

Planning Committee 19 April 2016  
Report of the Chief Planning and Development Officer



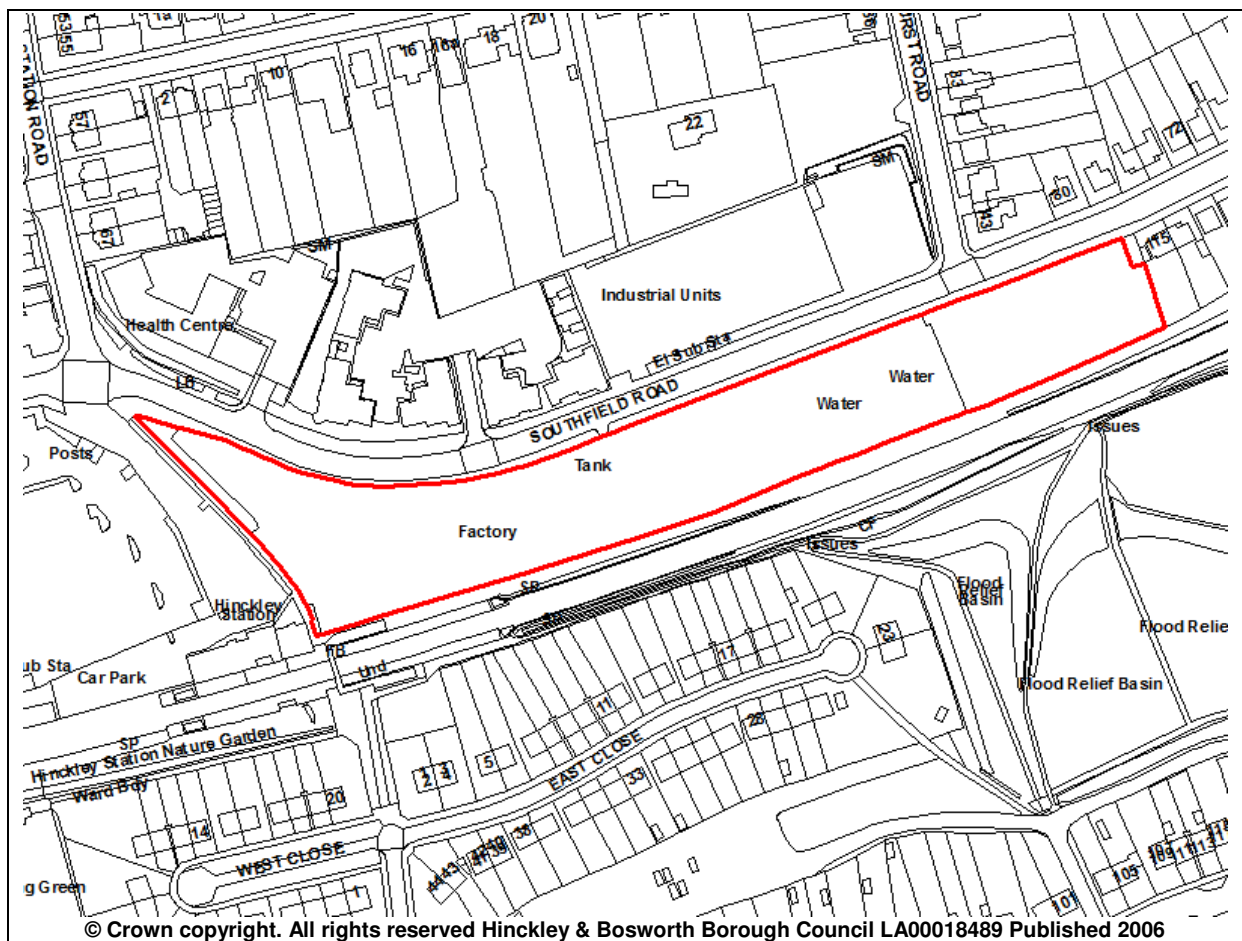
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00107/FUL  
Applicant: Westleigh Partnerships Limited  
Ward: Hinckley Castle

Site: Richard Roberts Dyers Ltd, Southfield Road  
Hinckley

Proposal: Erection of 68 dwellings with associated access, parking and landscaping



## 1. Recommendations

### 1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
  - On-site affordable housing
  - Education – £127,765.35
  - Highways - £11,766
  - Play and Open Space - £113,931.20
- Planning conditions outlined at the end of this report.

