

Delegated Report

Planning Reference: 23/01203/FUL
Applicant: NHS Property Services Ltd
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Hinckley and District General Hospital, Mount Road, Hinckley

Proposal: Proposed site access, parking arrangements, drainage, landscaping and utilities installations for the Community Diagnostic Centre and Endoscopy building (Use Class E(e)) (Planning application ref.23/00851/OUT)

1. Recommendations

- 1.1. That the application be approved subject to:
- Conditions outlined at the end of this report

2. Planning Application Description

- 2.1. The application seeks full planning permission for the enabling works including site access, parking arrangements, drainage and utilities installations for the proposed Community Diagnostic Centre and Endoscopy building (Use Class E(e)) being assessed under planning application ref.23/00851/OUT. At the time of writing this report application 23/00851/OUT has been recommended for approval by officers and is due to be determined by Planning Committee on 13th February.
- 2.2. This application represents Phase 1 of the development and would enable parts of the development to commence ahead of and consideration of Reserved Matters for the CDC/Endoscopy building itself. The applicant has stated that 'It is imperative to advance construction works in light of the overall project programme, to initiate site development and groundwork ahead of finalisation of the detailed design, given the deadlines that we have been set to utilise the CDC funding.'
- 2.3. The proposals mirror those considered in application 23/00851/OUT with vehicle access/egress is proposed to be via the existing entry point on Argents Mead. A reconfigured patient parking layout is proposed as part of the application proposal to the rear/north of the site.
- 2.4. The application is accompanied by the following reports and documents:
- Design and Access Statement
 - Heritage Impact Assessment
 - Contamination Assessments
 - Flood Risk Assessment and Drainage Strategy
 - Transport Statement and Travel Plan
 - Plant Noise Assessment
 - Sustainable and Energy Statement
 - Ecological Assessments
 - Biodiversity Net Gain Assessment
 - Tree Survey
 - Various plans

3. Description of the Site and Surrounding Area

- 3.1 The Application site is located within the Hinckley Town Centre boundary sitting to the west of the Cottage Hospital and south west of the wider hospital site. The site is accessed from Mount Road via Argents Mead which runs along the western boundary and leads to a parking area to the north of the site.
- 3.2 The site is bounded to the south by Mount Road with an established residential area beyond this. While to the west, the site neighbours the leisure centre and adjacent car park. To the north of the site, are hospital buildings and beyond this lies Argents Mead Park.
- 3.3 The site is currently occupied by a temporary single-storey portacabin style building clad in yellow powder coated sheeting and with a flat- felt roof.
- 3.4 The application site lies just outside the lower south-eastern boundary of the Conservation Area, and is within its immediate setting.

4. Relevant planning history

- 23/01155/DGDO- Prior notification for the demolition of existing buildings. Prior approval not required. (Officer note- this approved application includes the demolition of 1920s/1930s extensions to the Cottage Hospital but does not include the main Cottage Hospital building)
- 23/00851/OUT- Outline planning permission for the redevelopment of a Community Diagnostic Centre (CDC) and Endoscopy building (Use Class E) (access, appearance, layout and scale are to be considered with landscaping reserved)

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of 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. Objections have been received from one property, raising the following concerns and points, although these appear to relate largely to application 23/00851/OUT:
- Supportive of the concerns raised by the Local Highway Authority, in particular, the lack of up to date research information provided in assessing the required parking spaces for staff, patients, visitors, deliveries, contractors causes concern.
 - Consideration has not been given to the times when there are shift swaps, with a potential for double parking space requirement.
 - Consideration has not been given to the situation where staff remain in parking spaces before or after shifts, to go into the town retail area for shopping needs or attend other appointments. Similarly, patients and visitors may also remain in the parking spaces whilst they go into town to do shopping or attend other appointments.
 - Consideration has not been given to the situation where staff, patients and visitors may arrive early or leave late for convenience or personal reasons, thus taking up required parking spaces for longer than the actual appointment time. This may be the result of convenience, late running appointment lists or other reasons.
Comparative statistics should be available for existing and anticipated parking spaces.
 - An up-to-date Traffic Survey and Parking Survey should be completed.

- The experience of the church's trustees is that the area surrounding the church is already over-parked with the Leisure Centre car park usually near capacity with visitors regularly have difficulty in finding spaces, especially on Monday early evening, Wednesday early evening and Sunday morning, with the situation exacerbated when there are HBBC or Leisure Centre sponsored town centre events.
- Unless adequate spaces are available, there will be more on-road parking in the area which is already over-parked.

6. Consultation

6.1 Environment Agency –

“The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.”

