

Date: 6 December 2010

To: All Members of the Planning Committee

Mr R Mayne (Chairman)	Mr WJ Crooks	Mr K Nichols
Mr DW Inman (Vice-Chairman)	Mr DM Gould	Mr LJP O'Shea
Mrs M Aldridge	Mrs A Hall	Mr BE Sutton
Mr JG Bannister	Mr P Hall	Mr R Ward
Mr CW Boothby	Mr CG Joyce	Ms BM Witherford
Mr JC Bown	Mr K Morrell	

Copy to all other Members of the Council

(other recipients for information)

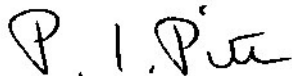
Dear Councillor

There will be a special meeting of the **PLANNING COMMITTEE** to consider the attached item of business in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 14 DECEMBER 2010 at 6.30pm**, and your attendance is required.

The agenda for the meeting is set out overleaf.

There will be a pre-meeting at 6.00pm in the Members' Room (Annexe) to inform Members of any late items.

Yours sincerely



Pat Pitt (Mrs)
Corporate Governance Officer

PLANNING COMMITTEE
14 DECEMBER 2010
A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.**

- RESOLVED 3. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

Application 10/00743/OUT attached marked 'P37' (pages 1 – 37).

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

PLEASE NOTE THAT THE MEETING MAY BE RECORDED.

COMMITTEE EXTRACT

Committee Date: 30 November 2010

Reference:- 10/00743/OUT

Parish:- Hinckley

Applicant:- The Tin Hat Regeneration Partnership LLP
C/o Wilson Bowden Developments Ltd
Cartwright Way
Forest Business Park
Bardon Hill

Location:- Bus Station Lancaster Road Hinckley Leicestershire

Proposal:- **OUTLINE APPLICATION INCLUDING ACCESS, LAYOUT AND SCALE, FOR THE ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING RETAIL (A1-A3 USES), LEISURE (D2 USES) AND OFFICES (B1A USES), TOGETHER WITH ALL ASSOCIATED INFRASTRUCTURE AND PLANT, PUBLIC REALM, LANDSCAPING AND SERVICING. WORKS TO INCLUDE THE PROVISION OF A PART UNDERCROFT/PART SURFACE PUBLIC CAR PARKING AREA AND A NEW BUS STATION**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development. It was deferred from the Planning Committee meeting on 30 November 2010 to allow proper consideration of additional representations received on the eve of the committee.

Application Proposal

This is an outline application and includes details of access, layout and scale. The scheme comprises a mixed use development including retail (A1, A2 and A3 uses); leisure (D2 uses); offices (B1a uses); associated infrastructure and plant; public realm; servicing, a new public car park and a new bus station. Illustrative details of appearance and landscaping have been provided however full details of these elements are to be submitted as reserved matters.

The proposals are presented as a comprehensive development scheme for the site identified as the 'Bus Station site' in the Council's Development Brief 2007, the Core Strategy 2009 and the submitted Hinckley Town Centre Area Action Plan 2010. The proposals include the following:-

- The demolition of the town's existing Bus Station, and clearance of the whole site
- The stopping up of Brunel Road
- A supermarket with service yard (9,674 sqm Gross Internal Area)
- 556 space undercroft car park featuring 'park mark standard' security and lighting
- A 5 screen cinema (2,093 sqm Gross Internal Area)
- A 12 lane bowling alley (1,526 sqm Gross Internal Area)
- Family cafés and restaurants (1,454 sqm Gross Internal Area)
- 18 retail units (9,764 sqm Gross Internal Area)
- Office space (706 sqm Gross Internal Area)
- A new 5 stop Bus Station on Waterloo Road (plus one lay over bay)
- Highway improvements
- Improved site access points for pedestrians, cycles, customers, public transport vehicles and delivery vehicles
- Public Realm improvements
- Opportunity to improve links with the town centre.

The concept for the scheme was the result of a competition by Hinckley and Bosworth Borough Council to determine their preferred development partner for the comprehensive site in July 2008. Since this time there have been a number of consultation events involving the key stakeholders and public that has helped shape and refine the scheme.

The scheme, known as The Crescent, is anchored by the new foodstore and undercroft parking to the west and the cinema over the retail units to the east. The route between the anchors is formed with retail units to the south and café/restaurant uses to the north in a crescent shape. A break in the crescent provides a link through to the new bus station. Servicing for the business uses on site is provided to the south accessed off Rugby Road; to the east off Station Road and to the north off Lancaster Road and Waterloo Road. Parking is provided for the public and staff, with 10 additional spaces allocated for residents parking associated with Clarendon Road to replace the garages to the rear of properties on Clarendon Road.

The scheme is comprehensive development essentially provided in 3 inter related blocks with the largest being located along the southern boundary of the site to the rear of properties along Clarendon Road. At ground floor this block (block A) accommodates the foodstore to the west and 9 retail units, at first floor the bowling alley sits above 3 of the retail units. To the east of this block there is a 2 storey office unit. Undercroft car parking is provided under the foodstore and extends under 3 of the retail units and part of the A3 units, this car park makes use of the change in levels across the site so the retail units are all at the same level within the scheme. The foodstore forms the largest unit in this block and would be a maximum height of 12.6 metres above ground level (only a small element is this high), the majority of the unit measures 11.25 metres above ground level (including undercroft) and sits at a distance of 22.5 metres from the rear boundary of the site. The rear elevation of the foodstore is between 37 and 46 metres from the rear elevations of properties in Clarendon Road. The 3 retail units adjacent to the foodstore also located above the car park, are 13.25 metres above ground level but sit 60 metres from the rear elevation of properties in Clarendon Road. The bowling alley above the retail units sits at a maximum of 15.75 metres above ground level, and at its highest is 50 metres from rear elevations of properties in Clarendon Road, at this point the properties along Clarendon Road sit 1.5 – 2 metres higher than the ground level on site. The 2 storey office is a maximum of 12.1 metres above ground level fronting a public square on Station Road. When viewed from Rugby Road the foodstore will be a maximum height of 8.9 metres above ground level opposite the residential properties and will sit 23 metres at its closest from the front elevation of the residential properties across Rugby Road. The highest element of the foodstore faces the junction with Trinity Lane and is a maximum of 11.6 metres above ground level.

The second block (block B) forms a crescent shape and comprises 5 units for café/restaurant use. This block sits to the north of the site wrapping round the Bus Station on Waterloo Road and provides the built form on the north side of the scheme. These units are low level with a maximum height of 9.25 metres above ground level (bus station side) this decreases towards Lancaster Road due to levels differences across the site. The third block (block C) sits in the north-east corner of the development and comprises 6 retail units facing into the scheme and 3 smaller retail units facing Station Road all at ground floor, the Cinema entrance and atrium is located on the south of this block at ground floor level leading up to the cinema above. The cinema does not entirely cover the ground floor with it not extending over the northern most retail unit. The maximum height of the cinema is 16.25 metres above ground level (Lancaster Road) and 15.2 metres above ground level (Station Road). The details show a raised feature (indicative only) on the retail unit at the corner of Lancaster Road and Station Road however it is not indicated that this is as high as the cinema.

Due to the level difference across the site the scheme provides steps and ramps at both the east and west of the development. The new Bus Station will have wheelchair access to both the development and the town centre and new shelters for each bus stand. Waterloo Road will be reconfigured to provide 'saw tooth' design bus lay-bys and buses will be re-routed in a clockwise direction to enable passenger pick up and drop off from the retail side of the development. The cinema and bowling alley are provided at first floor level, both accessible from street level from within the scheme.

Whilst the application includes layout and scale, the scheme builds in tolerances both vertically and horizontally, and the height measurements provided above are the maximum. Horizontal deviations are proposed to enable architectural expression. However there are elevations where no tolerance has been proposed, these elevations include the southern elevation of Block A facing Clarendon Road and the east elevation of Block C facing Station Road. Tolerances are provided along other elevations, these vary between 0.5 metres and 3 metres.

The application gives an indication of appearance; however this is a reserved matter. It has been indicated that the scheme will be modern, contemporary in expression, but one that will blend in with the surroundings by use of a limited pallet of traditional materials and textures. Illustrations show a mix of materials including brick, cladding and glazing. Again landscaping is a reserved matter however a Landscape Design Philosophy has been developed, which creates a distinctive, well defined series of spaces within the public realm. This

philosophy looks at town centre linkages, existing landscaping, a planting strategy, and a paving strategy. It seeks to create an attractive public realm with outdoor seating areas and details how the larger areas of public realm at each entrance of the site could function.

The Site and Surrounding Area

The site is located to the south and immediately adjacent to the existing retail area linked to Castle Street via Station Road with the commercial area to the north, predominantly residential to the south and west and a mixed area to the east. It forms a gateway entrance to the town centre from both Rugby Road and Station Road.

The application site is approximately 4 hectares and currently comprises a mix of uses including the Bus Station, a car dealership, employment, retail, community, leisure and surface car parking. The buildings on site are varied in both design and scale; of prominence is a projecting chimney from a 20th century building fronting Station Road and a chimney on the old Benco Works building on the west of the site. The levels across the site vary considerably with the highest point being to the east on Station Road at 114.75m and the lowest point being to the west on Rugby Road at 107.35m. There are also 2m level changes from north to south. The site currently comprises little landscaping and a mix of surface areas. Built form exists mainly fronting Station Road, Lancaster Road, Brunel Road and Rugby Road, with large areas of surface car parking to the south of Brunel Road and centrally within the site.

The surrounding area comprises a wide variety of architectural styles. The character of the residential streets either side of the site vary with properties along Rugby Road being Victorian style terraces with horizontal proportions whilst properties along Station Road comprise 2/3 storey semi-detached Edwardian houses with bay fronts. Properties in Clarendon Road are a mix of both these styles with larger town houses at either end. The commercial area to the north comprises some original old buildings often set between modern buildings. The market square located to the north along Station Road boasts 7 listed buildings. There are examples of 19th century architecture, early 20th century architecture with Art Deco influences, and more recent 20th century architecture in the surrounding area.

Technical Documents submitted with application

The application submission included a comprehensive suite of technical documents for consideration with the proposal these include:-

Environmental Statement

This Statement reports on the findings of an Environmental Impact Assessment that identifies and assesses the environmental effects of the proposed development, using the maximum scale parameters. It includes assessment of a number of topics including:-

- *Socio-Economic* – the assessment identifies the potential employment opportunities as a result of the development, it finds that the development will generate an estimated 609 gross additional jobs within the Borough; new employment opportunities within an area of the Borough with the highest concentrations of deprivation; and in excess of £20million net additional GVA (gross value added) within the Borough per annum.
- *Air Quality and Odour* – the assessment identifies potential air quality and odour impacts as a result of the development. It identifies principal pollutants of concern from vehicle exhausts and the biomass boiler, finding that the concentrations of all pollutants are predicted to remain below the relevant objectives and therefore judged 'not significant'. It identifies odour emissions from food outlets that could have potential to impact residential properties, but finds that, providing appropriate measures are adopted during the design of the ventilation system, the impact would be low adverse and therefore judged 'not significant'. It further identifies that during the construction phase residential and commercial properties in close proximity to the site may potentially be impacted upon by elevated levels of dust. Nonetheless it finds that impacts will be temporary and will only arise during dry weather conditions with the wind blowing towards a property. With the recommended mitigation measures in place the impacts are considered to be low adverse and therefore judged 'not significant'.
- *Transport* – the assessment takes into account the overall strategy of the Supplementary Planning Document, Hinckley Town Centre Strategic Transport Development Contributions. It identifies that Hinckley has a comprehensive network of bus services linking the town centre to the outer residential areas and to other major conurbations and that whilst the bus station has a convenient and strategic

location in relation to the rest of the town it is not attractive to passengers due to its present condition. It recognises the scheme seeks to provide a more modern and attractive bus station adjacent to improved facilities for bus users and with direct pedestrian links to the retail site and the town centre. It provides for a 2 year construction programme with HGV access to the site via Rugby Road with working hours anticipated to be from 07:30-18:00 Monday to Friday and 07:30-13:00 Saturday. It finds that the number of construction vehicles accessing the site, relative to the volume of vehicular traffic on the surrounding highway network to have a short term negligible but adverse impact. It also finds that the development itself will have impacts on drivers, pedestrians, and cyclists particularly due to the closure of Brunel Road and the use of roads and junctions that already carry significant volumes of traffic, however it concludes that with the mitigation measures proposed the overall impact is one of long-term beneficial.

