

**Planning Committee 2 March 2021
Report of the Planning Manager**

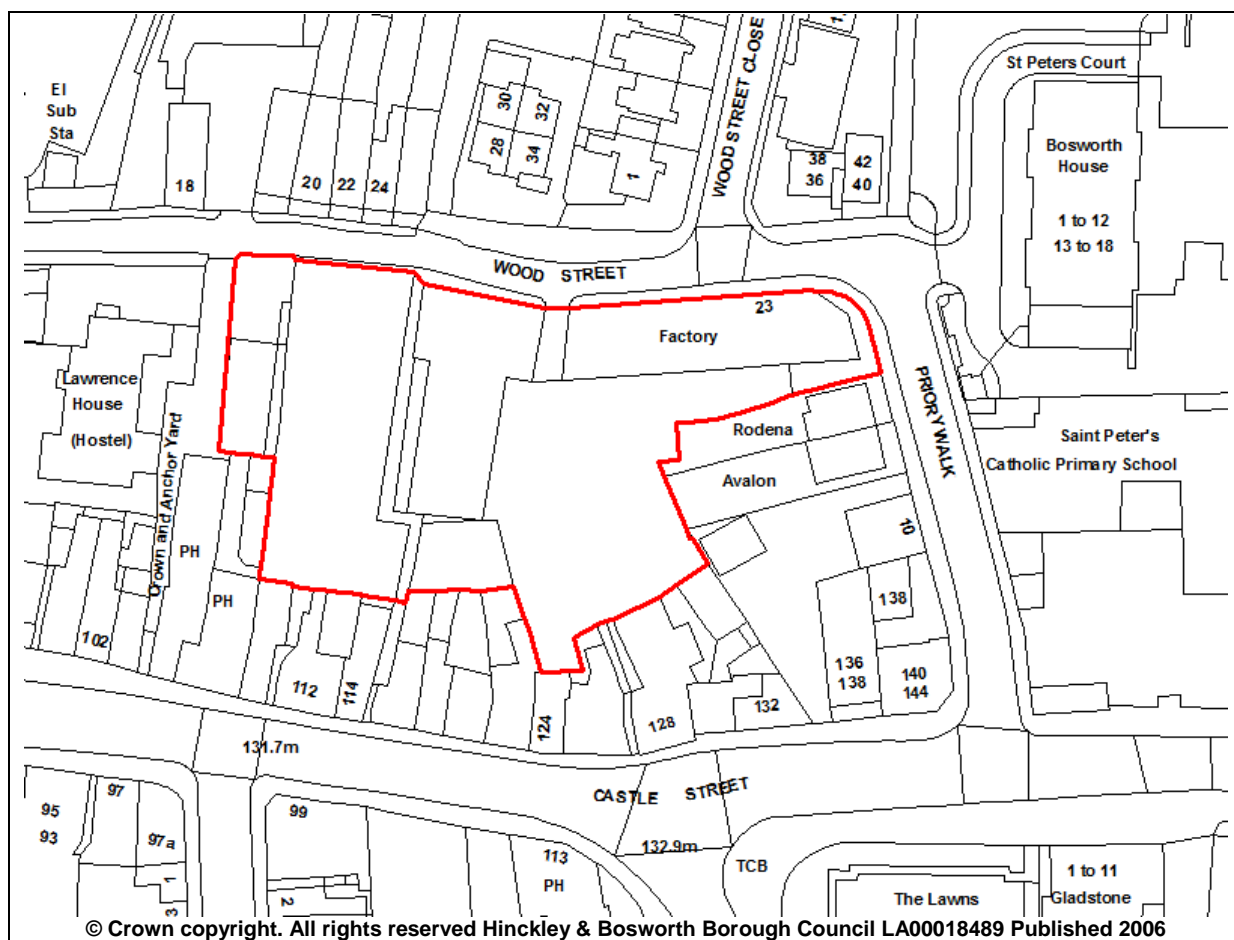
**Planning Ref: 19/00464/OUT
Applicant: Onyxrose Ltd
Ward: Hinckley Castle**



**Hinckley & Bosworth
Borough Council**

Site: Factory Units 23 Wood Street Hinckley

Proposal: Residential development of existing industrial site (Outline - access, layout and scale only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing
 - £1585.00 towards civic amenity facilities at Barwell
 - £970 towards library facilities at Hinckley Library
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs

- Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Background

- 2.1 This application was taken to Planning Committee on 8 December 2020. The previous report and late item report are attached to this report as Appendix A. Notwithstanding the officer's recommendation that permission be granted, members deferred from making a decision on the application. Concerns were raised regarding:
 - The impact of allowing the development on the outlook of the occupiers of the residential properties on Wood Street and its compliance with Policy DM10 of the SADMP.
 - The loss of car parking on the site for neighbouring residents and whether the parking provision for the proposed residents is in compliance with Policy DM18 of the SADMP.
- 2.2 The proposed site layout has been altered by the applicant which seeks to address the concerns raised at the committee meeting. The amended site layout shows that Block A re-positioned some 2.3 metres into the site and so further away from Wood Street. In order to retain some street enclosure along this frontage a strong and definitive boundary treatment fronting the block is proposed being a brick wall and railings. The amended site layout plan also includes 3 additional car parking spaces within the site. Two covered cycle stores are also included on the plan.

3. Consultations

- 3.1. Three letters of objection have been received following a re-consultation exercise on the amended plan. They raise the following concerns:
 - 1) Whilst the repositioning of Block A is definitely an improvement, concerns are raised that Block A would be 6 flats and so there is potential for daytime living accommodation at these flats to overlook the bedroom windows opposite
 - 2) The proposed bin store should be located within the car park and near Wood Street
 - 3) Whilst a redevelopment of the site is needed, tweaks should be made to the proposal
 - 4) Redevelopment of this site would result in the loss of car parking for residents. Would existing residents be able to have parking permits for B & Q?
 - 5) The proposal will restrict travel along Wood Street
- 3.2 HBBC's Conservation Officer has no objections to the amendments.

4. Appraisal

- 4.1. The re-siting of Block A into the site would result in the proposed building being positioned a further 3.6 metres further back into the site when compared to the original factory building which previously occupied the site. A small section of this factory building remains on site. The proposed scale of Block A would be of a similar scale to the original factory building. Through re-siting Block A there would be an intervening distance of 12 metres between this building and the properties in

Wood Street. As such there would be an improvement in the outlook of the properties in Wood Street when compared to their outlook as a result of the original planning proposal for Block A and from when the site was operational with a commercial building located along Wood Street.

