

Planning Statement.

Land North of Normandy Way, Hinckley.

On behalf of Morro Partnerships.

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1. Introduction

- 1.1. This Planning Statement accompanies a full planning application for the development of up to 25 affordable dwellings including a new access on to Normandy Way, amenity space, community orchard, parking and pedestrian links.
- 1.2. The site lies immediately to the north of the Hinckley urban area. The strategy for development in the adopted Hinckley Core Strategy is to focus growth to the urban area of Hinckley, Burbage, Barwell and Earl Shilton, which provides the widest retail offer, job and educational opportunities, leisure and health care, and key transport links whilst reducing reliance on private motor vehicles.
- 1.3. The urban area is the most sustainable part of the Borough and is therefore the key focus for new housing and employment growth. The application site is ideally located to make use of existing facilities and services. A wide range of retail, leisure, and employment opportunities lie directly to the south of the proposed development and south of the A47. A range of amenities are located within 800m of the centre of the site, including primary schools, a supermarket, a retail park, industrial estate, restaurants, a fitness studio, and recreation areas. Further facilities are located within 1,200m, including a secondary school.
- 1.4. The purpose of this Planning Statement and supporting documents is to demonstrate that the proposed development is acceptable in planning terms, taking account of the development plan and material considerations, and confirming that there are no technical reasons why the development should not proceed.
- 1.5. The application is accompanied by the following technical reports:
 - Drawings Pack BRP Architects
 - Design and Access Statement BRP Architects
 - Planning Statement Pegasus Group
 - Air Quality Assessment MEC
 - Noise Impact Assessment MEC
 - Flood Risk Assessment and Drainage Strategy MEC
 - Ecology Appraisal ISL Associates
 - Biodiversity Net Gain Assessment ISL Associates
 - Transport Statement, including access designs MEC
 - Open Space Assessment/Allotment Assessment Pegasus Group
 - Landscaping Scheme ISL Associates
 - Tree Survey, Tree Constraints Plan and Arboricultural Impact Assessment ISL Associates

- 1.6. This statement begins with a description of the site and the surrounding area and goes on to provide a more detailed description of the development proposals. The report continues with a review of the relevant planning policy guidance, followed by an assessment of the proposed development, having regard to the development plan and other material considerations, including the National Planning Policy Framework. The report sets out draft Section 106 Heads of Terms and an Affordable Housing Statement, and finally a summary and conclusion.
- 1.7. Having regard to achieving a high standard of design, this Planning Statement should be read together with the Design and Access Statement by BRP Architects, which also accompanies the planning application.
- 1.8. The proposed development has been subject to formal pre-application consultation with Hinckley and Bosworth Borough Council (HBBC). A pre-application advise request was submitted in 8th October 2024 and response was provided 23rd January 2025 with reference 24/10147/PREMAJ.

2. The Site and Surrounding Area

2.1. The site has an area of 0.9ha and is located immediately north of the Hinckley urban area. To the south, the site faces Normandy Way A47 road, and to the west the site faces properties along Ashby Road. The site is bounded to the north by the residential curtilage of properties on Ashby Road, with a small proportion of the site adjoining agricultural fields to north and east.



Fig.1 – Application site boundary

2.2. The site is currently in use as private allotments created originally with land left over after the development of David Wilson housing estate to the south. It has been solely used by the landowner and a few close contacts that used the site since its creation as private allotments. In that time, there was no more than 6/7 people who used the site. Currently it is only the landowner who uses the site, no one else uses the site or has access to it.

2.3. The site lies immediately north of the Limits to Development which follow the A47 Normandy Way.

2.4. Immediately to the west of the site lies numerous retail, office, and employment buildings, including a Morrisons food store and petrol station, a McDonalds restaurant and drive thru, the Milestone public house, Wickes, Halfords and the Fields Health and Fitness Club. Further to the south lies existing residential development.

2.5. In terms of education provision, Hinckley Parks Primary School 1.0 km to the south of the site and Richmond Park Primary School lies 1.1 km to the west. Dorothy Goodman Secondary School lies less than 500m away to the southeast. The site lies approximately 1.5km walking distance from Hinckley Town Centre (as defined by the Town Centre Area Action Plan), which is within comfortable cycling distance.



3. The Proposed Development

- 3.1. The planning application seeks full planning application for the development of up to 25 affordable dwellings including a new access on to Normandy Way, amenity space, community orchard, parking and pedestrian links.
- 3.2. Vehicular access is proposed from the south of the site onto A47 Normandy Way.
- 3.3. The planning application is supported by a comprehensive set of plans which show 17 dwellings arranged on a south west / north east axis parallel to Normandy Way, composed of semi-detached and terraced dwellings. The remainder of the proposed dwellings on the site are three groups of semi-detached dwellings arranged along a northwest to southeast axis.