- *Archaeology and Cultural Heritage* – the assessment includes a desk study review of all known historic assets within the site and surrounding area supported by historic map regression, a desk top review of surrounding designated heritage assets and a site visit. It finds that the site generally has low potential for past periods of human activity; has some buildings with limited local interest but are not considered to be of a significance worthy of statutory protection and that views from heritage assets will change as a result of the development but that the changes are not considered to give rise to significant harmful effects on any asset.
- *Ecological* – the assessment identifies that the site has limited potential to support protected or notable species, it has negligible to low potential for roosting, and foraging and commuting bats but pre-construction surveys are required. In addition it identifies that bird species present will be tolerant of disturbance and habituated to noise. Overall it finds the effects on ecology from the development are negligible, but benefits may be derived through the use of species with wildlife value in landscaping and bird/bat bricks.
- *Noise and Vibration* – the assessment considers noise and vibration generated both during construction and long-term operation. It finds that there is likely to be moderate adverse impacts during construction but the short term nature of construction activities and the use of best practice will mitigate these effects. The assessment also considers road traffic noise and confirms that impacts will be negligible at sensitive locations along each of the roads considered. The assessment also considers noise from building services plant and the service yard, it finds that compliance with noise limits will ensure building services plant does not adversely impact and that the likely impact predicted from the service yard will be no worse than a minor impact with a slight noise increase (+1dB) that would not be perceptible to the majority of the population.
- *Drainage and Flood Risk* – the assessment considers issues associated with drainage and flood risk, it identifies the site as Flood Zone 1 meaning the development has no significant risk of flooding from rivers or seas, additionally it is not considered to be at risk from groundwater flooding. It finds that as the site already comprises hardstanding surfaces with no significant vegetation or permeable landscaping there is not expected to be an increase in surface water runoff. However, it has been identified that there is a risk of sewer flooding downstream of the site during wet weather conditions, as such the development will be designed to discharge up to 20% less surface water runoff during a 1 in 10 year rainfall event in line with the requirements of Severn Trent Water.
- *Lighting* – this assessment describes potential lighting issues and identifies that existing lighting on the site creates a high level of light trespass onto nearby residential dwellings in Rugby Road as well as a large amount of sky glow around the site. It is proposed to replace inefficient lighting to not only be more aesthetically pleasing and manageable but to enable a greater level of control to limit light pollution.
- *Visual* – the assessment identifies that the proposed development offers a contemporary response to its historic setting, it presents a significant opportunity to improve the overall appearance of the town centre enhancing the local appearance and character. The visual appraisal finds that the impact would be local. No long distance views have been identified and any close range views that change would be mitigated by good quality design and landscaping proposals. A number of mitigating principles have been proposed such as the undercroft parking to reduce overall massing, creating high quality spaces enhancing the local appearance and permeability of the site and connectivity to the town centre, and creating new views. It concludes that the proposals as a whole will be a substantial beneficial impact.
- *Geo-Environmental* – the assessment identifies the site as comprising Made Ground overlying drift deposits of Sand and Gravel overlying Clay. Potential sources of contamination have been identified and critical receptors indicated as groundwater, construction workers and future site users. The intrusive investigations identified low concentrations of contaminants at the site. Proposed mitigation will ensure there is no significant impact from the development.

The Environmental Statement concludes that the socio-economic and visual impacts will produce significantly beneficial results for Hinckley and its community. Whilst potential adverse environmental effects have been identified proposed mitigation measures will minimise the magnitude of such impacts to negligible making them insignificant.

In response to objections to the application which suggest the Transport Assessment is flawed the applicants have submitted further highway information that states:

- a) County Highways do not raise concerns over the level of parking, they consider the parking demand for the development can be accommodated within the site
- b) County Highways do not raise concerns about the traffic impact at a number of junctions
- c) The Transport Assessment demonstrates the impact of the development is acceptable and County Highways confirm in their response the acceptability of the Transport Assessment and the proposed mitigation measures
- d) The Sketchley Brook development is not committed development and therefore the Transport Assessment does not need to consider either the Sketchley Brook development or the Sketchley Brook Transport Assessment
- e) A comprehensive transport strategy has been carried out in the form of the adopted SPD, this sets out the methodology to assess developments that come forward. The submitted Transport Assessment is in accordance with the SPD and additional works over and above those specified in the Transport Assessment are proposed giving further town centre wide benefits. It should be noted that the objector did not object to the SPD at consultation stage and only now have they chosen to comment on a comprehensive transport strategy
- f) A comprehensive review of the parking supply and demand was undertaken as part of the adopted SPD; this required approximately 560 spaces to be provided on the Bus Station site, the scheme makes provision for 556 (inc the 10 residents replacement spaces; and 29 spaces for staff)
- g) The scheme will inevitably result in the loss of some on-street parking; the exact loss will be determined at the Traffic Regulation Order processing stage, but is it anticipated that only a very modest number will be lost
- h) The ATC data collected for the SPD and for the Transport Assessment was examined for comparison and it was concluded that the Friday flows were found to be reasonably typical of the average weekday
- i) The study showed 134 trips arriving and departing Brunel Road during a weekday period and 103 during Saturday peak hour, however a substantial proportion of these trips were discarded as they stopped within the Brunel Road area. It should be noted that the study area was agreed with County Highways as part of the scoping work for the Transport Assessment
- j) The process of deducting trips through TRICS was agreed with County Highways
- k) The Transport Assessment took into account the trips associated with the existing public car parks, trips associated with existing development were removed, through traffic was diverted along other routes and the remaining trips were removed from each end of Brunel Road but left on the network
- l) Detail has been provided to clearly demonstrate that the recycling area can be serviced without capacity or safety issues
- m) It is held that there is sufficient provision for service vehicles within the site
- n) Appendix B of the Transport Assessment demonstrates the swept path analysis showing how the servicing will operate during peak periods
- o) The parking requirements are set out in the adopted SPD; the Transport Assessment includes a car park management plan; the process of calculation for the parking demand is explained in the Transport Assessment and is considered robust
- p) The junction geometry for the Rugby Road/Hawley Road roundabout was checked independently against the geometry in the Transport Assessment for the Flude site, as this was already approved by County Highways it was taken as the most appropriate geometry to use
- q) The results of the capacity assessment for the Station Road/Hawley Road are shown in the Transport Assessment; the pedestrian crossing facility will provide gaps for the right turners and hence will improve capacity.

The submission concludes that the Transport Assessment and Travel Plan submitted are robust and fully justified; they have been developed in liaison with County Highways, comply with policy and are not flawed.

Planning Statement

This considers the application site and surroundings and the proposed development in the context of national and local policy. It finds that the scheme will deliver social, environmental and economic benefits to the town and

represents a sustainable economic development, improving and expanding the overall town centre offer bolstering Hinckley's role as a defined Sub-Regional Centre, thereby reducing the need for residents to travel to more distant locations, in addition the scheme will enhance the character and appearance of the area making provision for a new bus station facility. It outlines benefits of the scheme and concludes that the scheme is in accordance with National, Regional and Local Policy.

Design and Access Statement

This considers the site context identifying site history, constraints and opportunities and the design parameters; it identifies the design vision and how the scheme has evolved since 2008 before assessing the approach taken to the layout, land use, density, scale and appearance. The Statement considers the overall approach taken with respect of the landscape and public realm and considers how the scheme has been designed to ensure access for everyone throughout. It states that the scheme aims for a minimum BREEAM rating of 'very good' incorporating measures of energy performance, daylight and lighting, natural ventilation, materials, ecology enhancements, sustainable construction, and transport. It concludes that "the proposed development represents an efficient use and sustainable redevelopment of an under-used brownfield site". It goes on to state that "the streetscape will be enhanced by the contemporary design of the buildings, the articulation of the building facades and the careful mix and use of high quality materials applied to the buildings". It identifies the main strengths and ambitions are to achieve a mix of uses; a new food store; enhanced permeability, public realm and linkages to the town centre; secure consolidated car parking; new contemporary bus station facility; BREEAM very good rating; secure by design; and a modern retail and leisure offer giving greater choice and employment opportunities. Finally, it details that the scheme has been developed over a considerable period incorporating consultation with key stakeholders and the public.

Statement of Community Involvement

The report details the pre-application public consultation undertaken by Tin Hat Regeneration Partnership, the consultation methodology and feedback mechanism. It identifies that both the local community and the local stakeholders have had the opportunity to view and comment on the proposed development at an early stage and have helped shape the development.

Energy Statement

The report details the results of the energy and carbon impact assessment and proposes an optimised carbon reduction strategy. It identifies potential options for renewable energy integration but the final solution will depend upon the most appropriate technologies at the time of construction. It concludes that for the purposes of the outline application the developer is committed to meeting 10% carbon reduction beyond Building Regulations Part L 2010 and BREEAM Retail 2008 targets.

Retail Statement

The report focuses on the retail and other town centre uses proposed within the scheme. It considers whether there are any potential sequentially preferable sites for major retail led development and demonstrates that the proposed scheme will not result in any unacceptable impacts on Hinckley Town Centre, or any other defined centre. It summarises the findings identifying the Bus Station site as an appropriate location for a substantial retail led development delivering a range of economic and employment benefits, as the most sequentially preferable opportunity to accommodate the proposed scheme; and as having a positive impact on the vitality and viability of Hinckley Town Centre improving consumer choice, addressing deficiencies in existing offer and improving the range and quality of the food, non-food and commercial leisure sectors. It finds the scheme is of an appropriate scale and will function as an integral part of the town centre.

In response to objections to the application the applicants have submitted further retail information which acknowledges that the site is not located within or adjacent to the Primary Shopping Area, and therefore technically it is 'edge of centre' in terms of the definition in Annex B to Planning Policy Statement 4 (PPS4). The Practice Guidance to PPS4 provides further advice regarding the definition of 'in-centre', stating "The 'centre' for retail development is defined by PPS4 as the primary shopping area. Key considerations will be the extent of existing primary frontages, as defined by prime rental levels, and/or pedestrian flows. The presence of key anchor stores and other main town centre uses (e.g. cinemas) may also help to identify the extent of the Primary Shopping Area. Where specific proposals are identified, for example extensions to existing town centre shopping schemes, it may be appropriate to define these areas as planned extensions to the Primary Shopping Area". The site is within the defined Town Centre and is identified in the Core Strategy for major retail led development, and identified as part of the Primary Shopping Area in the emerging Hinckley Town Centre Area Action Plan, as such is considered 'in-centre'. In addition, the application is in accordance with the development

plan and will function as an integral part of the town centre meaning that a sequential assessment and an impact assessment are not strictly required by PPS4.

The additional information further states that the 2007 Retail Capacity Study commissioned by the Borough Council highlighted the importance of securing comparison goods retail at the Britannia Centre and that the Bus Station would be better suited to convenience retail, however at the time it seemed that a scheme at the Britannia Centre would be forthcoming. No such scheme has emerged at the Britannia Centre and there would be no reason to resist the Bus Station. The Retail Assessment submitted with the application shows there is sufficient expenditure capacity to support both the application scheme and an expansion scheme at the Britannia Centre. It is considered inappropriate to disaggregate the proposed scheme, as explained in the submitted Retail Assessment disaggregation would result in the loss of the benefits associated with a comprehensive scheme such as replacement of the out-dated bus station and enhancements to public realm.

It is concluded within the additional submission that the scheme fully accords with the requirements of PPS4 in relation to the sequential assessment.

Flood Risk Assessment

This report informs the findings of the Environmental Statement, considering both flood risk and a drainage strategy for the site during construction and upon completion.

Geo-Environmental Reports

These reports inform the findings of the Environmental Statement and details the findings of Phase 1 and 2 assessments.

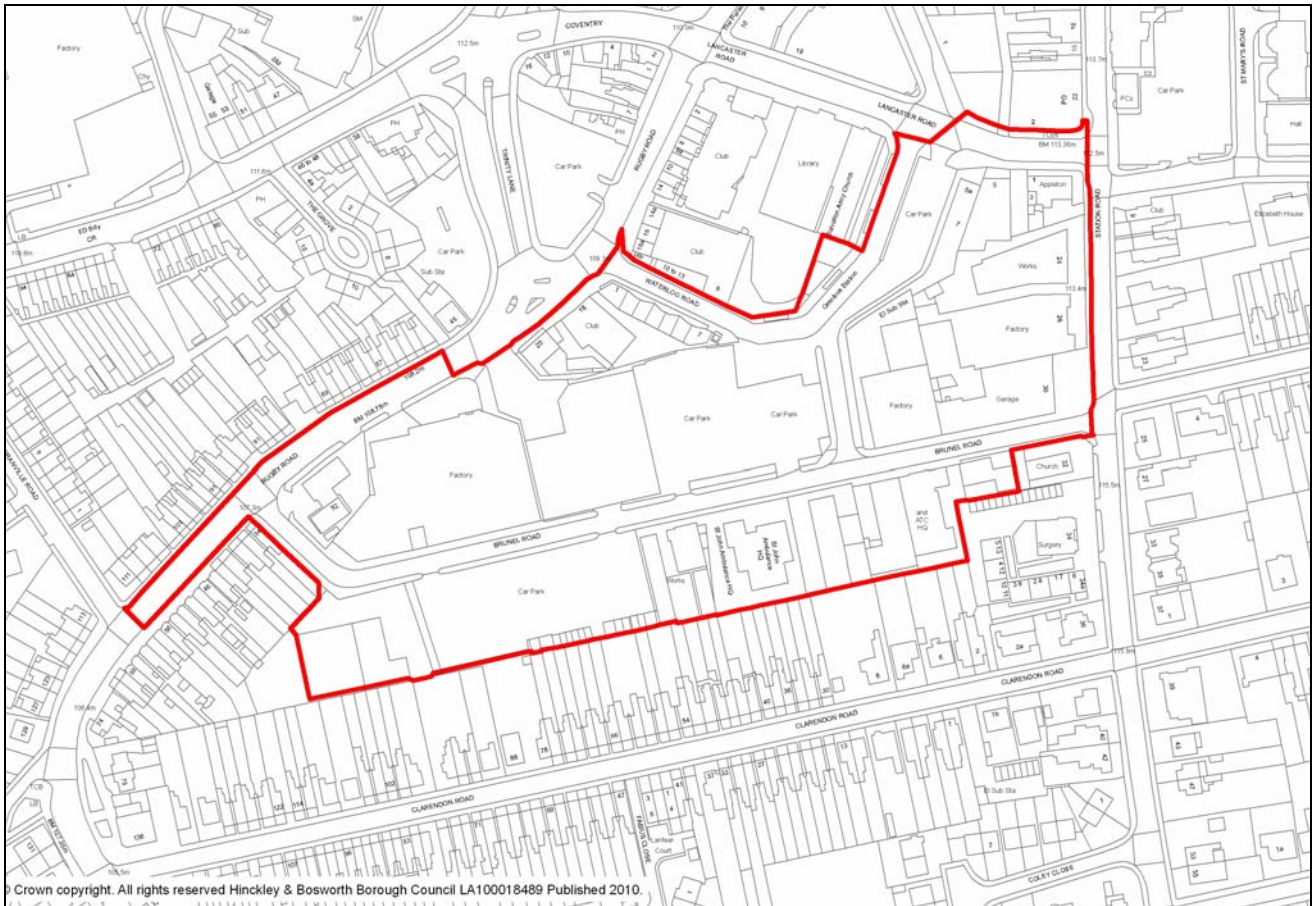
Proposal for Improved Pedestrian Movement between the Crescent and the Market Place

