



Hinckley & Bosworth Borough Council

CIL Compliance Statement

Planning Ref: 20/01012/OUT
PINS Ref: APP/K2420/W/22/3311038
Appellant: Mather Jamie on behalf of Central England Cooperative

Site: Land West of Workhouse Lane Burbage Leicestershire

Proposal: Residential development up to 40 dwellings, public open space and associated Infrastructure (Outline - access only).

- 1.0 This statement relates to the Public Inquiry following an appeal by Central England Cooperative against the refusal of planning application 20/01012/OUT.
- 1.1 This statement outlines the manner in which each of the proposed obligations requested by the Local Planning Authority would comply with the tests set down in Section 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) ("The Regulations").
- 1.2 Section 122 of the Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
- 1.3 Hinckley and Bosworth Borough Council do not have an adopted CIL Charging Schedule.
- 1.4 The obligations requested are outlined within the officer report to Planning Committee (CD3.1); however these have altered due to the amendments made to the scheme during the appeal. A list is provided below for clarity of the full S106 obligations which are requested for this appeal scheme:

<u>Consultee</u>	<u>Contribution Sought</u>
Leics CC Contributions	Waste - Barwell RHWS - £1,981.00 Libraries - Burbage Library - £1,210.00 Total - £3,191.00
Transport	2 x bus passes for free travel over a period of 6 months per dwelling (£360 per pass) Travel packs per dwelling (£52.85 per pack)
PCT	£20,252.50
Affordable Housing	20% (75% social or affordable rented and 25% intermediate tenure/shared ownership). Consultation response was issued prior to Government launching the Starter Homes initiative, which will require 25% of the AH units to be Starter Homes, and the remaining 75% to be split as per the Housing Officer's requirements
Other (please specify)	Open Space: Required / Suggested : 144sqm of Equipped Children's Play Space – On site (minimum value of £26,197.92 plus indexation) + Associated Maintenance 672 sqm of Casual / Informal Open space – On site + Associated Maintenance 1600sqm Accessible Green Space – On site + Associated Maintenance

	<p>Any additional sqm of accessible green space, casual informal / children's play space maintenance to be calculated separately.</p> <p>Future Management & Maintenance scheme to be approved – are they looking at a MC or residents pay into or Burbage Parish Council / HBBC to maintain?</p> <p>Trigger for implementation – 25% occupation – chosen early as the open space is at the rear of the development so should be able to implement fairly easily and not be an issue – flexible though.</p> <p>An offsite contribution should be sought for “Outdoor Sports” at Britannia Road or a sports activity aimed towards teenagers such as skate board ramps / BMX</p> <p>Trigger – 50% occupation – 5 years to spend for provision and 15 years maintenance</p> <p>Provision based on 40 dwellings £13,900.80</p> <p>Maintenance “ “ “ £6,604.80</p> <p>Monitoring Fees for the legal agreement</p> <p>11 to 50 or 1,000 to 3,000 square metres gross floorspace:</p> <p>£419 per obligation</p> <p>Site inspection fee</p> <p>£219 per visit</p> <p>Approval of details/documents</p> <p>£327 per document</p> <p>Deed of Variation</p> <p>£649 per S106 topic</p>
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2.0 Planning Obligations

Affordable Housing and Self-build and custom housing

- 2.1 The appellant has proposed 20% of all dwellings on site to be affordable housing. Core Strategy Policy 15 of the Core Strategy requires residential development in urban areas to provide 20% Affordable Housing with a tenure split of 75% social rented and 25% intermediate housing. The provision of 20% affordable housing is in accordance with the policy requirement.
- 2.2 To ensure this provision is delivered on site it is necessary to secure this as an obligation.

Highway Contributions

- 2.3 Leicestershire County Council (Highways) have requested a travel pack and 2 x bus passes are provided per dwelling to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- 2.4 To promote and encourage sustainable travel Travel Packs, Bus Passes. Travel Packs are provided by Leicestershire County Council at a cost of £52.85 per pack and would inform new residents from first occupation what sustainable travel choices are in the surrounding area. Six month bus passes are also required, two per dwelling (two application forms to be included in Travel Packs and funded by the developer) and per employee, to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

Healthcare

NHS West Leicestershire CCG - Health Care

- 2.5 The West Leicestershire CCG has requested a contribution of £20,252.50 towards services at Burbage Surgery, which are the closest available GP practices to the development. The practice has seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 363 patients will significantly impact on patient demand in the area.
- 2.6 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgery, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local Burbage Surgery, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Civic Amenity

- 2.7 LCC Waste Management requested a contribution of £1,981.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 31 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development. Contributions are used to mitigate the impacts arising from the increased use of the HWRC site associated with the new development for example by the acquisition of additional containers or installation of additional storage areas and waste infrastructure at the HWRC site or adjacent land to increase the site's capacity for handling and separating waste.
- 2.8 This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Library

- 2.9 The proposed development on Sketchley Lane is within 1.87km of Burbage Library on Church Street, being the nearest local library facility, which would serve the development site.
- 2.10 It is estimated that the proposed development will add 450 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution of £4,530 is sought to provide materials eg books, audio books, newspapers, periodicals for loan and reference use, and associated equipment / reconfigure the library space to account for additional usage of the venue for residents to hold meetings, including

book reading and activity sessions.

- 2.11 The Museums, Libraries and Archives Council (MLA) publication “Public Libraries, Archives and New Development: a standard approach” recommends a minimum stock figure of 1,157 items per 1,000 population. Therefore in order to provide the additional materials required to meet the needs of the increased population Leicestershire Library Services requires a contribution of £1,210.00 (rounded up to the nearest £10). This is based upon the formula of 40 x £30.18. The contribution requirement is directly related to the development as the contribution is to be used for the purpose of providing the additional capacity at the nearest library facility to the proposed development which is at Hinckley. Due to the additional demands on library services that would be created from this development the contribution is necessary and is based upon the number of dwellings to be build and is therefore relates in scale and kind.

Play and Open Space

- 2.12 Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up-to-date standards identified in the 2016 study the requirements for open space are set out below:

Required:

144sqm of Equipped Children’s Play Space – On site (minimum value of £26,197.92 plus indexation) + Associated Maintenance

672 sqm of Casual / Informal Open space – On site + Associated Maintenance

1600sqm Accessible Green Space – On site + Associated Maintenance

Any additional sqm of accessible green space, casual informal / children’s play space maintenance to be calculated separately.

Future Management & Maintenance scheme to be approved – are they looking at a MC or residents pay into or Burbage Parish Council / HBBC to maintain?

Trigger for implementation – 25% occupation – chosen early as the open space is at the rear of the development so should be able to implement fairly easily and not be an issue – flexible though.

An offsite contribution should be sought for “Outdoor Sports” at Britannia Road or a sports activity aimed towards teenagers such as skate board ramps / BMX

Trigger – 50% occupation – 5 years to spend for provision and 15 years maintenance

Provision based on 40 dwellings: £13,900.80

Maintenance based on 40 dwellings: £6,604.80

- 2.13 The developer will also be required to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 2.14 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core

Strategy Policy 4 requires development in Burbage to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative layout of the proposed development suggests the provision of open space around the site to include a LEAP, informal space and accessible natural space.

- 2.15 The closest public open space which provides sport provision is Tilton Road, (BUR 12) and Rugby Road (BUR09) all fall below the quality scores set by the Open Space and Recreation Study, and provide a number of typologies within a reasonable accessible distance, in accordance with the open space strategy, an off site contribution towards this park is considered in lieu of on site formal sport provision is considered to necessary, and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.