

Delegated Report

Planning Ref: 23/00574/REM
Applicant: Bloor Homes East Midlands
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

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

Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 2 of outline planning permission 15/00188/OUT for the residential development of 97 dwellings (Phase 4)

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This is a reserved matters application for the residential development of 97 dwellings including open space areas. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 15/00188/OUT for the 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). The outline application (15/00188/OUT) was supported by a development framework plan and a design and access statement which conditions 3, 4 and 5 of the outline permission require any reserved matter to follow the principles set in these documents. This proposal represents phase 4 of the development.

2.2. There are 17 different house types proposed for the site with a range of designs and materials, including brick, render and grey cladding. The proposed 97 dwellings are to be made up of:

- 10 two bedroom dwellings
- 40 three bedroom dwellings
- 47 four bedroom dwellings

2.3. Of these 260 dwellings 14 are affordable with a 50:50 tenure split between rented and shared ownership. The dwellings across the site are a mixture houses, both 2, and 2 and a half storey, including terraced, semi-detached and detached designs. The proposal includes a number of formal and informal green spaces and SUDs features including a play area to the central eastern area of the site.

2.4. The application has been accompanied by an updated development brief to demonstrate compliance with the approved Design and Access Statement for the outline planning permission in accordance with Condition 5 of the outline permission.

2.5. Amended plans have been received throughout the course of the application responding to comments from both officers and consultees.

- 2.6. The application has been submitted simultaneously with a full planning application for the further development of the residual land within the site that benefits from the existing outline planning permission, and additional land adjacent to the Triumph Motorcycles factory and extending north alongside the A47, that also forms part of the SADPD allocation site but was excluded from the original outline planning application. Whilst there are separate applications for adjacent parcels of land, a single comprehensive and cohesive scheme is proposed with consistent design principles to ensure cohesion between the two sites. The full planning application is pending consideration at this time.

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 outline application site is 15.21 hectares (ha) of agricultural land. The application site comprises phase 4 of the development and relates to a parcel in the south eastern corner of the wider outline site. The site adjoins the wider residential development to the north of the site with Phase 5 of the Normandy Fields development to the west. The associated full application fills the land between the application site and the Triumph site to the south and Normandy Way to the west.
- 3.2. Hedgerow lies to the northern boundary and part of the western boundary, otherwise there are few landscape features on the site.

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 approval
- 03.05.2018
- 26.08.2020

Various REMs, NMAs, DISCONs and CONDIT applications have been submitted since the outline approval.

23/00573/FUL

- Full planning application for 153 dwellings with a vehicular access from the factory access road and existing roundabout on the A47, drainage, landscaping, public open space, ground remodelling and supporting infrastructure and utilities.
- Full application- adjacent site
- Pending Consideration

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 comments were received

6. Consultation

6.1. No objections, some subject to conditions have been received from:

- National Highways (No conditions)
- Environment Agency (No conditions)
- Nuneaton & Bedworth Borough Council (No conditions)
- Leicestershire County Council (Highways) (Conditions)
- Leicestershire County Council (LLFA) (No conditions)
- HBBC (Environmental Health) (No conditions)
- HBBC (Conservation Officer) (No conditions)
- HBBC (Affordable Housing) (No conditions)
- HBBC (Waste Services) (No conditions)
- NHS (No conditions)
- Leicestershire County Council (Ecology) (No conditions)
- Leicestershire Policy (No conditions)

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

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 Borough's 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

- Affordable Housing SPD
- 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
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology

Assessment against strategic planning policies

8.2. The principle of residential development on this site has been established by the approved outline permission (15/00188/OUT) for a total of 850 dwellings.

8.3. The application includes a range of dwelling types from 2-4 bedroomed dwellings and apartments. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings using the most up to date housing market assessment or local evidence. The most up to date housing market assessment is the Housing and Economic Needs Assessment (HEDNA) 2017. This identifies within table 55 the suggested mix for housing.

Number of bedrooms	HEDNA suggested housing mix	Proposed mix for this application
1	0-10%	0%
2	35-45%	10%
3	45-55%	40%
4	5-15%	48 %

8.4. It is clear from the table above that the development provides less 2 bedroom properties than the suggested mix in the HEDNA and more 4 bedroomed properties than the suggested mix in the HEDNA. The outline application is for 850 dwellings and will be built out over an approximate 10 year period. The need for housing type and mix may vary over time and therefore the total mix and provision of the whole outline site may differ to the phases for consideration in this application. With these issues in mind it is considered that the mix of housing is acceptable as proposed for these phases and whilst not in strict accordance with the suggested HEDNA mix.