6.2 HBBC Conservation-

“I am in general agreement with the conclusions of the HA in that the 1920s/30s extensions to the Cottage Hospital (as a non-designated heritage asset) are of limited heritage value, and their loss to facilitate phase 1 of the proposals would have no more than a negligible effect upon the significance of the non-designated heritage asset as a whole.

I am also in agreement with the conclusion of the HA in that there is unlikely to be adverse impacts upon the significance of affected designated heritage assets from the development of the new building block upon the site, and that impacts upon the adjacent Hinckley Town Centre Conservation Area require consideration only.”

“The application site lies just outside the lower south-eastern boundary of the Conservation Area, and is within its immediate setting. The most recent Hinckley Town Centre Conservation Area Appraisal (HTCCAA) outlines the key characteristics that define the special architectural and historic interest of the Conservation Area. The Site lies adjacent to Character Area 3 of the Conservation Area, namely Argent’s Mead.”

“The main effect from the development proposal would be on the conservation area’s setting and there is general agreement with the summary of development effects contained within the Heritage Assessment in section 6.38 onwards. The proposal as a whole will reconfigure the current arrangement of built form and open space on the site. The loss of the 1920s/30s element of the hospital and its replacement with car parking (as part of proposal 23/01203/FUL) will not have a meaningful effect on the site’s built character given its prevailing character is currently a place of both modern built form and car parking.

The replacement of the current functional and utilitarian portacabin building with the proposed building will bring about change to both the streetscene, bordering the Conservation Area and its experience. The new building represents an increase in both height and scale on the extant portacabin. In scale, bulk and form, it will be on a par with the Leisure Centre adjacent. It will also be similar in character and articulation to the medical buildings within the wider area of the hospital adjoining the site (e.g. Health Centre to the north). In this sense, there will be no real change to the extant character of the hospital complex as a whole, as an element of the setting of the Conservation Area.

Whilst the building will be of bigger scale and height than the present building on the Site, it will not be incongruous in terms of the current context, both inside and

just outside the Conservation Area here. It assimilates reasonably comfortably with the built character of the Leisure Centre and the modern hospital buildings which lie outside the Site, although strong consideration could be given to achieving further synergy of materials between the new building and the Leisure centre, with the replacement of the green/blue cladding elements to the external walls with timber cladding to match the use of this material in the immediate context of the site. However, despite this suggested alteration to the appearance of the building, in its current form the proposal is considered to preserve the character of this part of the setting of the Conservation Area.

In terms of the availability of views into and out of the Conservation Area, in particular into Character Area 3, Argents Mead Park, these will remain entirely available within the new scheme due to the siting of the built form. The new hospital building will sit within an open area of hard landscaping and parking (as per proposal 23/01203/FUL) which will have visual and physical permeability to the Site boundaries on Argents Mead and the park pathways. The wooded nature of the eastern park boundary bordering the Site will be retained and, subject to landscaping details provided at reserved matters stage, could be augmented with additional tree planting around the new car entrance area on Argents Mead, with views to and from the park will be maintained. The experience of the park as a semi-wooded, partially screened, landscaped public space as seen from the Conservation Area boundaries will still be readily available as current.

There is full agreement with the conclusions of para 6.42 of the HA, in that “given its scale and bulk, the new building will alter this section of the streetscene of Mount Road. This streetscene, which lies outside the Conservation Area, does not possess a particular or distinct character which offers information on the special architectural and historic interest of the Conservation Area itself. It forms part of the mixed grain townscape setting of the Conservation Area which makes no contribution to its significance beyond providing evidence of the late 19th and 20th century expansion of the town. Mount Road is one of several dense residential roads south of the Conservation Area which evidences this development. The change in the Site resulting from the construction of the building would have no impact on the legibility or interpretation of this element of the setting of the Conservation Area as being part of the late 19th and 20th century development of the town.” In general design terms, the orientation of the building with a high amount of plant and use of green/blue cladding facing into the streetscene of Mount Road may be considered to be uncharacteristic, but the ultimate judgement on this matter is for the decision-taker and in its current form these aspects of the proposal have no adverse effects upon heritage assets.”

“The proposal therefore preserves the significance of the conservation area and complies with Policies DM11 and DM12 the SADMP and section 16 of the NPPF.”

6.3 HBBC Drainage- No objections subject to surface water drainage conditions

6.4 HBBC Environmental Health (Final Comments) –

“With regard to Land contamination the recommendations within the report should be conditioned. Asbestos was found in one area on site however this is in an area to be covered by hard standing which will effectively break the pollution linkage. The report recommends that “Where Made Ground is present below any proposed area of soft landscaping, the Made Ground should be replaced with 450mm of clean fill and a geotextile separator installed at the base”. The recommendations of the

report should be conditioned. A validation report for any remediation works should be submitted on completion of the works.

