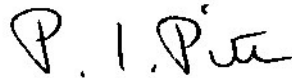


Date: 10 January 2011

Dear Sir/Madam

I hereby summon you to attend a meeting of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL** in the Council Chamber at these offices on **TUESDAY 18 JANUARY 2011 at 6.30 pm.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. I. Pitt', written in a cursive style.

Pat Pitt (Mrs)
Corporate Governance Officer

AGENDA

1. Apologies
2. To confirm the minutes of the meeting held on 7 December 2010. Attached marked C38.
3. To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. 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.
5. To receive such communications as the Mayor may decide to lay before the Council.
6. To receive petitions presented in accordance with Council Procedure Rule number 10.11.
7. To deal with questions under Council Procedure Rule number 11.1.

8. Position Statement. The Leader of the Council will give a presentation.
9. To receive for information only the minutes of the Scrutiny Commission meeting held on 9 December 2010. Attached marked C39.
10. To consider the following reports:-
 - (a) Hinckley Bus Station – Compulsory Purchase Order. Attached marked C40. (Pages 1- 32).
11. To agree the Council's calendar of meetings May 2011 - May 2012. Copy attached marked C41.
12. To consider the following motion, notice of which has been received in accordance with Council Procedure Rules 13.1 and 13.2:-

From Mr S.L. Bray

“This Council notes with concern that:

- a) high street banks are planning to stop accepting cheques despite protest from consumer groups and businesses;
- b) in December 2009, the Payments Council agreed on behalf of the major banks to scrap cheques in 2018;
- c) nearly four million cheques are still being written each day and that many people still prefer to pay for goods and services in this way;
- d) believes many people and organisations including the elderly, businesses and charities would be seriously affected as a result;
- e) 126 MPs from all parties have signed Early Day Motion 258 calling for the banks to reconsider their proposals.

This Council further notes that on November 2nd 2010, David Ward MP presented a 10 minute rule bill to the House of Commons which would place a duty on the City Regulator, the Financial Services Authority, to ensure that cheques stay in use until suitable alternatives are found and that the Bill will be debated in June 2011.

This Council calls upon the Chief Executive to write to the Prime Minister expressing this Council's concern about the plans to abolish cheques and urging him to provide Parliamentary time to ensure that the Bill is passed into law.”

To: All Members of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL**
(other recipients for information).

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
7 DECEMBER 2010 AT 6.30 P.M.

PRESENT: MRS. S. FRANCKS - MAYOR
MR. R. MAYNE - DEPUTY MAYOR

Mr. J.G. Bannister, Mr. P.R. Batty, Mr. P. S. Bessant, Mr. D. C. Bill, Mr. C.W. Boothby, Mr. J. C. Bown, Mr. S. L. Bray, Mrs R. Camamile, Mr. M. B. Cartwright, Mr. D.S. Cope, Mr. W. J. Crooks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P. A. S. Hall, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. M. R. Lay, Mr. K. W. P. Lynch, Ms. W.A. Moore, Mr. K. Morrell, Mr. K. Nichols, Mr. L.J.P. O'Shea, Mrs J. Richards, Dr. A. J. Smith, Mrs. S. Sprason, Mr. B. E. Sutton, Mr. R. Ward, Ms. B. M. Witherford and Mr. D. O. Wright.

Officers in attendance: Mr. S. J. Atkinson, Mrs. R. Ball, Mr. Mark Brymer, Mr. Michael Brymer, Mr. D. Bunker, Mr. R. Crosthwaite, Mr. B. Cullen, Miss L Horton, Mr. S. Kohli, Mr I. Parsons, Mrs. P. I. Pitt, Mrs J. Puffett and Mr. S. Wood.

Prior to commencement of the meeting Members' observed a brief silence in memory of Mick Hill, a long-standing employee in refuse and recycling, who had passed away in October.

333 **PRAYER**

The Reverend Andrew Murphy, Barwell Methodist Church, offered prayer.

334 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs. M. Aldridge, Mr. D.W. Inman and Dr. J.R. Moore.

335 **MINUTES (C25)**

Prior to confirmation of the minutes and following a question from a Member the Leader of the Council stated that his response to the question from Mr. Lay at the last meeting had been accurate and that the issue of funding would be better addressed to the County Council.

It was then moved by Mr. Bray, seconded by Mr. Bill and

RESOLVED - the minutes of the meeting held on 30 September 2010 be confirmed and signed by the Mayor.

336 **DECLARATIONS OF INTEREST**

Personal interests were declared as follows:-

Mrs. Richards – report number C33.

337 MAYOR'S COMMUNICATIONS

The Mayor referred to the recent visit to the Borough of representatives of Le Grand Quevilly and to the Council's intention to look into all aspects of its town twinning.

338 QUESTIONS

(a) Question asked by Mrs. J. Richards and addressed to Mr. S.L. Bray

"The new Government has set out many welcome changes to the planning system along with much more realistic objectives in terms of providing necessary housing whilst taking account of the views and needs of local communities.

Despite this the Borough Council seems determined to proceed with its policy of creating two 'Sustainable' Urban Extensions (SUEs) on Greenfield land on the boundaries of Earl Shilton and Barwell in the face of the widespread concerns of local residents about these plans and their general belief that the Council's consultation process has failed to properly engage with the people of these two communities.

It is hard to disagree with the premise that the Borough Council's proposals envisage a massive expansion of both of these settlements without adequate plans for the necessary infrastructure and service provision improvements and certainly without the unqualified support of local residents.

With all this in mind, would the leader agree that this Authority's needs to look again at its whole approach to the SUEs it is planning for the communities of Earl Shilton and Barwell?"

Response from Mr. S.L. Bray

"Thank you Councillor Richards for your question.

Whilst the new Coalition Government has set out its views on the planning system, I would remind you that the clear advice from CLG and the Conservative Minister for Planning at this stage is that the current LDF process continues. No details have been published of any replacement system, nor has any time frame for this been published.

The Council's adopted Core Strategy sets out clearly how growth will be met up until 2026. The Sustainable Urban Extensions for Earl Shilton and Barwell have not only been subject to extensive consultation as part of the LDF Core Strategy process, but have been subject of rigorous examination by a Government Inspector in 2009 and found sound. I have listed below the extent of consultation undertaken so far.

Core Strategy Phase Date	Consultation Carried Out
November – December 2003	Public Consultation and issues papers drawing out public opinion and establishment of a cross-party Member Working Group.
Summer 2005	‘The Shape of Things to Come’ – more detailed consultation to identify development opportunities – feasibility and constraints.
July 2006 (3 July – 15 August)	<p>Core Strategy Preferred Options published for public consultation. This provided a preferred option for major growth based on concentrating most development in the main ‘Hinckley Urban Area’ (including Barwell and Earl Shilton). The document divided the urban core up into a number of sub areas.</p> <p>Exhibitions: Barwell Methodist Church – 1 August 2006, 3-8.30pm Co-op Earl Shilton (trailer) – 8 August 2006, 3.30-9pm Members Workshop – 11 July 2006</p>
September 2007 (24 September – 5 November)	<p>Further development of options and alternatives based on feedback from GOEM.</p> <p>Exhibitions: Earl Shilton Library – 9 October 2007, 5-7pm Co-op Earl Shilton – 13 October 2007, 10am – 1pm Barwell Library – 16 October 2007, 5-7pm</p> <p>Parish Council Meetings (explanation of the proposals and an opportunity to discuss and debate them): Barwell Parish Council – 4 October 2007, 7pm Earl Shilton Parish Council – 16 October 2007, 7.30pm Earl Shilton Parish Council – 30 October 2007, 7.30pm Parish Forum – 6 September 2007</p> <p>Workshops: opportunities to discuss the documents with others:-</p>

	<p>Core Strategy Workshop – 25 October 2007, 6-8pm (Hinckley United Football Club)</p> <p>Barwell Parish Council Workshop – 29 October 2007, 7pm (Meadow Road Community Centre, Barwell)</p> <p>Councillors Workshop – 1 November 2007, 6-8.30pm (Hinckley United Football Club)</p>	
Barwell/Earl Shilton SUE Masterplan Phase Development	Time	Meeting
4 December 2009	2-6pm	Barwell Public Consultation
5 December 2009	10am – 2pm	Barwell Public Consultation
11 December 2009	2-6pm	Earl Shilton Public Consultation
12 December 2009	10am – 2pm	Earl Shilton Public Consultation
25 January 2010	5.30pm	Earl Shilton Town Partnership – Update
17 February 2010	3pm	Earl Shilton Town Council and Methodist Church update
2 March 2010	All Day	Barwell SUE Masterplan Workshop
3 March 2010	All Day	Earl Shilton SUE Masterplan Workshop
8 March 2010	5.30pm	Earl Shilton Town Partnership Update
12 April 2010	5.30pm	Earl Shilton Town Partnership Update
20 April 2010	10.45am	Earl Shilton Town Council and Methodist Church Update
22 April 2010	6pm	Earl Shilton and Barwell Scrutiny
26 April 2010	5.30pm	Earl Shilton Town Partnership Update
24 May 2010	5.30pm	Earl Shilton Town Partnership Update
17 June 2010	10am	Earl Shilton Town Council – Consultation re: Weavers