As part of the initial competition submission the Tin Hat Regeneration Partnership offered a financial contribution of £300,000 towards the improvement of links and public realm between the site and the Market Place. This contribution will be secured by way of a variation to the Developer Agreement between the application and the Local Authority. The developer has submitted a scheme that identifies 2 options as to how the link can be improved. Option 1 suggests creating a ramped speed table/shared surface as a crossing point for Lancaster Road extending from George Street to Station Road; and repaving the west side of Station Road in high quality paving slabs and blocks to match the palette used in the Crescent. Option 2 includes the option 1 suggestions and further suggests removing parking and extending paving along Station Road, retaining occasional loading requirement on a pedestrian friendly block work surface; providing additional shared surfaces at each end of Station Road connecting to the east side footway; and repaving of the east side footway in Station Road.

History:-

There have been numerous applications for individual properties within the site for adverts, changes of use, and extensions. Of particular note are the following:

05/00950/OUT	Residential Development	Refused	07.11.05
01/00944/FUL	Demolition of Existing Buildings and Erection of Superstore, Retail and Leisure Units, Offices, Restaurant, Bus Station Car Park Facilities and Highway Improvements	Withdrawn	21.07.05



Consultations:-

No objection subject to conditions has been received from:-

Severn Trent Water
 Environment Agency
 Directorate of Chief Executive (Ecology)
 Head of Community Services (Land Drainage).

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Directorate of Chief Executive (Ecology) – No contribution is requested
- b) Director of Children and young Peoples Services (Education) – No contribution is requested
- c) Director of Environment and Transport (Civic Amenity) – No contribution is requested
- d) Director of Adults and Communities (Libraries) – No contribution is requested
- e) Director of Environment and Transport (Highways) – All required highway works will be requested by condition and therefore no transport financial contributions are requested.

The Highway Agency comments that it is not expected that the development will have a material impact on the A5 and therefore raises no objection.

The Director of Environment and Transport (Highways) raises no objection subject to conditions, comprehensive comments on the original and additional information submitted has been provided as follows:-

- a) Traffic surveys were undertaken between October 2009 and February 2010 outside of holiday periods, a comparison of survey data concluded that Friday flows were reasonably typical of the average week day, the traffic survey data is considered robust.
- b) Peak hours used in the Transport Assessment, based on retail use of 16:00-17:00 and 12:00-13:00 on Saturday were agreed with the County Highways.

- c) Existing trip generation used in the Transport Assessment was agreed with the County Highways, this was calculated based on the existing land uses within the application site using the TRICS database. In respect of the units within the site that are in use, they have the potential to generate a number of vehicular trips, this number will depend on the planning use and will therefore be reflected in the TRICS output. In terms of any vacant units within the site, these will have an existing planning use and have the potential to be brought into use tomorrow and generate vehicular trips without the need for planning permission. The potential existing site trip generation was calculated as 237 two-way trips in the Friday pm peak and 232 two way trips in the Saturday pm peak, this takes into account the trips associated with the existing public car parks.
- d) Accident data - the Transport Assessment includes an analysis of accident data for highway network surrounding the site for a 5 year period, the analysis concludes that accidents are clustered within the study area, particularly at the Trinity Lane/Coventry Road signalised junction and also along Station Road
- e) Development proposals - the Transport Assessment floor areas differ from those on the application form however these have been explained as follows:-
- Retail floor space – there is a difference of 1,147 sqm which can be explained by the exclusion of the atrium to the food store and pedestrian access areas to car park, neither of these will generate trips;
 - Leisure floor space – there is a difference of 200 sqm, if taking highest figure the trips generated would be increased at peak times by 7 on a Friday and 9 on a Saturday. Considering that it is estimated that the proposed development will generate 781 two way trips in the Friday peak and 887 two way trips in the Saturday peak proportionately the discrepancy is not considered to be significant
 - Café/Restaurant floor space – there is a small difference of 14 sqm, however as part of this proposal restaurants/café's are considered to be ancillary and do not generate trips in their own right, this discrepancy will not affect the calculations within the Transport Assessment.
- f) Pedestrian provision - pedestrians have been provided for within the site, a new signalised crossing facility is to be provided at the site access at Rugby Road across both the site access and Rugby Road. Visibility for pedestrians crossing at the Coventry Road/Trinity Road signalised junction is proposed to be improved (as shown on WYG drawing no. A054156-35-18-038).
- g) Cycle provision - secure, weather protected cycle parking is to be provided within the site for up to 100 cycles, this provision exceeds the requirements in the adopted highway design guidance. In addition advanced cycle stop lines are to be provided at the site access
- h) Bus Station - Waterloo Road is currently owned by the Borough Council, it will remain private and managed and maintained by Tin Hat. Access will be maintained for buses and loading. It is currently one way and as part of the development proposals the traffic flow is to be reversed, making it one way from Lancaster Road to Rugby Road. This proposal is to be supported by appropriate signing and lining. The development proposals for the bus station include provision of 5 shallow saw tooth bus stands incorporating raised kerbs to allow for easy access, 1 'lay-over' space for buses waiting, provision of real time information displays, and bus shelters. Waterloo Road is to be used by buses and service vehicles and the Quality Bus Partnership has requested a condition preventing servicing from Waterloo Road between the hours of 07:00 – 19:00. A condition is suggested required the submission and approval of a traffic management plan.
- i) Taxi provision - taxi pick up and drop off is provided on Rugby Road near to the pedestrian entrance to the proposed foodstore
- j) Service vehicle provision - the service provision assessment demonstrates that the proposed servicing for the development is adequate:-
- vehicles servicing the proposed foodstore and main non-food retail block will access the service yard via the signalised access at Rugby Road, the service yard will accommodate 8 articulated and 6 rigid service vehicles with adequate turning facilities
 - service areas to the proposed non-food retail units fronting Station Road will be provided on Station Road in the form of a lay-by which can accommodate 2 articulated vehicles, this complies with adopted policy
 - service access to the cinema, bowling alley and 5 restaurant/café's on Waterloo Road will be from the proposed lay-bys on Lancaster Road and Waterloo Road, both could accommodate 1 articulated vehicle or 2 rigid service vehicles
- k) Parking provision - based on Htd, the development as proposed would require 1388 parking spaces however it should be noted that these maximum standards do not take account of town centre locations for a number of land uses, neither do they take account of linked trips for mixed use development on a town centre site where alternative parking provision is available. The development proposals include provision for 556 vehicle parking spaces, 10 of which will be allocated for residents parking. Maximum parking accumulation within the Transport Assessment shows that maximum parking accumulation of 547 vehicles

(11:00-12:00 Friday) and 519 vehicles (11:00-12:00 Saturday) is predicted to occur. Furthermore, the Hinckley Town Centre Strategic Transport Development Contributions SPD identifies Variable Message Signs within the programme of transportation measures. These variable message signs will advise drivers when a car park is full and identify available car parking spaces in alternative car parks. It should be noted that the Transport Assessment is a robust assessment which does not take into account vehicles circulating within the car park and variations in parking over the hour. The parking accumulation assessment demonstrates that parking demand for the development can be accommodated within the site. However, it is accepted that, on occasions, demand could exceed supply. It is also proposed that a short stay parking structure for the car park will be implemented. This is intended to discourage long stay parking by staff. This is detailed in a 'proposed car park management system' within appendix Q of the Transport Assessment. Within the 546 parking spaces it is proposed that adequate provision will be made for disabled, parent/child and powered two wheeler parking.

- l) Clarendon Road - 13 single garages on site to the rear of Clarendon Road are to be demolished, access is currently provided from Brunel Road. 3 are in a state of disrepair and not used for the parking of vehicles, the potential loss of 10 off-street parking spaces could result in increased demand for parking on Clarendon Road therefore 10 residents parking spaces are to be provided within the application site. The Highway Authority has expressed concern that not all of the existing vehicles identified as 'through traffic' using Brunel Road will be re-distributed to Hawley Road following the stopping up of Brunel Road as suggested in the Transport Assessment, and that some vehicles will be re-distributed onto Clarendon Road. Conditions have been suggested that requires the applicant to monitor the use of Clarendon Road by through traffic, if the monitoring demonstrates an increase in through traffic suitable mitigation will be found by the applicant this could be in the form of a traffic calming scheme
- m) Rugby Road properties - 8 properties on Rugby Road currently have rear access from Brunel Road, this is to be maintained following the stopping up of Brunel Road
- n) Highway impact assessment – an assessment year of 5 years after the submission of the planning application i.e. 2015 has been used in the Transport Assessment as agreed with the Highway Authority. Surveyed traffic flows have been growthed to 2015 using National Traffic Model growth factors adjusted by TEMPRO growth figures (Hinckley zone) as agreed with County Highways. The following committed developments are included in the Transport Assessment as agreed with County Highways: Atkins building, Flude site, Jarvis Porter site. Sketchley Brook is not yet determined and therefore is not able to be considered to be committed development.
- o) Trip Generation - trip rates for each of the proposed land uses have been derived using the TRICS database. These trip rates have been agreed with County Highways and are considered to be robust. County Highways agree with the assumption that the 5 proposed restaurants/cafes adjacent to Waterloo Road are ancillary uses and are unlikely to generate trips in their own right. Based on the agreed trip rates it is estimated that the proposed development will generate 1337 two-way trips in the Friday peak hour (16:00-17:00) and 1502 two-way trips in the Saturday peak hour (12:00-13:00). However, of these trips a proportion will be linked, pass-by and diverted. County Highways has agreed a 45% reduction for linked trips, and a 10% reduction for pass-by trips in accordance with the Hinckley and Nuneaton Paramics Model. For robustness no reduction is made in the Transport Assessment for diverted trips. Furthermore, no reductions at all are made for leisure trips. Following reductions for linked and pass-by trips it is estimated that the proposed development will generate 781 two-way trips in the Friday peak hour (16:00-17:00) and 887 two-way trips in the Saturday peak hour (12:00-13:00). This is an increase of 544 and 655 two-way trips respectively compared to the existing development.
- p) Trip distribution - with the proposed stopping up of Brunel Road, the Brunel Road 'through traffic' has been re-distributed as per existing turning movements, but with no re-distribution onto Clarendon Road. Trip distribution from the proposed development has been derived as per the percentages in appendix M of the Transport Assessment. Trip distribution was agreed with County Highways.
- u) Junction capacity assessments were undertaken for 2015 for both the Friday and Saturday peak hours for both the 'with' and 'without' development scenarios as agreed with County Highways.
 - Coventry Road / Trinity Road signalised junction – in the 2015 'without development' scenario it is predicted that the junction will operate with 3% reserve capacity in the Friday pm peak, and 5% reserve capacity in the Saturday pm peak, with maximum queue lengths of 18 and 14 vehicles respectively. However, in the 2015 'with development' scenario it is predicted that the junction will operate over capacity in both the Friday and Saturday peak hours with -6% and -5% reserve capacity, and maximum queue lengths of 24 and 19 vehicles respectively. In order to mitigate against the impact of the development at the Coventry Road/Trinity Lane signalised junction a scheme to introduce a left filter arrow from Coventry Road (West) and alterations to road markings is proposed. The proposal has been subject to a Stage 1 Safety Audit dated 25th August 2010 and a Designers Response dated 30th

September 2010 at the request of County Highways. It is predicted that with the introduction of the mitigation proposals in the 2015 'with development' scenario the junction will operate with 2% reserve capacity in the Friday pm peak, and with 1% reserve capacity in the Saturday pm peak, with maximum queue lengths of 23 and 16 vehicles respectively. Whilst there is still predicted to be a small overall reduction in reserve capacity at the junction, the maximum queue lengths on the approaches with the longest queues are predicted to reduce. This is because the proposed introduction of a left turn filter will increase the through flow from Coventry Road West to Trinity Lane North. Therefore, County Highways could not sustain a reason for refusal on a small reduction in junction capacity when it is also predicted that there will be a small reduction in maximum queue lengths on the approaches with the longest queues.

