

Delegated Report

Planning Ref: 24/01099/REM
Applicant: Agrarian Development Holdings Limited
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land south of the A5, Padge Hall Farm,
Hinckley

Proposal: Approval of Reserved Matters (Landscaping) on hybrid application 21/01191/HYB for the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices.

1. Recommendations

1.1. Approve Reserved Matters subject to:

- Planning conditions detailed at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks approval for the Reserved Matters relating to the landscaping details for the 29.8ha of land outside of the development plots associated with hybrid planning permission 21/01191/HYB at the Land south of the A5, Padge Hall Farm Hinckley.
- 2.2. The built form of the development is beyond the jurisdiction of Hinckley and Bosworth Borough Council and therefore details in relation to the on-plot layout and landscaping shall be determined as a separate Reserved Matters application by Rugby Borough Council. This is a cross-boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council, and each local planning authority has their own associated Reserved Matters application for these landscaping works (R24/1126 and 040686 respectively).
- 2.3. Hybrid planning application 21/01191/HYB was for outline planning permission (all matters reserved except for access) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary office and associated earthworks, infrastructure, and landscaping, and full planning permission for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hardstanding, parking, earthworks and landscaping. This application also included improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street.

- 2.4. The proposed landscaping works within the jurisdiction of Hinckley and Bosworth Borough Council are detailed within Sheets 3, 4, and 5 of the Detailed Planting Plans. These works include multiple damp tolerant thicket mixes of eight separate species that are located along the north-western boundary of the site and as well as along the northern boundary of the site in a southern direction that is parallel to the A5. These works are supported by woodland mix planting, mixed species native hedgerows and tree planting, and species rich grassland seeding.
- 2.5. The planting details within this application follow on from the approved Biodiversity Management Plan (BMP) and Landscape and Ecology Management (LEMP), which were permitted by the Local Planning Authority within the discharge of conditions application 24/00531/DISCON to discharge Condition 07 of 21/01191/HYB.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the south-western edge of Hinckley in the designated open countryside. The application site is within the risk impact zone of Ensor's Pool and Griff Hill, which are both Sites of Special Scientific Interest (SSSI) and is in an area known for water voles. The site is also part of a motorways and trunk roads buffer and a gas transmissions buffer.
- 3.2. The site currently features agricultural fields, the complex of buildings associated with Padge Hall Farm, and Harrow Brook extends through the site to the northwest of the site. As a result, whilst the majority of the site is within Flood Zone 1, the areas along the western and south-western boundaries of the site are within Flood Zones 2 and 3. The land is gently sloping, with the vast majority of the site falling from southeast to northwest, with a very gentle fall in land from the farm towards the eastern corner of the site.
- 3.3. The site adjoins, and is immediately to the southwest of, the A5 and the Dodwells Roundabout. Beyond the A5 is the pre-dominantly commercial and industrial built form of Hinckley including the Dodwells and Harrowbrook industrial estates. To the southeast of the site is a waste management site and the Birmingham to Leicester railway line separates the site from the wider countryside to the south, southeast, and southwest. To the west of the application site lies the urban area of Nuneaton and the A47, which connects through to the A5 to the north of the site.
- 3.4. Only approximately 75m of land southwest of the A5 is within the jurisdiction of Hinckley and Bosworth Borough Council and the vast majority of the application site is situated within the jurisdiction of Rugby Borough Council and a minor part is within the West Midlands Green Belt and the justification of Nuneaton and Bedworth Borough Council.

4. Relevant Planning History

4.1 24/00531/DISCON

- Application to discharge condition 7 (Landscape Environmental Management Plan) of planning application 21/01191/HYB
- Discharged
- 02.08.2024

4.2 24/00348/DISCON

- Application to discharge condition 3 (Archaeology) from planning application 21/01191/HYB
- Discharged
- 09.07.2024

4.3 24/00154/DISCON

- Application to discharge condition 19 (Flood Risk Assessment) from planning application 21/01191/HYB
- Discharged
- 23.09.2024

4.4 24/00153/DISCON

- Application to discharge condition 11 (Pedestrian Footway) from planning application 21/01191/HYB
- Discharged
- 25.03.2024

4.5 24/00135/DISCON

- Application to discharge conditions 5 (CEMP) and 18 (CTMP) from planning application 21/01191/HYB relating to the FULL element of the Hybrid permission
- Partial Discharge of Conditions
- 18.06.2024

4.6 21/01191/HYB

- Hybrid planning application comprising: Outline application (all matters reserved except for site access from the A5) for the demolition of existing structures and the erection of distribution and industrial buildings (Use Class B2 and B8) including ancillary offices and associated earthworks, infrastructure and landscaping; a Full application for the development of a distribution building (Use Class B8), including ancillary offices with associated access, hard standing, parking, earthworks and landscaping. The proposals

include improvements to increase the height clearance of the existing railway bridge on the A5 Watling Street. A cross boundary application with Rugby Borough Council and Nuneaton and Bedworth Borough Council (EIA development)

- Permitted
- 20.12.2023

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, and a notice was displayed in the local press.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- Leicestershire County Council (LCC)'s Ecology Department
- Local Highway Authority (LHA)
- National Highways
- Warwickshire County Council

Rugby Borough Council (RBC)

6.2 Rugby Borough Council (RBC) are undertaking their own full assessment of the Reserved Matters landscaping details within the site within their planning application R24/1126 and therefore did not comment on this application.