- 4.2. The proposed set back of the building would create a distance of some 12 metres being achieved between the principal windows of the proposal and the existing residential properties on Wood Street. This distance is comparable with distances between similar properties in this urban setting. Concerns have been raised that some of these windows could serve lounges and so result in overlooking into the bedroom windows of the properties opposite the site. The Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. A reserved matters application will be required to be submitted for the internal layout of the building. Residents would be consulted on any reserved matters proposals submitted for the site.
- 4.3. Based on the above, the amended proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP and advice in the Council's Good Design Guide SPD.
- 4.4. Concerns have been raised in the objection letters about the loss of car parking for neighbouring residents if the application site is redeveloped. The applicant's agent has confirmed that the current arrangement with the landowner to allow the residents to park on the site is informal. They have looked at including parking provision within the site for existing residents, however, to provide this would make the proposal unviable.
- 4.5. The amended site layout plan has increased the total number of off-street car parking spaces to 40. Three of the larger units would have 2 car parking spaces along with one car parking space for the other units and 2 visitor spaces. LCC as Highway Authority has previously confirmed that 37 car parking spaces being one space per dwelling plus two additional spaces is an acceptable parking provision in view of the sustainable location of the site and the on-street parking restrictions in the surrounding area which should ensure that the proposal would not have a detrimental impact on the public highway. The additional spaces provided in the amended site layout plan are welcomed.
- 4.6. HBBC Waste Services has previously confirmed that it is a requirement that the bin stores are located in close proximity to the public highway for collection. The proposed bin store near Wood Street would be located behind Block A and within a gated area and so would not be visible from Wood Street or the adjoining public footpath.
- 4.7. The amended site layout plan includes secure cycle parking provision for the site by way of two buildings. In accordance with the Leicestershire Highway Design Guide (LHDG) for residential developments with common facilities such as flats there is a need for one space for every 5 units to be provided which should be undercover and secure. Where spaces are allocated there should be one space for each unit. With regards to the flats proposed, secure cycle storage should be provided on site and this can be secured through an appropriately worded condition.
- 4.8. Therefore, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The level of car parking proposed along with a condition requiring secure cycle storage would ensure that

the proposal is in general accordance with the requirements of Policy DM17 and DM18 of the SADMP.

5. Planning Balance and Conclusion

- 5.1 The site lies within Hinckley Town Centre's Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.
- 5.2 The redevelopment scheme would involve the demolition of the original 1903 factory. However, evidence has been submitted which demonstrates that its conversion remain unviable and its loss can be mitigated to a certain degree by the programme of recording its significance and the replacement building (Block B) closely reflecting its form, siting and scale. The loss of a small section of block E to allow for the majority of this building to be converted is considered to be a proportionate approach to retain its significance. The conversion of the 1930s extension along the street frontage of Wood Street is considered to retain the significance of this part of the factory complex.
- 5.3 The redevelopment proposal would provide a number of benefits towards achieving the objectives of sustainable development, including some short term employment during the construction of the redevelopment, a number of houses to meet the borough's housing supply and the use of local services by future occupants. The proposal would also involve the redevelopment of a derelict commercial site where buildings have been removed and those that remain have been vandalised which has a detrimental impact on the character of the area. Therefore, taking the balanced approach required by paragraph 197 of the NPPF the harm identified upon the local heritage assets identified as 9 Wood Street and Factories on Wood Street, is outweighed by the benefits of the scheme. Therefore, this element of the proposal complies with Policy 1 in the Core Strategy, Policies DM10, DM11 and DM12 of the SADMP and section 16 of the NPPF.
- 5.4 The proposal would not have a significant impact on residential amenity, flooding or highway safety and is therefore in accordance with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17 and DM18 of the SADMP (2016) and advice in the Council's Good Design Guide SPD. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 which require a more flexible approach to be taken to Category C employment sites.
- 5.5 Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

6. Recommendation

6.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing.

- £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
 - Planning conditions outlined at the end of this report
- 6.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 6.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

7. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) including walls and railings and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges and character of the conservation area

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:
 - a) Site Location Plan Drg No: 19/28; Block Plan Drg No: 19/28 02; Street Elevation Drg No: 19/28 06A; and Concept Drawing Drg No: 19/28 07 received by the local planning authority on 14 June 2020.
 - b) Concept Site Layout Drg No: 19/28 05E received by the local planning authority on 21 January 2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the SADMP (2016).

4. No more than 35 residential units shall be constructed on the site.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the SADMP (2016).

5. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

6. Prior to the commencement of development surface water drainage details, incorporating sustainable drainage principles (SuDS) shall be submitted to the local planning authority for their approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to the commencement of development full details in relation to the management of surface water on site during construction of the development shall be submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site prior to any construction activity commencing.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the SADMP (2016).

8. No occupation of the development hereby approved shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development has been submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance both in terms of flood risk and water quality of the surface water drainage system in accordance with Policy DM7 of the SADMP (2016).

9. Prior to the commencement of development samples of the materials to be used in the construction of the external facing materials shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

10. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching has been completed in accordance with a written scheme of investigation (WSI),

which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. No development shall take place until a scheme for the treatment of the Public Right of Way V8 have been submitted to and approved in writing by the local planning authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To improve connectivity of the site to the surrounding area and in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM1 of the SADMP (2016) and paragraph 98 of the NPPF.

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the SADMP (2016).

17. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05A have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

18. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05E have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

19. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 05E. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety to accord with Policy DM17 in SADMP.

20. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided on site in accordance with details and plans which have first been submitted to and agreed in writing by the local planning authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM1 of the SADMP and advice in the NPPF.

21. Any reserved matters application relating to appearance shall show new or replacement windows and/or doors on the Wood Street frontage opening inwards so that they do not overhang the public highway. Such windows and doors shall thereafter be maintained as inward opening units in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the SADMP (2016).

22. Any reserved matters application relating to appearance shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Wood Street in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

7.1 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from LCC as local highway authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with LCC at the earliest opportunity to allow time for the process to be completed. The highway authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required

for the safe and satisfactory functioning of the highway. For further information please refer to the LHDG which is available at <https://resources.leicestershire.gov.uk/lhdg>.