- Trinity Lane / Rugby Road signalised junction – in the 2015 'without development' scenario it is predicted that the junction will operate with 38% reserve capacity in the Friday pm peak, and 43% reserve capacity in the Saturday pm peak, with maximum queue lengths of 5 and 4 vehicles respectively. In the 2015 'with development' scenario it is predicted that the junction will continue to operate within capacity with 22% reserve capacity in the Friday pm peak, and 33% reserve capacity in the Saturday pm peak, with maximum queue lengths of 6 and 9 vehicles respectively. Whilst it is predicted that the proposed development will reduce the amount of reserve capacity and increase maximum queue lengths at this junction, the junction will continue to operate within capacity. Therefore, County Highways could not sustain a reason for refusal on reduction in junction capacity because it is predicted that the junction will still operate within capacity, and the increase in maximum queue lengths will be minimal.
- Station Road / Mount Road / Brunel Road priority junction – in the 'without development' scenario it is predicted that there will be a small increase in capacity at this junction following the stopping up of Brunel Road.
- Station Road / Hawley Road priority junction – in the 2015 'without development' scenario it is predicted that the junction will operate within capacity with a Ratio of Flow Capacity of 0.515 in the Friday pm peak and a Ratio of Flow Capacity of 0.595 in the Saturday pm peak, with maximum queue lengths of 2 and 1 vehicles respectively. However, in the 2015 'with development' scenario it is predicted that the junction will operate over capacity in the Friday pm peak with a Ratio of Flow Capacity of 1.001 and a maximum queue length of 11 vehicles, and just over its theoretical capacity in the Saturday pm peak with a Practical Reserve Capacity of 0.874 and a maximum queue length of 5 vehicles. However, the Picady assessment of the junction does not take into account the existing signal controlled pedestrian crossing to the East of the junction on Hawley Road. When called this allows gaps for right turners, and consequently improves capacity. On this basis County Highways could not sustain a reason for refusal because it is considered that the impact of development traffic at this junction is likely to be less than the capacity assessments suggest.
- Rugby Road / Hawley Road roundabout junction – in the 2015 'without development' scenario it is predicted that the junction will operate within capacity with a Ratio of Flow Capacity of 0.822 in the Friday pm peak and a Ratio of Flow Capacity of 0.739 in the Saturday pm peak, with maximum queue lengths of 4 and 3 vehicles respectively. However, in the 2015 'with development' scenario it is predicted that the junction will operate over its theoretical capacity with a Ratio of Flow Capacity of 0.943 in the Friday pm peak and a Ratio of Flow Capacity of 0.913 in the Saturday pm peak, with maximum queue lengths of 11 and 9 vehicles respectively. No mitigation is proposed. However, County Highways could not sustain a reason for refusal on reduction in junction capacity because the junction is still predicted to operate within its theoretical capacity.
- Rugby Road / Site Access signalised junction – it is proposed that the junction will form part of the existing SCOOT network with the Trinity Lane/Rugby Road and Coventry Road/Trinity Lane signalised junctions. In the 2015 'with development' scenario it is predicted that the junction will operate with 9% reserve capacity in the Friday pm peak, and 3% reserve capacity in the Saturday pm peak, with maximum queue lengths of 18 and 15 vehicles respectively. The proposal has been subject to a Stage 1 Safety Audit dated 25th August 2010 and a Designers Response dated 30th September 2010 at the request of County Highways. County Highways are satisfied that a safe and appropriate form of junction can be delivered.

It should be noted that the predicted impact of the development traffic on Hawley Road can be considered to be a robust assessment because the submitted Transport Assessment re-distributes all 'through traffic' that currently uses Brunel Road onto Station Road and Hawley Road following the stopping up of Brunel Road and does not re-distribute any through traffic onto Clarendon Road.

- v) Travel plan - this has been submitted which sets out measures to encourage travel to and from the site by modes other than the private car, and sets out targets with a strategy for monitoring.

- w) Comprehensive Transport Strategy - the Hinckley Town Centre Strategic Transport Development Contributions SPD provides a comprehensive transport strategy for development in Hinckley and considers what the existing utilisation of existing public car parking is and how this would be accommodated once the scheme is constructed
- x) Existing on-street parking - the removal of any existing on-street parking spaces will be subject to revisions to existing Traffic Regulation Orders. These revisions will be subject to public consultation, the outcome of which cannot be guaranteed. The exact number and location of loss of existing on-street parking cannot be determined at this stage but it will be kept to a minimum.
- y) Recycling Area - the application shows the swept path of a vehicle servicing the recycling area, this demonstrates that the area can be serviced without impeding the flow of traffic at the site access/egress.

The Leicestershire Constabulary Crime Reduction Officer comments on the proposals requesting a range of measures to address crime and terrorism, including strengthened building structure, toughened glazing, traffic management and CCTV, delivery/service yard management strategy, hostile vehicle mitigation measures to public plazas, management plan for completed development and suitable lighting.

Directorate of Chief Executive (Archaeology) requests that a Historic Building Photo Survey of James' Bennett's Benco works is required and therefore recommends conditions and notes to applicant.

Central Networks raise no objection but comment that they have a network in the site which requires 24 hour access. Any alteration, building, or ground works in the vicinity of cables must be notified in detail to Central Networks.

National Grid comment that the works will adversely impact the safety and integrity of National Grid apparatus. Should development go ahead technical advice and guidance can be provided.

Head of Business Development and Street Scene Services notes that there is a proposed area for recycling on the exit loop to the car park. This is a suitable location for recycling banks providing there is sufficient area to provide up to 8 different types of banks, offloading area for vehicles with safe pedestrian areas and also for the collection vehicles to safely park to empty banks. The collection vehicles will require height clearance for the lifting mechanism. Further details and bank specifications are available on request.

Head of Community Services (Pollution) comments on aspects of pollution: lighting; contaminated land, air quality and odour, and noise and vibration and considers the scheme acceptable subject to further information regarding noise pollution and the rear service yard but makes the following comments:-

- a) Lighting: There is a potential for lighting to impact on neighbouring residents and the area generally therefore conditions are recommended requiring full lighting details to be submitted for approval prior to development commencing
- b) Contaminated Land: Phase 1 and 2 investigations show a number of potential sources of contamination due to inaccessible areas therefore further investigation is required which can be covered by conditions
- c) Air Quality and Odour: Dust – further details are required of the assessment criteria, the meaning of significant dust soiling, and an alternative approach to dust control should be considered; Air Quality – assessment based on traffic flows therefore dependent upon Highway Authority agreeing predicted traffic flows, further information required on bio-mass boiler. All required details can be requested through conditions
- d) Noise: Recycling centre not included in assessment, recommend revising hours of construction work, further details of construction plant required, further details of figures used for levels of vibration – these can all be requested through conditions. Concern over the noise level assessment in the service yard is expressed. Following the receipt of further information a further condition is suggested for sound insulation for the boundary and loading bay.

Site notice and Press notice were displayed and neighbours notified.

16 letters have been received from local residents, businesses and consultants on behalf of local businesses raising the following concerns/issues:-

- a) Overshadowing due to building height (2)
- b) Disturbance from service road: noise, pollution and lighting (7)

- c) Noise from construction (3)
- d) Restrictions on deliveries required (4)
- e) Sound proofing needed to rear of Clarendon Road –earth mound with trees (3)
- f) Overlooking resulting in lost privacy and property value (1)
- g) Compensation from disturbance should be paid (1)
- h) Victorian culverts in gardens cause vibration and noise problems currently – undercroft parking could exacerbate problems – sound proofing required (1)
- i) Car park use restriction to reduce disturbance (1)
- j) Underground streams have caused flooding historically (1)
- k) Location of transformer, pump house and sprinkler tank will add to noise (1)
- l) Impact on quality of life (1)
- m) What is the height of boundary fence; what are landscaping proposals and a diesel filter should be provided (1)
- n) Increase in parking on Clarendon Road, suggestion of residents parking scheme (5)
- o) More traffic along Clarendon Road (2)
- p) Impact on dangerous Rugby Road / Clarendon Road junction (2)
- q) Vehicular access should be provided to residents of Clarendon Road to the rear (3)
- r) Exacerbated traffic congestion (3)
- s) Residents parking will incur annual service charge – what alternatives have been considered (2)
- t) Lack of cycle parking including safe lock up facilities (1)
- u) Bus shelters should be well lit, using solar power (1)
- v) What type of bus information will be available on site? (1)
- w) Flaws in Transport Assessment regarding: car parking; traffic flows; servicing; and highway impacts (1)
- x) A holistic approach to transport should be taken for development to ensure traffic impacts can be properly assessed and mitigated against. The submitted Transport Assessment does not consider the Sketchley Brook application. Consideration of sites in isolation and the lack of a comprehensive transport solution will significantly prejudice the future growth in Hinckley and in particular the Tesco site. All developers and landowners of major development schemes should work together to get a comprehensive solution (1)
- y) Hinckley and Bosworth does not have retail capacity for proposed store thereby impacting upon existing retailers (2)
- z) Scheme replaces 2 food stores with 1 – impacting upon consumer choice (1)
- aa) Impact on vitality of town centre – the development will not increase the number of people walking to Castle Street (1)
- ab) Bus Station site not sequentially preferable – Britannia Centre is suitable and has not been explored sufficiently in order to satisfy Sequential Test criteria (2)
- ac) The scheme by virtue of its ‘edge of centre’ location should through the retail capacity study explore the scope to accommodate some or all of the comparison retail units at more central sites. PPS4 requires developers to demonstrate flexibility in considering the scope to locate specific parts of the development onto sequentially preferable sites. It is considered that the applicant has not complied with the requirements of PPS4. (1)
- ad) The site whilst within the Town Centre boundary is not part of the Primary Shopping Frontage and therefore falls within the definition of ‘edge of centre’, therefore the development should meet the sequential test in PPS4 (1)
- ae) The Retail Statement submitted with the application is misleading, proposals have not been forthcoming on the Britannia Centre site due to the significant decline in the economy and retail sector. The Bus Station development will create conditions of oversupply resulting in further delay on the Britannia Centre expansion plans (1)
- af) The scheme will undermine the traditional heart of the town centre due to the quantum of comparison retail floorspace proposed (1)
- ag) Environmental Statement is flawed as it does not cover all elements set out in Schedule 4 of the regulations – it doesn’t justify the eradication of Brunel Road and units in the area, and does not assess alternative forms of development (1)
- ah) CABE’s comments have not been considered or addressed (1)
- ai) Negative impact upon regeneration and does not meet the wider objectives of the emerging plan it will damage potential to regenerate the Britannia Centre site (1)
- aj) What are the detailed eco credentials of the scheme? (1)
- ak) The application is being reported to committee earlier than originally scheduled (1)

- a) The Hinckley Town Centre Area Action Plan has yet to be examined by independent Inspector; limited weight should therefore be afforded to the document and it should not be relied upon to determine this application (1)
- am) The Area Action Plan is considered unsound as the site should not form part of the primary shopping frontage, and the sequential approach to site selection should be applied (1)

1 letter of representation has been received commenting on the initial committee report prepared for the meeting on 30 November, stating that there were a number of omissions and factually incorrect information within the committee report. The concerns relate to the following:

- a) size of foodstore and controls on overall floorspace;
- b) proper assessment of likely environmental impacts;
- c) control on the aspirations of developments appearance and public realm;
- d) a number of concerns regarding highway transportation implications and difference in opinion between Highway Authority and committee report;
- e) insufficient consideration of retail impact in accordance with PPS4;
- f) is the financial contribution towards public realm improvements CIL compliant; how will the payment be secured;
- g) impact on neighbour amenity not addressed;
- h) measures to address crime and terrorism should have been submitted within the application for consideration and should not be requested as a condition as they could impact upon the design of the scheme;
- i) 12 of the suggested conditions

At the time of writing the report comments have not been received from:-

Nuneaton and Bedworth District Council
Cycling Touring Club
Leicestershire Fire and Rescue.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's objectives for the planning system and the delivery of sustainable development. The document states that high quality and inclusive design should be the aim of all those involved in the development process. The Planning System: General Principles forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's national policies for economic development which includes employment, retail and community development but not residential development. The Statement sets out the overarching objective of securing sustainable economic growth. Policies EC4 and EC5 are of key relevance to this application, EC4 encourages LPAs to promote competitive town centre environments and enhance consumer choice. EC4.1b continues by advising LPAs to plan for a strong retail mix so that the quality of the comparison and convenience retail offer meets the local catchment area requirements. Cinemas, restaurants and cafes are encouraged in town centre locations at EC4.2a. Policy EC5 requires LPAs to identify sites to accommodate identified needs in accordance with the sequential test approach. Policy EC10 sets out that "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably." Policy EC10.1 supports applications which secure sustainable economic growth and Policy EC10.2 sets out 5 impact considerations which all applications for economic development have to be assessed against. Policy EC14 requires applications to be accompanied by an impact assessment where they are not in a centre and not in accordance with an up-to-date development plan and Policy EC16 provides the 6 impacts that should be assessed. Finally the statement makes provision at Policy EC17 for proposals which are likely to lead to significant adverse impacts advising that such applications should be refused. Annex B to PPS4 provides definitions for types of location it defines town centres as 'areas including the primary shopping area and areas of predominantly leisure, business and other main town centre

uses within or adjacent to the primary shopping area'. It provides that the extent of the town centre should be defined on the proposals map. It defines the primary shopping area as an 'area where retail development is concentrated' and requires the extent of the primary shopping area to be defined on the proposals map. It defines edge of centre as 'for retail purposes, a location that is well connected to and within easy walking distance of the primary shopping area. The PPS4 'Practice Guidance on need, impact and the sequential approach' provides further advice on the definition of 'in centre'. At Para 6.4 it states "The 'centre' for retail development is defined by PPS4 as the primary shopping area. Key considerations will be the extent of existing primary frontages, as defined by prime rental levels, and/or pedestrian flows. The presence of key anchor stores and other main town centre uses (e.g. cinemas) may also help to identify the extent of the primary shopping area. Where specific proposals are identified, for example extensions to existing town centre shopping schemes, it may be appropriate to define these areas as planned extensions to the primary shopping area".