- 1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This is a full application for the erection of 68 dwellings, with associated access, parking and landscaping. The development is for 100% affordable housing with a mixture of 75% affordable rented properties (51 dwellings) and 25% intermediate tenure (shared ownership) (17 dwellings). The registered providers of the site would be Nottingham Community Housing Association and Hinckley and Bosworth Borough Council.
- 2.2. The proposal includes a mixture of dwelling types, these include:
  - 24 one bedroom flats
  - 22 two bedroom houses
  - 16 three bedroom houses
  - 6 two bedroom bungalows
- 2.3. The application proposes three access points from Southfield Road, one is an existing access to the north eastern corner of the site and the other two are new proposed access points. The development includes a total of 99 parking spaces; the parking is to be allocated to each dwelling and generally equates to one parking space for the one bedroom flats and two bedroom dwellings, and two parking spaces for the three bedroom dwellings and the two bedroom bungalows.

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

- 3.1. The application site is situated on the edge of the town centre of Hinckley, adjacent to Hinckley Train Station. The site is bound by Southfield Road to the north, the railway line to the south, No. 115 Southfield Road to the east and the Railway Station and associated parking to the west. Directly to the north of the site opposite on Southfield Road are residential flats and Sparkenhoe Business Centre.
- 3.2. The site is vacant and has been for a number of years. The last use of the site was a hosiery factory, however the buildings have since been demolished and only remnants of storage tanks and retaining walls remain on the site.
- 3.3. Due to the site being vacant for a large period of time a number of self seeded trees have established and the site was overgrown. However within recent weeks the site has been cleared of vegetation. The site is bounded by a large brick wall and metal fencing along Southfield Road and metal palisade fencing along the boundary with the railway line.
- 3.4. There are significant level differences within the site, with a two metre drop from Southfield Road to the centre of the site. The site also slopes downwards to the east. Due to the level differences there are a number of retaining walls along the northern and western boundaries.

#### **4. Relevant Planning History**

None

#### **5. Publicity**

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

5.2. One letter of support for the application was received. Four letters of objection have been received for this application which raise the following issues:

- Impact of additional traffic on Southfield Road and Hawley Road, which is already heavily congested
- Loss of views to flats opposite
- Loss of sunlight to windows and balconies of flats opposite
- Too many dwellings proposed, lower numbers would be more suitable and would improve the attractiveness of the street scene

#### **6. Consultation**

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

Natural England  
Severn Trent Water  
Leicestershire County Council (Highways)  
Waste Services  
Environmental Health (Drainage)  
Environmental Health (Pollution)

6.2. Network Rail have objected to the application due to concerns with run off rates onto railway infrastructure. Additional conditions are also requested, if approved.

6.3. Leicestershire County Council have requested the following developer contributions:

Education – £127,765.35

Libraries - £1690

Civic Amenity - £3368

Highways - £11,766 (plus 6 month bus passes - 2 per dwelling and travel packs)

6.4. Burbage Parish Council welcome the development of this site, however concerns have been raised in regard to the unimaginative and visually disappointing design. Concerns have also been raised regarding the speed of traffic on this section of Southfield Road and request a traffic survey and speed calming measures are implemented where necessary.

#### **7. Policy**

7.1. Hinckley Town Centre Area Action Plan (2011)

- Policy 8: Railway Station/Southfield Road
- Policy 15: Transport Infrastructure Delivery and Developer Contributions
- Policy 16: Cycle Routes