3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.
6. Cadent has identified operational gas apparatus within the application site boundary. You should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

APPENDIX A

Planning Committee 8 December 2020
Report of the Planning Manager

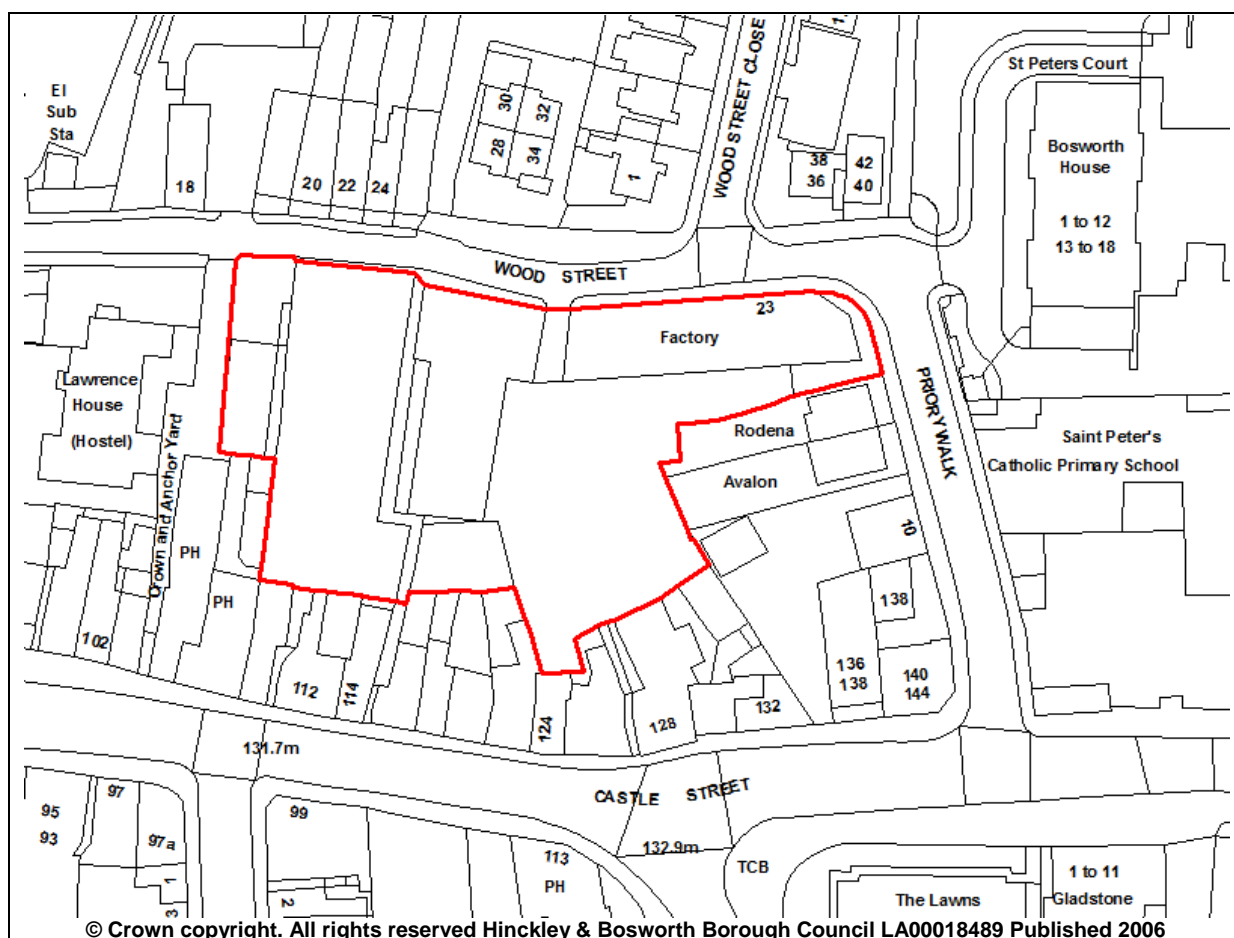
Planning Ref: 19/00464/OUT
Applicant: Onyxrose Ltd
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Factory Units 23 Wood Street Hinckley

Proposal: Residential development of existing industrial site (Outline - access, layout and scale only)



1. Recommendations

1.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing
 - £1585.00 towards civic amenity facilities at Barwell
 - £970 towards library facilities at Hinckley Library
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley

- Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs
 - Planning conditions outlined at the end of this report
- 1.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. This application seeks outline planning permission for the redevelopment of an existing industrial site to provide residential accommodation comprising of 35 units of accommodation and 37 car parking spaces. All detailed matters are reserved for later determination, except access, layout and scale. A detailed access plan has been submitted which shows that the existing vehicular access onto Wood Street would be used to access the car parking area.
 - 2.2. A concept drawing, concept site layout drawing and street elevation plan have been submitted with the application. These drawings show the retention, conversion and extension of the existing 2 storey factory building on the corner of Wood Street and Priory Walk into 14 units of accommodation (shown as Block C). An existing factory building along Wood Street would be demolished and replaced with a 3-storey building of similar scale to provide 6 units of accommodation (shown as Block B).
 - 2.3. A new 2.5 storey building would be constructed in the north-western corner of the site alongside Wood Street to replace a commercial building which has already been demolished. Known as Block A, this building would provide 9 units of accommodation. Two pairs of 2 storey semi-detached houses would be constructed with a frontage onto Cross Keys Yard (Block D) along with the partial demolition and conversion of a commercial building facing onto the Crown and Anchor Yard to provide 2 units of accommodation (Block E).
 - 2.4. The housing mix proposed comprises of: 5 x 1 bed apartments; 26 x 2 bed apartments; 2 x 2 bed houses; 2 x 3 bed houses.
 - 2.5. Planning permission was granted in 2007 under ref: 07/00443/FUL for the demolition of an industrial building on the site and the construction of 12 apartments. This consent also included the conversion of an industrial building into 10 apartments. Since this planning permission was granted the industrial building approved for demolition has been removed from the site.
 - 2.6. The application is supported by the following technical documents:-
 - Design and Access Statement
 - Ground Investigation Report
 - Historic Building Report
 - Site Survey and Plans
 - Affordable Housing Statement
 - Photographs of the Building
 - Flood Risk Assessment
- 3. Description of the site and surrounding area**
- 3.1. Having a site area of approximately 0.27 hectares, the application site lies to the south of Wood Street. The site forms the far eastern corner of the Hinckley Town Centre Conservation Area and contains one of the jitties which links Wood Street

with Castle Street along with the industrial buildings which mark the history of the town's hosiery industry. Identified within the Hinckley Town Centre Conservation Area Appraisal (2013) as unlisted buildings of local historic or architectural importance, the uniformity of building lines, building form, roofscape, fenestration and construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley. The buildings contribute positively to the character and appearance and thus significance of the conservation area.