Planning Policy Statement 5: Planning for the Historic Environment sets out how applications affecting heritage assets should be determined, it requires LPAs to assess impacts on the historic environment and advises on the use of appropriate planning conditions or obligations.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13: Transport sets out national transport planning policy. It seeks to provide sustainable transport choice, improve accessibility and reduce the need to travel by car. Local Planning Authorities are encouraged to maximise the use of accessible sites that are either in town centres or close to transport interchanges. The guidance advises on retail and leisure developments suggesting that such development should be concentrated in centres. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

Planning Policy Statement 23: Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance Note 24: Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 – Development and Flood Risk aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

Regional Policy Guidance

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. However, these two letters and the SoS's letter of 27 May 2010 need to be considered against the judgment handed down and it is clear from the judgement that the High Court has reinforced the primacy and significance of Regional Strategies in the current planning system. The Court held that if changes are to be made to the status of Regional Strategies then those changes will need to come in the form of primary legislation. Changes cannot be made in the manner proposed by the SoS and it is also reasonable on the basis of the judgment to conclude that the letters of 27 May and the two letters sent following the judgment, whilst they may be regarded as material considerations, have to be weighed against the clarity and force of the judgement and the current legislative position, and in your officers' opinion should not be given any weight.

Regional Spatial Strategy for the East Midlands provides a broad development strategy for the East Midlands. Policy 3 identifies Hinckley as a Sub-Regional Centre and sets out how development and economic activity

should be distributed regionally. Policy 22 sets out priorities for town centres and retail development and encourages LPAs to bring forward retail, leisure, office and residential development based on identified need. Policy 43 sets out the regional transport objectives, supports the regions regeneration priorities and seeks to improve safety and reduce congestion.

Local Development Framework Core Strategy 2009

Strategic Objective 2: Regeneration of Urban Centres identifies the need to deliver the regeneration of Hinckley Town Centre to provide opportunities for retail, leisure and commercial activity to increase the vibrancy of the centre.

Policy 1: Development in Hinckley supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It specifically allocates land for office space within or adjoining the Hinckley Town Centre Area Action Plan boundary and supports the development of approximately 21,100 sqm (net) of new comparison sector sales floorspace (13,100sqm to 2011 and 8,000 sqm from 2021-2026), primarily located in a redeveloped Britannia Centre and on the bus station redevelopment site and the development of an additional 5,300 sqm (net) up to 2021 convenience floorspace, primarily located on the bus station redevelopment site. To do this the policy suggests the Borough Council will improve cycle routes, require new developments to respect the character and appearance of the Hinckley conservation areas, require new development to enhance poor public realm within the town centre and to be of the highest standards in line with Policy 24.

Policy 5: Transport infrastructure in the sub-regional centre sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre.

Policy 20: Green Infrastructure is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality improvements.

Policy 24: Sustainable Design and Technology sets the criteria for residential homes and office development.

Hinckley and Bosworth Local Plan 2001

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan and within the overall Town Centre boundary.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy EMP1: Existing Employment Sites identifies parts of the application site as category b employment sites where although employment is a suitable use it can be considered for alternative uses.

Policy BE1: Design and Siting of Development states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part.

Policies BE13 to BE16 concern archaeology and make provision for the assessment of sites of archaeological interest and potential, field evaluation, preservation of remains, and investigation and recording. The policies provide protection for archaeological remains and ensure archaeological matters are fully considered.

BE26: Light Pollution seeks to ensure that developments do not create nuisance through glare, create light spillage or affect the character or appearance of the area.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution

Policy NE12: Landscaping Schemes states that proposals for development should make provision for further landscaping where appropriate.

Policy NE14: Protection of surface waters and groundwater quality protects the water environment.

Policy T3: New development and public transport states that where planning permission is granted for major new development provision will be made for bus access and appropriate supporting infrastructure.

Policy T4: Retention of car parking facilities provides that development of existing off street car parking will be granted where there is either an over provision or alternative parking provision is proposed.

Policy T5: Highway Design and Vehicle Parking Standards refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy T11: Traffic impact assessment requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.

Policy Retail 1: General retail strategy provides that new retail development should be provided within Hinckley town centre.

Supplementary Planning Guidance / Documents

The Borough Council's Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions provides guidance on infrastructure requirements and sets out the Council's strategic transport policy.

Other Material Guidance

The Hinckley Town Centre Renaissance Masterplan (Area 8) identifies the site for potential mixed use development incorporating residential, office, retail, consolidated car park, cinema, supermarket and community/conference use.

The Submitted Hinckley Town Centre Area Action Plan Document sets out the key aspirations for the sites redevelopment which include an enhanced bus station, an exciting landmark development, a mixed use scheme anchored by a superstore, a cinema and other leisure uses, high quality public realm improvements including improved pedestrian connectivity to the town centre, improved links to Hinckley railway station and a consolidated car park of approximately 560 spaces. Chapter 9 of the Area Action Plan identifies the potential level of land uses that could be delivered on these sites. The Area Action Plan has been approved by the Council following the required consultation and it is going to public examination in December 2010. In line with PPS1 the weight to be attached to the document is limited but due to the stage reached this weight is increasing.

Other policies within the Area Action Plan which would apply to this site are:-

Policy 11: Public Realm Improvements

Policy 17: Transport Infrastructure Delivery and Developer Contributions

Policy 19: Cycle

Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

The Employment Land and Premises Study 2010 identifies the employment sites within the application area as suitable for 100% other uses.

The Hinckley Bus Station Development Brief sought a flagship, comprehensive proposal for the re-development of the bus station site comprising convenience and comparison retail development, residential uses,

multi-screen cinema, and other leisure uses. It requires the creation of a landmark development, with high quality public realm improvements.

Appraisal:-

The main considerations with regards to this application are the principle of development; layout, design, scale and appearance; regeneration and employment, retail impact; highway impact; impact upon neighbours; sustainability, crime and terrorism and other issues.

Principle of Development

The application site is located within the settlement boundary for Hinckley as defined on the Local Plan Proposals Map and therefore the principle of developing the site is acceptable subject to the relevant policies of the development plan. The site sits within the Area Action Plan boundary and the Town Centre boundary as defined on the proposals map of the emerging Hinckley Town Centre Area Action Plan, it also sits immediately to the south of the Town Centre Conservation Area.

The site forms a number of existing uses including employment and car parking, policy EMP1 provides protection to identified employment sites, but categorises the employment sites within the application area as category b sites where employment is an acceptable use but alternative uses will be considered on their merits and in light of other development plan policies. The up to date Employment Land and Premises Study has reviewed all employment sites in the borough and identifies the employment areas on this site as suitable for 100% other uses. The Core Strategy at Policy 1 provides guidance for the development of sites in Hinckley and provides that the bus station site can be redeveloped accommodating retail uses. The Hinckley Town Centre Renaissance Plan sought to guide the regeneration of key sites across in Hinckley, the application site was identified as one of the key regeneration sites and proposed a mixed use development encouraging residential, office, retail, car parking, cinema and supermarket. The aims of the Renaissance Plan have been brought forward in the emerging Hinckley Town Centre Area Action Plan which sets out the key aspirations for regeneration sites in Hinckley. The Hinckley Town Centre Area Action Plan identifies 9 Strategic Development Areas which through their redevelopment would contribute significantly to the Council's vision and primary spatial objectives. The Bus Station site forms one of these key sites which is seen as bringing wide ranging regeneration benefits to Hinckley Town Centre and the Borough as a whole. The Area Action Plan also confirms the importance of masterplanning for these key sites and the need to avoid piecemeal developments. For the application site it seeks redevelopment of the site including a landmark mixed use development including a superstore, cinema, other leisure uses, an enhanced bus station, high quality public realm, consolidated car park and improved pedestrian connectivity with the town centre and the railway station.

It is considered that the scheme as submitted complies with the policy guidance within the adopted development plan and emerging area action plan and therefore the principle of the development is acceptable.

Layout/Scale/Appearance

As stated in the introduction to this report the application includes details of layout and scale for determination. Details of appearance are a reserved matter; however indicative details have been submitted for consideration.

The scheme has evolved from a European competition where the Borough Council sought development partners to bring the site forward for regeneration. Key elements of the schemes layout are the anchor units either end of the Crescent form which comprises a mix of retail and café/restaurant uses. The Crescent's inner arc provides the boundary and interaction with the new re-developed bus station, whilst the outer arc provides interaction with the retail and leisure development. The layout has been designed to make efficient use of land to provide an interesting development with distinctive character, legibility and interaction with existing streets whilst also being informed by the 'designing out crime' agenda ensuring there are no hiding places or areas tucked away that could provide for anti-social behaviour. Public spaces have been incorporated into the scheme within the site and at each pedestrian entrance into the site. These spaces, subject to the more detailed design, will further enhance the schemes attractiveness adding to the vitality and promoting pedestrian movement both throughout the scheme and with the existing retail area. The proposed layout includes variances to the building line to provide flexibility for architectural expression and to end users. These variances are between 0.5 metres and 3 metres and are only proposed on elevations where the impact of the variance will be minimal, for example

the rear elevation adjacent to Clarendon Road residents has no variance proposed as it would make the impact upon residents difficult to fully assess. The full details of building lines will be assessed further at reserved matter stage, however these will be within the variances identified within this application.

The application proposes details of scale, however due to the outline nature of the application the scheme builds in flexibility by providing minimum and maximum heights, this again allows for architectural expression and also the needs of end users. When considering the impact of the development the maximum measurements have been used. Full details of building heights will be assessed further at reserved matter stage. The current site comprises a mix of building heights and a variety of roof forms. The proposed development varies in scale across the site, most of the retail buildings have mezzanine capabilities, only where the cinema and bowling alley is located are there true 2 storey buildings proposed. The highest elements of the scheme are provided centrally to limit the impact upon the character of the surrounding area. The development lowers at the edges to provide the transition to existing built form on the edge of the development. Use of the site levels has enabled the undercroft car parking to be provided without significantly increasing the height of the proposed development. The cinema and office uses are provided to the east side of the development where adjacent development is a mix of 2/3 storey. The bowling alley has been located centrally away from the sites edges to aid assimilation with the surrounding area. The policy requires a landmark development. This doesn't necessarily mean a tall development; a landmark development can be achieved through the quality of the layout and design to create a destination that complements the existing retail centre. It is important that the development is in scale with the surrounding area.

As reported in the introduction to this report, the foodstore forms the largest unit in this block and would be a maximum height of 12.6 metres above ground level but only a small element is this high, the majority of the unit measures 11.25 metres above ground level (including undercroft) and sits at a distance of 22.5 metres from the rear boundary of the site. The rear elevation of the foodstore is between 37 and 46 metres from the rear elevations of properties in Clarendon Road. The 3 retail units adjacent to the foodstore and also above the car park are 13.25 metres above ground level but sit 60 metres from the rear elevation of properties in Clarendon Road. The bowling alley, also sited above retail units, sits at a maximum of 15.75 metres above ground level, and at its highest is 50 metres from rear elevations of properties in Clarendon Road, at this point the properties along Clarendon Road sit 1.5 – 2 metres higher than the ground level on site. The 2 storey office is a maximum of 12.1 metres above ground level fronting a public square on Station Road. When viewed from Rugby Road the foodstore will be a maximum height of 8.9 metres above ground level opposite the residential properties and will sit 23 metres at its closest from the front elevation of the residential properties across Rugby Road. The highest element of the foodstore faces the junction with Trinity Lane and is a maximum of 11.6 metres above ground level.

The second block (block B) forms a crescent shape and comprises 5 units for café/restaurant use. These units are low level with a maximum height of 9.25 metres above ground level (bus station side) this decreases towards Lancaster Road due to levels differences across the site. The third block (block C) sits in the north-east corner of the development and comprises 6 retail units facing into the scheme and 3 small retail units facing Station Road all at ground floor, with the cinema above. The cinema does not entirely cover the ground floor with it not extending over the northern most retail unit. The maximum height of the cinema is 16.25 metres above ground level (Lancaster Road) and 15.2 metres above ground level (Station Road). The details show a raised feature (indicative only) on the retail unit at the corner of Lancaster Road and Station Road however it is not indicated that this is as high as the cinema.

Whilst appearance is not for full consideration, details have been submitted within the Design and Access Statement which indicate a contemporary modern form of development using a mix of modern and traditional building materials. Condition 4 requires the development to be carried out in accordance with the listed plans and documents, one of which is the design and access statement; therefore the design aspirations for the scheme will be transferred to the reserved matters application. The surrounding area currently comprises built form incorporating a mix of materials but red brick is predominant, the proposed illustrative details incorporates cladding with architectural feature fins and glazing at upper level, with the use of traditional brick at ground floor / lower levels surrounding glazed shop fronts and windows. Whilst these illustrative details appear acceptable, full consideration will be given to appearance and materials at reserved matters stage. It will be imperative to ensure that the appearance not only respects the character of the existing area but also creates a distinctive character to make this a landmark development and that each element of the scheme is detailed carefully to ensure a co-ordinated and cohesive appearance throughout.

