

Delegated Report

Planning Ref: 23/01139/REM

Applicant:

Ward:



Hinckley & Bosworth
Borough Council

**Site: Land North East of Triumph Motorcycles Ltd, Normandy Way,
Hinckley**

Proposal: Landscaping Reserved Matters pursuant to Condition 2 of 15/00188/OUT

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 pursuant to Condition 2 of outline planning permission 15/00188/OUT for the delivery of 3x full size adult sport pitches and associated landscaping measures.
- 2.2. The outline permission for the wider scheme was approved in 2018.
- 2.3. This reserved matters application is for landscaping details only.
- 2.4. Since the submission of the original details the applicant has submitted some amendments comprising the following measures:
 - The Site Location Plan has been updated to reflect the following:
 - (i) removal of a small area to the north of Phase 7 from the application site boundary as this is covered by the consented Phase 7 RM, and
 - (ii) An enhancement to the boundary treatment along the southern boundary to ensure that the pitches cannot be accessed by cars, motorbikes / scramblers in order to avoid any potential safety issues.
 - (iii) Location of Clubhouse included within the redline of the application which will be a grassed area until the Clubhouse is delivered as per the requirements of the legal agreement.

3. Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley and forms a parcel of land on the north western edge of the development site pursuant to outline application 15/00188/OUT (an allocated development site for 850 dwellings). This application site lies to the north of an area approved for residential development approved as part of the referenced outline and a future clubhouse will lie to the south of the parcel of land directly adjacent to the proposed sport pitches.

4. Relevant planning history

15/00188/OUT - Erection of up to 850 dwellings, 500 sq metres of retail units, a primary school, community facilities including sport pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure – APPROVED

20/00527/REM - Approval of Reserved Matters (appearance, landscape, layout and scale) of outline permission 15/00188/OUT for 260 dwellings - APPROVED

21/01487/REM - Approval of Reserved Matters (appearance, landscape, layout and scale) of outline permission 15/00188/OUT for 51 dwellings - APPROVED

22/01091/REM - Approval of Reserved Matters (appearance, layout and scale) of outline permission 15/00188/OUT for 87 dwellings – APPROVED

23/00574/REM - Approval of Reserved Matters (appearance, landscape, layout and scale) of outline permission 15/00188/OUT for 97 dwellings - APPROVED

24/00116/REM - Approval of Reserved Matters (landscaping) of outline permission 15/00188/OUT for 87 dwellings - APPROVED

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No letters of objection or third party comments have been received.

6. Consultation

- 6.1. HBBC Greenspaces Team - In terms of the boundary treatment and the soft landscaping amendments, these are in line with our recommendations. The levels detailed on the revised plan fall within the permitted standard gradients for football pitches (Maximum slope allowable, shall not exceed an even gradient of vertical to horizontal 1:41 in any direction. However, it must be free from surface depressions and excessive undulations. The information provided regarding the pitch construction and establishment is still not really clear. The revised Landscape Master plan, Rev E dated 16/05/24, only details, Football Pitch: Grass surface suitable for game situations; 0.2 wide perimeter ditch; 2m to 3m perimeter path depending on location; specification and construction to Sports England standards; or similar approved. Do we have this information from the applicant, including the specifications, as well as a detailed programme, when individual elements will take place.

Further response received - Amendments noted concerning the boundary treatment. Do we have a proposed timeline from the developer in terms of the landscaping works and construction to the pitches, and when the pavilion land will come across to us, just so we are in readiness for the construction of the pavilion / community building.

- 6.2. HBBC Compliance and Monitoring Officer - the Specification states "Applies to all plot landscape operations" I thought the request was for the specification to be specialised for a sports pitch use that was not as strict as Sport England's Guidance and not for on plot landscaped gardens? It was also my understanding that the specification would include the delineated areas for the three pitches and goal post sockets as well as the detailed specification of how the pitches are to be implemented.

Further response received – Clubhouse to be delivered as per the requirements of the S106 legal agreement. Grassed area is acceptable in the interim period.

- 6.3. HBBC Drainage - This is fairly typical of a field drainage network and as mentioned there should be no increase in overall runoff from the sports fields.

- 6.4. Sport England – An agronomy report is required which undertakes a detailed survey and provides evidence that the pitches are to be designed and maintained in accordance with Sport England Natural Turf for Sport Design Guidance.

**An agronomy report is considered to be unjustified as this is a Reserved Matters application, the application is progressed and it is unreasonable to ask for this level of details at this stage. (No such report was requested as part of the Outline).*

- 6.5. HBBC Environmental Health Team – no comments.