- 3.2. Located within a mixed use area including commercial premises, retail premises, hot food takeaways and residential properties the application site is allocated in the Site Allocation and Development Management Plan (SADMP) as an Employment Site (HIN147).

4. Relevant planning history

06/00472/CLU

- Certificate of lawfulness for an existing use for the carrying out of an Industrial process within Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended)
Certificate of Lawfulness granted
14.07.2006

07/00443/FUL

- Demolition of redundant Industrial/commercial buildings and erection of 12 apartments, conversion of existing commercial/Industrial building to form 10 apartments and ancillary works
Full planning permission
11.07.07

16/00883/COU

- Change of use to dog day care and grooming centre (retrospective)
Refused and Appeal Dismissed
12.04.17

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2. Letters from seven individual addresses have been received raising the following issues:

- 1) The proposal would involve the loss of land currently used as parking for the residents of Wood Street who pay a fee to the landowner
- 2) There is nowhere to park in the daytime for residents as Wood Street has parking restrictions so that vehicles cannot park between 8am – 6pm
- 3) The proposal should include greenery along Wood Street
- 4) Lack of car parking spaces proposed for the new residential properties
- 5) Potential for loss of privacy and loss of light to properties on opposite side of Wood Street in particular Block A
- 6) The proposal would lower the house values in the area
- 7) Houses should be built on the site instead of flats
- 8) How will the local infrastructure cope with the additional housing as there are issues with power cuts and low water pressure
- 9) The construction works would cause noise and dust pollution to surrounding residential properties

- 10) It is agreed that the proposal would enhance the area and preserve a historic building
 - 11) The planned construction activity would have an adverse impact on the education and safety of pupils attending the nearby school
- 5.3. Two letters of support have been received raising the following areas of support:
- 1) The proposal would revitalize a run down area of Hinckley
 - 2) The proposal would provide much needed housing on a brownfield site

6. Consultation

6.1. No objections have been received from:

- LCC Archaeology – subject to a pre-commencement condition
- LCC Public Rights of Way – subject to a pre-commencement condition
- Environment Agency – subject to a pre-commencement condition
- Cadent
- HBBC Environmental Services – subject to a pre-commencement condition
- HBBC Waste Services – subject to a pre-commencement condition
- Leicestershire Police
- LCC Ecology
- HBBC Conservation Officer
- LCC as Lead Flood Authority
- LCC as Highway Authority – subject to conditions
- HBBC Drainage – subject to a pre-commencement condition
- Severn Trent Water Ltd

6.2. No comments have been received from:

- Hinckley Area Committee
- HBBC Regeneration
- HBBC Town Centre Management
- Ramblers Association
- Cycling UK
- HBBC Building Regulations

6.3. LCC Developer Contributions request:

- £1585.00 towards civic amenity facilities at Barwell
- £970 towards library facilities at Hinckley Library

NHS West Leicestershire CCG request:

£19,400.40 towards the cost of providing additional accommodation for 85 patients in Hinckley.

6.4. HBBC Affordable Housing – requirement for 20% of the housing to be affordable. Based on the viability assessment submitted, the preference is for an off-site commuted sum for affordable housing.

6.5. S106 Monitoring Officer – requirement for an off-site contribution towards the public open space at either Argents Mead and/or Queens Park.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

- Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
- 7.3. Hinckley Town Centre Area Action Plan (2011)
- No relevant policies
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - HBBC Employment Land and Premises Review 2020
 - Hinckley Town Centre Conservation Area Appraisal 2013 (HTCCAA)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Housing Need Survey (2019)
 - Affordable Housing SPD (2011)
 - Open Space and Recreation Study (2016)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon Hinckley Town Centre's Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other Matters

Assessment against strategic planning policies

- 8.2. Policy DM19 in the SADMP identifies the existing employment areas in the Borough. The application site lies within the Factory/Works south of Wood Street site (HIN147) which is a Category C site. Policy DM19 states that within Category C sites the Borough Council will take a more flexible approach for alternative uses, in accordance with the most up-to-date Employment Land and Premises Review and other Local Plan policies.
- 8.3. The proposal seeks permission for the change of use of the site to a residential use within Use Class C3. The applicant has submitted a Design and Access Statement which assesses the proposal against Policy DM19. The majority of the site has been vacant for a considerable length of time. Wood Street is a narrow road and any large commercial vehicles have to park on the road to service the site. The

buildings surrounding the site are predominantly residential properties and this can cause conflict with noise and disturbance.

- 8.4. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 to take a more flexible approach to Category C sites.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. Nevertheless, using the Standard Methodology set by MHCLG, as of the 1st April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply. Therefore, this is an up to date position demonstrating that the Council is planning for its most recently calculated housing need.
- 8.7. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.8. The site lies within the settlement boundary for Hinckley. Policy 1 of the Core Strategy seeks to support residential development within the Hinckley settlement boundary to deliver a minimum of 1120 new dwellings. Policy DM1 of the SADMP which is in accordance with paragraph 11(d) of the NPPF, also seeks to support sustainable development. The site is in a sustainable location within the settlement boundary where there is generally a presumption in favour of residential development. In addition, the site is within a short walking distance of the services and facilities within Hinckley Town Centre and to good public transport links.
- 8.9. As such, the principle of residential development on the site would be acceptable in terms of Policy 1 of the Core Strategy and Policy DM1 of the SADMP, subject to all other planning matters being satisfactorily addressed.

Design and impact upon Hinckley Town Centre's Conservation Area

- 8.10. The application site lies within Hinckley Town Centre's Conservation Area, where, when determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (NPPF paragraph 189). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 190).

- 8.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.13. Paragraph 192 of the NPPF states that in determining planning applications, local planning authorities should take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.14. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 195 and 196 go on to distinguish between substantial and less than substantial harm to heritage assets. Where less than substantial harm has been identified this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.15. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable and that new development should respect the character and appearance of the Hinckley Conservation Area.
- 8.18. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management

Plans). Policy DM12 also states that development proposals should make every effort to retain the significance of locally listed heritage assets. General guidance and an assessment of the character and appearance of the Hinckley Town Centre are contained within the HTCCAA. Guidance and a number of potential means of enhancing the character and appearance of the site area also provided in the Hinckley Town Centre Conservation Area Management Plan (2013).

- 8.19. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.

