

**Planning Committee 22<sup>nd</sup> August 2023  
Report of the Head of Planning (Development Management)**

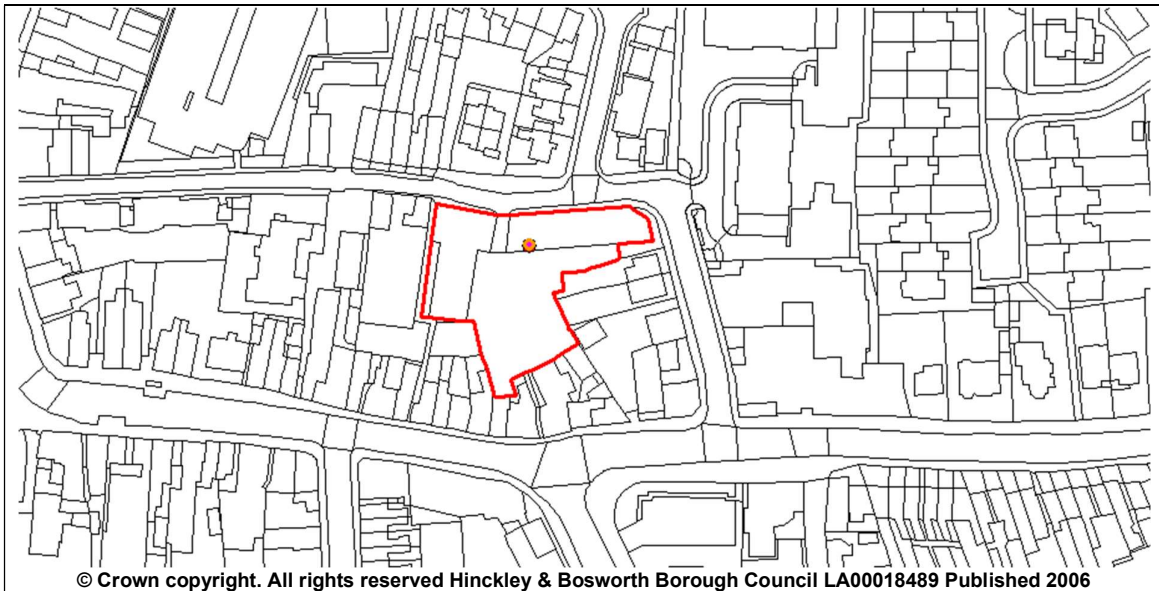


Hinckley & Bosworth  
Borough Council

**Planning Ref: 22/00695/HYB  
Applicant: Mr R Jeffcoate, Onyx Rose  
Ward: Hinckley Castle**

**Site: Factory Units, 23 Wood Street, Hinckley, Leicestershire, LE10 1JQ**

**Proposal: Hybrid planning application comprising: Outline application (access, appearance and scale to be considered) for the demolition of an existing factory building and erection of a residential building comprising up to 12 residential units; a Full application comprising the change of use of an existing factory building to residential including the addition of an extra storey and comprising 14 residential units**



## **1. Recommendations**

- 1.1. That the application be approved subject to:
  - Conditions outlined at the end of this report
  - S106 Agreement to secure a viability review mechanism
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

## **2. Planning Application Description**

- 2.1. The application is a hybrid planning application. The proposal seeks outline permission for the demolition of an existing factory building and erection of a residential building comprising up to 12 residential units, with access, appearance and scale to be considered and landscaping and layout reserved. Alongside full planning permission for the change of use of the other existing factory building to residential, including the addition of an extra storey, comprising 14 residential units.
- 2.2. The outline element relates to the demolition of the existing factory building along the western boundary as well as the extension over the existing access point. The

building is proposed to be replaced with a building of a similar scale and architectural style.

- 2.3. The full element of the proposal relates to the change of use of the existing more easterly building. The building would be extended to the rear with a new timber clad, two storey stairway extension alongside a roof extension of approximately 2.3m in height which would be clad with pale grey cladding. New windows and doors are proposed to be inserted into the existing building with internal alterations occurring to form the apartments.
- 2.4. The existing access point is proposed to be widened between the two buildings and would lead to a shared parking area with 29 spaces. The proposal also includes hard and soft landscaping, including new soft landscaping to the parking area and periphery of the site such as the north eastern corner of the site.
- 2.5. The application is accompanied by the following reports and documents:
  - Design and Access Statement
  - Viability Assessment
  - Flood Risk Assessment
  - Ground Investigations
  - Historic Building Survey

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

- 3.1 The application site relates to an existing factory unit located to the south of Wood Street and east of Cross Keys Yard with a site area of approximately 0.18ha. Whilst the majority of the area is predominantly residential in nature the application site is allocated in the Site Allocation and Development Management Plan (SADMP) as an Employment Site (HIN147). However, much of the site has been vacant for a considerable length of time.
- 3.2 The site forms the far eastern corner of the Hinckley Town Centre Conservation Area and is 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.
- 3.3 The existing buildings dominate the site frontage and immediate street scene with the buildings contributing positively to the character and appearance and thus significance of the conservation area. To the rear of the buildings is a large parking/servicing area. One lane (a "jitty"), known as Cross Keys Yard runs along the western boundary of the site and has a dog-leg adjacent to the original factory. The jitty provides an important historic link between the factories on Wood Street and the upper section of Castle Street.
- 3.4 The adjacent site to the west of the site boundary where a factory has previously been demolished was included in the previous application but has subsequently been sold and redeveloped independently of this application.

### **4. Relevant planning history**

#### **21/00692/OUT**

- Redevelopment of existing site to residential

- Not validated
- The applicant appealed against the non-determination of the application.
- Appeal Dismissed
- 26.01.2022
- The appeal was dismissed with the Inspector concluding that the Council was correct in not validating the application. It should be noted the Council's Statement of Case concluded it would have accepted the application had it been a valid planning application.

#### **19/00464/OUT**

- Residential development of existing industrial site (Outline - access, layout and scale only)
- Refused
- 04.03.2021
- Appeal Dismissed
- 04.05.2022

#### **07/00443/FUL**

- Demolition of redundant industrial/commercial buildings and erection of twelve apartments, conversion of existing commercial/industrial building to ten apartments and ancillary works
- Approved
- 11.07.2007

#### **06/01423/FUL**

- Demolition of industrial building and erection of apartments, conversion of existing industrial building to form apartments
- Withdrawn
- 19.03.2007

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to the occupiers of 60 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No comments have been received

## **6. Consultation**

- 6.1 **LCC Highway Authority** – The Local Highway Authority advice is that, in its view, 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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations outlined in this report.

