for purpose and redevelopment for non-B class uses should be resisted, if possible, unless a regeneration policy indicates alternative development is more appropriate. The latest Employment Land and Premises Review recommends that 69% of the whole site should be retained for employment use with 31% non-employment uses allowed. This recommendation was to reflect a previously approved planning permission for a mixed use development on the site immediately adjacent to the north west and north east boundaries of HIN123 (the application site). Subsequently the adjacent site HIN22PP has been subject to a further planning permission for residential redevelopment of approximately 122 dwellings and the development is nearing completion.
- 8.11. Policy DM19 of the adopted SADMP states that the Borough Council will give positive consideration to proposals for partial or total loss of Category B sites for uses other than B1, B2 and B8 use classes where:
- a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up to date Employment Land and Premises Review; or
  - b) Where the development diverges from these recommendations, the applicant must demonstrate that:
    - i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes; and
    - ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign, in line with the most up to date Employment Land and Premises Review; or
    - iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises.

- 8.12. By virtue of the residential development on the adjacent site, the redevelopment of the application site for additional non-employment use would exceed the 31% limit identified in the latest Employment Land and Premises Review (2013) and therefore be contrary to criterion (a) of Policy DM19 of the adopted SADMP. In addition, Policy 12b of the adopted Town Centre Area Action Plan states that the Borough Council will actively seek to retain 9.2 hectares of employment uses on the wider employment site.
- 8.13. However notwithstanding this Policy DM19 provides for the consideration of applications for the redevelopment of existing employment sites for uses other than class B uses. Appendix 7 of the Employment Land and Premise Study (2013) identifies the application site, as forming part of a larger employment site with the whole site being classified as a Category B site. However since the Employment Land and Premise Study (2013) a larger part of the site to the north east and north west has been developed for residential, which has isolated the application site from the wider larger employment site to the north.
- 8.14. The submitted Market Report and Design and Access Statement advise that the application has been vacant since 2014 following the relocation of National Grid, and the site has been marketed since June 2014. The submitted Marketing Report notes that the condition of the building has declined due to the passage of time the site has been vacant, and subject to vandalism. Marketing of the site has been on going since June 2014, where it has been demonstrated that it was proactively marketed locally and regionally in line with Appendix 10 of the Employment Land and Premises Review (2013). Following the marketing exercise, three expressions of interest have been received since marketing began but no formal offers followed due to the condition of the building, cost of refurbishment for a short term requirement, or more favourable premises or alternative premises were chosen. The report also identifies that within the last 8 months four initial enquiries were received however the enquiries were solely for marketing information and nothing substantial came forward.
- 8.15. The unit comprises a two storey office with a low bay industrial unit facility to the rear, which was extensively fitted out by the previous tenant, and was used as an office/call centre by National Grid. National Grid converted the existing industrial area into an open plan, call centre to fulfil their expansion needs at the time. The associated warehouse is of a steel framed construction with an eaves height of 4 metres, with two loading doors which opens out onto a concrete loading area. Through the marketing review, it is identified through comparison of other available sites in the surrounding area, that there is more convenient industrial space to suite the demand and current market. These are generally located within industrial areas, where warehousing heights are greater and therefore more functional, with occupiers seeking modern units with eaves heights of 8-10 metres.
- 8.16. The building has been marketed as flexible office and warehouse accommodation; however, it has been identified through the Marketing Report that Hinckley has limited demand for offices of this scale. It is identified that the building would lend itself to subletting however this would require extensive works and would be uneconomical.
- 8.17. It is considered that the applicant can demonstrate that the site is no longer suitable, nor reasonably capable of being redeveloped for employment purposes, and the site has been proactively marketed for employment purposes for a reasonable period of time as supported and demonstrated through a documented formal marketing strategy in line with Appendix 7 of the Employment Land and Premise Review (2013). The proposed development is therefore considered to be in

accordance with Policy DM19 category B sites criteria (b) (i) and (ii) and is therefore acceptable.

- 8.18. Therefore, notwithstanding the fact that the minimum allocation for Hinckley in the Core Strategy has already been exceeded, given the settlements 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.
- 8.19. The applicant has demonstrated in accordance with Appendix 10 of the Employment Land and Premise Review (2013) and criterion b) i) and ii) of Policy DM19 of the SADMP that, the loss of an existing category B employment site in this instance is considered to be acceptable.