Gas monitoring is ongoing and will be reported on once completed so the landfill gas condition should remain unless further information is received.

The submitted CEMP focusses more on the health and safety of employees rather than managing the environmental impacts of the development phase. The CEMP will need to show how noise/dust/vibration/lighting etc will be managed on site to protect the public and nearby residential properties. The site hours in the CEMP are satisfactory. With regard to noise BS5228 should be referred to (it is mentioned in the CEMP but briefly) with regard to dust guidance and a risk assessment (with corresponding measures dependent upon the risk) can be found in the IAQM document "Guidance on the assessment of dust from demolition and construction" this should be referenced to inform dust mitigation measures."

Officer Note- Noise mitigation was requested on the outline scheme, as this relates to plant equipment it is not relevant for this enabling works application.

6.5 HBBC Street Scene Services-

1. "Car park management agreement required to ensure car park operation complements and does not create adverse impacts for other town centre users / residents.

This should be agreed between HBBC and the NHS and be subject to an annual review.

An initial review after 3 months of occupation should also be included.

As a minimum this should include: Tariffs, charging periods, enforcement times and methods, permit arrangements, and agreed use by different NHS partners operating on the site

If possible this agreement should also include the car park already in operation on Mount Road to ensure holistic approach (appreciate this might not be possible as outside of the application boundary).

2. Access via Argents Mead road needs to ensure:-
Safe pedestrian crossing of this road,
Creation of a full footpath along both sides of this road
Access from Leisure centre car park to the new centre is suitable and sufficient for patients who may park in the Leisure centre car park.
3. Provision of EV charge points is welcomed, particularly the blue badge EV charge point.
4. I am unclear on the traffic flow and how many vehicles they expect to access / egress via Argents Mead road and how many will access / egress to Mount road (but this I think is part of the next phase of the plan."

6.6 HBBC Waste Management – No comments or objections

6.7 LCC Archaeology –

"The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies in an area of archaeological interest, immediately southeast of the historic settlement core of Hinckley (HER Ref.: MLE2901). The submitted heritage assessment (Cotswold Archaeology Report Ref.: CR1311_1) has confirmed a potential for medieval remains within the site, with a number of nearby archaeological investigations revealing medieval features and remains. The application area has previously been developed, which is likely to have disturbed any buried remains, however there may be areas where the disturbance is limited.

There is therefore a potential for buried archaeological remains within the application area, which may be impacted by the re-development proposals."

"In that context it is recommended that if the current application is approved it should be subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording."

6.8 LCC Ecology –

"The only potential wildlife impacts are due to the removal of vegetation and the demolition of the old hospital wing."

No objection subject to conditions.

6.9 LCC Highway Authority (LHA) –

"The LHA understand this application is for the enabling works including site access, parking arrangements, drainage and utilities installations for the proposed Community Diagnostic Centre and Endoscopy building (Use Class E(e)) as part of planning application ref. 23/00851/OUT. The LHA advised no objection to that application on 8th January 2024 and that its detailed responses to that application should be read in conjunction with the advised conditions and informatives below. These are largely the same as application 23/00851/OUT, however reflect the requirement for a Construction Traffic Management Plan and the more detailed parking arrangement drawing which has been provided."

6.10 Lead Local Flood Authority (LLFA) (Final Comments)-

"The proposals are not considered to be major as defined by the Town and Country Planning Order 2010. The LLFA is a statutory consultee in relation to surface water flood risk for major applications only and as such is not a statutory consultee for this application. The LLFA would recommend that the LPA seeks evidence that the applicant has permission from the water company to outfall into the Severn Trent Water combined system. The LLFA would also recommend that the LPA ensures any proposals for this application are compatible with proposals as submitted in 23/00851/OUT."

6.11 NHS England –

"As the ICB is the commissioner of the Community Diagnostic Centre (CDC) and Endoscopy service, therefore the ICB are fully supportive of the planning application."