### *Site Access*

The site access arrangements are detailed on Hayward Architects drawing number 05, Rev F. Access to the site would be via Wood Street, an unclassified road subject to a 30mph speed limit. Wood Street is a one way street with traffic travelling from west to east only. The Applicant is proposing to widen the existing access to the car

park of the building to 4.8m. In addition, the new building proposed to the west of the access would result in the footway fronting the site being widened and a slight improvement to visibility in comparison to the existing access. Overall, the LHA has no objections to the site access arrangements and would welcome the widening of the footway fronting the site.

#### *Highway Safety*

Based on available records to the LHA, there have been no recorded Personal Injury Collisions along Wood Street within the last five years.

#### *Internal Layout*

Hayward Architects drawing number 05, Rev F details 29 car parking spaces would be provided within the site. Based on the submitted Design & Access Statement, it is understood this would be communal parking rather than allocated spaces. This equates to one car parking space per unit plus three visitor spaces.

Overall, this is a comparable level of parking to the 2019 proposals and given the sustainable town centre location of the site as well as a package of Traffic Regulation Orders in the surrounding area, such as double and single yellow lines as well as limited waiting bays which should prevent inappropriate parking the area, the LHA consider the parking provision to be acceptable.

#### *Public Rights of Way*

Public Footpath V8 runs adjacent to the proposed development. Noting the proposed work, the LHA have no objection to the proposed development as it is considered the use and enjoyment of the footpath is unlikely to be significantly affected.

- 6.2 **LCC Ecology** – No objections subject to conditions
- 6.3 **Lead Local Flood Authority** – Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 0.18ha brownfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 5 l/s via pervious paving and attenuation tanks to an assumed existing lateral connection to the Severn Trent Water (STW) combined sewer on Wood Street. Subsequent to the previous LLFA response the applicant has procured a Developer Enquiry response from Severn Trent Water demonstrating that a connection to their asset is viable. Therefore there are no objections subject to conditions.
- 6.4 **HBBC Conservation** – 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.

The buildings have been identified as unlisted buildings of local historic or architectural importance (Factories on Wood Street) in the adopted Hinckley Town Centre Conservation Area Appraisal (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 National Planning Policy Framework), 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.

One lane (a "jitty"), known as Cross Keys Yard runs along the western boundary of the site and has a dog-leg adjacent to the original factory. The jitty provides an important historic link between the factories on Wood Street and the upper section of Castle Street and is a physical remnant of the historical development of Hinckley when industrial and domestic buildings were sited around them. The jitty is narrow and in part is laid with traditional blue clay pavers, with these characteristics being typical of the wider network of jitties and yards running off main streets located throughout the town centre. Consequently the jitty contributes positively to the character and appearance and thus significance of the conservation area, and is identified as being a feature of special interest within the HTCCAA.

The proposal seeks to demolish the whole of the original 1903 factory. Given the largely positive contribution this building makes to the conservation area its loss is considered to have an adverse impact upon the significance of the conservation area and the asset itself as a local heritage asset.

The plans allow for a detailed assessment of most planning matters, other than layout of block A and landscaping for the wider site being indicative. 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 will be used for access to some of block A, adding some activity back to this historic route.

The concept site layout plan confirms that block A reflects the siting of previous historical industrial and domestic built form, and alongside the conversion of block B this ensures the development will maintain a uniformity of building line and maintain the strong presence of buildings within the street scene with them being located at the back edge of the pavement.

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. The redevelopment does increase the scale and mass of development, particular at the site frontage on Wood Street. However, block A is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building is minimal, and due to the set back and flat roof form of the additional floor for block B this reduces 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. The proposed stairwell to the rear elevation block B is subservient in scale to the main building.

Block A is proposed to be rebuilt in matching materials with the architectural style, proportion & details of the original building replicated. A requested additional detail is confirming that the red/orange brick for the construction of block A be laid in an English bond as per the original building; this could be secured via a planning condition.

The materials for the facing walls and flat roof penthouse storey on block B are to be cladding with a pale grey colour and the rear stairwell extension to the rear is to be clad in timber with clear glazing curtain walling to the sides. These would be contemporary styled finishes that are considered to complement the retained brick finish of the original factory. The windows proposed to serve the penthouse storey and generally positioned to ensure a rhythm and consistency of appearance with the

windows on the ground and first floors below. The existing steel windows are in a relatively poor conditions so are proposed to be replaced with new windows of a style and proportions to match the existing, respecting the horizontal emphasis of industrial style steel windows from the 1930s architectural period. Any replacement windows upon both blocks would be expected to be of a traditional or similar material, such as steel or aluminium.

For the above reasons the access, layout (in terms of the siting of the blocks and retention of the Cross Keys Yard jitty) and scale of the proposed redevelopment is considered to have no adverse impact upon affected heritage assets. The appearance of the proposed redevelopment could be acceptable subject to the submission of further details which can be secured via a planning condition. 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 so bringing the building back into use will provide an enhancement to the character of the area; such a measure is identified within the Hinckley Town Centre Conservation Area Management Plan. The total loss of the original factory remains harmful; however, its loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey and the siting, scale and appearance (subject to the submission of further details) of the proposed block A very closely replicating its existing characteristics.

### **Summary and conclusion**

The loss of the original factory has an adverse impact upon the character and appearance of the conservation area causing harm to this designated heritage asset. The level of harm upon the conservation area is considered to be less than substantial. As a justification has been provided for its loss and its significance has been recorded, in addition to the limited impact on the conservation area as a whole, the level of harm is considered to be towards the lower end of the spectrum of less than substantial harm.

The access, layout, scale and appearance (subject to conditions) of the proposed redevelopment across the site is considered acceptable and particular aspects of the proposal provide an enhancement to the character of the area. These are heritage benefits, which accompanied with any additional non-heritage public benefits should be weighed against the harm caused as per paragraph 202 of the NPPF and Policy DM11 of the SADMP. The ultimate conclusion of this balancing exercise is one for the decision-taker, but if it comes out in favour of the proposal it will comply with 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.

