

Design, Access & Planning Statement

Reserved matters application for the erection of 9 no dwellings land rear of Cornerfields, Nutts Lane, Hinckley, LE10 3EG.

April 2023

Introduction

This statement is submitted in support of the reserved matters application for the erection of 9 no dwellings land rear of Cornerfields, Nutts Lane, Hinckley, LE10 3EG.

This Statement has been prepared in accordance with the requirements of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the provisions of the Town and Country Planning (General Development Procedure) (Amendment) Order 2010 and Town and Country Planning (Development Management Procedure) (Amendment) Order 2015.

In accordance with the National Planning Policy Guidance (NPPG), the level of detail presented in this statement is proportionate to the scale and complexity of the application. References were made to the relevant planning policies. These are predominantly the adopted and saved Local Plan policies as they take primacy in the determination of such an application where they are NPPF & NPPG compliant.

Relevant Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

National Policy Guidance

National Planning Policy Guidance (NPPG) April 2014
National Planning Policy Framework (NPPF) Feb 2019
Community Infrastructure Levy (CIL) Regulations 2010

Core Strategy & Development Management Policies DPD

Policy DM1: Presumption in Favour of Sustainable Development.
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM10: Development and Design.
Policy DM17: Highways and Transportation.
Policy DM18: Vehicle Parking Standards.

Principle and other material planning considerations

The Written Ministerial Statement Planning for Growth and Laying the Foundations emphasized the Government's approach to house building and the need to provide action to build more houses and to boost economic growth. Although now superseded by the NPPG, it remains fully reinforced by the NPPF (Feb 2019) where the Government's aim remains to significantly boost the supply of housing.

The NPPF identifies three dimensions to sustainable development giving rise for the planning system to perform the roles below:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right

time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

Furthermore, LP policy should follow the approach of the presumption in favour of sustainable development where such development should be supported when weighing all of the provisions of the NPPF2 as a complete document.

The Government is committed to ensuring the planning system should not act as an impediment to housing provision. All Local Authorities need to significantly boost the supply of housing irrespective of the status of the immediate 5 YHLS. In reference to their report “Building More Homes” (July 2016) the cross-party House of Lords Economic Affairs Committee Chairman Lord Hollick stated:

“We are facing an acute housing crisis with home ownership – and increasingly renting-being simply unaffordable for a great many people. The only way to address this is to increase supply. The country needs to build 300,000 homes a year for the foreseeable future.”

This conclusion was reinforced in November 2016 when the RPTI released a Policy Statement on identifying new housing development opportunities entitled: *Where should we build more homes?* Under section “land within existing built up areas will not meet all our needs” the Statement concludes:

“Even with an enhanced urban renewal and regeneration programmes of action and funding, land within existing built up areas will not meet all our housing needs in full. Some of the future housing needs will have to be met on greenfield land around our towns and cities. The experience of our members clearly indicates that this can be done without undermining the priority to be given to brownfield sites through a planned, managed and phased approach to development.”

The conclusions contained in the above reports “Building more Homes” and “Where should we build more homes?” are reflected in Planning White Paper: “Planning for the Future” (2020) that states:

“Technology, the way we work and live and our understanding of the value of the environment have been transformed since the Town and Country Planning Act of 1947. The planning process has failed to keep pace. It is now complex, out-of-date and fails to deliver enough homes where they are needed. We will act to change this.”

And

“Reviewing the formula for calculating Local Housing Need – we will introduce a new approach which encourages greater building within and near to urban areas and makes sure the country is planning for the delivery of 300,000 new homes a year.”

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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP). 8.4. The Emerging Local Plan for 2020-39 has been out for consultation at Regulation 19 draft stage (February to March 2022). The LDS as amended December 2022 anticipates that the Plan will be submitted in summer 2024, and an estimated date for examination in 2025.

Relevant Planning History

20/01289/OUT: Erection of 9 no. dwellings (outline - access only) Approved 14th May 2021.

Local List Requirements

Due to the scale and nature of the proposal, the level of detail submitted with the application is considered proportionate. Schedule 4 of the DMPO details the statutory consultations required *before the grant of permission*. If during the determination period the statutory consultees request additional information and this is not provided by the applicant, the LPA could refuse the application for this reason. On this basis this section forms a notice under Article 12(1) (DMPO Amended July 2015) as the applicant considers the submitted information meets the requirements set out in article 34(6)(c) and any other information contained in the adopted Local List should be waived allowing the immediate validation of the application.