		Springs access
28 June 2010	5.30pm	Earl Shilton Town Partnership Update
16 August 2010	5.30pm	Earl Shilton Town Partnership Update
2 September 2010	10am	Earl Shilton and Barwell Forward
17 September 2010	5.30pm	Earl Shilton Town Partnership Update
8 October 2010	2-6pm	Barwell Public Consultation
9 October 2010	10am – 2pm	Barwell Public Consultation
15 October 2010	2-6pm	Earl Shilton Public Consultation
16 October 2010	10am – 2pm	Earl Shilton Public Consultation
21 October 2010	10am	Meeting with Barwell Parish Council re Cemetery extension requirement

As you will see, the Council has continued its engagement with residents and stakeholders on the development of the SUE Masterplan. In fact, the Council was recently congratulated by the Earl Shilton Town Council for the level of engagement we have afforded the communities on the proposals. As you will be aware, there was a further recent consultation on revised Masterplans over two weekends in October in Earl Shilton and Barwell and the level of public involvement was good. There is further consultation planned early in the New Year on the Area Action Plan for the SUEs with a final stage programmed for Summer 2011, prior to the submission of the document to the Secretary of State. Beyond this, there will be much more detailed consultation on future planning applications for the SUEs. I am also pleased to report that the Developer Consortiums for both Barwell and Earl Shilton have agreed to set up local stakeholder forums to meet with local residents, businesses and politicians. This should commence early in the New Year.

I share your desire to ensure adequate plans are made for necessary infrastructure and service provision. I can confirm that progress is being made with the support of Prospect Leicestershire to draw up an infrastructure plan that will identify the community facilities and infrastructure required with the development. This will form part of the AAPs which will be considered by Council and subject to consultation early in the New Year.

On the basis of my comments above, I consider this Authority is taking the right approach to its planning for the development of the SUEs and regeneration of Earl Shilton and Barwell.”

Following a supplementary question from Mrs. Richards Mr Bray indicated that he was happy to facilitate a meeting between Mrs. Richards and officers from this Authority and from the County Council to discuss future infrastructure and service provision.

(b) Question asked by Mr. W.J. Crooks and addressed to Mr. S.L. Bray

“In a recent leaders speech, Councillor Bray announced that the Council would be taking a more rigorous approach to tackling Planning Enforcement.

As Councillor Bray is the Executive Member for Planning, would he kindly advise me what steps/action has been taken so far?”

Response from Mr. S.L. Bray

“May I thank Cllr Crooks for this opportunity to update Members of the work being undertaken to tackling planning enforcement within the Development Services Department.

Monies have been made available from the Housing and Planning Delivery Grant to support the enforcement process. This money has allowed for the appointment of a consultant to address the backlog of enforcement complaints and provide support to the trainee enforcement officer. This has resulted in the backlog being reduced from 255 cases in August to its current level of 130 open cases as of last week.

The consultant is also looking at long-term enforcement cases to seek a resolution and also to look at cases that were closed but have been re-opened following concerns from some Members.

She is also helping to draft an enforcement protocol on which we are seeking to consult with the community early next year before taking it to Planning Committee. This protocol will look at how the section responds to enforcement complaints as well as setting out the process for resolving/closing cases and reporting progress to Members.

Councillor Crooks will be aware that the manager of the enforcement section took early retirement on the grounds of ill health in the middle of this year. A decision was taken to remove the post of enforcement manager and have two enforcement officers reporting directly to the Development Management Manager. These jobs have had to be drawn up and evaluated. This has resulted in an existing post being re-graded and the other post being advertised last week with a view to interviewing in late December and having a person in post in January/early February 2011.

It will be the first time for some time that there have been 2 full time enforcement officers working purely on a caseload and it is envisaged that this will allow for a more pro-active enforcement team closely linked to development control officers.

Members will be aware that officers recently successfully undertook direct action at The Klondyke and are also pursuing other breaches of control through the courts.

I should remind Members that a breach of planning control is not in itself an offence. There is always an option for the Authority to consider retrospective applications which have to be assessed on their own merit. I should also state that enforcement action should only be taken when it is expedient in the public interest to do so and planning permission would not ordinarily be granted. Having said that the Authority will continue to investigate all breaches of planning control with vigour and take the appropriate action where necessary. I look forward to a fully staffed and resourced enforcement section and the revised practices that will be brought forward in the early part of next year following the measures being put in place.“

(c) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

“Bearing in mind that it was no secret the Hinckley & Bosworth Local Plan was to be replaced after 2006 with a Local Development Framework to cover a 20 year period 2006 – 2026, can the Leader please enlighten the Council why no provision was made by the Council to clearly identify a continuous 5 year housing land supply from 2006.

This is a particularly important question in that recent events have proved that having left this vacuum, strategic and valuable Green Wedges, Green Belt and other important Green Spaces throughout the Borough have been left to the mercy of the ambition of resurgent developers who are now successfully applying for planning permissions that would not normally be granted had this vacuum not existed.

The irony is that in all probability the majority of these speculative applications when granted will be “mothballed” until a stronger housing market re-emerges after a nominal “start” has been made on the sites.”

Response from Mr. S.L. Bray

“Thank you for your question on this matter Councillor Batty. The national requirement for the provision of a five year housing supply has been in existence for a number of years and is a requirement of Planning Policy Statement 3 ‘Housing’. The adopted Hinckley & Bosworth Local Plan identified housing and employment allocations to help deliver this Councils’ target set by the former County Structure Plan. To meet a five year supply relies on housing allocations coming forward and planning permissions being granted. The Regional Spatial Strategy has set targets to 2026. The Council is in a position through

its adopted Core Strategy to demonstrate how these can be met to assist in delivering a five year supply. The fact that we have been able to advance the Core Strategy positions the Council effectively to meet this requirement, as we are now able to bring forward major new allocations in the form of the SUE's that can facilitate planning applications for new housing and related facilities. The key issue is timing. There is an argument that if we had not commenced this work on the LDF and advanced to the current position, our position on five year supply could get worse.

A green belt designation does not bestow the administrative boundary of the Hinckley and Bosworth or even the County. There is not a policy vacuum; there are still national planning policy statements, saved Local Plan policies, and Adopted Core Strategy and Supplementary Planning Documents. The Judicial Review at the High Court in which CALA Homes challenged Eric Pickles decision to revoke Regional Spatial Strategies was found that the Government acted unlawfully and therefore illegal. As a result, the Regional Plan remains a material consideration."

Following a supplementary question from Mr. Batty Mr. Bray indicated that he would arrange for a written response on housing supply between 2006-2009 to be sent to Mr. Batty.

(d) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

"Notwithstanding the laudable motion to be proposed by Cllr Bray at the December 2010 Borough Council meeting, would the Leader agree that the current 5 year housing land supply figure needs to be robustly challenged with Central Government as this figure was based on an existing formula and normal housing market supply and demand projections at a time when the housing market has been anything but normal.

Bearing in mind the Global Financial Crisis and the resultant once in a lifetime deep recession which led to a collapse in the housing market, it is clear that the methodology used (based largely on projected demand) to arrive at the 5 year housing land figure would have been fundamentally flawed.

This assumption is supported by the housing market downturn, with new build starts at an all time low during the height of the recession. Developers with severe cash flow pressures were unable or unwilling to bring new sites forward for planning and many existing sites were "mothballed".

Consequently, during the last 18 months, an average downturn in the sale and completion of new build in excess of 40%. These crucial factors have directly contributed to the shortfall in the current "false" 5 year housing land figure.

Therefore, does the Leader agree that Local Authorities and communities in their area should not be harshly penalised for circumstances entirely beyond their control and that developers should not be encouraged to embark on a frenzy of Green Space land grabbing by unreflective and unhelpful Government planning policies and guidelines.

Whilst this is unlikely that the Coalition Government will agree, as they should to a moratorium on the 5 year housing land supply, does the Leader agree that in any event this Council should make robust representation to Government that in light of the direct affect of the recession and the housing market downturn on the 5 year housing land supply figure, to reduce this figure by a minimum of 20% for the period 2009 – 2012 inclusive?"

Response from Mr. S.L. Bray

"Thank you for your question. I consider the motion I have put before Council sends a clear message to the Coalition Government to remove the requirement for a five year land supply until such time legislation is enacted and implemented to bring about changes in the national planning system.