The site sits alongside the Hinckley Town Centre Conservation Area, it is therefore paramount that the development of the site both preserves and enhances the Conservation Area through careful design. It is considered that this is both a constraint and opportunity and that the scheme has evolved taking this into consideration. The proposed development will dramatically improve the quality of the environment on the site and will provide an attractive development that through careful use of materials will, it is considered, respect and complement the conservation area.

In summary, it is considered that the layout of the scheme is well thought out, provides permeability routes for shoppers and pedestrians between the scheme and the existing shopping area of the Town, will add interest to the existing town centre and will make good use of the site. The scheme has been designed to complement the existing scale in the surrounding area so that the development does not appear out of scale or discordant with its surroundings thereby ensuring the surrounding residential properties are not adversely affected.

Regeneration and Employment

The scheme proposes the comprehensive development of the site which will significantly improve not only the appearance of the area but also the retail offer in the town centre as such it is considered to contribute towards the overall regeneration aims of the adopted Core Strategy. The site is in a prominent location and therefore such regeneration of this site is paramount in order to improve the attractiveness of the town as a place to invest, live, work and visit.

The scheme submitted indicates an estimated 609 gross additional jobs within the Borough. This, it is considered, will further enhance the success of the centre and will provide new employment opportunities within the Borough. To ensure that the scheme benefits local people a condition is proposed requiring a scheme to be submitted that targets and utilises local people for construction and post construction employment.

In summary it is considered that the scheme will bring wide ranging regeneration benefits to the town and will increase local employment opportunities.

Retail Impact

The key national policy statement relating to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth. Policy EC14 relates to planning applications for main town centre uses. It states at policy EC14.3 that a sequential assessment is required for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date development plan. An impact assessment is required for retail and leisure developments over 2,500 sqm gross floorspace. It also states that an impact assessment is also required for applications in an existing centre which are not in accordance with the development plan and which would substantially increase the attraction of the centre to an extent that the development would have an impact on other centres.

The relevant retail development plan policies for consideration are Policy Retail 1 of the adopted Hinckley and Bosworth Local Plan; Policy 1 of the adopted Local Development Framework Core Strategy; The Hinckley Town Centre Renaissance Masterplan; and the submitted Hinckley Town Centre Area Action Plan Document. It should be noted however that the latter document is not yet adopted, the examination is set for December 2010 and therefore has limited but growing weight at this time in accordance with PPS1.

Policy Retail 1 provides the general retail strategy that new retail development should be provided within Hinckley Town Centre; Policy 1 of the Core Strategy relates the development in Hinckley and specifically supports the development of approximately 21,100 sqm (net) of new comparison sector sales floorspace located primarily in a redeveloped Britannia Centre and on the bus station redevelopment site; and the development of an additional 5,300 sqm (net) convenience floorspace primarily located on the bus station redevelopment site.

The site is located within the Hinckley Town Centre as defined on the Local Plan proposals map, it is outside the defined primary shopping area. In considering the definitions in Annex B (detailed in the policy section of this report) the site is, when considered against the Local Plan, 'edge of centre'. However, the PPS4 Practice Guidance makes provision for identified extensions to the existing town centres and suggests that such proposals should be defined as planned extensions to the Primary Shopping Area. Policy 1 of the Core Strategy identifies the bus station as a suitable site for significant retail development and therefore it is considered that the

site forms an extension to the Town Centre. The 'submitted' Area Action Plan defines the site as Primary Shopping Area. As such the site, when assessed against the adopted Core Strategy and the emerging Area Action Plan is considered to be 'in centre' in policy terms.

The application proposes 13,123 sqm (net) of A1 use; of this the food store will provide 6,288 sqm (net floorspace) 4,213 sqm convenience retail and 2,075 sqm comparison retail) and the 18 retail units will provide 6,834 sqm (net floorspace) giving a total of 8,909 sqm of comparison net floorspace on the site. The quantum of floorspace provided is in line with the requirements of Policy 1 of the adopted Core Strategy and enables a larger quantum of comparison floorspace to be provided on the Britannia Centre. A condition has been suggested that seeks to limit the amount of floorspace to that applied for as the environmental impacts have been assessed on this set quantum.

Policy EC14.3 of PPS4 requires a sequential test to be submitted where planning applications for main town centre uses are not in an existing centre and are not in accordance with an up to date development plan. As discussed above the site is considered in policy terms to be 'in centre' and it is also demonstrated above that the development is in accordance with up to date policy therefore it is considered that a sequential assessment is not required for the development.

However, the applicants have submitted a retail statement which provides for completeness an assessment of alternative sites in Hinckley Town Centre. The assessment concentrated on five alternatives located within and on the edge of Hinckley Town Centre: Atkins Factory; Stockwell Head/Concordia Theatre; Britannia Centre/Castle Street; The Leisure Centre; and Land north of Mount Road. Of the sites assessed none were considered to offer any realistic potential for large-format comparison retail units. The Britannia Centre is identified for re-development in the Core Strategy and as this application only proposes approximately 42% of the allocated retail comparison floorspace it is considered that both this site and the Britannia Centre can come forward within the available retail expenditure capacity for the Borough.

Policy EC15 of PPS4 requires developers to be flexible and include scope for disaggregating specific parts of a retail or leisure development where they are not in a centre and not in accordance with an up to date development plan. As discussed above the site is considered 'in centre' and is in accordance with an up to date development plan, it is therefore considered that the developer does not need to include scope for disaggregation. However the retail statement does address disaggregation, stating that the sequential assessment demonstrates that the proposed foodstore cannot be accommodated at any of the alternative sites assessed; and that it would be both inappropriate and unviable to separate other elements of the scheme and distribute the uses throughout the town centre.

In terms of impact, the retail assessment provided by the applicant has acknowledged that the convenience retail part of the scheme would have the most impact on supermarkets on the outskirts of Hinckley although not a big enough impact to threaten their viability. As the assessment points out, the application site is more sequentially preferable to the other locations so it is not considered that this is an area for concern. The impact of the comparison retail element of the scheme is of slightly more concern than the convenience retail as this would have a direct impact on Hinckley Town Centre's existing Primary Retail Area which is acknowledged by the submitted retail statement. It is however stated that the impact would not be so severe that it would jeopardise the vitality or viability of the shops in this location. In fact, the retail statement considers that the new scheme would begin to 'claw-back' some of the business that is currently leaking to areas such as Fosse Park, Leicester, Coventry and Nuneaton. In addition, paragraph 6.20 of the statement states that 'the development may also have an indirect positive impact on investment in the town centre. Indeed, the delivery of a high quality mixed-used scheme, which will increase footfall within the town centre, is likely to bolster investor confidence and may encourage further public and private sector investment in other parts of Hinckley Town Centre.' The assessment therefore concludes that the scheme is likely to have spin-off benefits for the existing retail areas of Hinckley and act as a catalyst for future investment in Hinckley as a whole.

The assessment also considers the potential impact on future retail sites within the town centre. The main area of consideration is the impact this development could have on any future development of the Britannia Centre on Castle Street which lies within the existing Primary Retail Frontage. The 2007 retail capacity study produced by Roger Tym and Partners on behalf of the Local Authority recommended against allowing substantial levels of comparison retail development at the Bus Station until a comparison retail scheme had been committed (and preferably implemented) at the more central Britannia Centre. The retail statement, submitted with the application, considers this and believes that the original retail capacity assumptions may have been conservative

and that there will still be enough residual comparison retail capacity to sustain a redeveloped Britannia Centre in the future.

It is considered that whilst the 2007 Capacity Study recommended that development at the Britannia Centre should come forward first, there is no application submitted by the Britannia Centre for expansion and it has been indicated that expansion has been put on hold due to the current economic climate. It is considered there is sufficient capacity to support the proposed development of the Bus Station site and any further development at the Britannia Centre and that the scheme will not undermine the heart of the town centre or future expansion plans at the Britannia Centre. Instead it is considered the proposals will not only regenerate the site, but will provide both environmental and economic benefits to the town centre through an enhanced bus station and public realm improvements. It will enhance retail offer and capture some of the existing expenditure leakage which equates to approximately £173m going to Fosse Park, Leicester City Centre and Nuneaton Town Centre.

Whilst outside the planning process monies have been agreed to go towards improvements to pedestrian links with the Market Square which aid visual association of the proposed scheme and existing centre but also encourage the use of the route. Such an increase in footfall along existing secondary shopping areas will add to the vitality and vibrancy of the area thereby increasing the potential for additional trade.

Concerns have been expressed over the loss of 2 smaller foodstores and replacement with 1 affecting consumer choice. The scheme provides a large A1 unit identified as convenience retail and 18 retail units identified for comparison retail which is considered will enhance consumer choice. However it should be noted that Policy 1 of the adopted Core Strategy allows for 5,300 sqm of convenience floorspace and the convenience floorspace proposed in this application equates to 4,213 sqm, as such there is 1,087sqm of convenience floorspace capacity available within the policy. It is therefore considered that should there be demand for further convenience floorspace this could be provided within the existing policy.

Objection has been received on the basis that the Hinckley Town Centre Area Action Plan has not yet been examined by an independent Inspector and should therefore be afforded limited weight. The objector also considers the Area Action Plan to be unsound. It should be noted that the Area Action Plan has been submitted for examination and therefore has limited but growing weight as supported by PPS1 which states "The weight to be attached to such policies [development plan documents] depends upon the stage of preparation or review – increasing as successive stages are reached". The weight attributed to the document is therefore limited in the assessment of this application. The soundness of the Area Action Plan is not for consideration as part of this application.

In summary it is considered that the site when considered against all relevant policy is 'in centre', and the proposed uses comply fully with Policy 1 of the adopted Core Strategy. The application proposal will not negatively impact upon the existing town centre but instead will complement and enhance acting as a catalyst to encourage investment in the town centre which should result in less leakage of retail expenditure to areas such as Nuneaton, Coventry and Fosse Park. The quantum of retail floorspace proposed equates to approximately 42% of that allowed for in Policy 1 of the Core Strategy and therefore will not impact to the detriment to the expansion of the Britannia Centre. The scheme is considered to comply with both national and local retail policies.

Access and Highway Impact

The application proposes a 556 space car park, the stopping up of Brunel Road, the creation of a new access into the development, junction improvements, servicing for the development and a re-designed bus station. The access to the site is off Rugby Road, at the same location as the Brunel Road junction, this will access the undercroft car park and the service areas to the foodstore and retail shops. This access is proposed to be traffic signal controlled and will provide safe cycle movements at the front of the queue and there are pedestrian phases across both Rugby Road and the site access. The car park / service road access will be one lane entry and two lanes egress and will widen to two lanes in each direction at the barriers to the car park. A car park management agreement has been submitted with the Transport Assessment, this provides measures for operation, car parking charges, enforcement, review, opening hours, and standard of maintenance. It should be noted that it requires car park charges to be reviewed annually to maintain alignment with local car parks. A condition has been suggested to ensure the development is carried out in accordance with the information submitted with the application, this includes the submitted car park management agreement.

Waterloo Road, which is private, operates as both the bus station and the bus only access from Rugby Road to Lancaster Road. As part of the application, access will be changed to direct vehicles from Lancaster Road to Rugby Road; this change has been agreed with the Quality Bus Partnership and the local bus operators. Waterloo Road is also proposed to provide access for loading and unloading to the restaurant/café uses. The delivery hours will be controlled by the applicant to avoid peak bus arrival periods and to minimise disruption outside these periods, the hours proposed are between 10:00 and 12:00; 14:00 and 16:00 and 18:00 and 08:00. Waterloo Road will not be adopted by Leicestershire County Council Highways therefore the applicants have agreed to retain responsibility and undertake cleaning, maintenance, traffic management and overall management of the road and bus station as part of the development proposals.

The scheme makes provision for safe movement for pedestrians throughout the site, there are direct pedestrian links from the bus station to the retail area and to the rest of the town centre which all comply with the DDA. The new site access will incorporate controlled pedestrian crossing facilities to provide a safer crossing of Rugby Road. The scheme also makes provision for cycle parking for up to 100 bikes, which exceeds County Highways requirements. These will be provided in the form of Sheffield Cycle Stands most of which will be in a secure covered cycle shelter adjacent to the main entrance of the foodstore, other locations for cycle parking are provided adjacent to the offices and the cinema. Cycle signing to the development will be provided to direct cyclists via the proposed traffic signal controlled access.

The scheme provides for the replacement of the run-down existing bus station with a high specification bus station for 5 buses plus 1 lay over space. The development will incorporate a real time information system both at the station and within the mixed retail development. Details of the bus shelters have not been submitted for consideration, such details will be the subject of a planning condition. The café/restaurant uses lie immediately adjacent to the bus station providing refreshment opportunities to users.

Servicing

Servicing for the foodstore and main non-food retail block (block A) is provided via the main access off Rugby Road, the service area provides for 8 articulated and 6 rigid service vehicles. Service access to the non-food retail units fronting Station Road (block C) will be provided by a lay-by for 2 articulated vehicles off Station Road. Servicing for the five café/restaurant units will be from the service bay on Lancaster Road which can accommodate 1 articulated vehicle and 1 rigid vehicle and Waterloo Road which provides for 1 articulated vehicle. Overall there is provision for 12 articulated vehicles and 7 rigid vehicles. The servicing vehicle requirements have been fully assessed and County Highways consider that the provision for the development is adequate and the assessment undertaken is not flawed. Details of swept path analysis showing how servicing will operate during peak periods is provided within Appendix B of the Transport Assessment.