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM3 (Infrastructure and Delivery)
- Policy DM10 (Development and Design)
- Policy DM11 (Protecting and Enhancing the Historic Environment)
- Policy DM12 (Heritage Assets)
- Policy DM17 (Highways and Transportation)
- Policy DM18 (Vehicle Parking Standards)
- Policy DM 21 (Locating Sustainable Town Centre Uses)

- Policy DM 25 (Community Facilities)
- 7.3. Hinckley Town Centre Area Action Plan (2011)
- Policy 5 (Land North of Mount Road)
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide

8. Appraisal

- 8.1. The following represent the key issues:

- Principle of Development
- Impact upon Highway Safety
- Design and Layout
- Impact on Heritage Assets
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology

Principle of Development

- 8.2 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 making.
- 8.3 Paragraph 11 of the NPPF and Policy DM1 of the 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 relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the Hinckley Town Centre Area Action Plan (HTCAAP) (2011) and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016).
- 8.4 Paragraph 20 of the NPPF states that strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).
- 8.5 Paragraph 97 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should

take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Furthermore, planning policies and decisions should ensure that established facilities are able to develop and modernise and are retained for the benefit of the community.

- 8.6 Paragraph 100 of the NPPF states that to ensure faster delivery of other public service infrastructure such as hospitals, local planning authorities should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
- 8.7 The site is located in a sustainable location, within the settlement boundary of Hinckley and in the Hinckley Town Centre boundary as defined in the Hinckley Town Centre Area Action Plan (2011) (HTCAAP). The site lies within the 'Land North of Mount Road' site within the HTCAAP. Policy 5 outlines key aspirations for the site's redevelopment to a mixed-use development which includes the provision of community facilities. The policy outlines the aspiration for the retention and enhancement of Argents Mead and the Memorial Gardens to provide public walkways and improved linkages within the site and wider town centre.
- 8.8 The site is a designated Community Facility within the SADMP. Policy DM25 of the SADMP sets out that HBBC will seek to support the formation of new community facilities across the borough. To reduce reliance on the private car, it should be demonstrated that these facilities are accessible to the community which they intend to serve by a range of sustainable transport modes. The site is judged to be a sustainable location well served by a range of sustainable transport modes. However, Policy DM25 goes on to refer to the loss of community facilities, which is of particular relevance to this proposal which includes the demolition of some existing facilities. Policy DM25 states that HBBC will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:
- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or
 - b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
 - c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.
- 8.9 The development proposed under this application relates solely to the enabling works, the only element of loss included within the red line is the demolition of the 1920s/30s cottage hospital extensions. A separate prior approval application has been approved for the demolition of the later extensions of the existing hospital to enable the development of the new CDC/Endoscopy building. Nonetheless, as the proposal is part of the wider re-development of the facility an assessment against policy DM25 is included below.
- 8.10 The prefabricated physio building was originally developed in the 1980s and is now of poor quality, is not energy efficient and the applicant states this has significant backlog maintenance liabilities. As such the prefabricated building is now vacant as the Musculoskeletal Services that previously occupied the building relocated elsewhere. The existing Community Hospital building has been developed in a piecemeal basis after the development of the original front portion fronting Mount Road in the late 19th/early 20th centuries. The applicants state that approximately 30% of the existing building is currently vacant and the whole building is well past its useful economic life and is no longer suitable for the provision of modern

healthcare. The existing hospital buildings are occupied by endoscopy, xray and day case surgery services.

- 8.10 The replacement facilities being provided in the proposed CDC building will enable the provision of new services on site and the provision of improved facilities for the endoscopy and xray services that currently occupy the existing hospital buildings. The whole site will remain in use for healthcare and overall, the demolition of the c.600sqm prefabricated building and c. 450sqm of the later extensions to the existing hospital building (subject to a separate prior approval application) will result in the development of c. 1541.32 sqm of new health floorspace (excluding plant area) for new and existing healthcare services for the people of Hinckley and the surrounding areas. The proposals will therefore meet criteria (a) of Policy DM25.
- 8.10 Overall, the principle of development is acceptable and complies with the relevant policies of the development plan subject to the consideration of the other matters outlined within this report.

Impact upon Highway Safety

- 8.2. 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)).
- 8.3. Policy DM18 requires all new development to provide an appropriate level of parking provision justified by an assessment of the site location, other modes of transport available and appropriate design. Any development will be expected to provide disabled parking provision. Within Hinckley Town Centre developments should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.4. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.5. Paragraph 114 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users Paragraph 115 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 116(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.

Site Access

- 8.6. There are various access points to the wider hospital site. For the purpose of this application the existing access point from Mount Road would be utilised, no amendments to the site access at the junction of Argents Mead with Mount Road/ Hurst Road are proposed and the Local Highway Authority (LHA) have raised no objection with this arrangement.