Whilst I note your scepticism over the likelihood of the Government agreeing this request, I do not consider we should weaken our resolve and suggest reduction in targets at this stage.

I did write to Eric Pickles, Secretary of State for Communities and Local Government in July this year. The response from the Minister of Housing on behalf of the Secretary of State advised that to reduce our housing targets would need to be based on robust evidence of housing need and population projections. Under the current national system it is unfortunate that economic conditions do not have any bearing on the way housing targets are calculated."

Mr. Gould entered the meeting at 6.47 p.m.

In response to a supplementary question from Mr. Batty Mr. Bray reiterated that he had received an answer from the Rt. Hon. Eric Pickles MP relating to housing figures and could not speculate as to whether the Secretary of State was likely to reduce the five-year housing land supply figure.

339 LEADER'S POSITION STATEMENT

In his presentation the Leader referred to the various items on this evening's agenda. Reference was made to the stringencies which now faced the Council following the Comprehensive Spending Review and the impending financial settlement for 2011-12. Highlighted were some of the Council's recent achievements including

- the redevelopment of the Atkins Building

- joint working with North Warwickshire and Hinckley College on the construction of the new college building
- the Greenfields Industrial development
- the recent opening of the new Hinckley Club for Young People.

In conclusion the Leader reminded Members that on 14 December the Planning Committee would be considering the application for development of the bus station site, which would further regenerate the town.

Finally the Leader paid tribute to street scene employees who, despite the adverse weather, had been able to collect the majority of household rubbish.

340 MINUTES OF SCRUTINY COMMISSION MEETINGS – 16 SEPTEMBER (C26) AND 28 OCTOBER 2010 (C27)

In presenting these Mr. Lay paid tribute to the Commission for its diligence in helping to facilitate the process of reducing the backlog of disabled facilities grants. Also commented upon was the Commission's review of waste collection services and Mr. Lay referred to staff's hard work in delivering a service which demonstrated excellent value for money .

341 YOUTH COUNCIL ACHIEVEMENTS (C28)

Chloe Thompson, Chair and Cassie Stilladay, Vice-Chair attended to give a presentation on the achievements of the Youth Council over the past year. Highlighted were the holding of teen nights at 'Elements' night club, involvement in an inter-country European project in Germany and the annual 'Voice of Young People' conference held at the new Hinckley Club for Young People. Thanks were accorded to Council officers for their support over the year and this was followed by numerous Members complimenting the Youth Council on its impressive list of achievements and initiatives.

It was moved by Ms. Moore, seconded by Dr. Smith and

RESOLVED – the summary of the Youth Council's annual achievements be endorsed.

342 LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – NEW GOVERNANCE ARRANGEMENTS (C29)

Dr. Smith and Mr. Bray left the meeting at 7.17 p.m. and 7.18 p.m. respectively.

Following an on-line public consultation exercise formal adoption was sought to introduce the Elected Leader and Cabinet model of governance arrangements, as required by the above legislation. The Executive member for Corporate Services indicated that Council needed to resolve this by 31 December 2010 and that the new arrangements would take effect following the Council election in May 2011.

On the motion of Mr. Wright seconded by Mr. Bill it was

RESOLVED –

- (i) the elected Leader and Cabinet Executive model of governance be formally adopted; and
- (ii) the Constitution be amended in consequence of (i), to come into effect from the Council elections in May 2011.

Mr. Bray and Dr. Smith returned to the meeting at 7.20 p.m.

343 PRUDENTIAL CODE AND TREASURY MANAGEMENT ANNUAL REPORT 2009/10 (C30)

As required by the CIPFA code of conduct and Prudential code for Capital Finance in local authorities the Executive member for Finance presented this statutory document to Council for approval.

It was then moved by Mr. Lynch, seconded by Bill and

RESOLVED – the actual Prudential Indicators set out in the report of the Deputy Chief Executive (Corporate Direction) be approved and the Treasury Management Stewardship report for 2009/10 be noted.

344 RE-ALLOCATION OF FLEXIBLE WORKING CAPITAL BUDGETS (C31)

Council approval was sought to transfer the Flexible Working Capital Budget to other capital budgets.

Whilst in agreement with this proposal Members sought reassurance that flexible working was working well and that customers were being well served. Following a suggestion from Mr. Bessant the Executive member for Finance indicated that he was agreeable to the Scrutiny Commission looking flexible working arrangement, subject to the Commission being provided with hard evidence of particular areas which should be examined.

On the motion of Mr. Lynch, seconded by Mr. Bray it was

RESOLVED –

- (i) approval be given to the transfer of unspent flexible working capital budgets to:
 - transformation
 - shared revenues and benefits
 - relocation to the former Fludes site; and
- (ii) the Scrutiny Commission, following receipt of concrete examples of areas which Members consider should be examined, further examine the flexible working process.

345 SHARED REVENUES AND BENEFITS PARTNERSHIP CAPITAL PROJECT EXPENDITURE (C32)

Consequent upon the Council's Council Procedure Rules Members' approval was sought to the above. Capital expenditure was required in order to enhance the infrastructure of the shared revenues and benefits service with Harborough and North West Leicestershire District Councils. There were no additional costs to this Council, which held funding on behalf of the Partnership.

It was moved by Mr. Lynch, seconded by Mr. Bray and

RESOLVED – the capital cost of the infrastructure enhancement to enable the Partnership to use one system, as outlined in paragraph 3.3 of the report of the Deputy Chief Executive (Corporate Direction) be approved.

346 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY (C33)

Following endorsement by the Licensing Committee and in accordance with the above legislation Council approval was sought to the above, which needed to be published before 7 January 2011.

On the motion of Mr. Cope, seconded by Mr. Lay it was

RESOLVED – the revised Statement of Licensing Policy 2010 (to be effective for a three-year period) as set out in appendix A to the report of the Deputy Chief Executive (Community Direction) be approved.

Mr. Batty left the meeting at 7.35 p.m., returning at 7.37 p.m.

347 SEXUAL ENTERTAINMENT VENUES (C34)

Again having been endorsed by the Licensing Committee Council was requested to consider the adoption of the amended provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 governing 'sexual entertainment venues'.

It was moved by Mr. Cope, seconded by Mr. Bray and

RESOLVED – the following be approved

- (i) the provisions of section 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) as they relate to the licensing of 'sexual entertainment venues' and that responsibility for the determination of applications for such licences be delegated to the Licensing Committee; and
- (ii) the application fee for the licensing of sexual entertainment venues be set at the same level as those for sex establishment licences.

348 LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON AND BARWELL AREA ACTION PLAN PREFERRED OPTION DOCUMENT (C35)

Having been endorsed by Planning Committee and the Executive this was presented to Council for approval.

Mr. Lynch left the meeting at 7.42 p.m.

Although encouraged by the response rate at the series of public exhibitions Members expressed the importance of securing the intended infrastructure to secure the intended strategy of regenerating Earl Shilton and Barwell . Some members queried whether there had been sufficiently wide consultation although the response on this matter to Cllr Richards question was noted. It was generally accepted, however, that developer contributions arising from the SUE's were the only way to bring about regeneration.

On the motion of Mr. Bray, seconded by Mr. Bill and following a show of hands with 15 Members present voting for the recommendation and 8 against it was

RESOLVED – the Preferred Option document for the Earl Shilton and Barwell Area Action Plan Development Plan document and associated Sustainability Appraisal be approved and a six-week consultation period be held from 7 January – 18 February 2011 inclusive.

349 STREET SCENE SERVICES (C36)

In presenting details of revisions to the service delivery structure the Executive member for Refuse and Recycling commended those involved in these operations and it was unanimously agreed that a formal letter of thanks be sent.

Messrs. Gould and Ladkin left the meeting at 8.16 p.m. and 8.17 p.m. respectively, returning at 8.18 p.m. and 8.20 p.m.

It was moved by Mr. Crooks, seconded by Mr. Bray and

RESOLVED – the following be agreed:-

- (i) the purchase of new waste collection receptacles from the Waste Management Reserve; and
- (ii) the revised operational service delivery structure for Street Scene Services and subsequent financial savings.

350 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

(a) From Mr. D.S. Cope

“Council welcomes the news that the government has committed itself to the key Liberal Democrat pledge of providing more social housing by scrapping the Housing Revenue Account subsidy system.

In particular, it welcomes the council retaining income from rents on council properties, rather than seeing the rental income from tenants going to Whitehall for them to recycle to other council tenants elsewhere in the country.

Council believes this new policy will lead to a much-needed boost for repair and maintenance of existing council properties, and for the building of new social housing.