The applicant has submitted information that clearly demonstrates that the recycling area can be serviced without any capacity or safety issues, this is considered acceptable.

Parking Provision

County Highways have stated that if parking is calculated in line with the Htd the development would require 1388 parking spaces, however these are maximum standards that do not take account of town centre locations for a number of land uses, neither do they take account of linked trips for mixed use development on a town centre site where alternative parking provision is available. In addition, a bus station is an integral part of the scheme and a rail station is within walking distance of the development.

A review of parking supply and demand was undertaken as part of the adopted Hinckley Town Centre Strategic Transport Development Contributions SPD, this required an increase in parking across the town centre of 330 spaces. There are currently 271 parking spaces on the existing site, the application proposes 556 spaces of which 10 are allocated for residents of Clarendon Road and 34 are for staff parking leaving 512 for public use. Deducting the existing 271 spaces from this provides an increase of 241 spaces for the town centre. The SPD suggests that the 330 spaces required across the town will in part be provided on the Bus Station site. It is considered that the 241 additional spaces provided goes a good way towards the overall increase required equating to approximately 73% of the total required and complies with the SPD. With regards to on-street parking County Highways have confirmed that the removal of any existing on-street parking spaces will be subject to revisions to existing Traffic Regulation Orders. These revisions will be subject to public consultation, the outcome of which cannot be guaranteed. The exact number and location of loss of existing on-street parking cannot be determined at this stage but it will be kept to a minimum.

The Hinckley Town Centre Strategic Transport Development Contributions SPD identifies Variable Message Signs within the programme of transportation measures. These variable message signs will advise drivers when a car park is full and identify available car parking spaces in alternative car parks.

County Highways considers that the analysis of the car parking accumulation and the car parking requirement within the submitted Transport Assessment is robust and it is demonstrated that adequate parking can be provided within the site. It should also be noted that PPG13 states that Local Authorities should not require developers to provide more spaces than they themselves wish and that reducing the amount of parking in a new development is essential as part of a package of planning and transport measures to promote sustainable travel choices.

The development of the site will require the loss of 13 garages to the south of Brunel Road at the rear of properties along Clarendon Road. Access to these garages is currently gained from Brunel Road via the long stay car park. An assessment of these garages by the applicant has demonstrated that only 4 are in regular use with the remainder in poor condition. Concerns that the loss of these garages could lead to on street parking issues has resulted in 10 additional parking spaces within the application site being dedicated for resident parking. Clarendon Road residents have requested that access be retained to the rear of their properties, whilst such matters are not a material planning consideration such provision is likely to cause conflict with the operation of the service yard. It is however understood that the developers are working with local residents to resolve these matters. In addition, 8 properties on Rugby Road have vehicular access to the rear of their properties via Brunel Road; the access to these properties is proposed to be retained.

Residents have raised concerns that the development will increase parking along Clarendon Road and request the consideration of a residents parking scheme. The scheme makes adequate provision for parking within the site and the Local Planning Authority cannot control on-street parking. It is understood that a residents parking scheme is being considered by Leicestershire County Council, this is not however part of the planning process and will be subject to extensive consultation by Leicestershire County Council.

Traffic Flows and Impact

County Highways have confirmed that the comparison of survey data concluded that Friday traffic flows were reasonably typical of the average week day and therefore the data used is robust. Furthermore, they consider that the predicted impact of the development traffic on Hawley Road is considered a robust assessment as the Transport Assessment re-distributes all 'through traffic' that currently uses Brunel Road onto Station Road and Hawley Road following the stopping up of Brunel Road and does not re-distribute any through traffic onto Clarendon Road.

The existing trip generation used in the Transport Assessment was agreed with County Highways, this was calculated based on the existing land uses within the application site using the TRICS database. In respect of the units within the site that are in use, they have the potential to generate a number of vehicular trips, this number will depend on the planning use and will therefore be reflected in the TRICS output. In terms of any vacant units within the site, these will have an existing planning use and have the potential to be brought into use tomorrow and generate vehicular trips without the need for planning permission. The potential existing site trip generation was calculated as 237 two-way trips in the Friday pm peak and 232 two way trips in the Saturday pm peak, this takes into account the trips associated with the existing public car parks.

The closure of Brunel Road could result in some traffic impact along Clarendon Road although the level of change is difficult to predict at this stage, therefore the applicants have agreed that the traffic situation along Clarendon Road will be monitored both before and after the closure of the road. A suitably worded condition will secure this and ensure that any appropriate mitigation measures are secured.

County Highways have fully considered the information within the Transport Assessment regarding junction capacity and modelling and have concluded that the development is acceptable. The junction geometry for the Rugby Road / Hawley Road roundabout has been checked against the geometry in the Transport Assessment for the Flude application, as this has been approved it was considered the most appropriate geometry to use. County Highways considered that whilst there will be a reduction in junction capacity they are unable to sustain a reason for refusal as it is still predicted to operate within its theoretical capacity. Objectors concerns expressed over the capacity of Station Road / Hawley Road junction have also been considered and County Highways have stated that the junction will operate over capacity, however when taking into consideration the existing signal

controlled pedestrian crossing to the east of the junction they would be unable to sustain a reason for refusal as when the pedestrian crossing is called it allows gaps for right turners and consequently improves capacity.

Following assessment of junction capacity in the area it is proposed to make improvements to the Trinity Lane/Coventry Road junction to increase capacity of the junction and improve safety providing a longer and wider visibility splay for pedestrians.

Objections have been received on the basis that the submitted Transport Assessment does not take into account the Sketchley Brook development and that a holistic approach is required encompassing all significant anticipated developments. The Hinckley Town Centre Strategic Transport Development Contributions SPD provides a holistic transport strategy for the town, it considers the large developments anticipated within the town. It does not include the Sketchley Brook site as the study was undertaken before the development of the site was anticipated. As the Sketchley Brook planning application has been submitted but has not yet been determined it is not considered to be committed development and therefore does not need to be factored into the Transport Assessment.

In summary, it is considered that the submitted Transport Assessment is robust, is not flawed and considers all relevant committed development. It demonstrates that there is sufficient service vehicle provision and public car parking to serve the development. It has been demonstrated that, subject to conditions and the proposed mitigation, detailed above, the development will not adversely impact the highway network as such the development is considered acceptable in highway terms.

Impact upon Neighbours

The application site is located adjacent to residential properties. The scheme therefore requires sensitive design to avoid any adverse impact upon the amenity of adjoining landowners by virtue of overshadowing; overbearing impact; loss of privacy; noise; light pollution; vibration; air quality.

The application has been assessed in respect of these issues, the outcomes of which can be reported as follows:-

- a) *Overshadowing* – as discussed above the scheme has been designed to be in scale with the surrounding area and is sited a considerable distance from neighbouring residential properties. The scheme sits directly to the north of properties on Clarendon Road and therefore would not, due to the distance from the properties and the sun orientation, result in overshadowing. It is located to the east of Rugby Road properties and is again at a distance that would not result in overshadowing occurring to the detriment of residential amenity.
- b) *Overbearing impact* – such impact is caused through siting development too close to an adjoining neighbour. The proposed development is bound by roads on all sides except the south, where it abuts both residential and commercial uses. It is considered that the scale and location of the built form will ensure there is no overbearing impact with the highest part of the development being 50 metres from the nearest property.
- c) *Loss of privacy* – such impact results from overlooking, whilst the details of appearance are not included within the scheme to enable overlooking from the built form to be assessed it is considered that due to location and scale of the built form that overlooking will not occur. Suitable boundary treatment to the southern boundary of the site will ensure the privacy of Clarendon Road residents is retained. As part of the reserved matters application it will be necessary to ensure there are no windows that enable overlooking to occur.
- d) *Noise* – concerns over noise from construction, service road and use of car park have been raised. A detailed noise assessment has been submitted with the application. Construction work will be controlled to ensure impact upon neighbours is kept to a minimum. It is proposed to limit hours of construction to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. It is proposed that the car park will be open 365 days a year between the hours of 06:00 to 01:30 Sunday to Thursday; and 06:00 to 02:30 Friday and Saturday and Sundays before bank holidays. The car park will also have on-site security to monitor the use of the area and CCTV linked with the main town centre system. The proposed hours of use along with the security will ensure the use of the car park does not become a noise nuisance to neighbouring properties. A suitably worded condition requiring details of the routing of construction traffic is proposed to ensure there will be minimal impact upon residents, along with a condition for sound insulation for the boundary and loading bay.

- e) *Light Pollution* – full details of the proposed lighting are as yet unknown, conditions have been recommended by Head of Community Services requiring details of the external lighting to the site, including intensity of illumination of any sign forming part of the development and lighting during construction works. Such conditions will enable full consideration and ensure there is no adverse impact.
- f) *Vibration* – such impact normally occurs through the construction phase of development; the potential vibration from the development has been assessed and has led to the recommendation of the construction hours of work. In addition the Head of Community Services has recommended conditions requiring a scheme for the management of vibration during site preparation and construction works to ensure there is no adverse impact.
- g) *Air quality* – such impact is normally caused by dust and emissions. The Air Quality and Odour Assessment considers such impact and the Head of Community Services has recommended conditions to enable the assessment of any bio-mass boiler and for mitigation measures to manage the air quality during construction. The assessment relating to traffic sources demonstrates that the Air Quality Objectives will not be exceeded.

In summary, it is considered that the scheme has been carefully designed and sited to address its surrounding neighbours sensitively. It will not cause significant harm to neighbours amenity through overshadowing, overlooking, overbearing impact, noise, light pollution, vibration or air quality.

Sustainability

The scheme aims to achieve a minimum BREEAM rating of ‘very good’, the approach to sustainability has been a holistic one, considering the impact on the wider neighbourhood in economic, social and environmental terms. The following measures have been incorporated into the development proposals:-

- a) *Energy performance* – the development standard will be to ensure the Building Emission Rate achieves a minimum of 10% betterment beyond Building Regulations Part L; carbon reduction across the development is predicted at 35% beyond the current 2006 Part L Building Regulations including passive and energy efficiency, decentralised low carbon energy and renewable energy generation.
- b) *Daylight and Lighting* – maximising the use of passive energy through orientation and design of façade treatment; and designing open public spaces utilising sunlight and natural ventilation. The foodstore roof will incorporate sun pipes allowing natural daylight to penetrate through to the sales area. Energy consumption will be reduced through a hybrid system using natural daylight, dimming control systems and energy efficient lighting.
- c) *Natural Ventilation* – natural ventilation will be provided where possible through the use of opening windows. The undercroft car park will have the provision of well distributed permanent natural ventilation.
- d) *Materials* – chosen to ensure long term maintenance and sympathetic repair. Where possible they will be sourced locally, the use of steel within the structure and envelope of the building is also ultimately recyclable. It is proposed that suitable demolition waste will be crushed on site and recycled for use as aggregate on the new development.
- e) *Ecology Enhancements* – landscaping proposals will incorporate the planting of native trees and shrubs.
- f) *Sustainable Construction* – the applicants are committed to building stores that have low impact on their environment through intelligent design, sustainable sourcing of materials, efficient use of energy and resources and implementing a site waste reduction programme.
- g) *Transport* – Encourage more cycling by providing secure sheltered cycle storage; encourage walking through well designed and improved public realm and encourage use of public transport through the new bus station. A travel plan has also been submitted.

In summary, it is considered that the applicant has considered the sustainability of the scheme and proposed appropriate measures that seek to address the impact in economic, social and environmental terms.

Security and Crime Measures

The Police Architectural Liaison Officer has requested that the development incorporates a number of mitigation measures to address crime and terrorism. These measures comprise:-

- a) Providing a strengthened building structure above the undercroft car park
- b) Clear car park management with security, CCTV, good lighting

- c) Clear management strategy for the delivery areas / service yards including hostile vehicle measures, vehicle checking at delivery zone, CCTV
- d) Hostile vehicle measures to public areas such as bollards
- e) Location of ATMs in prominent locations and covered by CCTV
- f) Antiglare lighting
- g) Anti-vandal street furniture
- h) CCTV should be linked in with Town Centre system.

Discussions have taken place with the applicants regarding these matters and it has been agreed that these measures can be incorporated into the scheme, it is considered appropriate to ensure this by way of a suitably worded condition.

In summary it is considered that the scheme is capable of incorporating measures that will address the crime and terrorism agenda.