Highway Safety

- 8.7. The Applicant has submitted PIC data for between 2018 and 2023 which identified that five PIC's have occurred within this area between 2018 and 2023. The LHA has identified an additional PIC which occurred in September 2023 and was recorded

as slight, this involved a vehicle and a cyclist on Queens Road. The Applicant has concluded within their PIC analysis that there is no clear pattern of PIC's to suggest that there is a material design issue on any part of the local highway near to the site, and that the collision rate is low. The LHA accept there appears to be no clear pattern or cluster site of PICs which could be exacerbated by the proposals. No PIC's appear to have occurred at the existing site access points.

Trip Generation/ Junction Capacity Assessments

- 8.8. The LHA requested further information regarding staff and patient numbers and clarity as to how many staff/ patients will be on-site at any one time as a result of the proposals or would have been under the physio use as part of application 23/00851/OUT.
- 8.9. The Applicant has clarified that the proposals could result in a difference of 11 staff on site and an additional 33 patients per hour in comparison to the former situation. It is understood that while this is an increase, staff would arrive/ depart the site prior to the AM and PM peaks (08:00 - 09:00 and 17:00 - 18:00).
- 8.10. The Applicant has also provided a high level estimate of the number of daily movements to/ from the site per day. It has however been highlighted that this is a worst case scenario, with each patient assumed to be on-site for at least one hour, whereas in reality services such as blood tests or ultrasound may be as little as 10 minutes, and others longer, with average endoscope procedures taking 30 minutes plus administration and recovery time – up to four hours in total for a complex endoscopy. The Applicant also assumes all patients and staff travel to work by car within the estimate, which is considered unlikely to be the case given the sites location and access to public transport. It is stated that whilst some procedures may necessitate vehicle travel, others will not require anaesthetic and may be routine procedures on otherwise generally able-bodied patients capable of travelling by alternate modes of transport to the private car.
- 8.11. Overall, the LHA accepts that the wider proposals would likely result in a modest increase in the level of traffic using the site. Furthermore, given the route choices to access the site and a number of potential different access points to various car parks/ drop off/ pick up points, as well as sustainable travel options for staff/ patients, the LHA consider it would be difficult to justify capacity assessments at any specific junction.

Internal Layout and Parking

- 8.12. A parking study of the wider hospital site was undertaken in 2019 which identified existing parking and associated parking demand. Although over 3 years old, the study remains the most recent and reliable data available, although the applicant suggests the hospital was busier at the time of the survey than presently given the closure of the physiotherapy unit. The results of the parking study indicated that there are areas of parking which are overused, including areas where demand is high and resulting in cars parking outside of marked bays, and other areas which are underused, with a degree of ad hoc parking not associated with the hospital. When considered as a whole, the site was found to be operating below the 85th percentile threshold for parking stress.
- 8.13. Whilst there are 165 parking spaces across the hospital site, the parking included within this application area includes the Hinckley & District Cottage Hospital staff car park, accessed from Argents Mead on the western boundary. The existing staff car park has 10 standard parking bays and ~5 informal overspill parking areas.

Whilst allocated for staff parking, this was never monitored. The survey found that patients generally parked in all other areas across the site.

- 8.14. The development includes a total of 29 car parking spaces, of which 4 would be disabled parking spaces. Nine new cycle parking spaces are proposed (6 long-stay and 3 short-stay) close to the buildings main entrance and parking area to the rear. Overall, given the town centre location, on-street parking controls in the area and existing situation the LHA consider the parking arrangements to be acceptable. A condition is recommended by the HBBC Street Scene Services department requiring the submission of a car park management plan to ensure the car park operations complements and does not create adverse impacts for other town centre users / residents. As a minimum this plan would include tariffs, charging periods, enforcement times and methods, permit arrangements, and agreed use by different NHS partners operating on the site (as applicable). Whilst the Street Scene Services department requested this should also include the car park already in operation on Mount Road to ensure holistic approach, as inferred in their comments such a condition would not be acceptable as this car park falls outside of the application boundary.

Transport Sustainability

- 8.15. There is currently no cycle parking on the site, as above the proposed development would provide nine cycle spaces which is welcomed by the LHA and HBBC and should be secure and undercover.

Public Rights of Ways

- 8.16. As advised within the LHA's previous observations, the LHA advise a condition that a section of the unrecorded right off way between public footpath V19 and Mount Road should be dedicated as a public right of way.

Construction Environmental Management Plan

- 8.17. The Applicant has submitted a Construction Environmental Management Plan (CEMP) dated 30 November 2023 and authored by Darwin Group. This includes the following details:
- A jet wash will be available to all vehicles on site, to prevent the deposition of mud on the highway, as and when required. In addition to this a road sweeper and wheel wash station will be utilised as necessary if debris off site is significant;
 - Unloading and loading of vehicles will always take place within the site compound and not on the public highway; and
 - Contractor parking will all be located within the confines of the site. Designated areas will be set-up to ensure parking of vehicles is done so in an orderly manner and to maximise the available space for safe transporting of materials, etc.

