

SADMP: Policy DM19

Compliance Note

Prepared by Fisher German on
Behalf of Cadent



Project Title:

Brick Kiln Lane, Hinckley

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01 Introduction

- 1.1 This report has been prepared on behalf of Cadent Gas Limited (Cadent) in respect of their land interest at Brick Kiln Lane, Hinckley hereafter referred to as Cadent Hinckley. The land is currently identified as a Category B employment site in the Site Allocations & Development Management Policies DPD (SADMP) (Adopted July 2016) and supporting evidence base (Policy DM19). The 2024 Hinckley and Bosworth Employment Land Review however downgrades the site to a Category C site. The site has now been identified as a housing site in the most recent Consultation Draft Local Plan (Reference LPR138).
- 1.2 A hybrid planning application was submitted on the northern part of the site in July 2021 (ref: 21/00875/HY) for:
- Hybrid planning application comprising of Outline permission for the demolition of the existing buildings and erection of up to 110 dwellings accessed from St George's Avenue and associated infrastructure (access only); and
 - Full planning permission for the demolition of existing buildings and provision of 73 car parking bays for the retained office building (within the blue line on Figure 1 below).
- 1.3 The extent of this application is provided below.



Figure 1: Hybrid Areas

- 1.4 Following the submission of this application, due to further changes in working patterns and development of Cadent's ongoing operational requirements, there was no longer a functional need for Cadent to occupy the Cadent Hinckley site. The reduction in staff working on site through operational relocation or through a change to working patterns, expedited through the pandemic (i.e. flexible and home working), has resulted in the full vacation of the site with the workforce now working in modern, purpose-built premises.
- 1.5 As such, an opportunity now exists to redevelop the entire site for residential use, assimilating with the neighbouring residential uses to the north, west and east. Primary access to the proposed residential use is proposed to be achieved via the existing the existing access from Coventry Road, with new pedestrian links to the north, east and west.
- 1.6 The redevelopment of the entire site will deliver much needed housing on brownfield land only a couple of minutes' walk from Hinckley town centre. Given the development pressures applicable to Hinckley and Bosworth at present, and which will exist over the course of the emerging plan period, the opportunity to meet some of the Borough's housing need on such a highly sustainable, brownfield site should be supported through to adoption.
- 1.7 A site location plan is included below (Figure 2) which illustrates the extent of the site now available for residential development. There has been a very strong market interest in the site from a range of respected housebuilders and marketing is ongoing. An outline planning application for 195 dwellings was submitted in June 2024, and Cadent are working proactively with the Council to expedite a positive resolution, at which point the site will be sold to a housebuilder. As such we hope that the site will be in a position to begin housing delivery as the Plan is adopted, assisting the Authority in demonstrating a 5-year housing land supply at adoption.