- 7.2. Local Plan 2006 – 2026: 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
  - Policy 24: Sustainable Design and Technology
- 7.3. Hinckley and Bosworth Local Plan (2001)
- Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
  - Policy RES5: Residential Proposals on Unallocated Sites
  - Contamination
  - Policy BE1: Design and Siting of Development
  - Policy NE2: Pollution
  - Policy NE17: Protection of the Water Environment from the Development of Contaminated Land
  - Policy T5: Highway Design and Vehicle Parking Standards
  - Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
  - Policy REC3: New Residential Development – Outdoor Play Space for Children
- 7.4. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- SA1: Safeguarding Site Allocations
  - DM1: Presumption in Favour of Sustainable Development
  - DM3: Infrastructure and Delivery
  - DM7: Preventing Pollution and Flooding
  - DM10: Development and Design
  - DM17: Highways Design
  - DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- New Residential Development (SPG)
  - Play and Open Space (SPD)
  - Affordable Housing (SPD)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Drainage
- Contaminated Land
- Noise and vibration
- Affordable Housing

- Developer Contributions

#### Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) and emerging Policy DM1 of the Site Allocations and Development Management Policies DPD SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. The site is located on the edge of the town centre and in the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy (2009) and is therefore a sustainable location for development.
- 8.4. The site forms part of a larger allocated site (Railway Station/ Southfield Road) for office led development in Policy 8 of the Hinckley Town Centre Area Action Plan (AAP). A recent Employment Land and Premises Review has identified the site as a category 'C' employment area. Category 'C' sites are lower quality employment areas where part or whole redevelopment of the site may be appropriate, subject to regeneration policies. The site has been derelict for a number of years with no prospect of office led development being carried forward. This situation was reviewed during the Site Allocations process and the development of the SADMP. Policy SA1 of the emerging Site Allocations and Development Management Policies Development Plan Document (SADMP) allocates the application site for residential development (HIN18). The SADMP is at an advanced stage and has undergone an examination in public and a final consultation on main modifications has been undertaken. No modifications have been suggested to the allocated site HIN18. It is therefore concluded that the allocation of the site within the SADMP can carry significant weight in the determination of the application.
- 8.5. The site is a brownfield, derelict site within the centre of Hinckley, which has become an eyesore. Paragraph 111 of the NPPF states that local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site is not of high environmental value and therefore the reuse of the site should be encouraged. The redevelopment of this site would bring significant environmental benefits by improving the character of the area. Additionally social benefits will be brought by the development as it would provide much needed affordable housing for the area. The proposed scheme is therefore sustainable.
- 8.6. The principle of residential development of this site is acceptable, subject to all other matters being satisfactory. The development would be in accordance with Policy 1 of the Core Strategy and emerging Policy SA1 and DM1 of the SADMP.

#### Impact upon the character of the area

- 8.7. Policy BE1 (criterion a) of the adopted Local Plan and Policy DM10 of the emerging 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 with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the area and is well

integrated into its surroundings. Furthermore, one of the core planning principles of the NPPF is to secure a high quality design in development.

- 8.8. The application site is a key site within Hinckley as it is adjacent to the train station on a slightly elevated position from the highway. Currently the site is derelict and detracts from the character of the area and it is therefore important that the scheme provides a positive addition to the street scene and enhances the character of the area.
- 8.9. Amended plans have been received following discussions with planning officers to improve and amend the layout and design of the dwellings to provide a good standard of design across the site.
- 8.10. Whilst the site is a comprehensive development it can be divided into three sections for descriptive purposes. A section of the proposal in the eastern part of the site and includes 10 dwellings served by a private access with parking to the rear. The dwellings within this section (Plots 58-68) front the street and are set back 4 metres from the footpath.
- 8.11. A second section forms the majority of the site and includes a block of buildings (Plots 52-57) which would be orientated to be facing into the site, providing a gable end to the street scene. These would break up the roof line of the development. Dwellings would then be set back into the site by at least 15 metres (Plots 20 – 51). This section would be served by a larger private access with an internal private road and parking to the front of dwellings. A mixture of two storey dwellings and bungalows, with a variety of materials including brick render and cladding, are included within this section which would break up the building line and provide interest to the street scene. Whilst these properties are stepped back into the site the parking and landscaping would be open to ensure the development would provide an active frontage to Southfield Road.
- 8.12. A third section can be identified in the western corner of the site, this section is served by a private access with a parking area and the properties are positioned to provide a frontage to the train station and car park and also a frontage to Southfield Road, specifically Plots 1 – 12.
- 8.13. Due to the layout of the dwellings and the mixture of house types, heights and materials proposed this would provide interest and character to the street scene and ensure that the development would not form a monotonous linear development along a key site within Hinckley.
- 8.14. A bin strategy has been agreed with Waste Services to ensure bins are not left along Southfield Road. Bin collection points and bin storage areas are proposed in several locations to allow the bins to be collected from specified areas. This will ensure the development would not detract from the street scene as bins would be stored in appropriate places rather than scattered along the roadside.
- 8.15. The proposal would include a small landscaping strip along the boundary with Southfield Road and within the site. Additionally, a small open space to the western corner of the site is proposed which would allow the corner of the site to be softened. It is envisaged that this area would be open and could be used by the public as a meeting point or small green amenity space. Landscaping plans have been submitted, however further amendments are required to ensure this is of a high quality. A condition has been imposed to ensure landscaping plans and a scheme is submitted prior to the commencement of development.