- 8.18. The above is welcomed but further detail is required in respect of the routing of construction traffic. This detail would be required by condition.

- 8.19. Overall, the proposed development is judged to be acceptable in highway safety terms and subject to conditions complies with policies DM17 and DM18 of the SADMP.

Design and Layout

- 8.18. 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.
- 8.19. Paragraph 139 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.
- 8.20. As this application relates solely to the enabling works, only the access/parking areas are to be considered, a full assessment of the design of the proposed CDC/endoscopy building is included within the report for application 23/00851/OUT.
- 8.21. The layout largely reflects the existing site layout with parking retained to the rear of the site which would be screened by the CDC building on the whole. The development responds to the existing land levels on site.
- 8.22. Various external structures are proposed to the north of the site and proposed parking area including a bin and gas store, sub station, generator and fuel tank. By their nature the latter elements are functional in design and for this reason not particularly visibly attractive, however, they are proposed to be sited adjacent to existing buildings on site. Whilst they will be visible from the car park and adjacent public right of way, they will be viewed in the context of the car park and ancillary areas of the existing hospital site and nearby the service area for the adjacent leisure centre and for this reason would not be harmful to the character of the area. The inclusion of the bin and gas store as a purpose built, brick building is welcomed as opposed to an open bin store. The building is single storey, modest in scale, with a flat roof and due to be constructed from red brick which will be in keeping with the adjacent building.
- 8.23. Overall, the proposal replaces the existing parking area with a reconfigured layout and some new additional external structures. The scheme is not judged to harm the character of the area and the proposal is in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact on Heritage Assets

- 8.27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The special attention does not apply to sites located within the setting of but outside of conservation area boundaries.
- 8.28 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF 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.

- 8.29 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.30 A Heritage Assessment (HA) has been undertaken to accompany the application. The Statement identifies the significance of designated heritage assets within the vicinity of the application site, determines if the site is located within their setting and if so what the site contributes to their significance, and then makes an assessment of the impact of the development upon their significance. The HA is proportionate and relatively robust assessment that more than adequately complies with the requirement of para 200 of the National Planning Policy Framework (NPPF) and DM11 of the Site Allocations and Development Management Policies (SADMP) DPD in terms of understanding the significance of affected heritage assets.
- 8.31 As outlined in the Conservation Officer's comments, the 1920s/30s extensions to the Cottage Hospital (as a non-designated heritage asset) are of limited heritage value, and their loss to facilitate phase 1 of the proposals would have no more than a negligible effect upon the significance of the non-designated heritage asset as a whole. It should be noted these extensions have consent to be demolished. The original element of the Cottage Hospital would not be altered in this development, although future applications may be forthcoming for this area of the site. There is also unlikely to be adverse impacts upon the significance of affected designated heritage assets from the development of the new building block upon the site, and as such impacts upon the adjacent Hinckley Town Centre Conservation Area require consideration only.
- 8.32 The application site lies just outside the lower south-eastern boundary of the Conservation Area, and is within its immediate setting. The most recent Hinckley Town Centre Conservation Area Appraisal (HTCCAA) outlines the key characteristics that define the special architectural and historic interest of the Conservation Area. The Site lies adjacent to Character Area 3 of the Conservation Area, namely Argent's Mead.
- 8.33 The HA provides a good summary of what matters and why in terms of the contribution of the site to the significance of the conservation area, summarising that in terms of its physical surroundings (para 6.35) *"the Site lies within the mixed grain townscape setting of the Conservation Area to its southern and eastern borders. The Site itself has an extant specific built character which is functional and utilitarian, the notable exception being the Cottage Hospital building (which is not subject this particular proposal). The scale and appearance of the medical complex buildings (on the wider hospital site) are large and boxlike red brick structures. In the case of the Health Centre, it has a monolithic quality which is similar in character to the Leisure Centre, but without the clear design quality. Coupled with areas of hard landscaping and car parking, this is not a place which has particular design or visual amenity value. However, in general built character it is similar to the Leisure Centre complex which lies adjacent (west) of it and within the Conservation Area.*
- 8.24 The HA continues in summary (para 6.36) in that *"it has been identified therefore that the setting of the Conservation Area in general does not contribute to its special*