It congratulates all who worked hard for this change in approach, including the Local Government Association and those involved with the "My Rent went to Whitehall" campaign

Council resolves to:

1. Condemn the previous Labour Government for its 13-year-long failure to reform the HRA system, even when it had viable proposals before it in its last year, which meant that fewer council homes were built in their term of office than in any comparable period since the Second World War.
2. Welcome the Coalition announcement that they plan to build 150,000 affordable homes to start helping some of the 1,763,000 families stuck on local council waiting lists left by the previous government."

Following a vote by means of a show of hands with 15 Members voting in favour of the motion, 10 against and 2 abstentions it was moved by Mr. Cope, seconded by Mr. Crooks and

RESOLVED – the Motion be declared CARRIED.

(b) From Mr. S L Bray

"I wish to call on Council to express its deep concern over the national requirement for Councils' set out in Planning Policy Statement 3 'Housing', to provide a five year housing supply. Despite the changes being proposed by Government to the national planning system, this requirement still stands and appears to be an overriding issue that is taking precedent in the determination of applications and appeals. This is both contrary to the 'Localism' agenda and is harming local communities.

I therefore ask the Council to call on Government to revoke this requirement."

Dr. Smith and Mrs. Richards left the meeting at 8.48 p.m., returning at 8.50 p.m. and 8.52 p.m. respectively.

Having been proposed by Mr. Bray and seconded by Mr. Bill it was

RESOLVED – unanimously – this Motion was supported.

351 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

It was moved by Mr. Bray, seconded by Mr. Bill and

RESOLVED – in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 10 of Part 1 of Schedule 12A of that Act.

352 DRAFT RESPONSIVE REPAIRS BUSINESS CASE (C37)

Presented to Members were options for the future provision of the Responsive Repairs Contract.

Mr. Bill left the meeting at 8.57 p.m., returning at 9.02 p.m.

Members were generally fully supportive of the case being put forward, whilst having regard to satisfying the needs of the community. Following a lengthy debate it was moved by Mr. Cope, seconded by Mr. Bray and

RESOLVED – option 4 set out in the business case and arrangements for the future provision of the Council's Responsive Repairs Service be agreed.

(The meeting closed at 9.25 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

9 DECEMBER 2010 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mrs R Camamile - Joint Vice-Chairman
Mr P Hall - Joint Vice-Chairman

Mr JG Bannister, Mr PR Batty, Mr DM Gould, Mr CG Joyce, DR JR Moore, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Mr Michael Brymer, Mr B Cullen, Mr S Curtis, Mr M Evans, Miss L Horton, Ms L Kirby, Mr S Kohli, Miss R Owen, Mr P Scragg and Ms J Sturley.

353 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Hall and Mr Inman, with the substitution of Dr Moore for Mr Inman authorised in accordance with Council Procedure Rule 4.3.

354 **MINUTES (SC48)**

On the motion of Mrs Camamile, seconded by Mr Nichols, it was

RESOLVED – the minutes of the meeting held on 28 October 2010 be confirmed and signed by the Chairman.

355 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

356 **ATKINS BUILDING PROJECT UPDATE (SC49)**

Mr Joyce arrived at 6.35pm.

Members were provided with an update on the tenancy and related financial position of the Atkins Building Project in comparison to the predictions made in the original business case produced by Greenborough and the projections in the Council's Medium Term Financial Strategy. Members thanked officers for their positive work in securing this regeneration project.

Mr Gould arrived at 6.45pm.

357 **GREENFIELDS DEVELOPMENT UPDATE (SC50)**

The Scrutiny Commission was informed of the current tenancy and financial position of the Greenfields Development Project in comparison to the predictions made in the Council's Medium Term Financial Strategy. The

excellent BREEAM rating, the amount of interest in the units and the project being on time and within budget was highlighted. Members were pleased with the positive development.

358 NEIGHBOURHOOD WARDENS ENFORCEMENT POLICY (SC52)

Members were informed of the proposed new enforcement policy and procedures for the Neighbourhood Wardens. It was explained that this had been prompted by changes in best practice and had been subject of a borough-wide consultation.

In response to Members' requests it was agreed that ward councillors would be sent contact details for the wardens in their area. It was noted that these had already been sent to town and parish clerks. It was also agreed that the production of periodic reports on fixed penalty notices issued would continue and would include any issued by the parking wardens. It was further noted that parking wardens had been trained to serve fixed penalty notices for environmental crimes which had increased the number of wardens with those powers from three to nine and had resulted in improved resilience.

Members expressed concern about horse manure on pavements and whilst it was acknowledged that this did not fall within the scope of environmental legislation and therefore could not be dealt with, it was requested that local stables be reminded that it was an offence to ride horses on the pavement.

RESOLVED –

- (i) the report be noted and endorsed for approval by the Executive;
- (ii) Members be sent contact details for wardens in their area;
- (iii) periodic reports on fixed penalty notices issued be sent to Members;
- (iv) the possibility of reminding local riding stables that it is an offence to ride on the pavement be investigated.

359 COMPREHENSIVE SPENDING REVIEW

The Deputy Chief Executive (Corporate Direction) informed Members of the financial situation of the authority based on information received so far. It was noted that managers were looking for savings to reduce the significant gap in the budget. The Chief Executive reminded Members of the commitment that there would be no compulsory redundancies before 2012. It was noted that natural turnover would account for the necessary reduction in salaries (some posts were already vacant) and balances and reserves would also be used.

It was requested that further information be brought back to the Scrutiny Commission when available.

360 TOWN CENTRE MASTERPLAN UPDATE (SC51)

Members received an update on the regeneration activity on the nine development sites as identified within the Hinckley Town Centre Area Action Plan.

It was stated that the college was on schedule to open in September 2011 for the new term.

The proposals for Argents Mead and the land north of Mount Road were discussed. Whilst a Member expressed concern about the need for a retirement village in that location, some Members emphasised the local support for providing such accommodation close to the Town Centre. In response it was noted that independent advice indicated that such uses were a viable commercial proposition for developers wishing to operate retirement homes on this site. It was also anticipated that the site could also contain a community hub.

Questions were raised about the impact of each major development on the other areas of the town centre and the need to link the areas and attract shoppers to all parts of the town centre. The need to look at the traffic regulations on Regent Street was also acknowledged and it was noted that the White Young Green study had sought to do this and that the County Council were being encouraged to look holistically at the strategic transport requirements of the town centre.

Mr Batty left the meeting at 8.15pm.

361 MOTION TO COUNCIL – 30 SEPTEMBER 2010 (SC53)

The actions taken in response to Councillor Richards' motion to Council on 30 September were summarised for Members. It was reported that the District Chief Executives had received the motion positively as had the Director of Children's Services at Leicestershire County Council.

362 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC54)

Members received the Work Programme for 2010/11. It was requested that now Members had been supplied with up to date contacts for officers, the flexible working arrangements be reviewed at the next meeting.

Mr Batty returned at 8.18pm.

It was also requested that a financial update on Hinckley Club for Young People be provided to a future meeting, and also suggested that the issue of the shortage in employment, particularly for young people, be the subject of a future review. It was agreed that this be included in the work programme for 2011-12.

RESOLVED – the work programme be agreed with the abovementioned inclusions.

363 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC45)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

364 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Scrutiny Environment Group, 9 June 2010 (SC56);
- (ii) Finance & Audit Services Select Committee, 8 November 2010 (SC57);
- (iii) Scrutiny Transport Review working group, 16 November 2010 (SC58).

The Scrutiny Commission was also informed that the Civic Facilities Scrutiny group had met again.

(The meeting closed at 8.29 pm)

COUNCIL – 18 JANUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: HINCKLEY BUS STATION - COMPULSORY PURCHASE ORDER

1. PURPOSE OF REPORT

To seek member approval to make a Compulsory Purchase Order to acquire land and property interests at the Hinckley Bus Station site in connection with the Bus Station redevelopment project, but note that progress is being made to resolve a number of land interests by negotiation.