- 6.6. Local Highway Authority – No comments or concerns.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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 SA2: Land west of Hinckley Normandy Way Hinckley

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

7.4. Other relevant guidance/legislation

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Landscaping
- Planning balance

Principle of development

- 8.2. The outline permission for this development has been granted (15/00188/OUT) and as such the principle of development is established in this case. Landscaping is the only detailed matter to be considered as part of this reserved matters application. Access, appearance, layout and scale have all been previously determined as part of the outline application and other reserved matter details and are therefore not re-considered as part of this application.

Landscaping

- 8.3. Policy DM10 (e) of the SADMP states that development should incorporate a high standard of landscaping where this would add to the quality of the design and siting. Landscaping is the only matter for consideration as part of this reserved matters application and a plan has been submitted to illustrate landscape provision and retention of existing landscape features. Development plan policy also states that proposals for the site Land west of Hinckley should provide open space and play provision in line with Policy 19 of the Core Strategy.
- 8.4. In terms of the boundary treatment and the soft landscaping amendments, the details are in line with the Council's recommendations/requirements. The levels shown on the revised site section plan fall within the permitted standard gradients for football pitches (Maximum slope allowable, shall not exceed an even gradient of vertical to horizontal 1:41 in any direction).
- 8.5. The plans as submitted show details of the provision and location of 3x full sized adult football pitches. Two are situated in an east-west orientation and one is sited in a north-south position on the eastern side of the application site.
- 8.6. The plans include boundary treatment details between the pitches and residential development located to the south of the site. It includes timber post and rail fencing, hedgerows and planting measures. A pedestrian/cycle footpath is also shown which borders the pitches to the north, east and west of the site as perimeter route around the parcel of land. A footpath is also proposed in between two of the pitches and links to the northern edge of the site and would also provide access to the future clubhouse.
- 8.7. Seating, bins and cycle storage area also proposed as part of the overall measures for the provision of sports pitches. The cycle storage areas will be located in close proximity to the clubhouse.
- 8.8. Significant tree planting provides screening across the northern boundary and wildflower areas are shown along the north-eastern corner of the site.
- 8.9. The hatched area identified on the landscaping plan on part of the southern boundary of the site shows the future location of the clubhouse. It will form a grassed area in the interim period and a separate planning application will be submitted in due course for the clubhouse details. A timber post and rail fence is also proposed around the lawned area in the interim period to ensure that the land cannot be accessed for informal parking, but will include a timber post and rail field gate to facilitate access for maintenance.
- 8.10. Areas of bulb planting are included as part of this reserved matters application and will be located in between one of the football pitches and in front of the proposed location of the clubhouse.
- 8.11. Sport England have been consulted on this application and requested an agronomy report. It is considered by planning officers that this is an unreasonable request at the reserved matters stage of the development and no such report was required as part of the outline application.
- 8.12. Taking all the above matters into account, it is considered that the application and the latest revised plans are appropriate and the landscaping matters for this development are considered to be acceptable and in compliance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy 19 of the Core Strategy and the requirements of the NPPF.

Planning Balance

- 8.13. The principle of development for this site has been accepted and approved at the outline stage. The remaining detailed matter (landscaping) has been assessed and considered to be acceptable. As such, taking all the above details into account, this reserved matters application is recommended for approval subject to the conditions set out below.

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. **Grant Reserved Matters consent subject to the following planning conditions.**

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:
 - Site Location Plan DE_155_SP_002 Rev C
 - Landscape Masterplan DE_155_SP_001 Rev I
 - Landscape Sections DE_155_SP_003 Rev G
 - Tree Survey Plan 7535_T_01
 - Updated Cut and Fill MI100_EN_269A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD (2016), Policy 19 of the Core Strategy and the requirements of the NPPF.

2. The football pitches shall be constructed and installed only by a suitably qualified and experienced contractor or organisation with demonstrable expertise in sports pitch design and construction. Written details of the appointed contractor/organisation, including evidence of relevant professional qualifications, accreditation or industry experience, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any pitch construction works. The works shall thereafter be carried out strictly in accordance with the approved details.

Reason: To ensure that the football pitch is constructed to an appropriate standard by a competent and qualified contractor, in the interests of safety, quality and long-term usability in accordance with Policy 19 of the Core Strategy and the requirements of the NPPF.

3. The approved hard and soft landscaping scheme measures be carried out in accordance with details set out in Condition 1 and shall be carried out in the first planting season following construction of the pitches. The soft landscaping provision shall be maintained for a period of 5 years from the date of planting. During this period any trees or shrubs which die or damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that work is carried out within a reasonable timeframe and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Informatives

The conditions imposed on outline planning permission 15/00188/OUT shall also be complied with.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted proactively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).