8.5. The proposal includes 20% affordable housing with a 50:50 tenure split of rented and shared ownership affordable housing. The policy requirement is for development to deliver a tenure split of 75% affordable rent housing and 25% shared ownership. However an agreement was reached for this development that the tenure split would be 50% affordable rent and 50% shared ownership. The mix of dwelling types is set out in the section 106 agreement for the whole development. As this development is being delivered over a number of phases, the mix varies

slightly on any given phase, but the overall delivery at the completion of the entire development will meet the agreed number of property types. Due to the extra care scheme falling away, delivery is measured against Option B base mix for all general needs housing. The affordable housing on this phase is not spread throughout the development, but is provided on one cluster. As the majority of the affordable housing on this phase is for affordable home ownership, to make up the shortfall on previous phases, the location of the housing on one area is acceptable for this phase. The delivery of affordable housing overall on this development is therefore consistent with the requirements set out in the section 106 agreement and the mix and tenure of the proposed dwellings is therefore in accordance with Policy 15 and Policy 16 of the Core Strategy and Policy SA2 of the Site Allocations and Development Management Policy DPD (SADMP).

- 8.6. The outline permission also approves development for a number of 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.

Design and impact upon the character of the area

- 8.7. 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.
- 8.8. 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.
- 8.9. The proposed site layout for Phase 4 illustrates general compliance with the layout principles for set out within the outline approval. It would create a series of perimeter blocks, with dwellings positioned and orientated to facilitate private gardens located within the centre of the blocks. All dwellings would be positioned to allow for appropriate separation distances between houses. Front boundaries would broadly reflect the proposed street hierarchy with formal hedges and street trees along the primary street boundaries and informal hedges and street to trees to break up street parking on side streets and Green edges
- 8.10. The access arrangements reflects the overall approved Development Framework with a continuation of the lopped internal primary street which will link up with the existing phase to the north and future phases to the west. Of note is that subject to the approval of the FULL planning application the phase will also lead to a north/south primary link from the southern roundabout on Normandy Way. The inclusion of this with associated street hierarchy is judged to be acceptable.
- 8.11. A key difference between the approved Outline DAS and present scheme is the delivery of a Residential Square as proposed in the DAS. In the proposal two nodes are proposed in the field parcel (inclusive of the pending FULL application). The simultaneously submitted Full Application defines a Residential Square as an arrival space from the south, whilst this RM submission is inclusive of "Play Green" a landscape-led square further north. The "Play Green" is at a key junction along the

Primary Street, with the house types surrounding it, including the use of 2.5 storey dwellings creating a focal and more formal area. This is judged to be an acceptable diversion from the DAS.

- 8.12. The “Play Green” is sited reasonably centrally within the scheme and is sized to accommodate a LEAP. Natural and semi-natural green corridors, including pedestrian links, are proposed along the norther and western boundary of the phase. The SuDS basin is proposed in the north western corner of site, all broadly consistent with the DAS and outline planning application. With the exception of a small length of hedgerow along the western boundary which would need to be removed (as anticipated) to facilitate the primary access street the proposal retains existing hedgerows and trees which are around the edge of the site. These are incorporated into the landscape principles which as above are in general accordance with the approved DAS.
- 8.13. Dwelling heights are predominantly 2 storey, with some use of 2.5 storey buildings in focal areas such as around the play area green. The house types do depart from those on existing phases of development, offering a more contemporary appearance through the introduction of grey cladding and use of flat roof porch/canopies and bay windows. The differing use of house types will certainly be noticeable from adjacent phases, however, the predominant material types of red brick, with some render, and architectural features such as the bay windows with the overall proportions of the dwellings will provide sufficient cohesion.
- 8.14. Overall the design of the development is judged to reflect the previously agreed principles and is considered to comply with policy DM10 and the Good Design Guide.
- 8.15. Due to the location of these parcels of land within the centre of the outline site it is not considered that the proposals would harm the setting or impact the character or the Ashby Canal Conservation Area or the Grade II listed building Wykin Farmhouse, therefore Policies DM11 and 12 are not relevant to this application.

Impact upon residential amenity

- 8.16. Policy DM10 requires development to not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. This is also supported through the recently adopted HBBC The Good Design Guide 2020.
- 8.17. The proposed dwellings are considered to have appropriate separation distances and appropriate private rear amenity spaces. The outline permission includes conditions to protect the amenity of future residents including no burning of materials (condition 27), air quality assessment for each phase (condition 32), noise impact assessment and mitigation measures for each phase (condition 33). The proposal would therefore provide acceptable residential amenity provisions for future residents on the scheme.
- 8.18. The development is therefore considered to be in accordance with Policy DM10 of the SADMP and The Good Design Guide SPD 2020.