2. RECOMMENDATION

That Council approves

- (i) That the Deputy Chief Executive (Community Direction) be authorised to instruct the Council's development Partner the Tin Hat Regeneration Partnership LLP ("Tin Hat") to:
 - (a) continue to negotiate and attempt to negotiate with a view to agreeing terms for purchase by agreement or payment of compensation for any interests in or rights over the Land
 - (b) where considered appropriate, agree terms for relocation
 - (c) if considered appropriate, appoint specialist external consultants to perform or assist in the performance of these tasks
 - (d) in the event that such terms are not agreed and following confirmation of the Order, to refer those matters where no agreement has been reached to the Lands Tribunal for determination.
- (ii) that pursuant to the provisions of Sections 226(1)(a), 226(1A) and 226(3)(a) of the Town and Country Planning Act 1990 (as amended), the Acquisition of Land Act 1981 and all other relevant powers and provisions the Deputy Chief Executive (Community Direction) in consultation with the Chief Officer Corporate and Customer Resources, Scrutiny and Ethical Standards and any other appropriate officer be authorised to make, seal and submit to the Secretary of State for confirmation, an order entitled "The Borough of Hinckley and Bosworth (Bus Station) Compulsory Purchase Order 2011" ("the Order") for the purpose of acquiring the land shown edged in blue on the plan at appendix 1 to this report ("the Land")

or lesser areas of that land should he consider it appropriate and buildings thereon and any third party interests therein;

- (iii) that the Deputy Chief Executive (Community Direction) be authorised to advertise the making of the Order and to take all relevant action to promote the confirmation of the Order;
- (iv) that the draft statement of reasons (as shown at Appendix 2 to this report) be adopted by the Council subject to such detailed amendments as the Deputy Chief Executive (Community Direction) may make in consultation with the Council's appointed legal advisors (Eversheds LLP) in order to promote the regeneration of the Bus Station Site;
- (v) that the Deputy Chief Executive (Community Direction) be authorised following confirmation of the Order by the Secretary of State to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965 and where necessary to serve Notices of Entry under Section 11 of the Compulsory Purchase Act 1965 in respect of the Land, or at his discretion to execute a general vesting declaration and to take all steps considered necessary to obtain possession of the land included in the Order;
- (vi) That the Deputy Chief Executive (Community Direction) be authorised to Make such orders and such applications to extinguish, stop-up, divert or create highways or public rights of way within the Land as are considered necessary under the Highways Act 1980 (as amended) and/or the Town and Country Planning Act 1990 (as amended) to promote the regeneration of the Bus Station Site

3. BACKGROUND TO THE REPORT

- 3.1 The Council has previously resolved to support the use of Compulsory Purchase Orders in respect of unlocking key Town Centre regeneration sites when it adopted the Hinckley Town Centre Renaissance Masterplan in 2005/06.
- 3.2 In November 2007 the Council issued a development brief for the redevelopment of the Bus Station Site in Hinckley Town Centre with the strategic aim of regenerating that part of the Hinckley Town Centre which is considered to currently be generally underused and in need of significant environmental improvement.
- 3.3 Following a procurement process Tin Hat were appointed as the Council's development Partner and a Redevelopment Agreement and Compulsory Purchase Order Indemnity Agreement were signed between the parties on the 31 July 2009.
- 3.4 The outline planning permission for the redevelopment of the site was considered by the Planning Committee on the 14 December 2010 and it was resolved to permit the development subject to the conditions contained in the officers report and late items.

- 3.5 Since the completion of the Redevelopment Agreement the Tin Hat through its representatives Lambert Smith Hampton have been in negotiation with the landowners on the site to acquire those interests required for site assembly. The majority of the Land is now either owned by the Council or subject to an option agreement in favour of Tin Hat. However, to date, Tin Hat have not been able to secure the assembly of the remainder of the site. With the strong encouragement of Council Officers, Tin Hat are continuing to negotiate outstanding land interests and is seeking to secure appropriate relocations for some uses where required.
- 3.6 It is recognised by the Council that should Tin Hat be unable to come to a negotiated agreement with the remaining Landowners it would have the effect of frustrating the redevelopment of the Land and could mean that the proposed development does not proceed.
- 3.7 In order to deal with this issue it is necessary that the Council make and submit to the Secretary of State for confirmation a compulsory purchase order. The making of this order will not prevent the continued attempts by Tin Hat to agree a voluntary purchase of the outstanding interests in the Land.
- 3.8 A statement of reasons for making a compulsory purchase order with respect to the third party interests on the Land is attached at Appendix 2 and members are requested to authorise the making of the order on the grounds set out in that document.

4. **FINANCIAL IMPLICATIONS (DB)**

All costs incurred in creating the Compulsory Purchase Order and in acquiring the land will be borne by Tin Hat under the terms of the Compulsory Purchase Order Indemnity Agreement. Therefore there are no financial implications for this Council arising from this report.

5. **LEGAL IMPLICATIONS (AB)**

The procedures for making a compulsory purchase order are governed by various statutes, including the Acquisition of Land Act 1981 and the Town and Country Planning Act 1990. A formal resolution by Council is required to make a compulsory Purchase Order based on an agreed Statement of Reasons.

The implications of the Order under the Human Rights Act are considered on Page 23 of the Statement of reasons

6. **CORPORATE PLAN IMPLICATIONS**

The redevelopment of the Bus Station site is specifically referred to in the Corporate Plan as a key driver for the improvement of Hinckley Town Centre supporting the Corporate Aim of providing a thriving economy in the borough.

7. **CONSULTATION**

None specific to this report

8. **RISK IMPLICATIONS**

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to make or confirm the Compulsory Purchase Order may prevent the site assembly required to regenerate the Bus Station Site	The Council have retained the expertise of Eversheds LLP (at the cost of Tin Hat) to provide experienced legal advice to aid in securing the confirmation of the Compulsory Purchase Order	Adam Bottomley

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The recommendations contained within the report present no implications with regard to equalities or rural areas. However, the wider redevelopment proposals which have been previously approved by the Council have given full consideration to equality and rural considerations. The development will be of benefit to all groups within the community and all areas of the borough.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: Plan of the Site
Draft Statement of Reasons

Contact Officer: Adam Bottomley Senior Solicitor ext 5621

Executive Member: Cllr Stuart Bray

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

(HINCKLEY TOWN CENTRE, HINCKLEY)

COMPULSORY PURCHASE ORDER 2011

**SECTION 226 OF TOWN & COUNTRY PLANNING ACT 1990
SECTION 13 OF THE LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976
AND
THE ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the Hinckley and Bosworth Borough Council ("the Council/the Acquiring Authority") prepared in connection with the making of a compulsory purchase order, entitled the Hinckley and Bosworth Borough Council (Hinckley Town Centre, Hinckley) Compulsory Purchase Order 2011 ("the Order"). The Council has made the Order pursuant to the powers provided at Section 226 (1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004), Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981. In this Statement of Reasons, the Council is "the Acquiring Authority" and the land included within the Order is referred to as "the Order Land". This Statement of Reasons has been prepared in compliance with both paragraphs 35 and 36 of Part 1 of the Memorandum and Appendix R of ODPM Circular 06/04 - Compulsory Purchase and the Crichel Down Rules.
- 1.2 The Order has been made by the Acquiring Authority for the purposes of securing a mixed use development on land at Hinckley Town Centre, Hinckley, which includes the Order Land. The development will consist of retail, leisure, and offices together with all the associated infrastructure, plant, public realm, landscaping and servicing works to include the provision of a part undercroft, part surface public car parking area and new Bus Station ("the Scheme").
- 1.3 The compulsory acquisition of the Order Land is sought because the Acquiring Authority think that the acquisition of the Order Land will facilitate the carrying out of development redevelopment or improvement on or in relation to the Order Land. The Acquiring Authority believe, in particular, that the Scheme is key to strengthening and extending the retail core of Hinckley Town Centre. The Acquiring Authority are satisfied that the Scheme is likely to contribute to the promotion or improvement of the economic, social and environmental well being of the administrative area of the Acquiring Authority. It is proposed that the Scheme (and its public benefits) will be delivered by the Council's development partner, Tin Hat Regeneration Limited ("the Developer").
- 1.4 [The Acquiring Authority have incorporated Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 as part of the Order, in recognition that this is an area containing coal and other mineral reserves.] The incorporation of this part of the Acquisition of Land Act 1981 is intended to exclude any existing mineral reserves that comprise part of the Order Land from the proposed compulsory acquisition. **Please confirm if this is applicable.**

2. DESCRIPTION OF LAND

- 2.1 The Order affects land that 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.

2.2 The area that is required for the Scheme is approximately 4 hectares and currently comprises a mix of uses including the existing Bus Station, a car dealership, employment, retail, community, leisure and surface car parking ("the Site"). 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.

2.3 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.

3. OWNERSHIP OF THE ORDER LAND

3.1 The Order Land is currently held in multiple ownership. Although the Developer already owns part of the proposed Order Land, this land is included in the Order to ensure that no third party interests such as restrictive covenants or easements are discovered or come to light at a later stage which could otherwise prevent the envisaged scheme from proceeding.

3.2 The Order seeks the acquisition of all interests in the Order Land, save for those specifically excluded in the Order.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT

4.1 The Acquiring Authority considered the outline planning application assigned the reference 10/00743/OUT on 14 December 2010 and resolved to grant outline

planning permission for the redevelopment of land, which includes the Order Land, in accordance with the Scheme. The planning permission was granted subject to condition.

4.2 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.

4.3 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; and
- opportunity to improve links with the town centre.

4.4 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.

- 4.5 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.
- 4.6 The Scheme is a 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.
- 4.7 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.