- 8.16. The proposed development would enhance the character of the area in accordance with Policy BE1 (criterion a) of the Local Plan (2001) and the emerging Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy BE1 (criterion i) of the adopted Local Plan and SPG and emerging Policy DM10 of the SADMP require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The nearest residential properties to the site are Nos 78, 80 and 115 Southfield Road, 43 Hurst Road, the flats opposite the site on Southfield Road (including 1-15 Ashby House, 1-15 Bradgate House, 1-15 Burbage House and 1-11 Desford House).
- 8.18. The layout of the proposed development ensures there is no direct overlooking into existing rear gardens of neighbouring properties. Nos 87 and 80 Southfield Road and 48 Hurst Road and the flats opposite the site are separated by Southfield Road and associated footpaths and therefore the separation distance would remove any overbearing impact or overlooking to these properties.
- 8.19. Concerns have been raised with regard to the loss of view from the existing flats to the north of Southfield Road by this development. This is not a material consideration and as such cannot be considered. A consideration which can be made is if there is an overbearing impact to the existing flats. Due to the distance of the proposed dwellings from the flats and the level differences from Southfield Road, resulting in the properties being significantly lower than the existing flats, the proposed development would not have an overbearing impact to the existing flats.
- 8.20. An access to serve the rear of 10 properties is proposed adjacent to No. 115 Southfield Road, however a substation divides the two. There is an existing access point into the site which is being facilitated by this scheme. A landscaping buffer has been included along the boundary with No. 115 to alleviate the noise associated with this access. Due to the small number of dwellings being served by this access, the landscaping buffer and the access being existing in this location this would not harm the residential amenity of the existing residents and is acceptable.
- 8.21. Due to the close proximity of the development to local residents and the potential disturbance which could be caused by the development Environmental Health have recommended that construction hours be limited to 07:30 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sundays and Bank Holidays. This condition is reasonable and necessary to ensure the amenity of residents is not unduly impacted through the construction of the development.
- 8.22. For the reasons outlined above the scheme is acceptable and in line with Policy BE1 (criterion i) of the adopted Local Plan (2001) and emerging Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.23. Saved Policies T5 and BE1 (criterion g) of the adopted Local Plan and Policies DM17 and DM18 of the emerging SADMP require that new accesses, new highways, parking and other works are provided in line with the 6 C's Guidance.
- 8.24. The proposal includes three access points from Southfield Road. All internal roads are to be private, with no adopted highways proposed within the scheme. Leicestershire County Council have raised no objections to the scheme subject to

conditions. Small amendments are requested to the plans to display visibility and bring the access points in line with the 6 C's Guidance, these amendments will be received prior to the committee meeting and the planning committee will be updated via a late item.