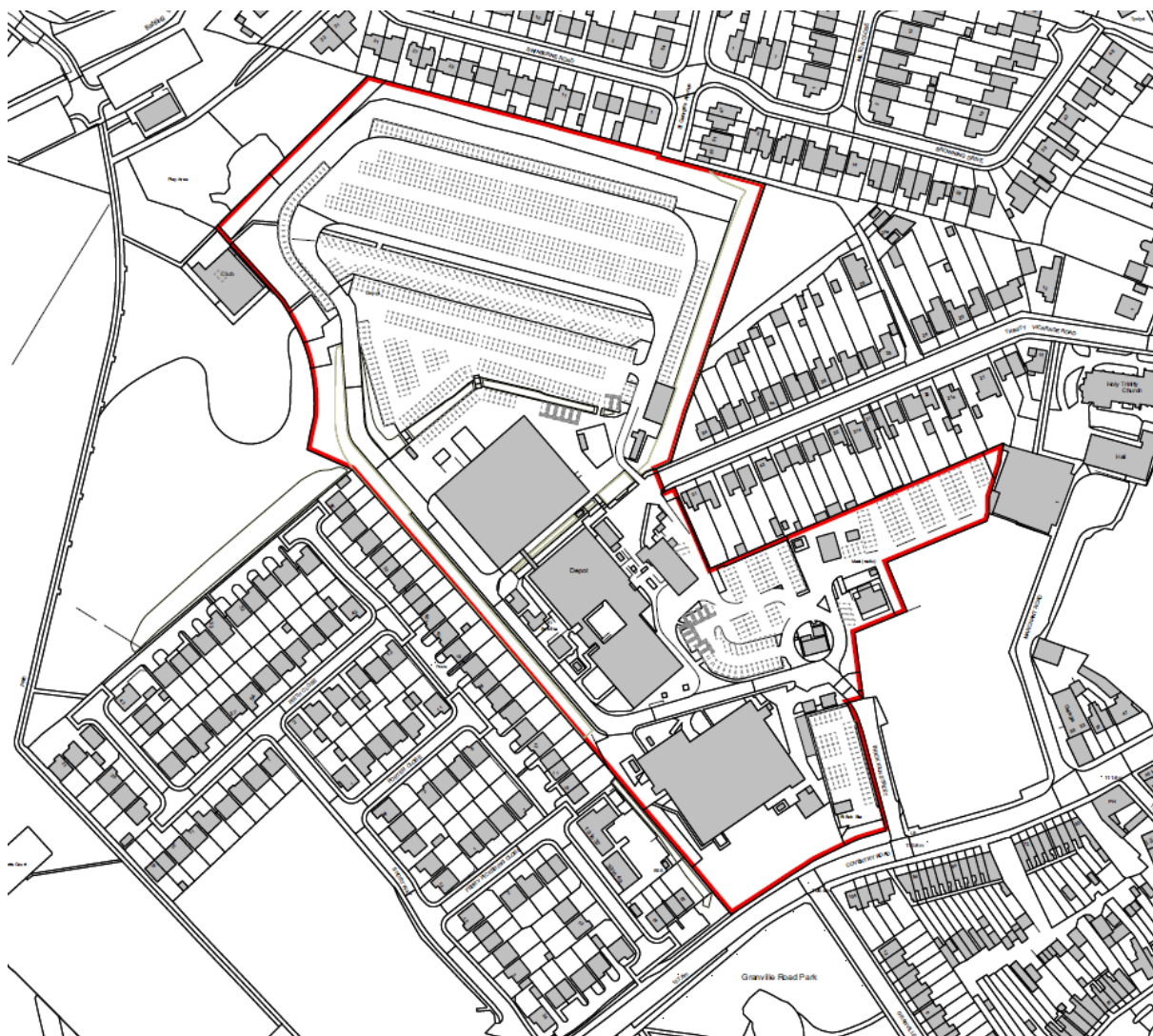


Figure 2: Site Location Plan

- 1.8 The site has been cleared to expedite housing delivery once a housebuilder is in situ.
- 1.9 Despite the draft allocation, it is acknowledged that the Development Plan still allocates the site for employment uses. As part of the hybrid application, an evidence document titled Commercial Property Demand Report (May 2021) was submitted. This highlighted that for various reasons the site was not likely to be attractive to the employment market, particularly when compared with new employment land being brought forward on the town's periphery. This report seeks to consider the conclusions of that report and provide updated commentary in 2024.

02 Policy DM19

- 2.1 Policy DM19 is provided below for ease of reference. As per the introduction, the site is identified as a Category C site.

Policy DM19: Existing Employment Sites

Existing employment areas are identified on the policies map. The site category is provided by the most up-to-date Employment Land and Premises Review.

Category A sites

The Borough Council will seek to retain sites classified as Category A sites in their entirety, for B1, B2 and B8 employment uses. The development of non B class uses in Category A sites will only be allowed in exceptional circumstances. Proposals must demonstrate that they would not have a significant adverse impact on surrounding employment uses.

Category B Site

The Borough Council will give positive consideration to proposals for partial or total loss of Category B sites for uses other than B1, B2 and B8 use classes where:

- a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up-to date Employment Land and Premises Review; or;
- b) The development diverges from these recommendations applicant must demonstrate that:
 - i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes;
 - ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal and marketing strategy and campaign, in line with the most up to date Employment Land and Premises Review; or
 - iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises

Category C Site

The Borough Council will take a more flexible approach to Category C sites for alternative uses, in accordance with the most up-to-date Employment Land and Premises Review and other Local Plan policies.