- 4.8 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.
- 4.9 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.
- 4.10 The planning 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 although 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.

5. STATUTORY FUNCTIONS OF THE ACQUIRING AUTHORITY

5.1 The Council is the local planning authority for the area in which the Order Land is situated. By virtue of Section 226(1)(a) of the Town and Country Planning Act 1990 ("the Act"), the Council has the power to acquire compulsorily any land in their administrative area which the authority think will facilitate the carrying out of development, redevelopment or improvement and that is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well being of their administrative area.

5.2 ODPM Circular 06/2004 provides updated and revised guidance on the use of compulsory purchase powers following the implementation of the relevant parts of the Planning and Compulsory Purchase Act 2004. The Introduction to Circular 06/2004 states that:

"Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban rural regeneration, the revitalisation of communities, and the promotion of business - leading to improvements in quality of life. Bodies possessing compulsory purchase powers - whether at local, regional or national level - are therefore entitled to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay."

5.3 The main body of the Circular provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Appendix A provides specific guidance for local authorities on the use of their compulsory purchase powers in Section 226 of the 1990 Act.

5.4 Paragraph 2 of Appendix A to Circular 06/2004 provides that "The powers in Section 226 as amended by section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents" (which will include "saved" Unitary Development Plans such as that adopted by the Council's planning authority).

5.5 The guidance in the Circular emphasises the need for local authorities to link their consideration of the use of compulsory purchase powers contained within

Section 226 of the 1990 Act, with the over-arching objective of delivering sustainable communities. In particular, the guidance requires local authorities to consider how the use of their compulsory purchase powers will contribute to the achievement of the promotion of the economic, social and environmental well-being of their area and how the compulsory acquisition will assist in the achievement of the objectives set out in their adopted [Community Strategies] **please confirm as applicable.**

- 5.6 The Council considers that the redevelopment of the Order Land will make a significant contribution to the improvement of the economic, social and environmental well-being of Hinckley and the wider area through the implementation of the redevelopment proposals.
- 5.7 In particular, it is anticipated that the comprehensive remediation and redevelopment of the Order Land in accordance with the development proposals will improve the economic, social and environmental well-being of the area by:-
- 5.7.1 providing a major employment opportunity in a sustainable town centre location, creating new investment opportunities and creating at least [] new jobs;
 - 5.7.2 providing retail and other facilities for the local community;
 - 5.7.3 vastly improving the amenity of the area for those who work and live in the vicinity of the Site;
 - 5.7.4 contributing to the growth and improvement of the town centre with new quality retail and leisure facilities, leading to improved investor and visitor confidence in Hinckley;
 - 5.7.5 bringing significant improvements to the built environment and landscape of the town centre;
 - 5.7.6 addressing the existing transport and traffic issues by [**please describe further**];
 - 5.7.7 creating/enhancing pedestrian and cyclist routes through the Site and enhancing its linkages with the rest of the town centre;
 - 5.7.8 creating new areas of landscaping and open space to improve the environmental and public amenity of the area.

5.8 Further details as to how the proposals for the Order Land will assist in the achievement of the objectives set out in the Council's policy framework are provided at paragraph [] of this Statement of Reasons.

6. **REASONS WHY THE ORDER LAND SHOULD BE REDEVELOPED**

There are overwhelming reasons why the Site should be redeveloped:

- 6.1.1 it is generally underused and of poor environmental quality, both in terms of building form and open spaces, though it occupies an important city centre gateway location;
 - 6.1.2 it is positioned between the heart of the town centre and local residential areas but has poor connections and linkages to and from each;
 - 6.1.3 the present built environment within the Order Land is in a poor state of repair. [The existing unused land, open car parking, semi-derelict factory units, outdated retail provision and unattractive public realm are a clear threat to the long term viability and vitality of the town centre; and] **Please describe, if applicable, as appropriate**
 - 6.1.4 the Site occupies a logical area for expansion of Hinckley Town Centre, to provide a range of new attractions that can ensure that the town centre remains competitive.
- 6.2 The Order Land is of a size capable of accommodating a mix of uses and the Acquiring Authority are confident that the Scheme will add to the vitality of the town centre and support its viability through the provision of a high quality development Scheme, together with the associated provision of extensive public realm works. At the same time, the Scheme will address the environmental issues facing the Site, foster social inclusion by providing local community facilities and through the realisation of employment opportunities. The Scheme will also contribute economically to the overall strength of Hinckley Town Centre.

7. **THE CASE FOR COMPULSORY PURCHASE**

The Purposes of the Acquiring Authority for Acquiring the Order Land

- 7.1 It is intended that the compulsory acquisition of the Order Land will facilitate the Scheme which include the redevelopment and regeneration of an under-used but prominent area of Hinckley Town Centre. The proposals seek to provide a mixed use Scheme in a location which complements the existing retail and business core of the city centre and surrounding residential development. New space will be provided to expand the city centre and accommodate a wide variety of new uses. The Scheme includes a mixture of retail units, community uses, food and drink and residential accommodation.

- 7.2 The Scheme seeks to address the poor environmental quality of the area through new development which can provide a place of distinction and local pride, improve the public realm and achieve a high quality of urban design. The new development will be integrated into its surroundings and the Scheme seeks to improve connections and accessibility for all forms of transport, including those without access to a car.
- 7.3 The Site is to be redeveloped through a public-private partnership between the Acquiring Authority and Tin Hat Regeneration Limited (“the Developer”). The Developer specialises in town centre urban regeneration projects and has been selected by the Acquiring Authority as the development partner for this project. The Developer has the benefit of a strong capital base. The Development Agreement which was put in place between the Developer and the Acquiring Authority on [] secures arrangements for the Developer to meet the Acquiring Authority’s acquisition costs and all other costs associated with the Order. The only exception to these arrangements is in respect of those interests currently in the ownership or under the control of the Acquiring Authority.
- 7.4 The Scheme has been formulated by the Developer and the Acquiring Authority, who consider that the proposed Scheme will bring substantial benefits to Hinckley Town Centre as a whole. The Acquiring Authority are keen to see the implementation of the Scheme in a comprehensive manner and are satisfied that the Developer has the necessary funding and resources to carry out the Scheme. The provisions of the Development Agreement secure arrangements for the transfer of the freehold interest in the Order Land to the Developer following the confirmation of the Order. The Development Agreement also contains a mechanism to enhance the commencement of the Scheme and the development of the new Bus Station. The Developer has confirmed its intention to implement the Scheme at the earliest possible stage subject to confirmation of the Order.
- 7.5 The majority of the land required by the Scheme is in the ownership or control of the Acquiring Authority and the Developer or is the subject of option agreements that have been secured by the Developer. The Developer has also secured a conditional control to acquire all of the Order Land in the control of [**Please provide details on land ownership etc as appropriate**]. The land in the ownership/control of these parties is insufficient to deliver the Scheme. The Developer has been unable to secure the assembly of the residual land comprising the Order Land by agreement. As a consequence, the Acquiring Authority has resolved to intervene and use its compulsory purchase powers in order to assist in the assembly of the land required to achieve the Scheme. The acquisition of the Order Land is needed to ensure that the Scheme can be delivered as a whole and thus maximise the benefits which will be brought to the town centre.

8. THE PLANNING CONTEXT

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (PPS1)

- 8.1 PPS1 identifies “sustainable development” as “the core principle underpinning the planning system”. Paragraph 14 of PPS1 adds that the Government is committed to developing strong, vibrant and sustainable communities which means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.
- 8.2 In paragraph 15 of PPS1 the Government recognises that regeneration of the built environment alone cannot deal with poverty, inequality and social exclusion and that these issues can only be addressed through the better integration of all strategies and programmes, partnership working and effective community involvement.
- 8.3 Paragraph 23 of PPS1 emphasises that the Government is committed to promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. In order to deliver this local planning authorities should, inter alia:
- recognise that economic development can deliver environmental and social benefits;
 - ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education), tourism and leisure developments, so that the economy can prosper;
 - actively promote and facilitate good quality development, which is sustainable and consistent with their plans; and
 - ensure that infrastructure and services are provided to support new and existing economic development and housing.
- 8.4 With regard to the delivery of sustainable development, PPS1 states that amongst the important roles planning authorities should play is to inter alia:

- promote urban and rural regeneration to improve the well-being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities;
- promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community;
- bring forward sufficient land of a suitable quality in appropriate locations to meet the expected needs for housing, industrial, retail and commercial development; and
- provide access for all to jobs, health, education, shops, leisure and community facilities, open space, sport and recreation.