- 8.25. The proposal includes 99 parking spaces for 68 dwellings. This equates to 1 parking space for the one bedroom flats and two bedroom dwellings, with the exception of 9 shared ownership two bedroomed dwellings which are allocated two parking spaces and two parking spaces for the three bedroom dwellings and the two bedroom bungalows. One parking space for the smaller dwellings on site is acceptable and in line with the 6 C's Guidance due to the location of the site to the train station, public transport facilities and the town centre.
- 8.26. The scheme also includes a widening of the southern footpath along Southfield Road, to ensure the footpath retains its width along the length of the site. A pre-commencement condition has been requested for additional details of this, however it is not considered necessary as the submitted plans indicate the details of the widening of the footpath and enough information has been obtained from the applicant.
- 8.27. Concerns have been raised in respect of the speed of vehicles using Southfield Road and the impact of the development upon this. A Transport Statement has been submitted with the scheme and Leicestershire County Council (Highways) have not objected to the document and have not requested any additional speed reduction measures. The introduction of access points could naturally slow the speed of traffic due to the potential of vehicles entering the highway. It is therefore considered that the scheme would not worsen the speed situation along this stretch of Southfield Road.
- 8.28. The proposal is therefore in accordance with Policies T5 and BE1 (criterion g) of the adopted Local Plan and Policies DM17 and DM18 of the emerging SADMP.

#### Drainage

- 8.29. A Flood Risk Assessment has been submitted alongside the scheme. A surface water drainage scheme has been requested by Environmental Health (Drainage). Further details have been provided by the application including engineering layout and MicroDrainage calculations. Subject to clarification/amendments to a couple of small details Leicestershire County Council (Drainage) does not object to the proposal.
- 8.30. An objection has been raised by Network Rail due to concerns with site drainage, specifically the increased flow projected from the proposed development. The flood risk assessment identifies that there would be a 30% betterment on site with regards to flow rates. Discussions with Network Rail and the applicant are on-going to ensure that these concerns are addressed.
- 8.31. Whilst there are outstanding issues to be addressed with the drainage of the scheme a condition is recommended to ensure the appropriate drainage scheme is delivered on site. Subject to agreement to and implementation of an appropriate drainage scheme the application would not have a detrimental impact upon flooding in the area and is therefore acceptable and in accordance with emerging Policy DM7 of the SADMP.



### Contaminated Land

- 8.32. A phase 1 geo-environmental assessment has been submitted with the scheme. This identifies that due to the previous use of the site it is advised that further ground investigation is undertaken to establish the land contamination status of the site. The applicant has instructed consultants to undertake this work; however the findings have not yet been finalised and submitted with the application. A condition is therefore recommended to ensure further investigations are undertaken and the findings submitted to the council to identify the potential for land contamination.
- 8.33. Subject to the recommended condition the proposal would ensure all contaminated land issues will be dealt with on site prior to the commencement of development and is therefore acceptable and in accordance with Policies NE2 and NE7 of the Local Plan and DM7 of the SADMP.

### Noise and vibration

- 8.34. A noise assessment has been submitted alongside the application to address the noise implications of the proximity of the railway line to future residents and the measures to be used to reduce the noise impacts. Environmental Health have reviewed the assessment and have requested minor amendments. The applicant is currently amending the assessment and has not objected to the requested amendments. However whilst the noise assessment is not acceptable in its current form a condition is recommended to ensure an acceptable noise assessment is submitted to support the scheme, ensuring the protection of future residents amenity for the scheme.
- 8.35. The submitted noise assessment also includes details upon the vibration from the adjacent railway line. This identifies there are no issues in regards to vibration and Environmental Health do not object to this.
- 8.36. Subject to agreement to and implementation of an accepted noise assessment the proposal would ensure the noise impacts of the adjacent railway line would be significantly limited and therefore is acceptable and in accordance with Policy DM7 of the SADMP.

### Affordable Housing

- 8.37. Policy 15 of the Core Strategy requires sites within the urban areas of the borough to provide 20% affordable housing, with a mix of 75% affordable rented and 25% intermediate tenure (shared ownership). The application is for 100% affordable housing and the proposal would comprise 50 units for affordable rent (75%) and 18 units for intermediate tenure (shared ownership) (25%). The registered providers for the proposal would be Nottingham Community Housing Association and Hinckley and Bosworth Borough Council.
- 8.38. There is an identified need for affordable housing within Hinckley and the proposed mix of dwellings has been discussed with the Housing Strategy and Enabling Officer and reflects the requirements to best meet the identified need in the borough.
- 8.39. A Section 106 agreement is required to ensure a local connection to the borough is secured and the dwellings remain affordable housing and are not converted to private dwellings.