Other issues

As part of the consultation other matters have been raised, these are assessed below:-

- a) *Compensation for disturbance and loss of property value* – this is not a material planning consideration.
- b) *Flooding* – based on the information submitted the Environment Agency raises no objection but recommends the imposition of conditions that seek to ensure detailed drainage and flood related issues are considered prior to the commencement of any development.
- c) *Boundary treatment* – the submitted details indicate that boundary treatment will be provided however such details are matters to be considered at detailed stage along with the full landscaping proposals.
- d) *CABE's comments have not been addressed* – the scheme was considered by CABE and following receipt of the comments the developers assessed the comments and sought to alter the scheme where appropriate. Not all of CABE's recommendations could be met due to the evolution of the scheme through an extensive public consultation process. The Local Planning Authority have assessed both CABE's comments and the scheme and are happy that from an urban design point of view the scheme responds well to its context and seeks to provide a well-designed, well thought out development that will complement and enhance the existing retail centre and the surrounding area taking on board views gained through the consultation process where possible.
- e) *Relocation of Existing Users* – whilst not a matter for consideration for the planning determination of this application, it should be acknowledged that discussions have been underway with existing landowners with regards to relocating to alternative sites. The Local Authority has been involved with this process in that their knowledge of available alternative sites has been shared and advice given regarding potential planning applications for redevelopment or change of use. It should also be noted that the Local Authority has given a commitment that in order to ensure this development is brought forward to enable the regeneration of this key town centre site Compulsory Purchase Powers will be used where necessary
- f) *Environmental Statement is flawed* – the objection specifically states that the Environmental Statement does not outline the main alternatives considered and provide an indication of the main reason for the scheme chosen taking into account the environmental effects. It is considered that Section 2 of the submitted Environmental Statement charts the historical evolution of the proposed scheme from January 2005, including all the relevant strategic town centre sites. Furthermore, the section also explains in detail, how various scheme alternatives within the identified site were assessed and amended as the development process evolved. It should also be noted that the Environmental Impact Assessment has been based on the maximum scale parameters and therefore it is considered that full consideration has been given to the environmental impacts.
- g) *The concerns raised regarding the suggested planning conditions are addressed as follows:*
 - Condition 4: this is a condition suggested within the guidance 'Greater flexibility for planning permissions' document where it states the condition should accord with advice set in Circular 11/95.
 - Condition 11: this has been amended to include a programme of implementation for the bus station.
 - Condition 12: Brunel Road is to be stopped up as part of the development, this condition purely requires monitoring of through traffic on Clarendon Road prior to the stopping up in order that the survey data can be compared to that taken after the opening of the foodstore to ascertain what the impact is and what level of mitigation, if any, is required.
 - Condition 13: the condition requires details of construction traffic routing prior to commencement of development, it was not considered that this detail was necessary in order to determine the application.

- Condition 18: the condition requires additional information over and above that submitted in the Environmental Statement.
 - Condition 20: *Prior to commencement of development hereby permitted (including demolition) the recommendations in Ecology Survey at paragraph 5.7 and 5.8 shall be carried out and further survey work shall be submitted to and approved in writing by the Local Planning Authority.* It is considered that this condition is not required as it is covered by Condition 4.
 - Condition 21 (now 20): the matters of crime and terrorism raised by the Police Architectural Liaison Officer will not, it is considered, impact on the matters being considered and therefore the imposition of a condition is considered to adequately address these matters.
 - Condition 25 to 28 (now 24 to 27): these conditions require highway works, these are considered to be acceptable as the highway impacts have been adequately and fully assessed within the submitted TA.
 - Condition 35 (now 34): this condition links with condition 12 and is required to enable comparison of through traffic before the stopping up of Brunel Road and following the opening of the foodstore to ensure mitigation, if required, can be provided.
 - The submitted Transport Assessment includes a car park management agreement. Condition 4 requires the development to accord with the details submitted including the car park management agreement, as stated in the committee report.
- g) *The application is being reported to committee earlier than originally scheduled* – the application is being reported to committee within the target period and not earlier than scheduled. It has been deferred from the scheduled Committee to ensure proper consideration of objections lodged on the eve of that Committee by objectors.
- h) *Financial contribution towards public realm improvements* – this has been offered by the applicants but is not being requested through the planning process therefore it does not need to comply with the Community Infrastructure Levy Regulations. The monies will be secured through a supplemental Development Agreement.

Conclusion

This is a key regeneration scheme for Hinckley Town Centre which will secure major improvements in the retail and leisure offer for local residents and visitors complimenting existing town centre shopping facilities. It will also significantly improve public transport provision in the form of the new bus station.

The application site is located in the town centre of Hinckley where development is considered acceptable in principle, development plan policy in the form of the adopted Local Plan; the adopted Core Strategy and the emerging Hinckley Town Centre Area Action Plan along with other technical documents support the development of this site with a comprehensive mixed use scheme comprising leisure and retail. The layout of the scheme has evolved over a significant period of time and has been subject to numerous public consultation events, it is considered that the scheme is well thought out and will add interest to the existing grain of the town centre and the surrounding area.

The application has been supported with an Environmental Statement that fully and robustly assesses the impact the scheme will have on the environment and provides mitigation where required. The retail impact of the scheme has been assessed and it is considered that the scheme will complement and enhance the retail offer of the town and will act as a catalyst to encourage investment into the town and will lessen the leakage of retail expenditure to other retail centres such as Nuneaton, Coventry and Fosse Park. The impact of the development upon the highway network has been robustly assessed and challenged and measures have been proposed to mitigate against any impact demonstrated. Concerns that there will be significant impact upon junctions in the surrounding area have been assessed and the Local Highway Authority accepts that the scheme will not impact to the detriment of highway safety.

The application site is located close to residential properties and concerns have been raised by a small number of local residents that the scheme will give rise to impact upon residential amenity. All aspects of impact upon amenity have been considered and assessed, it is concluded that the scheme will not cause detriment to residential amenity.

Finally, the scheme as submitted has good measures of sustainability proposed which will assist in achieving a BREEAM rating of 'very good'.

Based on the above the application is considered acceptable and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to the completion of a variation to the development agreement, the Deputy Chief Executive shall be granted delegated powers to grant planning permission for the development subject to the following conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Summary of Reasons for Recommendation and Relevant Development Plan Policies:-

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission the proposed development would be in accordance with the development plan as: it is a sustainable site within the Hinckley Town Centre; would meet an identified need for retail and leisure development in Hinckley; would enhance the character and appearance of the area and would not be detrimental to the occupiers of neighbouring properties; and includes measures to mitigate its impact on the highway network and is not considered detrimental to highway safety.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 5, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, EMP1, BE1, BE13, BE14, BE15, BE16, BE26, NE2, NE12, NE14, T3, T4, T5, T9, T11, and Retail 1.

- 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 appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- b) The landscaping of the site including the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

- a) The provision to be made for screening by walls and fences
- b) Landscaping implementation programme
- c) The final siting and layout of each unit in accordance with the horizontal deviation plan.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 4 The development shall be carried out only in accordance with the details and specifications included in the submitted application, as follows:-

Drawing Nos: SK01; P001; P002; P003; P004; P005; P006; P007; P009; P010; P011; P012; P013; P014; P020; P021; P022; P023; P030; P031; P032; P040; P041; P042; P050; and the technical documents: Environmental Statement and Appendices; Energy Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Retail Statement; Retail Statement Appendices; Flood Risk Assessment and Phase 1 and 2 Geo-environmental Investigation received 16 September 2010 and additional information as follows: Stage One Road Safety Audit – Designers Response received 7 October 2010; Ecology Report received 20 October 2010; and Acoustic Measures received on 17 November 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Prior to Commencement of Development Conditions:

- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development; 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: In the interests of visual amenity and to safeguard the character of the area, to accord with policy (s) BE1 of the adopted Hinckley and Bosworth Local Plan.

- 6 The development hereby permitted shall not be commenced until such time as a scheme to manage surface water run-off, silt and where necessary ground water during the demolition and construction phases has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water, silt and where necessary ground water from the site, during the demolition and construction phases to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 7 Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) Limiting surface water run-off during all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
- b) Provision of surface water run-off attenuation to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
- c) Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

a) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent the pollution of controlled waters, notably the Sketchley Brook and the wider alluvial aquifer to accord with Planning Policy Statement 25: Development and Flood Risk and Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.

9 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

10 Prior to the commencement of development a scheme for any bunded tanks that may be installed should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

11 No development shall commence until full details of the bus station has been submitted to and approved in writing by the Local Planning Authority. The details shall include surfacing, level access kerbs, real time information displays, bus shelters and programme of implementation. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

12 Prior to the stopping up of Brunel Road the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 13 Prior to commencement of development details of the routing of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work (in this instance historic building recording) in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken only in accordance with the approved written scheme.
- Reason: To ensure the preparation and implementation of an appropriate scheme of historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 15 No development approved by this permission shall be commenced until details of site lighting during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.
- 16 No development shall take place until full details of any biomass boiler that may be installed, building services and ventilation of the premises, which shall include installation method, maintenance and management, has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.
- Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour, air quality and noise to accord with Policies NE2 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 17 No development approved by this permission shall be commenced until a scheme for the management of air quality during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- Reason: To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 18 Notwithstanding the recommendations of the noise and vibration section of the Environmental Statement, development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the permitted development first comes into use.
- Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 19 No development approved by this permission shall be commenced until a scheme for the management of noise and vibration during the site preparation and construction works has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.
- Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

20 Prior to commencement of the development hereby permitted full details of measures to address crime and terrorism, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides a safe and secure to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

21 Prior to commencement of development a scheme of sound insulation for the boundary and loading bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

22 Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

23 No development shall take place until a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

Prior to Occupation Conditions:

24 Prior to occupation of any Unit in block C (Unit C1 to C10) the service loading bay on Station Road as shown on drawing E1012 P 021 shall be provided and made available for use. This shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

25 Prior to occupation of any Unit in block B (Units B1 to B5) the service loading bays on Lancaster Road and Waterloo Road as shown on drawing E1012 P 021 shall be provided and made available for use. These shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

26 Prior to occupation of any Unit in block A (Units A1 to A11) the rear service yard accessed from Rugby Road on drawing E1012 P 021 shall be provided and made available for use. The service yard, including turning provision, shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

27 Prior to occupation of any unit hereby approved the scheme of mitigation at Coventry Road / Trinity Lane signalised junction as shown drawing no A054156-35-18-038 shall be provided and available for use.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

28 Prior to the occupation of any unit hereby approved, car parking provision shall be made within the development site as shown on drawing E1012 P 021. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

29 Prior to the occupation of any unit hereby approved, the proposed signalised access to the car park and rear service yard shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

30 Prior to the occupation of any unit hereby approved, full details of traffic management for Waterloo Road has been submitted to and approved in writing by the Local Planning Authority. The details shall include signage, lining, bus operation hours, delivery and service vehicle operation hours, management and maintenance and implementation programme. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

31 Prior to occupation of any unit hereby approved the proposed signalised access to the car park and rear service yard as shown on drawing no A054156-35-18-037 shall be constructed and available for use.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

32 Prior to occupation of any unit hereby approved details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details thereafter.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

33 Prior to occupation of any unit hereby approved full details of the proposed recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the types of banks to be provided, provision of an off loading area for vehicles with safe pedestrian areas, and provision for collection vehicles to park to empty the banks. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides sufficient recycling facilities that can be accessed in a safe manner to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Other conditions:

34 Between 6 and 12 months after the opening of the food store the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority. If these results show a 5% or greater increase in through traffic in comparison to the survey carried out under condition 12 a scheme of mitigation and implementation by the developer shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 35 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the proposed signalised access to the car park and rear service yard they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 36 The gradient of the proposed signalised access to the car park and rear service yard shall not exceed 1:12 for the first 15 metres behind the Highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 37 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycle ways and shared use footway/cycle ways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.

Reason: To ensure a satisfactory form of development and in the interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 38 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 40 For the period of the construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 41 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010, Ref: XL00722/R3 undertaken by Clarke Bond and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by all rainfall events up to the 100 year critical storm, including an allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 42 The applicant shall notify the Local Planning Authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than 6 months after the commencement of fieldwork.

Reason: To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

- 43 The intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

- 44 Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which the above condition applies is fully compliant with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

- 45 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 the protection of controlled waters to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 46 Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

- 47 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 48 Unit A1 hereby approved shall have not more than 9,674 square metres of Gross Internal Area (GIA).

Reason: To ensure that the use and permitted floor space accords with the Environmental Statement and Retail Statement, to ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 4.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Any trees to be retained on the site should be protected following recommendations outlined in the British Standard: Trees in relation to Construction BS5838:2005.
- 6 Demolition work or works to trees/shrubs should be undertaken outside of the bird breeding season. If this is not convenient, areas should be checked by a suitably experienced individual prior to works. If nesting birds are present, work must cease in the area until the young have left the nest.
- 7 In relation to condition 6 particular attention must be given to the safe routing of flood water arising from storm events exceeding the design limit for runoff attenuation. In particular, residential property in Clarendon road must not be exposed to an increased risk of flooding as a result of the development.
- 8 In relation to condition 14 the Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 9 The Historic and Natural Environment Team, as advisors to the Local Planning Authority will monitor the archaeological work to ensure that the necessary programme of historic building recording is undertaken to the satisfaction of the Local Planning Authority.
- 10 The applicant should note that Central Networks has Network within the proposed site, and requires 24 hour access to this network. Copies of the mains records can be obtained from Aim Bureau Services, Toll End Road, Tipton, DY4 0HH. For new developments, diversions and ground works contact Central Networks, CAT Team, Toll End Road, Tipton, DY4 0HH. For information regarding the safety of working around networks contact Cablesafe Team on 0800 0150 927 or on <http://www.eon-uk.com/distribution/>.
- 11 The applicant's attention is drawn to the response from National Grid dated 7 October 2010.
- 12 In relation to condition 14 advice from Environmental Health is attached to this decision notice, which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy
- 13 A section S61 agreement under the Control of pollution Act 1974 should be considered.

Contact Officer:- Tracy Miller Ext 5809