Impact upon highway safety

- 8.19. Policy DM17 requires, where appropriate, that improvements are undertaken to the highways and transportation network to limit any significant impacts arising from the development and all new developments should reflect the highway design

standards (The 6 C's Design Guide). Policy DM18 of the SADMP requires new development to provide an appropriate level of parking provision.

- 8.20. Leicestershire County Council (Highways) reviewed the application and have no objections, subject to conditions. Some small issues have been raised with regards to the internal layout, however these are only small alterations that are needed and can be dealt with under Highways Legislation under Section 38 applications directly to LCC Highways. These alterations are not likely to alter the layout to impact the developer developing in accordance with the plans and it is therefore considered the amendments are not needed prior to the determination of this application.
- 8.21. A number of conditions are requested by Leicestershire County Council Highways, including drainage details, visibility splays, removal of permitted development for access gates, barriers and the surfacing of private drives. These conditions are not considered reasonable as many of the details have been submitted and are to be approved on the plans. Additionally the removal of permitted development rights for the erection of gates/barriers for accesses each dwelling is not considered necessary as it would not cause a significant highway issue within a residential estate.
- 8.22. The application includes adequate visibility provisions, parking provisions in the site and speed reduction measures which are in accordance with the Leicestershire Highways Design Guidance. The applicant has indicated that the main roads within the development are to be adopted and have designed it to meet the requirements of adoption and subject to some minor alterations at the Section 38 stage this is considered to be achievable.
- 8.23. The layout and general parking provision within the site is in accordance with the Leicestershire Highways Design Guide and would not be detrimental to highway safety and is in accordance with Policy DM17 and DM18 of the SADMP.

Ecology

- 8.24. Policy DM6 states that major developments 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.
- 8.25. There are no objections from Leicestershire County Council (Ecology) and it is noted that there is a requirement within the outline planning permission for the submission of a Water Vole Mitigation Strategy prior to commencement (Condition 14), a re-survey of ecological plans (condition 19 and 20) and other ecology conditions which ensure protection (conditions 15-18) these have all now been discharged under 19/00870/DISCON and 20/00691/DISCON. A query was raised from LCC ecology as to whether the storm drain within the water vole exclusion zone is existing rather than proposed, it was confirmed this is an existing arrangement.
- 8.26. The proposal is therefore considered to protect and enhance the ecology and biodiversity of the site and is in accordance with Policy DM6 of the SADMP.

Other Matters

- 8.27. The outline planning permission includes conditions requiring the submission of a contaminated land survey (condition 29 and 30) and are not matters which need to be discussed in this application. Details for this have been discharged under 19/00870/DISCON and 20/00626/DISCON.

- 8.28. The outline permission included a Section 106 which outlined the developer contributions necessary in line with Policy DM3 of the SADMP, so no further contributions are required through this permission.
- 8.29. The outline planning permission includes conditions requiring a written scheme of investigation for archaeological investigations (condition 21 and 22) and therefore this matter does not need to be investigated further as part of the reserved matters application. Condition 21 has been discharged under 19/00870/DISCON.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning 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 appearance, landscaping, scale and layout is considered acceptable and in accordance with the design principles outlined within the approved DAS. The range and mix of house types, tenues and designs are appropriate and provide a sustainable development in accordance with Policy 15 and 16 of the Core Strategy and Policy DM10 of the SADMP.
- 10.3. The access into the site was approved through the outline planning permission. The internal layout and parking provision is in accordance with the Leicestershire Highways Design Guidance and is therefore acceptable and in accordance with Policy DM17 and DM18 of the SADMP.
- 10.4. The 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 / 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 RM-001 Rev A
Highways Layout (RMA) MI100-HL-101RMA- A
Phase 4- Bus Tracking MI100-EN-431

received 27th February 2024

RMA Housetype Pack RS
Planning Layout n1787_RM-008H
Presentation Layout n1787_RM-009G
Building Heights Plan n1787_RM-400E
Car Parking Strategy n1787_RM-402D
Refuse Strategy Plan n1787_RM-403D
Affordable Housing Dispersion Plan n1787_RM-500D
Materials Plan n1787_RM-600D
Surface Materials Plan n1787_RM-601D
Boundary Treatments Plan n1787_RM-700E
PHASE 4&5 - S104 Adoption plan MI100-EN-400E
PHASE 4&5 - Finished Floor Levels MI100-EN-411D
Site Landscaping Ph4 EM100-LS-014k
Site Landscaping Ph4 EM100-LS-015j
Site Landscaping Ph4 EM100-LS-023e
Site Landscaping Specification and Schedule Ph4 EM100-LS-016j

received 25th January 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 Bloor Homes drawing number MI100-HL-101RMA- A. 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 Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

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 Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

4. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. 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 Policy DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 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 DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

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 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 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 DM17 and DM18 of DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

Notes to Applicant

- 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.
- The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001)