Impact upon highway safety

- 8.20. Policies DM17 and DM18 of the emerging SADMP requires adequate access and off-street vehicle parking facilities to be provided to serve the development.
- 8.21. A Transport Statement has been submitted to support the application along with details of proposed access to serve the proposed development.
- 8.22. The proposed development would be accessed off Short Way, which is a new road constructed to serve the adjacent residential development of 122 dwellings (Planning reference 12/01119/OUT), the access junction of Short Way and Coventry Road has therefore already been established and agreed. The proposed access from Short Way into the proposed development would be set back from Coventry Road by approximately 75 metres and situated between two roadways which serves the 122 dwellings to the north east. 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.
- 8.23. Leicestershire County Council (Highways) has assessed the scheme and considers that the proposal would generate less traffic than the existing/extant B1 office use. The B1 use is analysed to generate a maximum 70 arrivals in the AM peak hour, the 42 dwellings as proposed by the indicative layout would generate a maximum of 19 departures. The maximum overall movements for B1 use would be 77 (2 way) in the AM peak hour compared to 27 (2 way) in the AM peak hour from the proposed development. Therefore the proposed development would result in less traffic than the permitted use of the site, and the highways authority raises no objections to the scheme.
- 8.24. A number of highway related conditions are recommended to ensure safe and satisfactory development. A condition has been requested which relates closing and reinstatement of the existing access; however the works requested falls outside the red line of the application site, and forms part of the neighbouring Redrow Development. Therefore the use of a condition to close and reinstate the redundant access would go beyond the scope of a condition and would need to be subject to a legal agreement.
- 8.25. 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.



### Design and impact upon the character of the area

- 8.26. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 8.27. The application site located to the north side of Coventry Road, Hinckley and seeks to redevelop a vacant employment site. A single building occupies most of the site, a line of trees and wire mesh fencing forms the western boundary with Clarendon park and the site is open to the Coventry Road frontage, with some low level landscaping. As previously stated the site formed part of a larger employment site known as 'Jarvis Porter', and the site which immediately adjoins the site to the east and north is currently being redeveloped for housing (planning permission reference 12/01119/OUT and 14/00881/REM). The site is therefore situated within a predominately residential area which is generally characterised by two storey dwellings, both detached and semi detached and set back from the highway, however in the wider area, size and designs of dwellings are varied.
- 8.28. This is an outline application which seeks approval of access only at this stage. The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative layout a development which can achieve active frontages arranged to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved. Landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would achieve a high quality finish.
- 8.29. Therefore subject to the detailed layout proposed at reserved matters stage, it is considered that layout could be achieved that would result in a high quality form of development that would accord with Policy DM10 of the SADMP and the NPPF.

### Housing Mix

- 8.30. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 40 dwellings to the hectare to be achieved within urban areas unless individual site characteristics indicate otherwise.
- 8.31. The density of dwellings proposed on the indicative scheme would be 35 dwelling per hectare based on the total site area with the size of the units to meet the market demand, and would be reflective of the wider residential character.
- 8.32. The proposed mix is proposed to include 2 and 3 bedroomed dwellings as indicated in the Design and Access Statement, including both private market and affordable units. The Housing mix that could be provided on the site complies with the requirements of Policy 16 of the Core Strategy.

### Affordable Housing

- 8.33. As the scheme is within an urban area, Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on 42 dwellings, the provision would be for 9 affordable units; 7 units for social rent and 2 for intermediate tenure.
- 8.34. There is a demand in Hinckley for affordable properties, with the number of applicants for 2 bedroomed properties being much greater than for 3 bedroomed dwellings. A scheme should seek to offer social or affordable rented dwellings which concentrate on providing 2 bedroomed 4 persons dwellings, the

intermediated tenure could be 2 or 3 bedroomed dwellings, to meet the requirements of the housing register.

- 8.35. The site would also qualify for Vacant Building Credit as detailed in the Planning Practice Guidance. 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).
- 8.36. As the application seeks the approval of outline planning permission for access only, the proposed floor space 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. The appropriate wording of a legal agreement will be necessary to secure affordable housing provision on site but also to allow the vacant building credit to be taken into account.

#### Impact upon Residential Amenity

- 8.37. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.38. The main residential properties which could be impacted by the proposed development with regards to overlooking, privacy and overbearing impact are those properties situated to the north and east of the site, which are nearing completion following the redevelopment of the site approved by planning permission 12/01119/OUT.
- 8.39. This is an outline application with all matters reserved with the exception of access. Therefore the full details with regards to scale, layout, appearance and landscaping are not available. However, an indicative layout and scale parameters have been provided. The Design and Access statement identifies that heights of proposed dwellings would be a mix between two and two and half storeys in height, with taller properties denoting key axes.
- 8.40. The nearest residential dwellings are situated to the north and east of the application site. To the east dwellings are separated by Short Way, and to the north the rear gardens of dwellings back onto the application site. The indicative layout identifies that dwellings proposed along Short Way could be set back from the highway to provide sufficient distance between the proposed and existing properties to reduce any overbearing impact or over looking. To the north west the indicative layout identifies dwellings could be situated with the side facing gables set in from the north east boundary, avoiding any direct overlooking to the rear of dwellings along this north west boundary. It is considered that a scheme could be achieved on site which would provide acceptable separation distances and if carefully designed would not result in any significant adverse impacts upon residential amenity that would warrant refusal.
- 8.41. Through the consultation process concerns were raised regarding a loss of value of properties. These issues are not material planning considerations and cannot be taken into account in the assessment of this application.