Historic Context of the Buildings

- 8.20. A Historic Building Survey has been undertaken for the application site. This provides a summary of the historical background of the site. The standing buildings on the site were an addition to a pre-existing industrial site on Castle Street which dated from at least 1887. At the turn of the 20th century the site formed part of the Arthur Davenport and Sons hosiery factory complex, the Davenport family being an important local hosiery manufacturer. The pre-existing buildings on Castle Street were demolished in the latter half of the 20th century, leaving four standing buildings facing into Wood Street and Crown and Anchor Yard. Of these a further mid-20th century block towards the western end of the site was demolished as part of the permission reference 07/00443/FUL.
- 8.21. The site currently consists of three standing buildings. The original T-shaped factory comprises the central block. This was built around 1903 and is of two storeys, constructed in English bond orange brick with a Welsh slate pitched roof. The elevation fronting onto Wood Street forms the head of the T and is of five bays with cast iron framed casement windows set into segmental headed openings. The windows on the first floor are of a similar design but paired. There is a moulded string course at first floor level and a stepped eaves cornice, the string course continues around the western gable end. A six bay wing forming of the shaft of the T stretches back into the site interior.
- 8.22. Attached to the central block is a late 1930s extension which was added to the eastern gable wall of the original factory. A carriageway was formed to allow access into the rear yard which provides a clear break between the two phases of construction. The extension is of two storeys and 11 bays and faces directly onto Wood Street sited at the back edge of the pavement. The extension has a flat concrete roof concealed behind a parapet wall and has been constructed in a red brick laid in an English bond with vertical decorative brick panels and steel framed windows set in large rectangular openings with concrete cills and lintels.
- 8.23. The rear courtyard facing elevations of the original factory and the extension are simple with no particular architectural adornment, in addition to seeing changes as dictated by their functional operation, such as the insertion of a lift, toilet block and widened openings for access. The open nature of the rear courtyard does allow for views of the rear of the properties on Castle Street which includes the rare survival of a framework knitter's window on the first floor of no.124.
- 8.24. A small two storey structure (known as 9 Wood Street) remains on the western end of the site facing into Crown and Anchor Yard, separated from the main blocks by the recently cleared factory. This building appears to be a workshop dating from the late-19th century (its footprint is evident on the 1887 Ordnance Survey extract) and consists of five bays. It has a pitched roof laid with Welsh slates and has been constructed in an orange brick with a variety of openings for windows and doors.
- 8.25. Overall, the location of the industrial buildings and their extent along Wood Street, with a uniformity of building lines, building form, roofscape, fenestration and

construction materials provide a consistency of character typical of a former hosiery factory complex located within Hinckley, with each of the standing buildings contributing positively to the character and appearance and thus significance of the conservation area.

- 8.26. The buildings have been identified as unlisted buildings of local historic or architectural importance (9 Wood Street and Factories on Wood Street) in the HTCCAA (2013). For similar reasons these buildings should also be considered to be local heritage assets in their own right (non-designated heritage assets in terms of the NPPF), due to their architectural and illustrative historic interest, rarity as a hosiery complex once common in the town, landmark value and unity as a group of buildings. This assertion is made after assessing the buildings against the Borough Council's adopted selection criteria (2017) for identifying local heritage assets.
- 8.27. One lane (a "jitty"), known as Cross Keys Yard crosses the site north-south with a dog-leg adjacent to the original factory, and another jitty, known as Crown and Anchor Yard runs along the western boundary of the site. These provide an important link between the factories on Wood Street and the upper section of Castle Street and are a physical remnant of the historical development of Hinckley when industrial and domestic buildings were sited around them. They are narrow and in part are laid with a traditional blue clay paver, with these characteristics being typical of the wider network of jitties and yards running off main streets located throughout the town centre. Consequently they contribute positively to the character and appearance and thus significance of the conservation area, and are identified as being of special interest within the HTCCAA.

Development Proposed

- 8.28. The proposal seeks to end the existing employment uses on the site and redevelop it to provide a level of residential accommodation. A concept drawing, site layout and street elevation has been submitted which indicate the residential accommodation would be provided in five separate block across the site:
- Block A would comprise of a new T shaped plan two and a half storey block within the north-western section of the site occupying the approximate location of the northern section of the recently demolished factory.
 - Block B is a three storey building replacing the original factory and occupying the same footprint as the frontage range.
 - Block C would comprise of the conversion of the existing 1930s two storey building into apartments with the addition of a flat roofed penthouse storey. The current link between the original factory and the extension would be removed with vehicular access to parking in the rear yard in between block B and block C.
 - Block D would be a linear terrace to the rear of block A (and in the approximate location of the southern section of the recently demolished factory) that faces out into a slightly re-aligned Cross Keys Yard jitty.
 - Block E would comprise of part demolishing the northern bays of the late-19th century workshop (9 Wood Street) and the conversion of its central and southern bays to residential units.
- 8.29. The Historic Building Survey accompanying the application is considered to provide a proportionate level of detail to understand the significance of the application site and assist with assessing the impact of the proposal upon its significance. Therefore the requirements of Policy DM11 of the SADMP and paragraph 189 of the NPPF have been satisfied.

- 8.30. The proposal seeks to demolish the whole of the original 1903 factory and part of the late-19th century workshop. Given the largely positive contribution these buildings make to the conservation area their partial (9 Wood Street) and total (the original factory) loss is considered to have an adverse impact upon the significance of the conservation area and the assets themselves as local heritage assets.
- 8.31. The submitted documents allow for an assessment of the access, layout and scale of the proposed redevelopment of the site. In terms of access the position of the existing vehicular access is maintained with parking largely being retained within a rear courtyard, reflective of the current site circumstances. Cross Key Yard jitty is retained as a pedestrian access from Castle Street and Wood Street and despite a slight realignment the route and orientation of this historic thoroughfare remains clearly perceptible.
- 8.32. The layout of the new buildings, Blocks A, B and D, reflects the siting of previous historical industrial and domestic built form, and alongside the conversion of blocks C and E (partial) this ensures the development will maintain a uniformity of building line and reinstate the strong presence of buildings within the street scene with them being located at the back edge of the pavement.
- 8.33. The siting of the eastern elevations of Blocks A and D to face into Cross Keys Yard jitty will add an active edge to the route and provide a betterment of its environment.
- 8.34. The prevalent building scale on the site is of buildings of two storeys in height, although this scale does feel greater than the surrounding domestic development of two storeys due to the taller floors of these functional industrial buildings. There are limited instances of dormer windows within late-19th century terraced dwellings opposite the site and Priory Walk, opposite the site on the corner of Wood Street, is three storeys in scale. The redevelopment does increase the scale and mass of development, particular at the site frontage on Wood Street. However, the two and half storey scale of Block A does reflect that of the existing terrace block opposite the site.
- 8.35. Block B is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building would be minimal. Due to the set back and flat roof of the additional floor for Block C this would reduce its visual impact and is not considered to detract from the form of the original 1930s building or have an overbearing impact upon the wider area.
- 8.36. For the above reasons the access, layout and scale of the proposed redevelopment is considered acceptable. The proposal also recognises the opportunities for enhancing the character and appearance of the site, as identified in the Conservation Area Management Plan, including addressing the vacancy of 9 Wood Street and removing the overgrown and derelict state of the site between 9 Wood Street and the original factory with the erection of Block A.
- 8.37. Whilst the proposal would result in the loss of some of the Industrial buildings, a justification has been submitted with the proposal demonstrating the reasons for the continued partial vacancy of the original factory and the practical difficulties of its conversion. The continued state of disrepair with the boarding up of the windows is also considered to have a detrimental impact on the appearance of the area. The total loss of the original factory building remains harmful; however its loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey. This recording can be achieved through the imposition of a pre-commencement condition which is necessary and proportionate.
- 8.38. The siting, scale and conceptual appearance of the proposed block B would also very closely replicate its existing characteristics.

