

Delegated Report

Planning Ref: 23/00346/REM

Applicant: C/O Agent (Simon Cheshire Planning Ltd)

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Cornerfields, Nutts Lane, Hinckley Leicestershire LE10 3EG

Proposal: Approval of reserved matters (appearance, landscaping, layout & scale) of Outline Planning Permission 20/01289/OUT for up to 9 dwellings.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks approval for reserved matters associated with the appearance, landscaping, layout and scale for 9 dwellings at Cornerfields, Nutts Lane, Hinckley, following outline approval 20/01289/OUT.
- 2.2. The housing proposed comprises of 9 market dwellings with a mix of sizing as follows:
- 1 x 2-bed bungalow
 - 2 x 3-bed bungalows
 - 2 x 3-bed dwellings
 - 4 x 4-bed dwellings
- 2.3. The properties are designed to a high standard and are traditional in nature featuring a mix of bungalows and traditional two-storey dwellings. Architectural detailing includes bay windows, projecting windows/porches, brick detailing, and stone or brick headers and cills. The predominant materials are red brick and render and all properties have pitched tiled roofs. All garages are brick built with pitched tiled roofs.
- 2.4. All dwellings take access direct from the main access spine road, which is to be adopted. Properties face onto roads, set back with small front gardens and/or parking spaces, with all main gardens to the rear of properties.

3. Description of the site and surrounding area

- 3.1. The application site measures approximately 0.48 hectares and is irregular in shape, accessed via an existing access on to Nutts Lane on the western side of Hinckley.
- 3.2. The application site sits behind existing dwellings that front onto the west side of Nutts Lane and comprises of a combination of flat grassed paddock area and the remainder grass land. There are a number of existing outbuildings on site. To the east are residential gardens which are generally enclosed by 1.8-metre-high close boarded fencing. To the north west is a railway track which is positioned upon an embankment.

4. Relevant planning history

20/00436/OUT

- Erection of up to four new dwellings (outline - access only)
- Outline Permission
- 08.07.2020

20/01289/OUT

- Erection of up to 9 dwellings (outline - access only)
- Outline Permission
- 04.12.2020

5. Publicity

5.1. The application has been publicised by sending out letters to 9 local residents. A site notice was also posted within the vicinity of the site.

5.2. 3 objections have been received outlining the following concerns:

- Dangerous and unsuitable access
- Outdated ecological survey
- Drainage/flood risk
- Construction noise and dust
- Noise from air source heat pumps
- Overlooking/loss of privacy

6. Consultation

6.1.

- LCC Highways – No objection subject to a condition.
- National Highways – no objection
- Network Rail – no objection
- Severn Trent – no objection subject to a condition
- LCC Archaeology
- LCC Ecology - no objection subject to condition.
- LCC Drainage – no objection.
- HBBC Drainage – no objections following re-consultation.
- HBBC Environmental Health: No objection subject to conditions
- HBBC Waste – Informative note.
- Network Rail – no objection.
- National Highways – no objection.
- Environment Agency - no objection.

6.1. Comments were received from HBBC Environmental Pollution raising concerns relating to noise. These will form the basis of conditions, as set out below.

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 DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)

8. Appraisal

- 8.1. In this instance the principle of development of the site has already been established through the approval of the outline application 20/01289/OUT. The proposal is therefore acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are:

- Design and Impact upon the Character of the Area
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity

Design and impact upon the character of the area

- 8.2. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites' positioning outside, but adjacent to, the existing limits of development of Higham on-the Hill.
- 8.3. Paragraphs 126 and 130 of the NPPF (2021) state that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and

appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.

- 8.4. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development.
- 8.5. The application site, although relatively open and verdant, is well contained by surrounding urbanising features. Directly to the east of the site is a linear row of dwellings which extends along Nutts Lane, and to the northwest the application site is contained by a railway embankment and railway line. To the south beyond the application site, is an approved gypsy and traveller site with the A5 beyond.
- 8.6. The proposed dwellings would be of a traditional design and would assimilate well amongst the existing built development in the area. The variety of sizes and designs adds visual interest to the area, and the inclusion of bungalows is supported considering their scarcity on new build developments relative to perceived demand. The proposed materials are a combination of facing brick and render, which stone cills, white upvc windows and red/grey concrete roof tiles. This materials palette is considered acceptable and in keeping with the surrounding residential development.
- 8.7. The layout of the site makes efficient use of the land on what is an irregular backland site. Officers acknowledge that Plot 9 shares an incongruous relationship with the wider site, and although the character of the site is slightly compromised as a result, the benefits of providing an additional dwelling in this location far outweighs any visual harm. Although the gross density of 26 dwellings per hectare is low for an urban area, it is considered acceptable given the constraints of the site.
- 8.8. It is considered that the proposed development is designed to a high standard that accords with the requirements of Policy DM10 of the SADMP as well as meeting the standards that are set out in the Good Design Guide.

Impact upon neighbouring residential amenity

- 8.9. 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.
- 8.10. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.11. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.12. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural

environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 8.13. Residential dwellings border the site to the east on Nutts Lane. An objection has been received relating to loss of privacy and overlooking impacts. The site layout demonstrates that at least 21 metres is provided between all existing and proposed habitable room windows where any issues of overlooking or loss of privacy may arise. The site layout also achieves minimum separation distances of 12m between existing habitable rooms within a rear elevation and blank side elevations of the proposed dwellings.
- 8.14. The Environmental Health Officer has indicated that the noise impact assessment does not demonstrate an acceptable level of noise levels in the garden area of Plot 9, which is expected to exceed the criteria by approximately 3dB. Plot 9 broadly mirrors that of the dwellings on the other side of the railway line on Greyhound Croft, and that the dB exceedance is minor and would be addressed as a 'buyer beware' scenario. Additionally, the noise impact would be transient and only take place when trains pass, and is exclusive to the garden area and not within the dwelling itself. Officers therefore consider that the resultant amenity impact from the noise would be acceptable on balance.
- 8.15. All future occupiers are provided with adequate levels of amenity and have gardens that comply with the guidance on garden sizes within the Good Design Guide.
- 8.16. It is not considered that the development, once completed, would have a significant detrimental impact upon any of any existing neighbouring dwellings in terms of any overbearing, overlooking or level of noise/disturbance. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 8.17. Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity and would accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18. 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 highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.19. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.20. Paragraph 111 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 8.21. The Highways Authority have no objection to the scheme but have requested parking and turning facilities are secured via condition pre-occupation. They have also commented that some of the garages do not meet standard dimensions and cannot therefore be counted as parking spaces. The LHA adds that while a number of plots lack one parking space each, they advise that on the basis the proposed dwellings would be on to a private road and are some distance from the adopted highway (Nutts Lane) it would not seek to resist the proposals. The LHA consider it is unlikely residents within the development would need to park on Nutts Lane.
- 8.22. The LPA considers that due to the site's locational sustainability within the urban area, this aforementioned shortfall in parking provision is acceptable on balance.
- 8.23. The proposals, as per the previous approval, will have an acceptable impact on the highway network. As such, subject to the conditions recommended by the LHA, and an additional condition with respect to EV charging points, the proposal will satisfy policy DM17 and DM10(g) and the NPPF.

Flood Risk and Drainage

- 8.24. 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.
- 8.25. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.26. LCC Drainage have no objections to the scheme, and HBBC's Drainage Officer advises that the proposals are acceptable subject to the previous conditions as part of the outline permission to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. Severn Trent Water have requested a condition relating to drainage of surface water and foul sewage and this has been included. Subject to the suggested conditions, the development will satisfy policy DM7 and the NPPF.

Ecology and Biodiversity

- 8.27. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.28. The application includes an ecological enhancement scheme, along separate barn owl and badger surveys and mitigation schemes. These reports include a set of proposals designed to enhance the biodiversity of the site through a number of measures, as well as a calculation of the impact that these will have. LCC Ecology have advised that the surveys are acceptable and should be adhered to by the imposition of conditions.

- 8.29. In summary, the proposal is therefore considered to comply with DM6 subject to accordance with the recommended conditions.

Other Matters

- 8.30. The development would be subject to all conditions attached at outline stage which includes conditions relating to ground levels, a Construction Environmental Management Plan, external lighting, waste and recycling, and access arrangements.

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 **Reserved Matters to be approved subject to planning conditions:**

11. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Proposed Site Plan – Drawing No. 0821-101-P06 Rev B
- Plots 1 & 4 – 3 bed bungalow - Drawing No. 0821-101-P01
- Plot – 2 bed bungalow – Drawing No. 0821-101-P02
- Plots 7 & 8 – 3 bed detached - Drawing No. 0821-101-P03
- Plots 3, 5 & 6 – 5 bed detached – Drawing No. 0821-101-P04
- Plot 9 – 2 bed bungalow - Drawing No. 0821-101-P05

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).

2. The materials to be used on the external elevations of the dwellings hereby approved shall accord with the approved materials schedule received by the LPA on 12.04.2023.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or are seriously diseased shall be replaced by trees or shrubs of a similar size and species (native) to those originally planted at which time shall be specified by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016).

4. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with TUK architecture drawing number 0821-101-P06 Rev B. 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 SADMP Policy DM17 and the National Planning Policy Framework (2023).

5. Prior to the commencement of development above floor plate level, a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework (2023).

6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without

modification), no enlargement improvement or other alteration to the dwellings hereby approved shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall be carried out in full accordance with the acoustic design criteria and sound insulation scheme as outlined in the submitted Noise Impact Assessment (UK Building Compliance – Project Reference – NP-009577).

Reason: To ensure that residents do not experience unacceptable levels of noise and disturbance in accordance with Policy DM10 of the SADMP.

9. Prior to the commencement of development, a further noise report shall be submitted to and approved by the Local Planning Authority in relation to any external fixed plant to be installed. Once the plant units are specified the noise emissions should be calculated by an appropriately qualified person to ensure that the limit levels are achieved.

Reason: To ensure that residents do not experience unacceptable levels of noise and disturbance in accordance with Policy DM10 of the SADMP.

10. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures outlined in the Barn owl and mitigation survey (Dr. Stefan Bodnar, 01.11.2022). Within 6 weeks of completion of the development, the proposed barn owl mitigation & enhancements will be inspected by a licensed barn owl ecologist and photographs provided to the LPA in order to discharge the condition.

Reason: To ensure that the development does not cause harm to any protected species or their habitats 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.

11. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures for the duration of the construction period as outlined in section 5.0 of the Badger survey (Dr. Stefan Bodnar, 01.11.2022).

Reason: To ensure that the development does not cause harm to any protected species or their habitats 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.

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

3. 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.
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
6. Prior to the commencement of works, in order to ensure compliance with the method statement and to sufficiently mitigate against potential effects on Badgers, the project manager will take responsibility or appoint a person to be responsible for ensuring the following:
 - Compliance with legal requirements relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and Until such time as a responsible person has been appointed, the project manager shall be responsible for ensuring that the above points are addressed.
7. All waste and recycling services must have a collection point at the boundary with the adopted public highway. Please ensure adequate space on properties in rear gardens to store the various containers.

If all or part of the new road to the new properties is to be private (un-adopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time).

It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point, please ensure occupiers are advised of the procedure and bin collection points.

The road must be constructed to a suitable standard for HGVs with a gross vehicle weight of 32 tonnes and there is sufficient area for the vehicle to turn round.