Although a reserved matter, the conceptual site layout identifies opportunities for appropriate landscaping including within the site interior, on the corner of Wood Street and Priory Walk and along and within the vicinity of Cross Keys Yard which could realise further opportunities for enhancement identified within the Conservation Area Management Plan. For any application seeking approval of this reserved matter these characteristics must be retained to ensure the desirability of new development making a positive contribution to local character and distinctiveness is achieved.

The redevelopment proposal provides a number of benefits towards achieving the objectives of sustainable development (see paragraph 8 of the NPPF), including some short term employment during the construction of the redevelopment, a number

of dwellings to meet the borough's housing supply and the use of local services by future occupants. Previous efforts have been made towards the retention of the original 1903 factory but its conversion remains unviable, with its loss mitigated to a degree by the programme of recording its significance and block A, its proposed replacement, closely reflecting its form, siting, scale and appearance (the latter subject to the submission of further details). The conversion of the 1930s extension is considered to retain the significance of this part of the factory complex. Therefore, taking the above into account and the balanced approach required by paragraph 203 of the NPPF in my opinion the proposal is not considered to have an unacceptable impact upon the local heritage asset identified as Factories on Wood Street, and therefore this element of the proposal complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF. The ultimate conclusion of the balancing exercise is one for the decision-taker however.

Should the application be approved, conditions are requested.

- 6.5 **HBBC Environmental Health** – No objections subject to conditions regarding contamination and a Construction Environmental Management Plan.
- 6.6 **LCC Planning Obligations** – The following contributions totalling £15, 362.24 are required as a result of this development:
- Waste – Barwell HWRC £1, 287.78
  - Libraries- Hinckley Library £739.84
  - Secondary Education (11-16)- Hastings High School £10, 965.32
  - Post 16 Education- The Hinckley School £2, 369.30
- 6.7 **NHS England** – The GP practices closest to this development are Castle Mead Medical Centre and The Centre Surgery. The practices are experiencing capacity issues in relation to its premises and would need to increase facilities to meet the needs resulting from this development. The proposed development generates a requirement for a contribution of £4,226.88 and this should be released prior to first occupation.
- 6.8 **HBBC Affordable Housing** – Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas on qualifying sites of 15 or more dwellings, should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. This site will deliver a total of 26 dwellings and therefore crosses the threshold where a contribution to affordable housing is required. The starting point for any contribution is on site provision.

2 properties should be provided as First Homes, 3 properties for affordable rent and 1 for shared ownership. This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership. However given the relatively small numbers of affordable housing on this site, it is unlikely that 1 shared ownership home would be feasible, and therefore the tenure could be split between 3 First Homes and 3 affordable rent properties.

As is demonstrated by the housing register, the greatest need for rented accommodation is for 1 bedroomed flats and the preference would be for 3 x 1 bedroomed flats for rent and 3 x 2 bedroomed flats for affordable home ownership.

As this site is in the urban area, the section 106 agreement should contain a

requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection.

- 6.9 **HBBC Compliance and Monitoring** – Play and open space contributions should be secured for off site as there are no provisions on site. Queens Park and Argents Mead are the closest, Queens Park being at 80% quality.

Off site Equipped Children’s Play Space contribution- £17, 028.65  
Off site Equipped Children’s Play Space maintenance contribution- £8, 218.08  
Off site Casual/Informal Play Spaces contribution- £1, 939.39  
Off site Casual/Informal Play Spaces maintenance contribution- £2, 358.72  
Off site Outdoor Sports Provision contribution- £9. 035.52  
Off site Outdoor Sports Provision maintenance contribution- £4, 293. 12  
Off site Accessibility Natural Green Space contribution- £4, 253.60  
Off site Accessibility Natural Green Space maintenance contribution- £7, 384.00

## 7. Relevant Planning Policy and Guidance

### 7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy 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 (AAP)

- Policy 15- Transport Infrastructure Delivery and Developer Contributions

### 7.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

### 7.5 Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- The Green Infrastructure Strategy (2020)
- Open Space and Recreation Study (2016)
- Heritage Strategy (2020)
- Housing Needs Study (2019)



- Affordable Housing SPD (2011)
- Leicestershire and Rutland Historic Environment Record
- Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013)

## 8. Appraisal

- 8.1. The application is a hybrid planning application. The outline element of the application relates to the demolition of the existing factory building and its replacement with a new residential building comprising up to 12 residential units. Matters are reserved except for access, appearance and scale, therefore the layout and landscaping of this element of the development are to be reserved for later consideration. The full element of the application relates to the change of use of the other existing factory building including the addition of an extra storey to comprise 14 residential units.
- 8.2. The following represent the key issues:
- Principle of Development
  - Housing Land Supply
  - Housing Mix and Supply
  - Impact upon Highway Safety
  - Impact on the Character and Appearance of the Area
  - Impact on Heritage Assets
  - Design and Layout
  - Residential Amenity
  - Flood Risk and Drainage
  - Ecology and Biodiversity
  - Viability
  - Planning Balance

### Principle of Development

- 8.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision.
- 8.4. Paragraph 11 of the 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. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and Hinckley Town Centre Area Action Plan (AAP) (2011).
- 8.5. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS) was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024 with

adoption due around January 2025. The Replacement Local Plan is therefore delayed.

- 8.6. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the Borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the NPPF 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. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP 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.
- 8.7. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.
- 8.8. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 8.9. Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*
- 8.10. Paragraph 120 of the NPPF states that decisions should *“...(c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land  
d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and  
e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.”*
- 8.11. The Core Strategy (CS) sets out the Spatial Strategy for the Borough with Hinckley identified as the sub regional centre and the key focus for new development within the Borough. To support Hinckley’s role as a sub-regional centre, Policy 1 of the

adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley, diversify the existing housing stock in the town centre, support the sympathetic reuse of existing buildings and require new development to enhance the public realm within the town centre.

- 8.12. 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.
- 8.13. The site is within the Settlement Boundary within a sustainable location in terms of the proximity to facilities and services within Hinckley. Furthermore, the proposal seeks to convert an existing building to residential use whilst redeveloping previously developed/brownfield land which in accordance with the NPPF is given substantial weight. The proposal also seeks an upward extension to the converted building, an element which is also supported in principle within the NPPF (Paragraph 120(e)). The principle of the change of use of this employment site was originally accepted in 2007 and again in 2021. The site is underutilised for employment uses presently with the buildings becoming dilapidated through lack of use. The principle of development is therefore acceptable in accordance with the aforementioned policies of the Development Plan and NPPF.
- 8.14. As the Council cannot currently demonstrate a five-year supply of housing, the presumption in favour of sustainable development needs to be considered. The three objectives to achieving sustainable development are identified as economic, social and environmental.