- 8.39. Although not part of this outline application, the conceptual drawings indicate that the development would have a high quality appearance and utilise appropriate landscaping, such as the resurfacing of the jitties in blue clay pavers, which would respect the character of the area whilst also realising further opportunities for enhancement identified within the Conservation Area Management Plan. For any application seeking approval of these reserved matters these characteristics must be retained to ensure the desirability of new development making a positive contribution to local character and distinctiveness is achieved.

Summary

- 8.40. The loss of the original factory has an adverse impact upon the character and appearance of the conservation area. However, a justification has been provided for its loss and its significance has been recorded. The access, layout and scale of the proposed redevelopment across the site are considered acceptable and particular aspects of the proposal would provide an enhancement to the character of the area. On balance, it is considered that the net impact of the proposal upon the character and appearance of the area is neutral, and therefore the significance of the Hinckley Town Centre Conservation Area is preserved. For these reasons the proposal complies with Policy DM1, Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.41. The total loss of the original factory, a non-designated heritage asset, remains harmful. This needs to be weighed against the merits of the scheme.

Impact upon neighbouring residential amenity

- 8.42. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.43. There are existing dwellings adjoining the site boundary. Concerns have been raised in the objection letters regarding the potential for overlooking and loss of privacy for the existing residents in Wood Street from Block A which would be located on the opposite side of the road. Block A would be constructed as a 2.5 storey terraced building with principal windows on the front elevation. Replacing an existing Industrial building the proposed block would be set back into the site by some 2 metres. The proposed set back of the building would create a distance of some 10 metres being achieved between the principal windows which are comparable with distances between similar properties in the locality. As such whilst there would be overlooking between the principal windows of the proposed units and the existing residential properties on Wood Street, the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. Examples are given in the Good Design Guide of similar street scenes in order to create enclosure of streets and spaces.
- 8.44. Concerns are also raised about the overbearing impact Block A would have on the surrounding residential properties. As discussed above, the Council's Good Design Guide provides examples of similar widths between mews streets along the street frontage to create a well defined and distinctive place. Block A being two and half storey in scale does reflect that of the existing terrace block opposite the site. Block B is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building would be minimal. As such it is considered that the distances proposed and the scale of the building would not cause an overbearing impact on the residents of the properties opposite.

- 8.45. Concerns have also been raised regarding the proposed conversion of Block E to create two duplex units. This building lies opposite residential units along the Crown and Anchor Yard. The distances between the proposed windows and existing principal windows would be some 11 metres. However, within this separation distance is a wide public footpath/road of between 4 – 8 metres in width. As stated above, these windows in the residential units along the Crown and Anchor Yard are already overlooked within the public realm and so the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable in these cases. In addition to this, the building already contains windows at first floor level which have a lawful commercial use.
- 8.46. The Good Design Guide states that reduced separation distances may be accepted in urban locations where issues of amenity and overlooking are dealt with by good design. The use of perimeter blocks along Wood Street, the Crown and Anchor Yard and Cross Keys Yard ensures that each block has been designed to minimise the impact of overlooking. The use of projecting stairwells to the rear of Block C would minimise overlooking into the residential garden of properties on Priory Walk. The existing blank eastern elevation of Block E would ensure that there is no overlooking into the private amenity space of the proposed residential properties formed through the construction of Block D.
- 8.47. The use of perimeter blocks would also provide some surveillance over public areas, parking forecourts and an area of open space which is welcomed by Leicestershire Police. This layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.48. The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts.
- 8.49. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP and advice in the Council's Good Design Guide SPD.

Impact upon highway safety

- 8.50. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.51. The application site would be accessed from Wood Street which is a narrow residential/industrial access road subject to a 30mph speed limit and parking restrictions. Wood Street is one-way with traffic travelling from west to east.
- 8.52. There is an existing under croft vehicle access on Wood Street which provides access to an internal courtyard area. This access is currently below highway standards in terms of width and visibility. The proposal is to retain a vehicular

access in this location, although with the demolition of the building to the west this would create a wider access with a footway and this access would no longer be an undercroft access. The proposed siting of Block B would improve visibility to the west of the access which is the direction of oncoming traffic. LCC as the local Highway Authority has commented on the application and confirm that they welcome the alterations proposed to the existing access. They confirm that there have been no recorded personal injury collisions on Wood Street within the last 5 years.

- 8.53. LCC Highway Authority also confirm that the widening of the footways to the front of the site proposed as detailed on the Concept Site Layout Drawing No. 5a would improve pedestrian links to the site which is welcomed.
- 8.54. Concerns have been raised in the objection letters about the loss of car parking for neighbouring residents if the application site is redeveloped. The application site does not have a lawful use as a public car park and the current arrangement with the landowner to allow the residents to park on the site is informal and could be removed at any time. A total of 37 off-street car parking spaces are proposed for the residential development. The layout of the spaces and manoeuvring space is considered acceptable. LCC Highway Authority has confirmed that this level of parking provision of one space per dwelling plus two additional spaces is acceptable in view of the sustainable location of the site and the on-street parking restrictions in the surrounding area which should ensure that the proposal does not have a detrimental impact on the public highway.
- 8.55. Bin stores are located in close proximity to the public highway for collection. However, the plans fail to include any cycle parking provision for the site. In accordance with the Leicestershire Highway Design Guide (LHDG) for residential developments with common facilities such as flats there is a need for one space for every 5 units to be provided which should be undercover and secure. Where spaces are allocated there should be one space for each unit. With regards to the flats proposed, secure cycle storage should be provided on site and this can be secured through an appropriately worded condition.
- 8.56. Public footpath V8 runs through the application site. The proposal is to straighten the route of this footpath. LCC Public Rights of Way has been consulted on the application and confirm that a diversion order would be required. However, they would support a diversion order which improves the alignment of public footpath V8 through straightening the route of the path. They request that planning conditions are imposed on any consent granted with regards to detail of the proposed route of this footpath and the material used in its construction.
- 8.57. Therefore, the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. The improvements to the existing vehicular access are welcomed along with the improvements to public footpath V8. The level of car parking proposed along with a condition requiring secure cycle storage would ensure that the proposal is in general accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Other Matters