Planning Policy Statement: Planning and Climate Change – Supplement to Planning Policy Statement 1 provides guidance to achieve the Governments objective of zero carbon development documenting how “planning should contribute to reducing emissions and stabilising climate change (mitigation) and take into account the unavoidable consequences (adaptation).” Local authorities are to assess, in identifying land for development, the following:

- The location and whether there is, or the potential for, a realistic choice of access by means other than the private car and for opportunities to service the site through sustainable transport
- The capacity of existing and potential infrastructure (including for energy supply, waste management, water and sewerage, and community infrastructure such as schools and hospitals) to service the site or area in ways consistent with cutting carbon emissions and successfully adapting to likely changes in the local climate
- The ability to build and sustain socially cohesive communities with appropriate community infrastructure so as to avoid social exclusion, having regard to the full range of environmental impacts that could arise as a result of likely changes to climate
- The effect of development on biodiversity and the capacity for adaptation, having regard to likely changes in the local climate
- The contribution to be made from existing and new opportunities for open space to urban cooling

- Known physical and environmental constraints on the development of land such as sea level flood risk and stability, and take a precautionary approach to increases in risk that could arise as a result of likely changes to the climate

Local authorities expect environmental performance to account for “massing of buildings, density and mix of development helps to minimize energy consumption, including maximising cooling and avoiding solar gain in the summer, taking into account the likely local noise environment and ambient air quality.”

8.5 The proposed redevelopment of the Order Land is fully in accordance with the approach set out in PPS1. The site and proposed scheme accord fully with the PPS1 Supplement through its sustainable location, ability to build and sustain a community and wider regeneration benefits. The development of this Site complies with policy and can only seek to improve the existing Site which is []. The key features of the Site are dealt with sensitively and utilised where possible within the overall Scheme.

8.6 The key objective of PPS1 is to enhance the connections between people and places, provide sufficient good quality new homes in sustainable locations, consider the needs of people to access jobs and services and create an environment where everyone can access and benefit from the full range of opportunities available. The development encompasses these objectives.

8.7 This proposed Scheme must be viewed within this context and sustainability principles have been considered at every level of the evolution of the scheme design. **[What about the climate change supplement and energy efficiency etc? For example are there any examples we can quote of units being designed to a certain code standard? This topic has been a focus for objectors at recent inquires because of the publicity that climate change is getting therefore a line or two may be helpful] – see above**

Planning Policy Guidance Note 4: Industrial and Commercial Development and small firms (PPG4)

8.8 Paragraph 9 of PPG4 emphasises the Government’s key objective set out in PPS1 for industry and commercial development. Paragraph 10 goes on to recognise that location demands of businesses are a key input to the preparation of development plans as they offer the opportunity to encourage new development

in locations, which minimise the length and number of trips especially by motor vehicles. Hinckley Town Centre is a highly sustainable location for the Scheme as proposed. PPS4 Planning for Sustainable Economic Development: Consultation Paper encourages the use of vacant or derelict buildings to positively contribute to regeneration, economic benefits and reduce the requirement for Greenfield developments. "High quality and well-designed working environment can foster local economic growth by influencing a company's decision to locate and remain in a particular area", this highlights the economic benefits of regenerating an area.

Planning Policy Statement 6 (PPS6)

- 8.9 PPS6 "Planning for Town Centres", re-emphasises the importance of focusing town centre uses in existing town centres with the aim of promoting and enhancing vital and viable towns. "Town centre uses" include retail, leisure and employment, all of which are encompassed in the proposed scheme. Local authorities are encouraged to use compulsory purchase powers to identify and assemble suitable sites for town centre uses, and this is precisely what is planned in relation to the scheme underpinning the Order.
- 8.10 PPS6 states that local authorities should plan growth in their centres, and seek to use growth to strengthen lower tier centres including those town centres needing regeneration. The Government also wishes to enhance consumer choice by providing a range of retail and other services in a better environment, in locations accessible to all. Not only will this encourage social inclusion, but also encourage investment in deprived areas, thus leading to economic growth in sub-regional and local areas. The Government sees PPS6 as being an important driver in delivering sustainable development.
- 8.11 PPS6 also highlights the Government's aims "to encourage investment to regenerate deprived areas, creating additional employment opportunities and an improved physical environment", and "to promote economic growth of regional, sub-regional and local-economies". The statement indicates that a community's ability to access facilities is paramount to prevent exclusion. The guidance is concerned with protecting traditional and existing centres from sprawl and out of centre developments to protect the areas vitality. Retail development will be permitted where there is a deficiency in an areas provision or where an existing centre has no available capacity.

- 8.12 PPS6 states in paragraph 2.37 that the additional benefits of regeneration and employment are a material consideration and paragraph 2.51 explains that the benefits and remediation of developing on previously developed land are a further consideration to be taken into account in determining planning applications. The proposals are therefore in accordance with PPS6. **[please briefly elaborate on how it complies with PPS6 if possible] – see above**

Planning Policy Guidance Note 13 : Transport (PPG13)

- 8.13 Paragraph 4 of PPG13 identifies that the objectives of the guidance are to integrate planning and transport to promote more sustainable transport choices for both people and moving freight, to promote accessibility to jobs by public transport, walking, cycling etc and to reduce the need to travel, especially by car.
- 8.14 Paragraph 21 of the guidance states that local authorities should seek to make maximum use of the most accessible sites such as those close to major interchanges. It recognises that these sites may be scarce. The local authorities should be active in promoting intensive development on the site. The Order Land lies within Hinckley Town Centre and therefore falls within the type of sites referred to in paragraph 21.
- 8.15 The emphasis of PPG13 is towards sustainable development and the need to reduce reliance upon the car. The Order Land is situated in a highly sustainable location within Hinckley Town Centre and has [excellent public transport connections and road infrastructure] **[describe further]**. This provides direct access to the transfer of goods to and from the site minimising additional congestion on the local highway network.
- 8.16 The proposals include strong pedestrian linkages between the Order Land and the remainder of the town centre.

Regional Planning Guidance

- 8.17 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.

- 8.18 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

- 8.19 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

8.20 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

- 8.21 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

- 8.22 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.

- 8.23 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.
- 8.24 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
- 8.25 Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.
- 8.26 The Employment Land and Premises Study 2010 identifies the employment Sites within the application area as suitable for 100% other uses.
- 8.27 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.

The Development Plan

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.

NB : I have at present inserted text from the Committee Report but we need to consider whether this section needs revision/amendment.

Views Expressed by Government Departments

[Any referrals to the Government Office to CABE or other societies?]

9. FINANCIAL VIABILITY

9.1 The Scheme was originally tendered by the Acquiring Authority to the open market in []. Following a Competitive Tender process, were selected as the preferred developer in []. **Please outline the process leading up to the selection of the Developer.**

9.2 A Development Agreement was entered into with the Acquiring Authority in [], after which an outline planning application was submitted. Update on Development Agreement and planning application etc.

9.3 [During the [] years up until this point, the Acquiring Authority have been continually provided with updated appraisals and cost plans outlining the profitability of the Scheme. In addition, the Acquiring Authority have on several occasions, sought independent valuation and commercial advice from external agents. This advice has consistently indicated that:

9.3.1 the Developer has sufficient financial resource and commercial experience to deliver the Scheme to the reasonable satisfaction of the Acquiring Authority;

9.3.2 there is significant commercial interest in the Scheme to suggest that occupation rates and long term investment in the Scheme can be achieved;

9.3.3 the mechanism contained in the Development Agreement for the transfer of the freehold interest in the Order Land to the Developer coupled with the triggers for the commencement of the Scheme should ensure that the purposes of the Order are achieved within a realistic timescale; and

9.3.4 the terms of the Development Agreement provide sufficient safeguards to the Acquiring Authority to ensure that the Scheme can be delivered to their reasonable satisfaction.] **Is this correct/accurate? If so, please expand. If not, we need to consider re-wording.**

10. SPECIAL FEATURES AND SPECIAL CATEGORIES OF LAND

[Any details if applicable e.g. conservation area/listed buildings, etc?]

11. RELOCATIONS

- 11.1 The Council is of the view that there is a compelling case in the public interest for the use of its compulsory purchase powers in order to facilitate the remediation and redevelopment of the Order Land and that the use of such powers is proportionate to the end being pursued.
- 11.2 In coming to this decision, the Council considered the advice contained in ODPM Circular 06/2004 paragraph 24 which states that, "before embarking on compulsory purchase and throughout the preparation and procedural stages, acquiring authorities should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement sale. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations".
- 11.3 The Acquiring Authority will work with individual developers and existing owners/occupiers to identify their future requirements and to investigate the possibility of the relocation of those affected by the Order. The potential for relocation will be dealt with on a case-by-case basis. These relocation arrangements will, in particular, be considered in detail to identify potential locations within the new Scheme and alternative premises within Hinckley respectively.
- 11.4 Negotiations for the purchase of the interests of owners and occupiers are being carried out on behalf of the Council by the Developer's appointed surveyors, Lambert Smith Hampton.
- 11.5 For any party wishing to discuss the potential acquisition of an interest in advance of the Order being confirmed the contact details are as follows: -
- 11.5.1 Andrew Cook of Lambert Smith Hampton (tel: 01212372309)
- 11.5.2 [Council contact]
- 11.6 **[Expand details of negotiation]**

12. HUMAN RIGHTS ACT 1998

12.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights ("ECHR"/ "the Convention").