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- 3.1 In accordance with the requirements of Policy DM19, consideration is given to the category provided in the “most up-to-date” Employment Land Review. Therefore, the pertinent Employment Land Review is the 2024 document, not the document which initially underpinned the Policy. This is in accordance with the policy wording, and also logical given the initial document is now clearly out of date, predating Covid and the subsequent changes in working patterns. The 2024 Employment Land Review designates the site as a Category C site. For such sites, the Council should adopt a flexible approach in accordance with any recommendations in the Employment Land Report or Local Plan policies. Logically, this should also extend to applicable policies of the NPPF.
- 3.2 The identification of our client’s land interests at Brick Kiln Lane, Hinckley (LPR138) for residential uses in the most recent draft Plan is fully supported and reflects the updated evidence available for the site. The site has been downgraded from a Category B to a category C site. Whilst we believe there were strong arguments in respect of the site when it was a category B site, its demotion supports arguments we have submitted in respect of the site and its status.
- 3.3 In Policy SP02 -Development Strategy in the draft regulation 18 Hinckley and Bosworth Local Plan the site is a non-strategic major development allocation in the urban area. This demonstrates that the Council recognises and accept that the site is more suitable for residential development and no longer suitable for employment uses. The draft allocation also recognises the site’s inherent its sustainable location close to Hinckley town centre.
- 3.4 A Commercial Property Demand Report was submitted alongside the previous Hybrid application. Whilst this was produced in May 2021 and refers to the previous Hybrid scheme submitted on the site, the conclusions of this report that the site is of very limited suitability for employment uses remains highly relevant.
- 3.5 Having regard for the site’s context and constraints, the site could reasonably accommodate new office accommodation. However, as confirmed in the Commercial Property Demand Report, Hinckley does not benefit from an established office market and is not sought as a relocation destination for footloose companies. There is not a large amount of office space provided within

the town, which would indicate a lack of demand and spaces used in the town tend to be small and a local in nature. Large office users require an established office market and the skilled administrative and professional staff that implies. Hinckley does not benefit from a large population and is not a regional hub for public transport. Large scale regional office demand is focused on Birmingham city centre, some 25 miles to the south west, with secondary markets in Coventry and Leicester at either end of the M69 (Cadent having relocated to Coventry demonstrates this point).

- 3.6 In regard to other employment uses on the site, industrial and warehousing development on this site would have a significant detrimental impact on the visual amenity of the residents and users of the public open space. This is due to the residential nature of this area, the minor status of the access roads and the proximity to attractive public open space would by necessity, restrict the height of buildings relative to the surrounding housing and require business occupiers to practice only quiet operations. The vast majority of the site is within 50m to the nearest residential property. The restrictions imposed due to the need to protect the amenity of these residential properties would make the site highly unattractive to any major employment operation, particularly when compared to new provision and existing provision which is not restricted.
- 3.7 In considering retail development on the site, it is not close enough to the high street to enable a cohesive extension to this and furthermore, demand for town centre retail is at such low levels, there are numerous vacant retail properties within the town centre, indicating that demand is low. Moreover, new retail here could be seen to compete with the town centre in an undesirable way. Whilst it is feasible that a further food retailer could be accommodated on the site, there will be a reluctance from retailers to relocate immediately adjacent to a relatively near Lidl supermarket. Therefore, the site would be undesirable to operators making it unsuitable for retail development.
- 3.8 Over recent years the residential nature of this area has increased which has by nature reduced the integrity of the site for employment use, particularly having regard for the neighbouring Redrow scheme which has been approved between two designated employment sites. Three sites close to the site (application refs: 18/01237/FUL, 12/01119/OUT, 18/01073/FUL) have been granted planning permission for residential development. This reduces the acceptability of the types of employment use that could be accommodated so as not to have negative adverse impacts on the surrounding residents and character of the area.

- 3.9 Paragraph 123 of the NPPF states that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"*.
- 3.10 Paragraph 124 of the NPPF states planning policies should *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs"* and *"promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively"*.
- 3.11 Paragraph 126 of the Framework is clear *"Planning policies and decisions need to reflect changes in the demand for land"*.
- 3.12 The NPPF and DPD are aligned therefore that a flexible approach to underutilised land is appropriate. Given the prospects of achieving a suitable employment redevelopment without harming residential amenity is low, residential use would seem the most prudent use of the site.
- 3.13 Lastly It is acknowledged by the Council that regardless of the five year land supply (or housing delivery test) position, the housing policies within the Plan are out of date, as they focus on the delivery of a lower housing requirement than required by the current standard methodology, thus paragraph 11 is in place and given the conclusions above, we do not believe that the loss of employment land would significantly and demonstrably outweigh the benefits of new housing provision, particularly when the Plan itself advocates a flexible approach.
- 3.14 Whilst it is considered that the application is justified regardless of the presumption in favour being applicable, this does add further weight to the benefits provided by the provision of new dwellings in such a sustainable location. The delivery of up to 195 dwellings within such close proximity to the town centre on brownfield land should clearly be afforded significant weight. The site is clearly sustainable, with a host of vital services within ready access. Significant and compelling justification has been provided to justify the loss of a small area of employment land which has recently been downgraded in evidence, which cannot reasonably be retained for viable

employment uses whilst protecting residential amenity for neighbouring property.