- 8.58. Due to the contaminative Industrial uses of the site the Environmental Health (Pollution) team has recommended conditions to require the submission of a scheme for the investigation of any potential land contamination on the site together with any necessary remediation works for prior approval. A Ground Investigation Report has been submitted by the applicant to investigate any potential land contamination on site. The Environmental Health (Pollution) team state that

planning conditions should be imposed to ensure that its recommendations are carried out on site. The conditions would be reasonable and necessary to ensure safe development and to protect the health and amenity of future occupiers of the site in accordance with Policy DM7 of the adopted SADMP.

- 8.59. Street Scene Services (Waste) has recommended a condition in respect of storage and collection of waste and recycling. Two bin stores are shown for storage and for collection near to the highway boundary. A condition is reasonable and necessary to make the development acceptable in planning terms.
- 8.60. The applicant has provided an amended Flood Risk Assessment with calculations to show storage features are designed to the 1 in 100 year return period plus 40% allowance for climate change as well as a copy of the developer enquiry response from Severn Trent Water demonstrating that a connection to the third party system would be acceptable subject to a formal S106 agreement with STW. The Lead Local Flood Authority and HBBC Drainage raise no objections to drainage details provided subject to conditions requiring the submission of a surface water drainage strategy which will require full construction details. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and the proposed development is located in a suitable location with regard to flood risk.
- 8.61. As a result of public consultation, objections have been received on the grounds of loss of property value; however, this is not a material planning consideration.

Infrastructure Contributions

- 8.62. Policy DM3 of the SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.63. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.64. The requirement under Policy 15 is for 20% of the units to be affordable housing which would equate to 7 units. A Viability Appraisal commissioned by the local planning authority confirms that the complexity of the scheme and the unhelpful effects of COVID 19 on market sentiment now and possibly into the future mean that the scheme cannot contribute to the S106 obligations requested and provide 7 affordable units on site. Instead 3 units could be provided on site being a 1-2 bed unit for affordable rent and 2x1 bed units for shared ownership.
- 8.65. The Strategic Housing and Enabling Officer (SHEO) has confirmed that given the small quantum of units to be provided on site an entirely off site contribution to affordable housing should be sought. The Viability Appraisal concludes that the redevelopment scheme can support an off site contribution to affordable housing. This off site contribution is calculated by the cost of providing one affordable rented unit on site and 2 shared ownership units on site which gives a figure of £72,113.00. When the application was submitted in 2019 the SHEO confirms that there were 1626 households on the Council's housing register for Hinckley. Therefore the obligation is directly related to the proposed development. The extent of the

affordable housing obligation is directly related in scale and kind to the development having been calculated following a Viability Appraisal of the scheme.

Play and Open Space

- 8.66. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

	Requirement of off-site open space for the proposed development of 35 dwellings (square metres)	Off-site Provision Contribution	Maintenance contribution per sq. m	Maintenance Contribution
Equipped Children's Play Space	126	£22,923.18	£87.80	£11,062.80
Casual/Informal Play Spaces	588	£2,610.72	£5.40	£3,175.20
Outdoor Sports Provision	1344	£12,163.20	£4.30	£5,779.20
Accessibility Natural Green Space	0	0	£7.10	0
Provision Total		£37,697.10		£20,017.20

- 8.67. The provision of Play and Open Space is required for compliance with Policies 1 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 1 requires development in Hinckley to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.
- 8.68. Using the adopted Open Space and Recreation Study (2016) Queens Park (HIN104) and Argents Mead (HIN101) are within 400 metres of the application site and contain a formal park and children's play space. Hollycroft Park is within 600 metres of the application site and contains outdoor sports facilities. Therefore the obligations and contributions directly relate to the proposed development. The

extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.69. The West Leicestershire CCG has requested a contribution of £19,400.40 towards addressing the deficiencies in services at surgeries in Hill Street, Hinckley, which are GP practices within 0.2 miles of the development. All 3 practices are restricted within their current premises footprints and have confirmed they are working to full capacity. The practices have seen a 10% increase in patient registration over the past 5 years and they would need to undertake internal reconfiguration works to extend current clinical facilities. An increase of 85 patients from the proposal would significantly impact on patient demand in the area and internal reconfiguration works would be required.
- 8.70. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgeries near the application site in Hinckley, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Libraries

- 8.71. LCC Library services have requested a sum of £980 towards provision of additional resources at Hinckley Library, which is the nearest library to the development. The development is within walking distance of the Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity Facilities

- 8.72. The Director of Environment and Transport requests a contribution of £1585.00 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Planning Balance and Conclusion

- 10.1. The site lies within Hinckley Town Centre's Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Policy 1 of the Core Strategy requires that development proposals should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.
- 10.2. The redevelopment scheme would involve the demolition of the original 1903 factory. However, evidence has been submitted which demonstrates that its conversion remain unviable and its loss can be mitigated to a certain degree by the programme of recording its significance and the replacement building (Block B) closely reflecting its form, siting and scale. The loss of a small section of block E to allow for the majority of this building to be converted is considered to be a proportionate approach to retain its significance. The conversion of the 1930s extension along the street frontage of Wood Street is considered to retain the significance of this part of the factory complex.
- 10.3. The redevelopment proposal would provide a number of benefits towards achieving the objectives of sustainable development, including some short term employment during the construction of the redevelopment, a number of houses to meet the borough's housing supply and the use of local services by future occupants. The proposal would also involve the redevelopment of a derelict commercial site where buildings have been removed and those that remain have been vandalised which has a detrimental impact on the character of the area. Therefore, taking the balanced approach required by paragraph 197 of the NPPF the harm identified upon the local heritage assets identified as 9 Wood Street and Factories on Wood Street, is outweighed by the benefits of the scheme. Therefore, this element of the proposal complies with Policy 1 in the Core Strategy, Policies DM10, DM11 and DM12 of the SADMP and section 16 of the NPPF.