- 8.40. The proposed scheme is in accordance with the identified need for Hinckley and is therefore in accordance with Policy 15 and 16 of the Core Strategy.

#### Developer Contributions

- 8.41. Developer contributions have been requested by Leicestershire County Council towards education, libraries, civic amenity and highways. Additionally play and open space contributions in accordance with saved policies REC2 and REC3 of the adopted Local Plan and Policy 19 of the Core Strategy have been requested.

#### *Play and Open Space*

- 8.42. Policies IMP1, REC2 and REC3 of the adopted Local Plan, Policy 19 of the Core Strategy and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.43. The quality of open spaces has been considered within the Open Space, Sport & Recreational Facilities Study awarded Rugby Road Park a quality score of only 45%. In accordance with the Play and Open Space SPD the contribution in this case would total £113,931.20 (provision element of £70,717.20 and maintenance element of £43,214.00 in total) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities.
- 8.44. The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance.

#### *Civic Amenity*

- 8.45. Leicestershire County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is requested of £3368. It is estimated that there would be an additional 18 tonnes of waste generated by the development of 68 dwellings and given that the total waste collected is approximately 7,874 tonnes per annum at this civic amenity site, it is difficult to conclude that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

#### *Libraries*

- 8.46. Leicestershire County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest local library facility is Hinckley Library on Lancaster Road. The

library facilities contribution request is £1690. Leicestershire County Council consider that the proposed development would impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, such as books, audio books, newspapers and periodicals for loan and reference use to account for additional use from the proposed development.

- 8.47. Hinckley Library has an active borrower base of 9,289 people. However Hinckley Library attracts usage from a much wider catchment of 46,374 people through additional borrowers who live outside the settlement area but come into Hinckley for work, shopping or leisure reasons. Active users of Hinckley Library currently borrow on average 24 items a year. Leicestershire County Council consider that the proposed development is likely to generate an additional 81 plus users and would require an additional 194 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility and nor is such a small population increase arising out of the development likely to directly correlate to an impact in planning terms.

#### *Education*

- 8.48. Leicestershire County Council consider the proposed development is of a scale and size which would have an impact on local primary school provision. The site is within the catchment area of Westfield Infant and Westfield Junior School, which would have a deficit of 144 school places if this proposal were implemented. There are 30 places which are funded by other developments of the area which reduces the surplus to 114 (of which 11 would be generated by the proposed development). There are seven other primary level schools within a two mile walking distance and when using the surplus/deficit figures of all a total deficit figure of 353 places. Therefore the accommodation of the additional school places (11) which would be generated by this development cannot be accommodated and therefore a Primary School contribution is considered necessary and relevant. A total of £127,765.55 is requested and has been calculated using the deficit multiplied by the DFE cost multiplier.
- 8.49. No requirements for Secondary or Special Schools are requested as there is an identified surplus of student places in both.
- 8.50. It is therefore considered that the education contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance.

#### *Highways*

- 8.51. Contributions towards the improvement of bus stops, information displays and real time information systems have been requested by the Highway Authority. However evidence to justify why the requests are reasonably related to the development and in scale and kind to the scheme have not been provided. Due to the site location and the provision of one parking space for the smaller dwellings it is considered that the residents of the dwellings would use public transport, however information on the expected use has not been provided to support the request for contributions

towards the improvement of the bus stops. Additional information has been requested from Leicestershire County Council (Highways) to support their request.

- 8.52. Additionally travel packs and 6 month bus passes (at two per dwelling) have been requested to encourage sustainable modes of transport from the development. Due to the town centre location, proximity to the train station and the lower level of parking on site this would encourage sustainable modes of transport and therefore the requirement of travel packs and bus passes is not necessary to make this development acceptable in planning terms
- 8.53. Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 8.54. The application has been accompanied by a viability assessment which has been reviewed and identifies that if the requested contributions are paid this would render the scheme unviable. This viability appraisal is being assessed by an independent viability surveyor, however the final conclusions have not yet been made. The final conclusions of the surveyor will be provided through a late item to committee and may have a significant impact on the requests for developer contributions.