architectural or historic interest beyond being indicative of the spreading suburban development of Hinckley in the late 19th and 20th centuries. In specific relation to Character Area 3, the trees at the boundary between the Site and Conservation Area is an important feature in ensuring the important 'wooded nature of the area' is preserved. A key part of the experience of the character and appearance of the boundary of Area 3 is the Council's Leisure Centre, which is a large, three storey, bulky, contemporarily designed building with large areas of car parking." Para 6.37 provides final commentary and concludes that "the Site in its extant condition makes no specific contribution to the special architectural and historic interest of the Conservation Area, though aspects of its interaction with the Conservation Area, including the mature trees at its boundary, and its permeability with the park, are features which are positive in retaining the Conservation Area's character. Clearly, given its proximity, development of the Site has the potential to alter its neutral contribution to the Conservation Area."

- 8.25 There is general agreement with the summary of development effects contained within the Heritage Assessment in section 6.38 onwards. The proposal as a whole will reconfigure the current arrangement of built form and open space on the site. The loss of the 1920s/30s element of the hospital and its replacement with car parking (as part of proposal 23/01203/FUL) will not have a meaningful effect on the site's built character given its prevailing character is currently a place of both modern built form and car parking.
- 8.26 8.28 In terms of the availability of views into and out of the Conservation Area, in particular into Character Area 3, Argents Mead Park, these will remain entirely available within the new scheme due to the siting of the built form. The new hospital building will sit within an open area of hard landscaping and parking which will have visual and physical permeability to the Site boundaries on Argents Mead and the park pathways. The wooded nature of the eastern park boundary bordering the Site will be retained and, subject to landscaping details provided at reserved matters stage for the outline application, could be augmented with additional tree planting around the new car entrance area on Argents Mead, with views to and from the park will be maintained. The experience of the park as a semi-wooded, partially screened, landscaped public space as seen from the Conservation Area boundaries will still be readily available as current.
- 8.29 Overall, it is considered that loss of the 1920s/30s extensions to the Cottage Hospital to facilitate the proposal would have no more than a negligible, and not an adverse effect upon the significance of the non-designated heritage asset as a whole. The proposed parking area and associated works will not alter the character and appearance of the setting of the Hinckley Town Centre Conservation Area in a way which would adversely affect its special historic and architectural interest, nor the understanding, experience or interpretation of that interest. The proposal therefore preserves the significance of the conservation area and complies with Policies DM11 and DM12 the SADMP and section 16 of the NPPF.

Impact upon Residential Amenity

- 8.24. 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.

- 8.25. Paragraph 135 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.
- 8.26. Paragraph 191 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.
- 8.27. The development replaces an existing parking area with a reconfigured parking arrangement and some plant equipment to the rear/north of the site. A condition is recommended ensuring that noise levels meet industry standards to nearby properties, given the distance and subject to the this condition, noise/disturbances issues are unlikely to be adverse.
- 8.28. A land contamination report has been submitted and is judged to be acceptable, although the submission of further details regarding gas monitoring and land contamination verification are recommended.
- 8.29. It is likely that nearby residents will experience some noise and disruption during the construction of the development. However, a Construction Environmental Management Plan is required by condition which will include mitigation measures.
- 8.30. It is considered that development, alongside the use of conditions, ensure that the proposal is acceptable in amenity terms and 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

- 8.31. 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.
- 8.32. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.33. The site is located within Flood Zone 1 (low risk). Following the submission of additional information and subject to the submission of a detailed surface water drainage strategy, to be conditioned, neither the Environment Agency, Lead Local Flood Authority or HBBC drainage team have objected. Subject to the aforementioned conditions the proposal is therefore judged to comply with Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.34. 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 180 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.

- 8.35. Various ecological surveys have been submitted and LCC ecology have advised that subject to compliance with the working methods outlined in the bat survey the development is judged to be acceptable. Subject to the condition requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP.

Archaeology

- 8.36. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 200 of the NPPF also reiterates this advice.
- 8.37. In line with the NPPF Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 205 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.38. Paragraph 209 of the NPPF 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 and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.39. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies in an area of archaeological interest, immediately southeast of the historic settlement core of Hinckley (HER Ref.: MLE2901). The submitted heritage assessment (Cotswold Archaeology Report Ref.: CR1311_1) has confirmed a potential for medieval remains within the site, with a number of nearby archaeological investigations revealing medieval features and remains. The application area has previously been developed, which is likely to have disturbed any buried remains, however there may be areas where the disturbance is limited. There is therefore a potential for buried archaeological remains within the application area, which may be impacted by the re-development proposals.
- 8.40. Therefore while the current submitted information is sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme, this is required by condition.
- 8.41. Subject to the aforementioned condition requiring post-determination trial trenching, the development is judged to comply with Policy DM13 of the SADMP.