4. Planning Policy

- 4.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA), requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is an important material consideration.
- 4.2. This section considers the key aspects of national planning policy, together with the development plan context. The development plan comprises the Hinckley and Bosworth Core Strategy (adopted December 2009) and the Site Allocations and Development Management Policies DPD (adopted July 2016).

The Development Plan

Hinckley and Bosworth Core Strategy (adopted December 2009)

- 4.3. Policy 1 (Development in Hinckley) states that the Council will allocate land for the development of a minimum of 1,120 new dwellings, over the plan period 2006 – 2026, to support Hinckley's role as sub-regional centre.
- 4.4. Policy 5: Transport infrastructure in the sub regional centre sets out transport interventions, including improvements to the A47 (Hinckley Northern Perimeter Road and Earl Shilton bypass) and A447 to facilitate improved public transport movement along those corridors.
- 4.5. Policy 6 (Hinckley/Barwell/Earl Shilton/Burbage Green Wedge) confirms that uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents, setting out a series of land uses that are acceptable. The policy states that:

The following land uses will be acceptable in the Green Wedge, provided the operational development associated with such uses does not damage the function of the Green Wedge:

- (a) Agriculture, including allotments and horticulture not accompanied by retail development
- (b) Recreation
- (c) Forestry
- (d) Footpaths, bridleways and cycleways
- (e) Burial grounds
- (f) Use for nature conservation

Any land use or associated development in the Green Wedge should:

- (a) Retain the function of the Green Wedge
- (b) Retain and create green networks between the countryside and open spaces within the urban areas
- (c) Retain and enhance public access to the Green Wedge, especially for recreation and

(d) Should retain the visual appearance of the area

- 4.6. Policy 15 Affordable Housing confirms that a minimum of 2,090 affordable homes will be provided over the plan period. For the urban areas of Hinckley, Barwell, Earl Shilton and Burbage, on sites of 15 dwellings of more, there is a 20% target for on-site affordable housing.
- 4.7. Policy 16: Housing Density, Mix and Design sets out criteria in relation to Housing Density, Mix and Design
- 4.8. Policy 19 Green Space and Play Provision sets out standards in relation to green space and play.
- 4.9. Policy 20: Green Infrastructure set out Green Infrastructure priorities, including in relation to Hinckley/Barwell/Earl Shilton/Burbage Green Wedge.
- 4.10. Policy 24 Sustainable Design and Technology sets out requirement for the urban area, including Hinckley, to meet Code for Sustainable Homes at the following level; minimum of Code Level 6 from 2016 onwards.

Hinckley and Bosworth Site Allocations Document (SAD) (adopted July 2016)

- 4.11. Hinckley and Bosworth Borough Council adopted the SAD in July 2016. The SAD sets out site specific proposals and policies for the use of land to guide future development, in order to help to deliver the vision and objectives of the Core Strategy. The SAD predominantly focusses on the design and delivery of proposed developments and provides guidance as such.
- 4.12. A Policies Map was prepared alongside the SAD. The Hinckley and Burbage Policies Map extract shows the application site as being outside of, but adjacent to the Hinckley Settlement Boundary, and therefore within countryside. The application site is not subject to any other specific policy designations. An extract from the Policies Map with key is provided below:

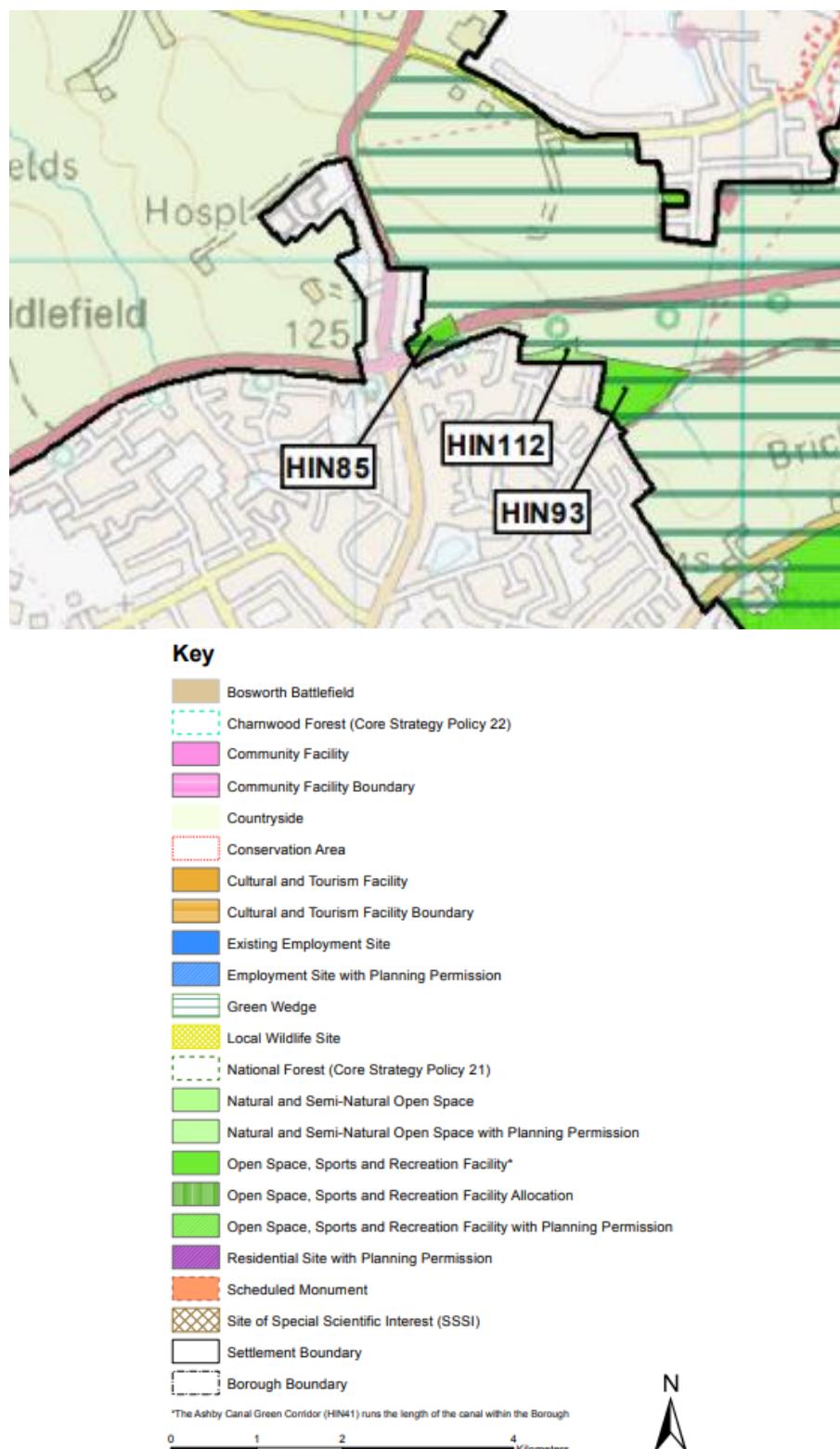


Fig.2 – Extract from SAD Policies Map.

4.13. Policy DM1 Presumption in Favour of Sustainable Development reflects the presumption in favour of sustainable development, as set out within the NPPF (2012 version).

4.14. Policy DM3 Infrastructure and Delivery states that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.

4.15. Policy DM4 (Safeguarding the Countryside and Settlement Separation) seeks to protect the intrinsic value, beauty, open character, and landscape character of the countryside, by safeguarding it from unsustainable development. The application site is located within countryside, however, the site lies immediately adjacent to the Hinckley settlement boundary, as shown on the Policies Map extract above. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings), and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 – Enabling Rural Worker Accommodation and:
 - i. It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside;
 - ii. It does not undermine the physical and perceived separation and open character between settlements;
 - iii. It does not create or exacerbate ribbon development;
 - iv. If within a Green Wedge, it protects its role and function in line with Core Strategy Polices 6 and 9; and
 - v. If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

4.16. Policy DM6: Enhancement of Biodiversity and Geological Interest states that Development proposals must demonstrate how they conserve and enhance features of natureconservation and geological value

4.17. Policy DM7 (Preventing Pollution and Flooding) requires development to ensure that adverse impacts from pollution and flooding will be prevented.

4.18. Policy DM8 (Safeguarding Natural and Semi-Natural Open Spaces) states that:

Planning permission will not be granted for proposals resulting in the loss of land or buildings in recreational or sporting use and areas of open space, as identified in the most recent Open Space, Sport and Recreational Facilities Study, except where:

- a) *A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or*
- b) *It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or*
- c) *The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.”*

4.19. Policy DM10 Development and Design states that development will be permitted once the following requirements have been met:

- It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers;
- It complements or enhances the character of the surrounding area;
- It incorporates a high standard of landscaping;
- An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority;
- It maximises opportunities for the conservation of energy and resources through design, layout, orientation, and construction;
- Where parking is to be provided charging points for electric or low emission vehicles are included where feasible; and
- It maximises natural surveillance and incorporates the principles of Secured by Design.