Amount, Layout & Design

The Town and Country Planning (Development Management Procedure) (England) Order 15th April 2015 states, except where article 5(3) applies, an application for outline planning permission does not need to give details of any reserved matters.

The Framework seeks to protect communities from inappropriate development but not to curtail development where it accords with Local Plan policy. Planning policies and decisions should no longer attempt to impose architectural styles however it is proper to seek to promote or reinforce local distinctiveness and reflect the adjacent built form.

The Framework supports the efficient use of land where there are clear social, economic and environmental benefits and that each application should be judged on its individual merits. Currently the tilted balance contained within the Framework is engaged as the LPA cannot currently demonstrate a robust 5YHLS and the policies related to existing settlement boundaries are out of date.

On this matter the delegated report for permission 20/00436/OUT states:

“The grassed paddock is largely undeveloped other than for a few outbuildings and therefore residential development would alter its current predominantly verdant character. However, by virtue of the site being enclosed by a railway embankment to the northwest and existing residential properties to the east, the site does not provide any significant contribution to public amenity.

Site layout, scale, appearance and landscaping remain reserved matters for separate subsequent application and assessment. Notwithstanding this, by virtue of the size of the

application site and its relationship to the existing neighbouring dwellings, it is considered to be likely that the site could be developed for up to four new dwellings with satisfactory separation distances, private amenity and parking and turning facilities in accordance with the principles of the adopted Good Design Guide and current Highways Design Guidance and that such a development would complement the density of neighbouring development plots. Although the proposal would result in a form of back-land development, this would not be significantly out of character with, or result in any significant harm to the character of the surrounding area in this case. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP subject to the future approval of satisfactory layout, scale, appearance and landscaping."

With the proposed sensitive design and the retention of the mature vegetation along the existing boundaries, the development would be readily assimilated into the character of the area by incorporating sympathetic design clues whilst still retaining appropriate plot sizes thereby reflecting the residential infill development that has taken place directly to the north and east of the site in recent years.

Access Parking & Sustainability

A new access will be created and parking can be accommodated within the scheme to meet the necessary requirements for each dwelling where Nutts Lane is publicly maintained therefore the development would be served from an adopted road frontage.

PPG13 and associated guidance is replaced by the NPPF that states:

"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."

When considering the above, the modest amount of development and the percentage impacts of this traffic are considered minimal meaning the impact of the development will have effectively 'nil detriment' and will not therefore adversely affect the current road network capacity.

Landscape, Ecology & other considerations

Careful consideration was given to the Ecology Trigger list and the existing mature perimeter vegetation will be retained and managed where appropriate to assimilate the development within the local context. In terms of surveys, the recommendations included within the accompanying reports can be readily and implemented within the scheme.

Drainage

Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding within the vicinity of the proposal, and the submitted SuDS drainage report confirm compliance with all relevant policy considerations.

Affordable Housing & S106 Contributions

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Any contributions sought by the LPA will have to provide a site specific analysis of the impact of the proposed development upon on existing services. A description of how the contributions would be spent to specifically address those impacts and the timeframe will also form part of the justification.

If the LPA can demonstrate that any contributions are necessary to make the development acceptable in planning terms, that they are directly related, are fairly and reasonably related in scale and kind to the development, then in accordance with Regulation 122, the applicant would agree to the request of the associated contributions. The contribution will be secured via a signed Unilateral Undertaking or S106 upon receipt of the detailed justification supplied to the applicant by the LPA.

Conclusion & Justification

In common with the neighbouring authorities of Harborough, Rugby and North Warwickshire the LPA are also undertaking a review of the Core Strategy covering 2016 to 2039. Alongside this the Government has published its proposed changes to the standard methodology whereby the Local Housing Need for HBBC could potentially increase by up to 100% per annum. Therefore and notwithstanding the current 5YHLS situation, it is clear a significant step change in the delivery of housing will need to continue within the Borough particularly following the extensive delays surrounding the major residential developments of the Barwell and Earl Shilton SUE.

From this policy perspective there is only moderate localised harm and very limited impact on the wider existing character given the recent residential development and existing land uses directly adjacent to the site. It is therefore considered that any harm identified to the character and appearance of the site subject to Policy DM4 would not significantly and demonstrably outweigh the overall benefits of the scheme. Therefore the presumption in favour of sustainable development is wholly applicable in this instance when all the material considerations are taken in the round.

By contributing to the Council's 5 year rolling supply of housing the proposal represents the type of organic, integrated and sustainable growth that is appropriate within the local context and supported by the direction of travel in terms of Government policy, recent appeal decisions and the key policy objectives of the existing and emerging Core Strategy.