## **9. Conclusion**

- 9.1. This application would result in the regeneration of a vacant brownfield site within the centre of Hinckley. The proposal has been designed to ensure properties front Southfield Road and provide interest and character to the street scene. A mix of house types and materials are proposed to break up the line of buildings and give a strong character to the development.
- 9.2. Subject to conditions the proposal would not have a detrimental impact upon existing residential amenity, flooding, noise, land contamination and highways.
- 9.3. The proposal would provide 68 affordable homes of which there is a demand for in the area.
- 9.4. The proposal is sustainable and would improve both the local environment and social needs of the community. The application is therefore considered acceptable and in accordance with the identified policies of the development plan.

## **10. Recommendation**

### **10.1. Grant planning permission subject to**

- The prior completion of a S106 agreement to secure the following obligations:
  - On-site affordable housing
  - Education – £127,765.35
  - Highways - £11,766
  - Play and Open Space - £113,931.20
- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
- 10.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### Conditions and Reasons

1. The development 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 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents received 30 March 2016:

Location Plan Dwg No 001  
Proposed Site Plan Dwg No 002 Rev S  
Proposed Street Scenes Dwg No 003 Rev P2  
Proposed Site Sections Dwg No 004 Rev P1  
House Type 1 - Planning Dwg No BT1 Rev P6  
House Type 2 - Planning Dwg No BT2 Rev P7  
House Type 3 - Planning Dwg No BT3 Rev P7  
House Type 4 - Planning Dwg No BT4 Rev P6  
House Type 5 - Planning Dwg No BT5 Rev P7  
House Type 6 - Planning Dwg No BT6 Rev P6  
House Type 7 - Planning Dwg No BT7 Rev P5  
House Type 8 - Planning Dwg No BT8 Rev P5  
House Type 9 - Planning Dwg No BT9 Rev P5  
House Type 10 - Planning Dwg No BT10 Rev P6  
House Type 11 - Planning Dwg No BT11 Rev P6  
House Type 12 - Planning Dwg No BT12 Rev P5  
House Type 13 - Planning Dwg No BT13 Rev P3  
House Type 14 - Planning Dwg No BT14 Rev P3  
House Type 15 - Planning Dwg No BT15 Rev P4  
Bin Store (Plots 1 - 12) Detail Dwg No DE001 Rev P1  
Bin Store (Plots 46-51 & 52-57) Detail Dwg No DE002 Rev P1  
Stormking False Chimney Detail Dwg DE003 Rev P1

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

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy NE2 and NE17 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and proved 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 NE2 and NE17 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

5. Development shall not begin until a scheme for protecting the proposed dwellings from noise and vibration from the adjacent railway line and station has been submitted to and approved in writing by the Local Planning Authority. All works and mitigation measures identified in the approved scheme shall be completed prior to the first occupation of each dwelling.

**Reason:** To ensure the protection of future residential amenity from associated disturbance from the adjacent railway line in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

6. Prior to commencement of development 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 control will be monitored. The plan will provided a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To ensure the protection of existing residential amenity during construction of the development in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

8. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001 and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. All changes in ground levels, hard landscaping, planting seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding seasons (October - March inclusive) following the commencement of the development. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** To ensure the approved landscaping scheme is undertaken in a timely fashion and is continually maintained to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001 and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

10. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

11. Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan

and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

12. Any shared private drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

13. Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted drawing No. 3599.WD.13.002 Rev. P; the parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document.

14. Before first occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

15. The gradients of the access drives shall not exceed 1:12 for the first 10 metres behind the highway boundary.

**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

16. Construction works and traffic movements to or from the site associated with the construction of the development, hereby permitted, shall not take place other than between the hours of 07:00hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays and not at all on Sundays and Bank



Holidays, except that emergency works may be carried out at any time provided that the developer retrospectively notifies the Local Planning Authority of the emergency works.

**Reason:** To minimise disruption to the neighbouring residents in accordance with saved Policies BE1 of the Hinckley & Bosworth Local Plan (2001) and emerging Policy DM10 of the Site Allocations and Development Management Policies.

#### 10.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Please note the comments submitted by Network Rail 15 March 2016 and the requirements outlined.