#### Drainage

- 8.42. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.

- 8.43. 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.
- 8.44. The response from Leicestershire County Council (Drainage) initially advised that the details provided were insufficient to enable them to provide a detailed response. However have suggested conditions which relate to the submission of an appropriate drainage scheme to be submitted and agreed prior to any development, which would be reasonable and necessary in this case.
- 8.45. Environmental Health (Drainage) has also assessed the submitted strategy and considers that the Flood Risk Assessment is satisfactory in terms of flood risk, however the strategy does not make it clear from the conceptual surface water drainage layout whether the proposal incorporate sufficient measures to address issues of water quality in accordance with the current Sustainable Urban Drainage guidance. For a development of this scale and nature, a tanked permeable paving system to be incorporated into private driveways and parking areas would be expected. A planning condition is therefore recommended to require 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

- 8.46. 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.
- 8.47. A phase 1 report has accompanied the application, and recommends that a targeted ground investigation is carried out to confirm on site ground conditions, given the historic use B class use of the use. Environmental Health have considered the application and have raised no objection subject to the imposition of conditions relating to the submission of a scheme for the investigation of any potential land contamination on site and any required remediation works. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

#### Impact upon Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposed subject to conditions. The buildings on site are considered to have negligible bat roost potential and there was no evidence of bats or other protected species recorded, and as such no further surveys are recommended at this stage. The western hedgerow which provides the boundary to the site, is however likely to provide a green corridor in the area, especially as it is directly linked to the open space to the north. The current indicative scheme retains this hedgerow and buffers it from the development. This is a design feature which should be retained and strengthened

when layout is considered. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Infrastructure contributions

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

Public play and open space

- 8.52. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.
- 8.53. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. As this application does not definitively specify the number of dwellings the exact provision of green space and play provision necessary for this development cannot be given at this stage.
- 8.54. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

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

Accessibility Natural Green Space	40spm	£4.09	£7.10
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8.55. The application site is located adjacent to Clarendon Park, which is situated to the west of the site. Clarendon Park provides Equipped Children's Play Space, Casual play space, sports provision and natural green space. The quality score for Clarendon Park has a quality score of 76% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Clarendon Park, it is considered that the future occupiers would use the facilities on this site.

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

#### Education

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

8.58. With regards to Primary School requirements the site falls within the catchment area of Hinckley Westfield Infant School and Hinckley Westfield Junior School and is within a two mile walking distance of 5 other primary schools. The overall deficit for these schools is 139. It is anticipated that this development would create a deficit of 11 pupil places in the primary sector. A total of £121,958.02 is requested and has been calculated using the deficit multiplied by the DFE cost multiplier. No contributions are requested for the Secondary School Sector or Special Schools Sector.

#### Civic amenity

8.59. The Director of Environment and Transport requests a contribution of £2,080 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on civic amenity facility (an additional 11 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/2013). It is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered CIL compliant and therefore is not requested.

#### Libraries

8.60. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £1,270 for use of provision and enhancement of library facilities at Hinckley Library on Lancaster Road, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bedrooled properties. It is considered that the library request has not

demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

#### Health

- 8.61. Assessment of the impact of the development upon the health service in the area has been assessed by the NHS. It is identified that the development could have an estimated population of 102 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need 2.68 additional patient appointment hours per week for a consulting room and 0.72 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Hollycroft Medical Centre. This centre has experience continual growth of patient numbers which is currently impacting upon the capacity within the existing premises. To provide a comprehensive medical service to the proposed residents of this scheme an extension to Hollycroft Medical Centre would be needed to provide a larger waiting room, more clinical space, a larger reception, administration and record storage space and more car parking. An assessment of the building has been undertaken and plans have been drawn up which shows that the building can be extended by approximately 352 square metres. The cost for providing this has been calculated on a per square metre basis by quantity surveyors which are experienced in health care projects. The additional floorspace required is calculated to be 247 square metres. The cost of the extension would be £1,902 per square metre and therefore the requested contribution is £23,280.48.
- 8.62. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement.

#### Highways

- 8.63. A number of highway obligations have been requested, however these are subject to further consideration and agreement, and therefore will be reported at committee by way of late items.