#### Housing Mix and Supply

- 8.15. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 40 dwellings per hectare is required in Hinckley, a lower density may be required where individual site circumstances dictate and are justified.
- 8.16. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.17. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus Policy 16 of the CS is considered up to date in this regard.
- 8.18. Final number, mix of dwellings, layout and density will be determined at Reserved Matters stage for the outline element, but the plans shows that this element could provide a mixture of one and two bed apartments. The full element would provide 6 one bed apartments and 8 two bed apartments of varying size. The density of the development complies with Policy 16. The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment could be provided at Reserved Matters stage and could be required as a condition for the full element.

- 8.19. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The policy goes on to state that these figures may need to be negotiated on a site-by-site basis taking into account matters including viability. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.20. The housing officer has requested 20% of units on the site to be affordable, with a mix of 75% of those to be affordable rent and 25% for shared ownership. Two properties should be provided as First Homes, 3 properties for affordable rent and 1 for shared ownership. This would satisfy the requirements in the NPPF that 25% of all affordable housing should be provided as First Homes and meet the requirement for 10% of all dwellings for affordable home ownership. However, given the relatively small numbers of affordable housing on this site, it is unlikely that 1 shared ownership home would be feasible, and therefore the tenure could be split between 3 First Homes and 3 affordable rent properties.
- 8.21. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or couples, or small families, therefore the preference would be for 3 x 1 bedroomed flats for rent and 3 x 2 bedroomed flats for affordable home ownership. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection.
- 8.22. A viability assessment has been submitted which considers that the scheme is not viable to secure affordable housing provision or any other necessary developer contributions. A summary of the appellants viability assessment is set out later in this report.

#### Impact upon Highway Safety

- 8.23. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.24. Policy DM18 requires all proposals for new development to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available and appropriate design. Developments within Hinckley Town Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increase on-street parking.
- 8.25. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.26. Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF outlines

that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 8.27. Access to the site would be via Wood Street, an unclassified road subject to a 30mph speed limit. Wood Street is a one way street with traffic travelling from west to east only. The Applicant is proposing to widen the existing access to the car park of the building to 4.8m. In addition, the new building proposed to the west of the access would result in the footway fronting the site being widened and a slight improvement to visibility in comparison to the existing access. Based on available records to the LHA, there have been no recorded Personal Injury Collisions along Wood Street within the last five years.
- 8.28. 29 car parking spaces would be provided within the site, the submitted Design & Access Statement, states this would be communal parking rather than allocated spaces. This equates to one car parking space per unit plus three visitor spaces. Overall, this is a comparable level of parking to the previous proposals and given the sustainable town centre location of the site as well as a package of Traffic Regulation Orders in the surrounding area, such as double and single yellow lines and limited waiting this should prevent inappropriate parking in the area.
- 8.29. Public Footpath V8 runs adjacent to the proposed development. Noting the proposed work, the LHA have no objection to the proposed development as it is considered the use and enjoyment of the footpath is unlikely to be significantly affected.
- 8.30. Overall, the Local Highway Authority has no objections to the site access arrangements and would welcome the widening of the footway fronting the site. Furthermore the LHA consider the parking provision to be acceptable.
- 8.31. Given the views of the Local Highway Authority, and subject to conditions, it is considered that the proposals accord with the requirements of the NPPF and Policy DM10, DM17 and DM18 of the SADMP.

#### Impact on the Character and Appearance of the Area and Heritage Assets

##### *Relevant Policy/Guidance*

- 8.32. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.33. 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.
- 8.34. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.

- 8.35. The Council's Good Design Guide (2019) sets out the process to be followed to ensure good quality design for new residential development.
- 8.36. 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.
- 8.37. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.38. Paragraph 197 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.
- 8.39. Paragraphs 199-202 require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.40. Paragraph 203 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.
- 8.41. 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 206).
- 8.42. 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
  - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c) How the benefits of the proposal will outweigh any harm caused
  - d) Any impact on archaeology in line with Policy DM13
- 8.43. Policy DM12 requires all development proposals to accord with Policy DM10. 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.

- 8.44 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 provided in the Hinckley Town Centre Conservation Area Management Plan (2013).
- 8.45 In determining applications, paragraph 194 of the NPPF and Policy DM11 of the SADMP requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 195 of the NPPF also requires local planning authorities to 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. That required assessment has been undertaken in this report and by the Conservation Officer. The Historic Building Survey that has been prepared to accompany the application identifies the significance of affected heritage assets; this document is proportionate and meets the requirements of paragraph 194 of the NPPF and Policy DM11 of the SADMP.

#### Assessment

- 8.46 The Historic Building Survey 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 20<sup>th</sup> 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 20<sup>th</sup> century, leaving four standing buildings facing into Wood Street and Crown and Anchor Yard. Of these a further mid-20<sup>th</sup> century block towards the western end of the site was demolished as part of the permission reference 07/00443/FUL. The buildings facing into Crown and Anchor Yard have recently been redeveloped and do not form part of the application site.
- 8.47 The site currently consists of two standing buildings. The original T-shaped factory comprises the western block (proposed to be demolished in the outline element of the proposal). This was built around 1903 and is of two storeys, constructed in English bond orange brick with a Welsh slate pitched roof. The second building is the eastern block which is a late 1930s extension 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.
- 8.48 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. The buildings have been identified as unlisted buildings of local historic or architectural importance (Factories on Wood Street) in the adopted Hinckley Town Centre Conservation Area Appraisal (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.