Nuneaton and Bedworth Borough Council (NBBC)

6.3 Nuneaton and Bedworth Borough Council (NBBC) are undertaking their own full assessment of the Reserved Matters landscaping details within the site within their planning application 040686.

6.4 Although NBBC's Open Space Officer and Warwickshire County Council (WCC)'s Ecology Officer originally raised concerns with the scheme, the Applicant highlighted that the proposed planting and species mixes were compliant with the approach approved within the discharge of Condition 14 of NBBC's planning permission 038340 via application 040316. These works were also approved by Condition 43 of RBC's Section 73 planning application R24/0081, and Hinckley and Bosworth Borough Council's discharge of Condition 07 of planning permission 21/01191/HYB via 24/00531/DISCON. On this basis, NBBC advised that the development was approved as submitted, subject to final comments.

Network Rail

- 6.5 Network Rail strongly recommended that the Applicant undertakes early engagement with them in the development process. Network Rail highlighted that no works are to commence within the site until agreed with Network Rail and any works within the site must be undertaken with supervision of National Rail via the ASPRO (Asset Protection) Team to ensure that the works on site do not impact the safe operation, stability and integrity of the railway and its boundary. The Applicant shall be liable for all costs incurred by National Rail in facilitating and reviewing this proposal.
- 6.6 Given the above, Network Rail requested a Risk Assessment and Method Statement (RAMS), including an assessment of any vibration impacts, and details of the proposed surface water and foul water drainage systems, vehicle safety protection measures along the boundary of the railway, ground levels and earthworks, fencing, and scaffolding works to be secured via as planning conditions. Network Rail have also requested a Basic Asset Protection Agreement (BASA) between them and the Applicant.
- 6.7 *Planning Officer Comments: This Reserved Matters application is only in relation to the landscaping details within the jurisdiction of Hinckley and Bosworth Borough Council for land outside of the development plots. Therefore, details such as drainage and ground levels cannot be secured at this stage. However, it is noted that drainage details and a Construction Environmental Management Plan (CEMP) are secured via Conditions 2, 5 and 19 of 21/01191/HYB.*
- 6.8 Network Rail also stated that no trees shall be planted next to the boundary with the railway land and the operational railway, except for evergreen shrubs, which shall be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height. The vegetation planting must be in line with the matrix, which has been agreed with the Tree Council to prevent any long-term issues with leaf fall impacting the operational railway.

Other Consultee Responses

- 6.9 Natural England and the Canal and River Trust didn't make any comments on this application. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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
- Policy DM20: Provision of Employment Sites

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)

8. Appraisal

8.1. The principle of the development was approved via hybrid planning application 21/01191/HYB. The current Reserved Matters application only seeks approval for the landscaping details of the development on land outside of the development plots.

8.2. There are no neighbouring residential properties in the immediate vicinity of the site and Leicestershire County Council's Highways Department confirmed that the current application was not considered to have a material impact on the public highway, which was supported by the absence of any objections to the proposal from National Highways or Warwickshire County Council's Highways Department.

8.3. Given the above and the fact that the current application only seeks approval for the landscape works in the proposal, the key issue(s) in respect of this application are therefore:

- Design and impact upon the character of the area

Design and Impact upon the Character of the Area

- 8.4 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.5 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.6 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7 Only Detailed Planting Plans 03, 04, and 05 relate to land within the jurisdiction of Hinckley and Bosworth. The proposed planting and species mixes were compliant with the approach approved within the Council's discharge of Condition 07 of planning permission 21/01191/HYB via 24/00531/DISCON. Given the above, the landscape details are acceptable and are not considered to result in any significant adverse impacts to the character of the surrounding area in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

- 10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that the reserved matters landscaping details for land outside of the approved development plots are approved, subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Approve Reserved Matters** subject to:

- Planning conditions detailed at the end of this report.

11.2 Conditions and Reasons

1. The soft landscaping scheme shall be carried out in accordance with the following plans:
 - Detailed Planting Plan (Sheet 1 of 5) (2409-24-01) (S5) (00) (submitted: 02.12.2024)
 - Detailed Planting Plan (Sheet 2 of 5) (2409-24-02) (S5) (00) (submitted: 02.12.2024)
 - Detailed Planting Plan (Sheet 3 of 5) (2409-24-03) (S5) (00) (submitted: 02.12.2024)
 - Detailed Planting Plan (Sheet 4 of 5) (2409-24-04) (S5) (01) (submitted: 02.12.2024)
 - Detailed Planting Plan (Sheet 5 of 5) (2409-24-05) (S5) (01) (submitted: 02.12.2024)
 - Location Plan (2409-2407) (S5) (02) (submitted: 02.12.2024)

The approved landscaping works shall be implemented in the first planting season following the first occupation of the site. The soft landscaping 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 seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the

adopted Site Allocations and Development Management Policies
Development Plan Document (2016).