12.2 The position is conveniently summarised in paragraph 17 of Part 1 of the Memorandum to ODPM Circular 06/2004, which states that a compulsory purchase order should only be made where there is "a compelling case in the public interest". The Circular makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.

12.3 Article 1 of the First Protocol states that:

"...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."

12.4 Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed, this will be done in accordance with the law. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the scheme are set out earlier in this Statement. The Council consider that the Order will strike a fair balance between the public interest in the implementation of the scheme and those private rights which will be affected by the Order.

12.5 Article 6 of the Convention provides that:

"In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"

12.6 The Scheme has been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make representations

and/or objections to the Secretary of State for Communities and Local Government, and to be heard at a public inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

12.7 Article 8 of the Convention states that:

“Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”

12.8 The Council consider that such interferences as may occur with the pursuance of the Order are in accordance with the law, pursue a legitimate aim, namely the economic well-being of the area and/or the protection of the rights and freedoms of others, and are proportionate having regard to the public interest that the scheme will bring which will benefit the economic well-being of the area. It is also proportionate having regard to the alternative means of securing the regeneration of the area.

12.9 Those directly affected by the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Code, assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Council. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.

12.10 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate.

12.11 In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the site. Interference with Convention rights is

considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the scheme will bring.

- 12.12 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social and economic well-being of the local residents as the redevelopment will revitalise Hinckley town centre and provide much needed transport infrastructure improvements and leisure facilities, and will contribute towards employment opportunities in the area. The scheme also contributes towards the delivery of the aims in the Council's []. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.

13. RELATED ORDERS

- 13.1 [As a result of the Scheme [] will be diverted. This will involve [] and the creation of []. The alteration and improvement to [] will also involve [the closure and realignment of residential side roads]. Other roads to be closed in whole or part are [].]

- 13.2 [An application has been made to the Government Office for the East Midlands under section 247 and section 248 of the Town and Country Planning Act 1990 and/or the Acquiring Authority. It is anticipated that any objections to those orders will be considered together with any objections to the Order in the event that an inquiry is arranged.]

NB : We need to insert detail on the proposed 247/248 Orders etc and the related highway works in this section.

14. COMPULSORY PURCHASE NON MINISTERIAL ACQUIRING AUTHORITIES (INQUIRIES PROCEDURE) RULES 1990

- 14.1 This Statement is not a statement under Rules band Rule 7 of the Compulsory Purchase Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 and the Acquiring Authority reserves the right to alter or expand it as necessary.

15. CONCLUDING REMARKS

- 15.1 There are overwhelming reasons why the Site should be redeveloped. The Site as it currently exists is of poor environmental quality with poor linkages between the heart of the city centre and adjacent residential areas. There is a need for the Scheme to proceed in order to address these issues and to meet the identified need for improvements to and expansion of the existing retail floorspace within Hinckley Town Centre. The Site is an important gateway

location occupying a logical area for expansion of Hinckley Town Centre. It is only through compulsory acquisition of the Order Land that the development can be delivered thus there is a compelling case in the public interest for compulsory acquisition of the Order Land.

16. **LIST OF DOCUMENTS**



- 16.1 Government Planning Policy Guidance PPS 1, PPS 6, PPG 13, PPG 15
- 16.2 Regional Spatial Strategy
- 16.3 Planning Permission reference no [] dated [] together with all associated plans and supporting documentation
- 16.4 All relevant Committee Reports and associated public documentation produced by the Council
- 16.5 The Order and Order Maps
- 16.6 The section 247 and section 248 application and associated draft Order

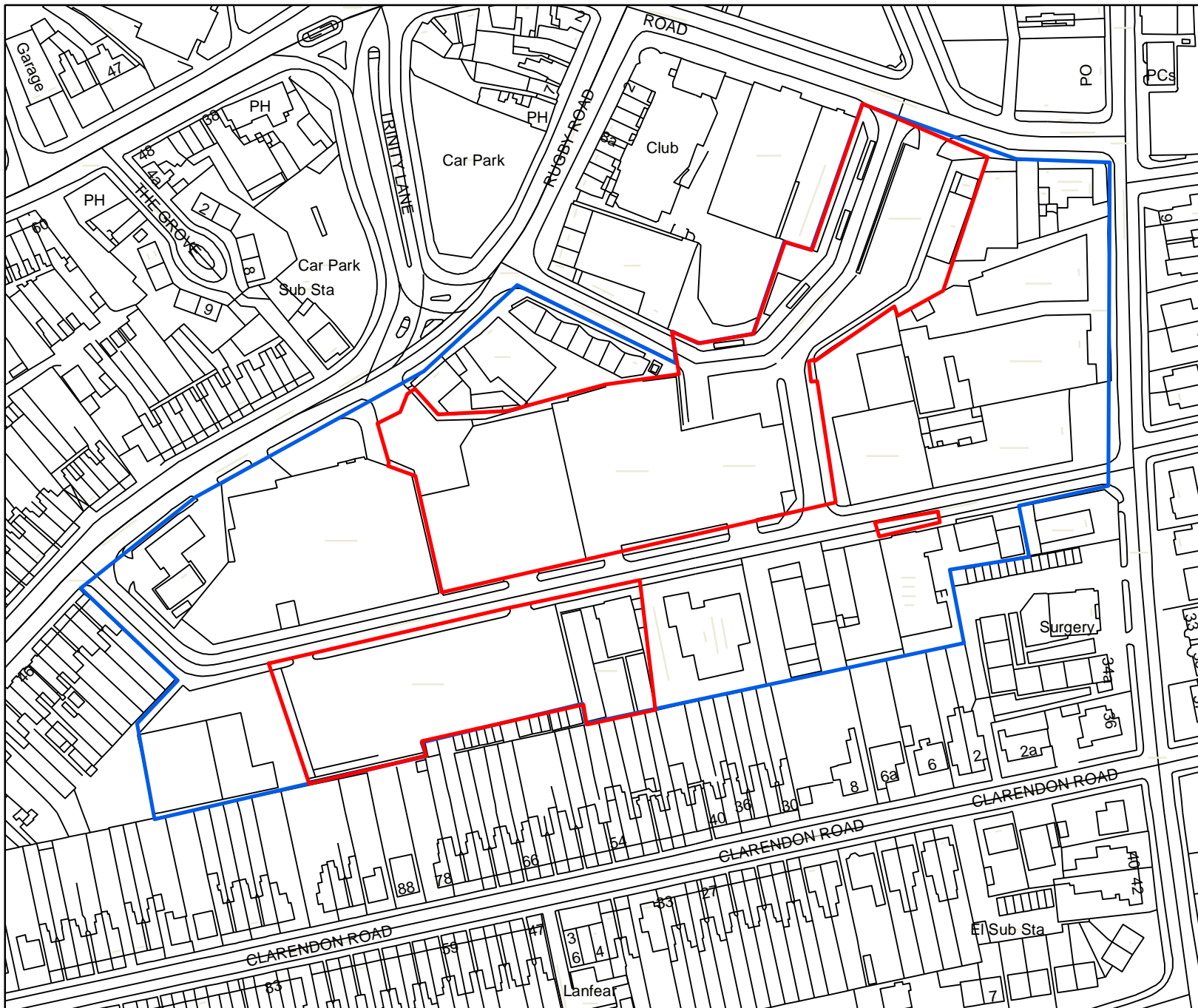
APPENDIX 1



Hinckley & Bosworth
Borough Council

A Borough to be proud of

-  Site Boundary
-  Council Registered Land Ownership



Bus Station Site, Hinckley. Site Boundary

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

DATES OF MEETINGS MAY 2011 - MAY 2012

	2011								2012				
	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
COUNCIL	17*	28		9	27		8	20	31	23	13	24	15*
EXECUTIVE	25	22		3	14		2	14	25		7	18	30
PERSONNEL COMMITTEE		29			28				4		28		
PLANNING COMMITTEE	24	21	19	16	13	11	15	13	10	7	6	3	1/29
SCRUTINY COMMISSION		16	28		8	27		8	19		1	12	24
STANDARDS COMMITTEE			29			28			27			27	
COUNCIL SERVICES SELECT COMMITTEE		9	21		1	13		1	26		8	19	
FINANCE & AUDIT SERVICES SELECT COMMITTEE		13	25		12	24		5		6	19	30	