

Delegated Report

Planning Ref: 24/00077/CONDIT
Applicant: Mr Mitesh Rathod
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land North East Of Triumph Motorcycles Ltd Normandy Way

Proposal: Variation of Condition 1 of planning application 22/01091/REM. Addition of Electric Substation between plot 5 and 6.

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 proposes a Section 73 amendment to an existing reserved matters planning permission (appearance, layout and scale) for 87 dwellings, originally approved in June 2023.
- 2.2. The amendments are as follows:
- Addition of Electric Substation between plot 5 and 6.

3. Description of the site and surrounding area

- 3.1. The site is located to the west of Hinckley, approximately 2km from the town centre. Phase 8 forms one of the northern-most elements of the approved 'Hinckley West' scheme. Located adjacent to the primary school site it is bounded by open space to the north (playing fields / sports pitches), south (central parkland) and west (open countryside).

4. Relevant planning history

15/00188/OUT

- Erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- Outline permission
- 03.05.2018

18/00563/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings
- Approval of reserved matters
- 16.11.2018

20/01236/ADV

- Residential development advertising signs and company Flags
- ADV
- 01.02.2021

21/00977/DOV

- Deed of Variation proposal to amend section the 106 agreement dated 26 April 2018 BY AGREEMENT relating to application 15/00188/OUT to request that Bloor Homes can transfer the POS directly to a private management company rather than have a residential management company
- Deed of Variation
- 04.03.2022

22/01091/REM

- Approval of reserved matters (appearance, layout and scale) of outline planning permission (ref: 15/00188/OUT) for residential development of 87 dwellings
- Approval of reserved matters
- 27.06.2023

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. No representations received.

6. Consultation

- 6.1. No objections / comments from:
- HBBC Environmental Services
 - National Grid
 - LCC Highways

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy SA2: Land west of Hinckley, Normandy Way, Hinckley
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM6: Enhancement of biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- 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)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.2 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy SA2 of the SADMP, allocates Land West of Hinckley for the proposal of a residential development with a neighbourhood centre and primary school. The proposal would therefore be acceptable in terms of the strategic planning principles subject to all other planning matters being satisfactorily addressed. Therefore, the application considers the impact of the proposed minor material amendments on:

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Design and impact upon the character of the area

8.3 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.4 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.

8.5 The introduction of a substation between plots 5 and 6 would result in a minor visual change to the character of the street scene, with a substation design which is expectedly utilitarian in its form and appearance. The substation would measure 4m in width, 4m in depth and 2.8m at the eaves, featuring a fully hipped roof, constructed of facing brickwork. There are suitable boundary treatments to be put in place to limit the prominence of the substation in the street scene. In terms of form,

scale, and detailing the substation is in keeping with the development overall. No objections have been received, and the proposal is considered to comply with Policy DM10 of the SADMP as there would be no significant adverse impact on the character of the street scene.

Impact upon neighbouring residential amenity

- 8.6 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.7 The proposed substation would retain adequate outdoor amenity space for the occupiers of plots 5 and 6 and would not be of a scale that would lead to unacceptable over dominant or overbearing impacts. Furthermore, HBBC Environmental Health have no objections to the proposal in terms of noise and disturbance. The proposal complies with Policy DM10 of the SADMP in this respect.

Impact upon highway safety

- 8.8 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 115 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.9 The proposed changes do not have any implications on the required level of parking and the access to the site and road layout remains unchanged. The Local Highway Authority has no objections to the proposal.

Previously imposed conditions

- 8.10 As a Section 73 amendment, any permission is a stand-alone approval and so it is necessary to consider whether it is appropriate to re-impose the conditions attached to the latest permission granted under 22/01091/REM. The permission was subject to 9 conditions.
- 8.11 The remaining 9 conditions continue to be relevant, although with wording to reflect the proposed changes.

9. Equality implications

- 9.2 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.

- 9.3 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.
- 9.4 There are no known equality implications arising directly from this development.
- 9.5 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. The proposed amendment to the approved development is considered to be acceptable and are in keeping with the character of the scheme as originally approved. There are no adverse implications on the character of the area, neighbouring residential amenity, or highway safety and as such the proposal complies with the relevant Development Plan policies identified above. Conditions relating to access, drainage, PROW and sustainability measures remain relevant and are included below.

11. Recommendation

- 11.1 **Grant planning permission** subject to :

- Planning conditions outlined at the end of this report

11.2 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 Layout - Drg No. J112-BRP-00-00-DR-A-0102-P12 received 22/01/2024
 - Proposed Landscaping Management - Drg No. J112-BRP-00-00-DR-A-0105-P02 received 05/06/2023
 - Proposed House Type Pack received 17/11/2022
 - Vehicle Tracking & Highways J112 0103-P01 received 06/04/2023
 - Proposed substation Elevations, Sections and Plans – Drg. No. GTC-E-SS-0012_R2-2_1_of_1 received 22/01/2024

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 development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Jelsons drawing number brp drawing number J112-BRP-00-00-DR-A-0103-P01. Thereafter the onsite parking provision shall be so maintained 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 the National Planning Policy Framework (2021).

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

4. The development hereby permitted shall not be occupied until such time as 2 metre by 2 metre pedestrian visibility splays have been provided on both sides of the private driveways for plots 42-45, 71 - 76 and 83 - 87, and 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways of all other plots. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2023).

5. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM7 of the SADMP.

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with policy DM17 of the SADMP and the National Planning Policy Framework (2023).

7. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with policy DM18 of the SADMP and the National Planning Policy Framework (2023).

8. No development shall take place above ground level until a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the

Local Planning Authority. Such a scheme shall include provision for their surfacing, drainage, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To protect and enhance Public Rights of Way and access in accordance with the National Planning Policy Framework (2023).

9. Notwithstanding the submitted application documentation, prior to the commencement of above ground level, details of the sustainability measures to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development incorporates sustainable design features to accord with Policy DM10 of the SADMP.

11.3 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. 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.
3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local

Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>