- 8.49 One lane (a "jitty"), known as Cross Keys Yard runs along the western boundary of the site and has a dog-leg adjacent to the original factory. The jitty provides an important historic link between the factories on Wood Street and the upper section of Castle Street and is a physical remnant of the historical development of Hinckley when industrial and domestic buildings were sited around them. The jitty is narrow and in part is laid with traditional blue clay pavers, with these characteristics being typical of the wider network of jitties and yards running off main streets located throughout the town centre. Consequently, the jitty contributes positively to the character and appearance and thus significance of the conservation area and is identified as being a feature of special interest within the HTCCAA.
- 8.50 The proposal seeks to end the existing employment uses on the site and redevelop it to provide a level of residential accommodation. A concept site layout and street elevation has been submitted which indicate the residential accommodation would be provided in two separate blocks across the site. The western section of the site would consist of a three storey building of a T-shaped plan (referred to hereon as block A) replacing the original factory and occupying approximately the same footprint as the existing frontage range and a slightly reduced footprint as the existing perpendicular rear range. The western elevation of this block would also face into the Cross Keys Yard jitty. Outline details of the appearance and scale of block A have been provided.
- 8.51 The eastern section of the site would comprise of the conversion of the existing 1930s two storey building into apartments with the addition of a flat roofed penthouse storey and stairwell to the rear elevation (this is referred to hereon as block B). 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 A and block B. Full details of the block B have been provided.
- 8.52 The proposal seeks to demolish the whole of the original 1903 factory. Given the largely positive contribution this building makes to the conservation area its loss is considered to have an adverse impact upon the significance of the conservation area and the asset itself as a local heritage asset.
- 8.53 The plans allow for a detailed assessment of most planning matters, other than layout of block A and landscaping for the wider site being indicative. 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 will be used for access to some of block A, adding some activity back to this historic route.
- 8.54 The concept site layout plan confirms that block A reflects the siting of previous historical industrial and domestic built form, and alongside the conversion of block B this ensures the development will maintain a uniformity of building line and maintain the strong presence of buildings within the street scene with them being located at the back edge of the pavement.
- 8.55 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. The redevelopment does increase the scale and mass of development, particular at the site frontage on Wood



Street. However, block A is to be rebuilt at a three storey domestic rather than industrial scale so the increase in the height of the building is minimal, and due to the set back and flat roof form of the additional floor for block B this reduces 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. The proposed stairwell to the rear elevation block B is subservient in scale to the main building.

- 8.56 Block A is proposed to be rebuilt in matching materials with the architectural style, proportion & details of the original building replicated. A condition is recommended confirming that the red/orange brick for the construction of Block A be laid in an English bond as per the original building.
- 8.57 The materials for the facing walls and flat roof penthouse storey on block B are to be cladding with a pale grey colour and the rear stairwell extension to the rear is to be clad in timber with clear glazing curtain walling to the sides. These would be contemporary styled finishes that are considered to complement the retained brick finish of the original factory. The windows proposed to serve the penthouse storey are generally positioned to ensure a rhythm and consistency of appearance with the windows on the ground and first floors below. The existing steel windows are in a relatively poor condition so are proposed to be replaced with new windows of a style and proportions to match the existing, respecting the horizontal emphasis of industrial style steel windows from the 1930s architectural period. Any replacement windows upon both blocks would be expected to be of a traditional or similar material, such as steel or aluminium, details would be required via condition.
- 8.58 For the above reasons the access, layout (in terms of the siting of the blocks and retention of the Cross Keys Yard jitty) and scale of the proposed redevelopment is considered to have no adverse impact upon affected heritage assets. The appearance of the proposed redevelopment could be acceptable subject to the submission of further details which can be secured via a planning condition. 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 considered to have a detrimental impact on the current appearance of the area so bringing the building back into use will provide an enhancement to the character of the area; such a measure is identified within the Hinckley Town Centre Conservation Area Management Plan.
- 8.59 The total loss of the original factory (Block A) remains harmful; and has an adverse impact upon the character and appearance of the conservation area causing harm to this designated heritage asset. The level of harm upon the conservation area is considered to be less than substantial. As a justification has been provided for its loss and its significance has been recorded, in addition to the limited impact on the conservation area as a whole, the level of harm is considered to be towards the lower end of the spectrum of less than substantial harm. Furthermore, its loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey and the siting, scale and appearance (subject to the submission of further details) of the proposed block A very closely replicating its existing characteristics.
- 8.60 Although a reserved matter for part of the site, the site layout identifies opportunities for appropriate landscaping including within the site interior, on the corner of Wood Street and Priory Walk and along and within the vicinity of Cross Keys Yard which could realise further opportunities for enhancement identified within the Conservation Area Management Plan and generally for the character of the area which is presently devoid of soft landscaping. Detail of the landscaping shall be required by condition and

through approval of the reserved matters and these characteristics must be retained to ensure the desirability of new development making a positive contribution to local character and distinctiveness is achieved.

- 8.61 The redevelopment proposal provides a number of benefits towards achieving the objectives of sustainable development (see paragraph 8 of the NPPF), including some short term employment during the construction of the redevelopment, the provision of dwellings and their contribution to meeting the Borough's housing supply and the use of local services by future occupants. Previous efforts have been made towards the retention of the original 1903 factory but its conversion remains unviable, with its loss mitigated to a degree by the programme of recording its significance and block A, its proposed replacement, closely reflecting its form, siting, scale and appearance (subject to the submission of further details). The conversion of the 1930s extension is considered to retain the significance of this part of the factory complex.
- 8.62 Taking the above into account and the balanced approach required by paragraph 203 of the NPPF the proposal is not considered to have an unacceptable impact upon the local heritage asset identified. The public benefits of the development identified above and explored further within the report conclusion are considered to outweigh the less than substantial harm identified and therefore the proposal complies with policies DM11 and DM12 of the SADMP and section 16 of the NPPF. Furthermore, the proposal is considered to complement and in part enhance the character of the surrounding area, the development is also therefore in compliance with Policy DM10(c), (d) and (e) of the SADMP and Policy 1 of the Core Strategy.

#### Impact upon Residential Amenity

##### *Policy/Guidance*

- 8.63 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.64 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space, including that wherever possible internal space standards for new development should aim to exceed those set by the Housing Standards' (2015). The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.65 Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.66 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

