

Delegated Report

Planning Ref: 24/00116/REM
Applicant: Jelson Ltd.
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Land North East Of Triumph Motorcycles Ltd Normandy Way

Proposal: Approval of reserved matters (landscaping) of outline planning permission (re: 15/00188/OUT) for the residential development of 87 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 proposal is a reserved matters application for the residential development of 87 dwellings (phase 8). This application is for the consideration of landscaping following the approval of outline permission 15/00188/OUT for the erection of up to 850 dwellings, 500m² of retail units, 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).

2.2. The application has been supported by a Landscape Proposal which was amended following comments from the Local Highway Authority.

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. The application site comprises of a northern parcel of land, surrounded on three sides by separate phases of the wider development, with open countryside to the west.

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

20/00527/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
- 25.09.2020

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

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 comments received.

6. Consultation

- 6.1. No objections, some subject to conditions have been received from:-
- Nuneaton & Bedworth Borough Council
 - Leicestershire County Council (Highways)
 - Leicestershire County Council (Ecology)
 - HBBC (Environmental Health)

7. Policy

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 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 DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 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. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Housing Mix
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Drainage
- Other matters

Assessment against strategic planning policies

- 8.2 In this instance, the principle for development within this area has already been established through the earlier grant of Planning permission (15/00188/OUT) for a total of 850 dwellings, with this phase (phase 8) amounting to 87 dwellings. The outline permission also approves development for several other uses and development types, such as a school and retail facility however these elements are identified in other phases of the development and have/will been/be dealt with through separate reserved matters applications.

- 8.3 The proposal would therefore be acceptable in terms of the strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 7.5. 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 recently adopted HBBC The Good Design Guide 2020.

- 8.4 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 upon the urban fringe of Hinckley. The principles of the design and layout of the scheme are outlined within the approved Design and Access Statement. The Design and Access statement and the Development Framework Plan highlights that the design of the scheme is landscape led and it should be ensured that existing key landscape features are retained and improved.

- 8.5 The east to west pedestrian link is included within the landscape proposals, and the Public Right of Way (Footpath T53/5) is retained and enhanced. The Land Use plan denotes a buffer zone to the existing hedgerow along the western boundary of the site, which is included within these proposals. There is intermittent tree and hedgerow planting as well as retention of existing trees and hedgerows. The surface treatments include amenity grass turf in private gardens, and a mix of wildflower/grass and clover rich amenity grass which is acceptable. There is a large feature tree in the centre of the site, which is to be retained, around which a public

square has been created as a green refuge area, adjacent to the east to west pedestrian link.

- 8.6 The are landscape principles outlined above are in general accordance with the approved DAS, and reflect the previously agreed principles and is considered to comply with policy DM10 and the Good Design Guide.

Impact upon highway safety

- 8.7 Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the 6C's guidance outlined by Leicestershire County Council Highways Authority.
- 8.8 During the application, amended plans have been received following comments from the Local Highway Authority. The revised drawings have been amended to ensure that there is an acceptable impact on footpaths T53/5 and U6.
- 8.9 The LHA previously highlighted that the Detailed Landscape Proposal drawings 1 of 6 and 6 of 6 adversely affected the public rights of way. Planned tree and hedgerow planting would obstruct the route and there was no specification for surfacing. The amended Detailed Landscape Proposals (1 of 6, Drg No. 23.1825.001 Rev A and 6 of 6, Drg No. 23.1825.006 Rev A) now fully address those issues for footpath U6.
- 8.10 The LHA do however advise that on the Detailed Landscape Proposals plan 6 of 6 (on both the original and Rev A) near the bottom left-hand corner is an annotation saying: 'Pink dashed line denotes position of Public Footpath T53/5 (note: route to be maintained although outside application'.) It should be noted this note remains unexplained. Within the overall Hinckley West development under outline permission 15/00188/OUT which the Applicant is responsible for, that section of public right of way and the land around it, consideration should be given to the surfacing for this section of the footpath and by whom. Nevertheless, the LHA consider this matter is beyond the remit of this application, given it is outside of the red line boundary.
- 8.11 Accordingly, the LHA raises no objections and states that subject to conditions the proposed development would not result in unacceptable impact upon highway safety and footpaths and therefore is considered to accord with Policy DM17 of the SADMP and the NPPF.

Ecology

- 8.12 Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.13 The application has been subject to consultation with Leicestershire County Council (Ecology) who have confirmed there is no objection to the proposed development, subject to the submission of a Landscape and Ecological Management Plan by way of a condition to ensure the protection and enhancement of ecology and biodiversity of the site. The proposal is therefore in accordance with Policy DM6 of the SADMP.

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. The principle of development has been established through the granting of the outline planning permission 15/00188/OUT.
- 10.2. The landscaping of the proposal is considered acceptable in accordance with the design principles outline within the approved DAS to accord with Policy DM10 of the SADMP.
- 10.3. landscaping provisions and biodiversity improvements alongside the drainage SUDs areas in accordance with Policy DM6 of the SADMP.

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 approved hard and soft landscaping scheme shall be carried out in complete accordance with the submitted application details, as follows:

Site Location Plan, Drg No. J112-BRP-00-00-DR-A-0100-P01
 Landscape Proposal, 1 of 6, Drg No. 23.1825.001 Rev A
 Landscape Proposal 2 of 6, Drg No. 23.1825.002
 Landscape Proposal 3 of 6, Drg No. 23.1825.003
 Landscape Proposal 4 of 6, Drg No. 23.1825.004
 Landscape Proposal 5 of 6, Drg No. 23.1825.005
 Landscape Proposal, 6 of 6, Drg No. 23.1825.006 Rev A

The hard landscaping scheme shall be carried out and completed prior to the first occupation of any dwellings. The soft landscaping scheme shall be carried out during the first appropriate planting season following the date when any of the dwellings are first ready for occupation and 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.

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. No development above ground level shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- a) description and evaluation of the features to be created/managed
- b) aims and objectives of management
- c) appropriate management options for achieving aims and objectives
- d) prescriptions for management actions
- e) work schedule
- f) species/seed mixes to be planted/sown
- g) ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the development does not have a detrimental impact on biodiversity and protected species in accordance with policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 180 of the NPPF (2023).

11.3 Notes to applicant

1. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
2. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
3. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
4. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
5. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
6. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
7. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the

Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.