#### Other Matters

- 8.64. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. It is considered that this matter can be satisfactorily addressed through the detailed consideration of reserved matters submissions. Therefore a separate condition is not required for this outline proposal.
- 8.65. Concerns have been raised in respect of any subsequent development likely to result in damage to neighbouring properties. Any damage which may be caused is not a material planning consideration and is deemed to be a civil matter between any affected parties.
- 8.66. Objections have been received in respect of house values and the impact of this development may have upon neighbouring properties market price. This is not a material planning considered and can not be considered as part of this application.

### **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

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

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

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

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

## **10. Conclusion**

10.1. The application site forms part of a designated 'Existing Employment Sites' within the adopted SADMP and identified within the Employment Land and Premises Study (2013). However it has been demonstrated that it is no longer suitable or reasonably capable of being re-developed for employment uses, and the site has been proactively marketed since 2014 and does not have any future employment use and is no longer reasonable or capable for long term employment use.

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 of the site for a residential development would not give rise to any significant adverse impacts on highway safety compared to the existing use of the employment site.

10.4. The illustrative masterplan demonstrates that the redevelopment of the site for up to 42 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. 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, DM17, DM18 and DM19 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 planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways – to be agreed
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Education Based on the DFE cost multiplier as follows:-

- Primary School £12,099.01 per pupil at a pupil ration of 0.24 per dwelling
  - Health - £23,280.48
  - Public Open space –
    - Equipped Children's Play Space 3.6m2 per dwelling, Off site provision per square metre £181.93 and Maintenance £87.80
    - Casual/informal Play spaces 16.8m2 per dwelling, Off site provision per square metre £4.44 and £5.40
    - Outdoor sports provision 38.4m2 per dwelling, Off site provision per square metre £9.05 and maintenance £4.30
    - Accessibility and natural green space 40m2 per dwelling, off site provision per square metre £4.09 and maintenance £7.10
  - Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.
- 11.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the developer contributions agreed by committee pursuant of the report.
- 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 including boundary treatments.

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: Location plan Dwg No.2903-152 Rev B, Tree Removal and Protection Plan Dwg No.DLA1813.L.03, Highway Access plan Dwg No.REDW-3055-104 and Highway Layout Dwg No. REDW-3254-401 received by the Local Planning Authority on the 4 December 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. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

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

5. 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).

6. Existing and proposed ground levels of the site, and proposed finished floor levels shall be submitted to and approved by the Local Planning Authority as part of any reserved matters application pursuant to this outline planning permission. The scheme shall be implemented in complete accordance with the approved details.

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

7. Development shall not begin until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment dated October 2017 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

8. No Development shall take place until such a time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development has been submitted to and application in writing by the Local Planning Authority, and shall be carried out and maintained in accordance with the agreed details.

**Reason:** To ensure the long term performance and maintenance, both in terms of floor risk and water quality of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

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

10. Notwithstanding the submitted plans shown on Redwood Partnership drawing numbered REDW-3254-401 a radii of 6 metres shall be provided at the proposed access with Short Way, prior to first occupation of the development hereby approved.

**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 highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 32 of the National Planning Policy Framework 2012.

11. A scheme for a proposed pedestrian link between the application site and Clarendon Park along the western edge of the site shall be submitted and approved by the Local Planning Authority as part of any reserved matters application pursuant of this outline planning permission. The scheme shall be fully implemented prior to the first occupation of the site.

**Reason:** To mitigate the impact of the development and providing and promoting sustainable form of development to accord with DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 32 of the National Planning Policy Framework 2012.

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

**Reason:** In the interests of highway safety in accordance with Policies DM17 of the Site Allocations and Development Management Policies Development Plan Document.

13. 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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

14. 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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

15. The development shall be carried out in accordance with the recommendations found within the David Landscape Architects, Ecology Appraisal July 2017 received by the Local Planning Authority on the 4 December 2017.

Reason: To ensure that satisfactory measures are in place to safeguard protected species in accordance with Policy DM6 of the adopted Hinckley and Bosworth 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](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. The drainage scheme should be designed in accordance with the CIRIA SuDS Manual (C753), incorporating the appropriate level of treatment trains to improve water quality before discharging into the downstream system. For a development of this nature where infiltration is not feasible, the drainage scheme would typically include a tanked permeable paving system in private driveway and parking areas.
4. The scheme shall include; the utilisation of sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change (based on current guidance), based upon the submission of hydraulic calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied including, but not limited to; construction details, pipe protection details (e.g. trash screens), long sections, cross sections, exceedance routing plans and full hydraulic model scenario's for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design

standards of the public sewers. Finished floor levels shall be set no less than 300mm above the adjacent external ground levels.

5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.