##### *Assessment*

- 8.67 A number of residential properties adjoin the site. This includes properties to the north, 28-42 Wood Street, the front elevation of these properties face the site. No.1 Wood Street Close is also located to the north of the site, the blank side elevation of this dwelling faces the site. 'Rodena' and 'Avalon' are a pair of semi-detached, two storey dwellings on Priory Walk which are sited to the east of the site and immediately to the south of Block B. Further residential properties are located to the south and south east of the site on Priory Walk and Castle Street.
- 8.68 The main concern considered under the previous application (19/00464/OUT) related to increased overlooking between a proposed block further to the west of Block A and existing residents in Wood Street. This current scheme differs from planning application ref: 19/00464/OUT (Appeal Ref: APP/K2420/W/21/3281840) insofar as it no longer includes built form to the west of Block A due to this land now being within separate ownership.
- 8.69 With regards to the overbearing impact upon existing residential properties in Wood Street. The increased height of Block A from a two-storey industrial building would be minimal and it is not considered that the minor addition in the height of this building would cause additional overbearing impact or loss of light to surrounding residential dwellings. The additional storey to Block B would be set back from the existing front elevation by approximately 1.35m and from the rear elevation by approximately 1.6m and would increase the height of the building by approximately 2.3m. The set back of the additional storey is judged to mitigate adverse additional overbearing impacts and loss of light to surrounding properties. It is acknowledged that Block B has a close relationship with surrounding properties, particularly 'Rodena' to the south, however, considering the existing situation the additional storey is not considered to significantly worsen overdominance or loss of light.
- 8.70 The stairway extension to Block B is a suitable distance from the rear elevation of 'Rodena' and 'Avalon' to mitigate harmful amenity impacts.
- 8.71 The proposed change of use and extension to Block B and redevelopment of Block A will introduce residential use and change the character of the site for surrounding residents in respect of overlooking. Considering the separation distance and intervening road between the buildings and properties on Wood Street, the proposal is unlikely to lead to adverse loss of privacy to these properties. The conversion of Block B will introduce additional overlooking to the rear elevations and gardens of 'Rodena' and to a lesser extent 'Avalon'. No objections have been received from these properties. Whilst some overlooking is likely, the first floor windows closest to the rear elevation of 'Rodena' do not serve habitable rooms and therefore it is reasonable to request the first floor windows to be obscure glazed increasing the separation distance between habitable rooms. Considering the above, the obscure angle between the buildings and fact that this amenity relationship has been accepted in the past applications, on balance, the additional overlooking is not considered to be significantly adverse.
- 8.72 The separation distance between the proposed buildings and other surrounding residential properties to the south is significant and mitigates adverse amenity harm in respect of loss of light, overbearing impacts and loss of privacy.
- 8.73 Whilst the internal layout of Block A is reserved, an assessment can be made on the relationship between Block A and B based on the submitted elevation drawings. The relationship between the buildings is judged to be acceptable and complies with the Good Design Guide. The internal floorspace of the apartments within Block B largely comply with National Space Standards, however, flats 4 & 5 are 1sqm under the

required 61sqm for a 2 bed, 3 person, single storey flat. Flat 11 is 4sqm under the required 70sqm for a 2 bed, 3 person, two storey flat. In addition to the above, flats 12 and 14 are 1 bed, 1 person, two storey flats. There is no National Space Standard for a 1 bed, 1 person, two storey flat. As a 1 bed 2 person flat increases by 8sqm when changed from single to double storey the applicants architects have adopted a similar increase for a 1 bed, 1 person flat meaning that the minimum size would be 47sqm. This is judged an appropriate response and both flats comply with this standard. Overall, whilst there are some deviations from National Space Standards (3 flats in total) considering the development is working within an existing building and seeks to retain existing windows openings, this is therefore judged to be acceptable in these circumstances.

- 8.74 Additional information with respect to a Construction Environmental Management Plan is recommended via condition as are restrictions on construction hours.
- 8.75 It is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage (for the outline elements), would ensure sufficient scrutiny and control. Therefore, it is considered that the proposed development is in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

#### Flood Risk and Drainage

- 8.76 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.77 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.78 The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning being at low risk of fluvial flooding and is not identified as being at risk of surface water flooding.
- 8.79 The LLFA advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

#### Ecology and Biodiversity

- 8.80 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.81 The County Ecologist has assessed the site and information and has not requested any ecology surveys, however, has required swift boxes/bricks to be placed within the development. This will be secured via condition. The site is currently devoid of any soft landscaping, therefore the proposal has potential to increase this and associated biodiversity.

- 8.82 Subject to the above this application is considered to be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

#### Infrastructure Contributions

- 8.83 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. 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.
- 8.84 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
  - B) Directly related to the development; and
  - C) Fairly and reasonably related in scale and kind to the development.
- 8.85 The contributions sought are detailed below:
- Waste – Barwell HWRC £1, 287.78
  - Libraries- Hinckley Library £739.84
  - Secondary Education (11-16)- Hastings High School £10, 965.32
  - Post 16 Education- The Hinckley School £2, 369.30
  - Off site Equipped Children’s Play Space contribution- £17, 028.65
  - Off site Equipped Children’s Play Space maintenance contribution- £8, 218.08
  - Off site Casual/Informal Play Spaces contribution- £1, 939.39
  - Off site Casual/Informal Play Spaces maintenance contribution- £2, 358.72
  - Off site Outdoor Sports Provision contribution- £9. 035.52
  - Off site Outdoor Sports Provision maintenance contribution- £4, 293. 12
  - Off site Accessibility Natural Green Space contribution- £4, 253.60
  - Off site Accessibility Natural Green Space maintenance contribution- £7, 384.00
  - S106 monitoring fees

The total S106 financial contribution resulting from the development of the maximum 26 dwellings is £69, 873.32.

- 8.86 All the above contributions are considered to meet the tests for planning obligations and would therefore normally form part of the Section 106 legal agreement to be formulated should the application be approved.

#### Viability

- 8.87 The applicant submitted a viability assessment prepared by Intali in May 2021. It calculates an existing use value (EUV) of £539,809 and adopts a landowner premium of 20%. The residual land value is calculated to be £54,414 and the Benchmark Land Value (BLV) is calculated at £712,571.