Conclusions and Planning Balance

- 8.42. 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.

- 8.43. The site is located in a sustainable location, within the settlement boundary of Hinckley. The redevelopment of the site will lead to enhanced facilities on the site in compliance with Policy DM25 of the SADMP.
- 8.44. Subject to conditions the development is acceptable in highway safety terms and complies with policies DM17 and DM18.
- 8.45. With regards to the design of the development, this largely replaces the existing parking area with reconfigured parking arrangements and no harm is identified to heritage assets and overall the scheme is judged to comply with policy DM10, DM11 and DM12.
- 8.46. Subject to conditions the proposal will not have an adverse amenity impact on surrounding residents, flood risk, drainage, ecological assets or archaeological assets.
- 8.47. Overall, the scheme complies with the relevant policies of the development plan.

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.
- 10.2 Conditions:
- 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 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the submitted application details, as follows:

- Site Location Plan 178 2-D B C-E N BL-0 0-D R-A-0 010 Rev P02
- Proposed Site Plan, Drg No. 1782-DBC-ENBL-00-DR-A-0100 Rev P05
- External Structures, - Elevations, Drg No. 1782-DBC-ENBL-00-DR-A-0656 Rev P01
- Proposed Bin Store, Drg No. 1782-DBC-ENBL-00-DR-A-0657 Rev P0
- Proposed Site Section, Drg No. 1782-DBC-ENBL-XX-DR-A-0632 Rev P02
- General Arrangement 23013-MA-XX-XX-DR-C-0100 Rev P02

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 shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed mitigation 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 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).

4. No external lighting of the site shall be installed until details have been submitted in writing to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management

Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

5. The rating level of the noise emitted from Fixed plant and equipment (mechanical and electrical) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To protect the environment and local residents from nuisance from noise in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

6. The recommendations of the Combined Phase 1 Desk Study & Phase 2 Report on Ground Investigation (December 2023 by Key GeoSolutions Limited) should be carried out. 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) and the National Planning Policy Framework (2023).

7. 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 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) and the National Planning Policy Framework (2023).

8. Prior to commencement of development a Construction Environmental Management Plan shall be submitted in writing 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 also include details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. 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 works shall be limited to the following hours;

Monday - Friday 07:30 - 18:30

Saturday 09:00 - 14:00

No working on Sundays, Bank and Public Holidays

Reason: To minimise disruption to the neighbouring residents and 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 Policies DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

9. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment and Drainage Strategy dated August 2023 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with these approved details and completed prior to first occupation of the development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

10. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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. Thereafter 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.

11. 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. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site. 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 (including sustainable drainage systems) within the proposed development.

12. The development hereby approved shall be implemented in strict accordance with the measures stated within the Non-licensed Working Method Statement for bats (CGO Ecology, November 2023).

Reason: To ensure that the development does not harm protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2023).

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 1782-DBC-ENBL-00-DR-A-0100 Rev P05. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (December 2023).

14. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD 2016 and with the National Planning Policy Framework (2023).

15. No development shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority, covering how the Public Right of Way V19 will be managed during construction including any the timescale for temporary closures and diversion routes, and the permanent surfacing and signposting of the route once development is completed in accordance with the Leicestershire County Council's Guidance Notes for Developers (see <https://tinyurl.com/devprowguide>). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 104 of the National Planning Policy Framework (2023).

16. Prior to first use of the development hereby permitted, a Car Park Management Agreement shall be submitted to in writing and approved in writing by the Local Planning Authority. As a minimum the Car Park Management Agreement should include: Tariffs, charging periods, enforcement times and methods, permit arrangements, and agreed use by different NHS partners operating on the site. The Car Park Management

Agreement shall include review mechanisms which should include an initial review after 3 months of occupation and annual reviews as a minimum.

Reason: To ensure the car park arrangements complements and does not create adverse impacts for other town centre users and residents in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD (2016), Policy 5 of the Hinckley Town Centre Area Action Plan (2011) and the National Planning Policy Framework (2023).

Informatives

1. In relation to conditions relating to land contamination advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
2. 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.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
5. The Public Right(s) 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.
6. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
7. 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 at least 12 weeks before the temporary diversion is required.
8. 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 Highway Authority.
9. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
10. Nesting birds are protected from disturbance under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/hedges should take place outside the breeding season (March - July inclusive) unless carefully checked beforehand by a suitably qualified person.
11. Drainage condition informatives:
 - a) The scheme 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.

- b) 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.
- c) 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.
- d) 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.