- 10.4. The proposal would not have a significant impact on residential amenity, flooding or highway safety and is therefore in accordance with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17 and DM18 of the SADMP (2016) and advice in the Council's Good Design Guide SPD. Planning permission was granted in 2007 for the change of use of this employment site. The current residential proposal would be compatible with the requirements of Policy DM19 which require a more flexible approach to be taken to Category C employment sites.
- 10.5. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £72,113.00 as an off-site commuted sum for affordable housing.
 - £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.
- That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.2 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

- a) Site Location Plan Drg No: 19/28; Block Plan Drg No: 19/28 02; Street Elevation Drg No: 19/28 06A; and Concept Drawing Drg No: 19/28 07 received by the local planning authority on 14 June 2020.
- b) Concept Site Layout Drg No: 19/28 05B received by the local planning authority on 7 August 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 and DM12 of the SADMP (2016).

4. No more than 35 residential units shall be constructed on the site.

Reason: To ensure a satisfactory form of development in accordance with Policies DM10, DM11 and DM12 of the SADMP (2016).

5. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

6. Prior to the commencement of development surface water drainage details, incorporating sustainable drainage principles (SuDS) shall be submitted to the local planning authority for their approval in writing. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

7. Prior to the commencement of development full details in relation to the management of surface water on site during construction of the development shall be submitted to the local planning authority for their approval in writing. The approved details shall then be implemented in full on site prior to any construction activity commencing.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the SADMP (2016).

8. No occupation of the development hereby approved shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development has been submitted to the

local planning authority for their approval in writing. The approved details shall then be implemented in full on site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance both in terms of flood risk and water quality of the surface water drainage system in accordance with Policy DM7 of the SADMP (2016).

9. Prior to the commencement of development samples of the materials to be used in the construction of the external facing materials shall be submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

10. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching has been completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is

submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. No development shall take place until a scheme for the treatment of the Public Right of Way V8 have been submitted to and approved in writing by the local planning authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To improve connectivity of the site to the surrounding area and in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM1 of the SADMP (2016) and paragraph 98 of the NPPF.

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to

ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the SADMP (2016).

17. No part of the development shall be occupied until such time as the offsite works to widen the existing access and widen the footway on Wood Street, shown on Drg No: 19/28 05A have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

18. No part of the development hereby approved shall be occupied until the access arrangements shown on Drg No: 05A have been implemented in full. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with Policy DM17 in the SADMP.

19. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 05A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety to accord with Policy DM17 in SADMP.

20. The development hereby permitted shall not be occupied until such time as secure cycle parking has been provided on site in accordance with details and plans which have first been submitted to and agreed in writing by the local planning authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM1 of the SADMP and advice in the NPPF.

21. Any reserved matters application relating to appearance shall show new or replacement windows and/or doors on the Wood Street frontage opening inwards so that they do not overhang the public highway. Such windows and doors shall thereafter be maintained as inward opening units in perpetuity.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the SADMP (2016).

22. Any reserved matters application relating to appearance shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Wood Street in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order

2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

24. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from LCC as local highway authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with LCC at the earliest opportunity to allow time for the process to be completed. The highway authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the LHDG which is available at <https://resources.leicestershire.gov.uk/lhdg>.
3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.
6. Cadent has identified operational gas apparatus within the application site boundary. You should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

APPENDIX B

ITEM 07

19/00464/OUT

Onyxrose Ltd

Site:- Factory Units, 23 Wood Street, Hinckley, Leicestershire

Proposal:- Residential development of existing industrial site (Outline - access, layout and scale only)

Introduction:-

Following the publication of the committee report, concern has been raised by local residents that with the loss of the car parking provision on the site and the potential for additional car parking from future residents there is a need for parking permits to be introduced in the area.

Concern has also been raised whether each proposed unit would have adequate natural daylight into the habitable rooms.

It has been noted that the committee report contains an error in the figure for the off-site commuted sum for affordable housing.

Appraisal:-

Residential amenity of future residents

Condition 4 seeks to impose a maximum number of residential units on the site. An assessment will need to be made at the reserved matters stage to ensure that this number of units can be accommodated on the site and that provision can be made for each unit to have adequate useable floor space and natural daylight to all habitable rooms. Based on this assessment at reserved matters stage, a lower number of residential units may only be achievable on the site. A planning condition should be imposed to ensure that detailed floor plans and window details are submitted with the reserved matters for appearance.

Parking Provision

As discussed at paragraph 8.54 in the committee report, there are on-street parking restrictions during the daytime along the roads in the vicinity of the site. Whilst the site layout submitted with the outline application demonstrates that car parking provision could be achieved for 37 car parking spaces, condition 19 is recommended to be amended to allow an assessment of whether additional car parking provision can be provided within the site on areas shown for soft landscaping and to ensure appropriate parking is provided for the provision of housing to be accommodated on site.

Discussions have also been undertaken with the parking team responsible for the Council's car parks who has confirmed that parking permits for existing residents could be made available which would allow them to park in the daytime at the Alma Street and Druids Street Car Parks. There are no restrictions in the evening and overnight after 6pm to 8am on the surrounding streets.

Section 106 Agreement

The off-site commuted sum for affordable housing should read £48,708.00 instead of £72,113.00.

Recommendation:-

The recommendation contained in the Committee Report should be amended to read as follows:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - £48,708.00 as an off-site commuted sum for affordable housing.
 - £1585.00 towards civic amenity facilities at Barwell.
 - £970 towards library facilities at Hinckley Library.
 - £19,400.40 towards the cost of providing additional health care accommodation for 85 patients in Hinckley.
 - Off-site open space contribution towards the public open space at Hollycroft Park, Argents Mead and/or Queens Park of £37,697.10 and £20,017.20 for maintenance costs.
 - Planning conditions outlined at the end of this report
 - That the Planning Manager be given powers to determine the final detail of planning conditions.
 - That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

Condition 19 should be amended to read:

19. Notwithstanding the details hereby approved on the Concept Site Layout Drg No: 19/28 05B any reserved matters application relating to appearance or landscaping shall be accompanied by full details of the proposed car parking provision and turning areas to be provided on the site including the provision of additional car parking spaces, where feasible. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the SADMP (2016).

An additional condition should be imposed:

25. Any reserved matters application relating to appearance shall be accompanied by detailed floor plans (drawn to scale) for each residential unit which demonstrate the usable floor space for each unit and how each habitable room would have adequate natural daylight.

Reason: To ensure that the proposal does not have a significant adverse impact on the residential amenity of future residents in accordance with Policy DM10 of the SADMP (2016).