- 8.88 As the residual value of the scheme is less than the BLV, the appellant concludes that the scheme cannot viably secure affordable housing provision or provide the requested contributions as set out above.
- 8.89 The Council appointed Aspinall Verdi, an independent consultant, to review the viability appraisal submitted by the applicant under application 21/00692/OUT. The basic principles of the proposal have not changed, therefore in this case a new viability assessment and independent consultation has not occurred.
- 8.90 In assessing the appellants viability statement, Aspinall Verdi reviewed the residential market in and around Hinckley and the outputs were used to inform the sales values used in financial appraisals.
- 8.91 The value of a site is a key consideration within a viability assessment as the 'cost' of the land or Benchmark Land Value (BLV) needs to be taken into account within any financial appraisal. It was agreed between the parties that the sale of the adjacent site is the most direct comparable to calculate the EUV and this was used to arrive at the EUV, however, using the applicants approach, the Council calculated the BLV to be £593,809 and not £539,809.
- 8.92 The Council's independent assessor appraised the residual land value compared to the benchmark land value. The appraisal reflects two scenarios, (1) where the properties are sold on the open market and (2) where the units would include 20% affordable units. The table below compares the BLV and RLV for both scenarios:

**Table 7.1 - Policy Compliant Appraisal Outturn**

Assumptions	Market Value Appraisal	Policy Compliant Appraisal
Total GDV	£3,805,000	£3,493,250
Total Development Costs	£2,602,312	£2,560,688
S106 Contribution	-	-
Profit on GDV	£665,875 / 17.50%	£566,905 / 16.23%
Benchmark Land Value	£593,809	£593,809
Residual Land Value	£512,706	£348,215

Source: AspinallVerdi, February 2022

- 8.93 As can be seen in the table above, the residual land value of both scenarios would be less than the benchmark land value which concludes that the scheme cannot provide a policy compliant scheme with regards to providing the necessary s106 contributions and affordable housing provision. Therefore, any suggested contributions will not be secured and neither will affordable housing due to the viability of the site.
- 8.94 Policy DM3 states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or

infrastructure provision, the Borough Council will balance the adverse impact of permitting the scheme on the delivery of such provision, with any identified planning benefits of the scheme. Where current viability is proposed as a justification to deliver a reduced level of infrastructure provision, than that required by policy, developers are required to provide the appropriate evidence to support this justification.

- 8.95 Paragraph 58 of the NPPF states: *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*
- 8.96 In this case it is judged that the applicant has provided appropriate evidence to support the justification in compliance with Policy DM3.
- 8.97 Given the lack of S106 contributions which this development can contribute, it could be argued this development would not constitute sustainable development. However, were HBBC to insist upon the S106 requirements it is highly likely that the site will not currently be developed. In this scenario, considering the previous failed attempts at redeveloping the site it is likely that the buildings would continue to deteriorate. The buildings are within the Conservation Area and identified as non designated heritage assets in their own right. The redevelopment of the site would ensure that building B is kept in use, with the remainder of the site maintained to a good standard.
- 8.98 Officers consider that the re-development of this site without the S106 requirements will positively preserve the Conservation Area, compared to the existing situation and potential further deterioration of the site. Furthermore, the proposal will positively contribute to housing supply in this highly sustainable location and otherwise complies with the relevant policies of the development plan and therefore the development would be sustainable development. When carrying out the balancing exercise required within policy DM3 the benefits of the development are considered to outweigh the harm.
- 8.99 The sensitivity analysis carried out by Aspinall Verdi has shown that if construction rates were to fall between 2.50-5.00% or sales values increase by 2.50-5.00% then the scheme could viably produce a residual land value that exceeds the BLV. Based on these outcomes, officers recommend that a viability review mechanism is installed within a Section 106 Agreement to allow the Council to benefit from any favourable changes in viability.

#### Conclusions and Planning Balance

- 8.100 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.101 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement

than is now required. It is necessary therefore to consider that the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.102 On the whole the application accords with the development plan and is acceptable in principle. The provision of up to 26 dwellings, in this highly sustainable location, is considered to be a benefit of the proposal, which coupled with the compliance with the plan led approach and use of brownfield land is given significant weight in favour of the scheme.
- 8.103 The proposed development is not considered to have a significant harmful effect on the character and appearance of the area. In this regard it would be acceptable and consistent with the requirements of Policy DM10 of the SADMP.
- 8.104 The effects of this proposed development are not considered to pose an unacceptable impact on highway safety, in accordance with the requirements of Policy DM17 and DM18 of the SADMP.
- 8.105 The proposal would cause less than substantial harm to the Conservation Area through the total demolition of Building A. This harm is considered to be at the lowermost end of this spectrum of harm. The proposal can demonstrate a minor heritage benefit in bringing one of the buildings back into use and appropriate landscaping. Furthermore, the buildings loss is mitigated to a certain degree by the recording of its significance as part of the Historic Building Survey and the siting, scale and appearance (subject to the submission of further details) of the proposed Block A very closely replicating its existing characteristics. These benefits are attributed minor positive weight. Other non-heritage related public benefits such as the provision of housing, short term employment during the construction of the redevelopment and the use of local services by future occupants exist. These benefits are attributed modest weight and overall the benefits outweigh the harm and the proposal therefore complies with Policies DM10, DM11 and DM12 of the SADMP, Policy 1 of the Core Strategy and section 16 of the NPPF.
- 8.106 The effects of this proposed development in relation to residential amenity are, on balance, not considered to pose an unacceptable impact in accordance with the requirements of Policy DM10 of the SADMP and the Good Design Guide.
- 8.107 Subject to conditions the proposed development is judged to be acceptable in ecological and flooding/drainage terms and is in accordance with the requirements of Policy DM6 and DM7 of the SADMP.
- 8.108 The proposal would not bring forward the relevant S106 requirements owing to viability issues. However, officers consider that the re-development of this site within the Conservation without the S106 requirements will positively preserve the Conservation Area compared to the existing situation and potential further deterioration of the site. Furthermore, as above, the proposal will positively contribute to housing supply in this highly sustainable location and otherwise complies with the relevant policies of the development plan. When carrying out the balancing exercise required within policy DM3 the benefits of the development are considered to outweigh the harm.
- 8.109 Consequently, taking into account the housing land supply position, it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF



when taken as a whole. Therefore, under the tilted balance, planning permission should be granted in these circumstances.

## **9. Equality implications**

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

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.

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. Recommendation**

10.1 That the application be Approved subject to the conditions set out below and subject to the entering into of a S106 Agreement to secure the viability review mechanism.

### **10.2 Conditions**

1. The development to which the FULL planning permission relates hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development to which the FULL planning permission relates shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Street Elevations – 19/28 06d – received 15/06/2023
- Building B Proposed Floor Plan- 19/28 19b- received 14/06/2023
- Building B Proposed Elevations- 19/28 20b- received 14/06/2023
- Concept Site Layout- 19/28 05h- received 16/03/2023
- Location Plan- 19/28 16a- received 19/07/2022

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

3. No development associated with the OUTLINE element of the consent shall commence until details of layout and landscaping (hereafter call the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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

4. Application for approval of reserved matters shall be made within three years of 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.

5. The development to which the OUTLINE planning permission relates shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Buildings A & C Proposed Elevations- 19/28 18a- received 14/06/2023
- Concept Site Layout- 19/28 05h- received 16/03/2023
- Location Plan- 19/28 16a- received 19/07/2022

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

6. No more than 26 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 Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development associated with the OUTLINE element of the consent shall commence until full details of the finished levels, above ordnance datum, of the ground floors of the proposed building in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. 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 the proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

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

8. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of 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 Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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 indicatively on Hayward Architects drawing number 05 Rev F, 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 Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hayward Architects drawing number 05 Rev F have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Hayward Architects drawing number 05 Rev F. 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 Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

12. No development above foundation level, to which the FULL planning permission relates, shall commence until a scheme for the installation of electric vehicle charging points is submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of units to benefit from electric vehicle charging points, together with full detail of the location and fitting of the units.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10(g) of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 112(e) the National Planning Policy Framework (2021).

13. No development above foundation level, to which the OUTLINE planning permission relates, shall commence until a scheme for the installation of electric vehicle charging points is submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of units to benefit from electric vehicle charging points, together with full detail of the location and fitting of the units.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10(g) of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 112(e) the National Planning Policy Framework (2021).

14. The development associated with the FULL element of this consent shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first 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 DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

15. The development associated with the OUTLINE element of this consent hereby permitted shall not be occupied until such time as secure (and under cover) cycle parking has been provided in accordance with details first 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 DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

16. 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 5 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

**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 in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

17. Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the Wood Street frontage / footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

**Reason:** In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

18. No development associated with the OUTLINE element of this consent shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way V8 has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To protect and enhance Public Rights of Way and access in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

19. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

**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.

20. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

**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).

21. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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).

22. No development above foundation level, to which the FULL planning permission relates, shall commence on site until representative samples and/or details of the materials and architectural detailing to be used on the buildings hereby permitted have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved details. The details shall include:-

- Cladding for the building (including material, finish and colour)
- Windows and doors (including style, specification, frame material, finish, colour, reveal, cill and header treatments)
- Rainwater goods (including style, specification, frame and colour)

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity and to preserve the significance of the Hinckley Town Centre Conservation Area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), section 16 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

23. No development above foundation level, to which the OUTLINE planning permission relates, shall commence on site until representative samples and/or details of the materials and architectural detailing to be used on the buildings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved details. The details shall include:-

- Brick details (including material, colour and bond). The brick shall be laid in English bond.
- Roof tile (including material and colour)
- Windows and doors (including style, specification, frame material, finish, colour, reveal, cill and header treatments)
- Rainwater goods (including style, specification, frame and colour)

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity and to preserve the significance of the Hinckley Town Centre Conservation Area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), section 16 of the National Planning Policy Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

24. No demolition works to which the OUTLINE planning permission relates shall commence until a contract has been let to carry out the building operations permitted under this permission (or any superseding consent as first agreed in writing by the Local Planning Authority) has been made.

**Reason:** To avoid premature demolition which would be harmful to the

character and appearance of the Hinckley Town Centre Conservation Area and to safeguard the local environment and in accordance with the aims and objectives of the National Planning Policy Framework and in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. Upon completion of any remediation works a Verification report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** To ensure that the 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).

28. Prior to commencement of development to which the FULL planning permission relates a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The

plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.  
Site preparation and construction shall be limited to the following hours;  
Monday - Friday 07:30 - 18:30  
Saturday 09:00 - 14:00  
No working on Sundays and Bank Holidays

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

29. Prior to commencement of development to which the OUTLINE planning permission relates a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.  
Site preparation and construction shall be limited to the following hours;  
Monday - Friday 07:30 - 18:30  
Saturday 09:00 - 14:00  
No working on Sundays and Bank Holidays

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

30. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing for the first phase of archaeological works. Further WSI/s would be needed for Mitigation stage/s. For land that is included within the WSIs, 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 & 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 as set out in the WSI.

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with the requirements of Policies DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

31. Prior to commencement of development to which the FULL planning permission relates a Building for Healthy Life Assessment of the proposal shall be submitted to and approved in writing by the Local Planning Authority.



**Reason:** To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the Good Design Guide SPD.

32. Any reserved matters application shall be accompanied by a Building for Healthy Life Assessment of the proposal.

**Reason:** To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the Good Design Guide SPD.

33. The development associated with the FULL element of this consent hereby permitted shall not be occupied until:
- a) a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, and
  - b) a Landscape Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted in writing to and approved in writing by the local planning authority.

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

**Reason:** To ensure that the development has a satisfactory external appearance and that the landscaping work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

34. The development associated with the OUTLINE element of this consent hereby permitted shall not be occupied until:
- a) a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, and
  - b) a Landscape Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted in writing to and approved in writing by the local planning authority.

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

**Reason:** To ensure that the development has a satisfactory external appearance and that the landscaping work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6, DM10,

DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

35. No development to which the FULL planning permission relates 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

36. No development to which the OUTLINE planning permission relates 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

37. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

**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 National Planning Policy Framework (2021).

38. The development associated with the FULL element of this consent hereby permitted shall not be occupied until Swift boxes/bricks are installed onto the building. Swift boxes should be in groups of three with at least one group installed on the building. The swift boxes shall be installed in accordance with the [Swift Partnership guidance](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/4/16/swiftdvice-to-planners-and-developers.pdf) <https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/4/16/swiftdvice-to-planners-and-developers.pdf>

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist in the site area, in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

39. The development associated with the OUTLINE element of this consent hereby permitted shall not be occupied until Swift boxes/bricks are installed onto the building. Swift boxes should be in groups of three with at least one group installed on the building. The swift boxes shall be installed in accordance with the Swift Partnership guidance

[https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/4/16/swiftsa\\_dvice-to-planners-and-developers.pdf](https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2018/4/16/swiftsa_dvice-to-planners-and-developers.pdf)

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist in the site area, in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

40. Notwithstanding the submitted details prior to first occupation of the development associated with the FULL element of this consent. The first floor windows serving the bathroom of Flat 13, hallway for Flats 10 and 11 and bathroom window for Flat 10 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and once so provided shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of the neighbouring dwelling from potential overlooking in accordance with Policy DM10(a) of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

## 11. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any 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.
2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001)
3. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
4. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
7. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation

(Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.

8. Drainage:
  - The Surface Water Drainage scheme required shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
  - Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.
  - Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
  - Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
9. In relation to the Contaminated Land conditions advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.