4.20. Policy DM17: Highways and Transportation states that development proposals will be supported where they, amongst other things, demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

4.21. Policy DM18 Vehicle Parking Standards requires an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available (e.g. public transport and cycle provision) and appropriate design. Any development will be expected to provide disabled parking provision.

Emerging Hinckley and Bosworth Local Plan

- 4.22. Hinckley and Bosworth Borough Council carried out Regulation 18 consultation on its emerging Local Plan 31 July to 27 September 2024. The Plan sets out provision of 13,862 dwellings during the period 2020-2041 (660 dwellings per year).
- 4.23. The annual housing provision in the Local Plan was informed by Leicester & Leicestershire Authorities – Statement of Common Ground (SoCG) relating to Housing and Employment Land Needs (June 2022) The SoCG apportioned 187 dwellings to Hinckley and Bosworth (in addition to the Local Housing Need of 472 dwellings per year at the time the SoCG was agreed).
- 4.24. Since the consultation on the Hinckley and Bosworth Local Plan, the revised version of the National Planning Policy Framework (NPPF) was published in December 2024, at the same time as confirmed standard method for calculating Local Housing Need. For Hinckley and Bosworth the Local Housing Need figure has increased from 432 to 649 dwellings per annum.
- 4.25. The Council most recent Local Development Scheme sets the timetable for the Local Plan as required by the new NPPF. The council anticipates carrying out Regulation 18 consultation in September 2025 and Regulation 19 consultation in March 2026. The emerging Local Plan will therefore be prepared under the December 2024 NPPF and 2024 standard method figure.
- 4.26. The strategy for development in the emerging Local Plan last consulted upon in July to September 2024, and maintains a focus development upon the urban area of Hinckley, Barwell and Earl Shilton as the most sustainable location within the borough.
- 4.27. Due to the stage of preparation of the emerging Local Plan, it is a material consideration that carries negligible weight.

Planning Practice Guidance (PPG)

- 4.28. On 6th March 2014, the former Planning Minister Nick Boles announced the launch of the Planning Practice Guidance (PPG) which reinforces and provides additional guidance on the policy requirements of the Framework. The PPG is a web-based resource that is continuously updated. Alongside the publication of the updated NPPF updated Planning Practice Guidance was published in relation to viability and housing and economic development needs assessments.
- 4.29. The PPG also provides extensive guidance on the matter of design, including listing the planning objectives that can be achieved via good design. These include considering local character, landscape setting, safe, connected, and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.
- 4.30. The role of health and wellbeing in planning is a consideration in the PPG: active healthy lifestyles should be encouraged, that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and are accessible by walking and cycling and public transport.

4.31. The PPG reiterates the importance of, and provides guidance on, the assessment of housing need, including affordable housing. With regards to housing delivery, it makes clear that past under-supply should be met, where possible, within the first 5 years of the plan period.

5. Planning History

APP/K2420/W/24/3343996 / 24/00016/FUL Land south of Normandy Way, adjacent 12 Newquay Close, Hinckley 5th August 2024

5.1. The proposal was for change of use of land to provide 4 no. gypsy and traveller pitches including day rooms with associated landscaping. The appeal was dismissed because of the impact on the Green Wedge and the Impact on highway safety. The Inspector gave "significant weight to the harm to the Green Wedge, but ... greater and considerable weight to the harm to highway safety".

5.2. There are material differences between the dismissed appeal and the proposed development that is subject to this current planning application.

- The appeal site is located in 60mph limit (the planning application site lies within 40mph limit) and the appeal site is located further away from junction with Ashby Road where vehicles will have accelerated to higher speeds.
- The appeal proposal did not include any publicly accessible open space and so did not have any identified benefits to Green Wedge. In any case the appeal inspector did not explicitly set his/her judgement having regard to the four purposes of Green Wedge.

5.3. The inspector reached their decision in a different planning context, and in particular, since the appeal was dismissed the Council housing supply has been confirmed as being significantly lower.

APP/K2420/W/24/3348387 Land East of The Common, Barwell Appeal Allowed 13 March 2025

5.4. The proposal allowed at appeal was for the development of up to 95 dwellings, together with associated access, open space and landscaping.

5.5. The decision confirms that the Borough housing land supply position lies between 3.23 (appellant's position) to 3.55 years (Council's position) compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024.

5.6. In appeal the Council recognises that in the light of the housing land supply position, limited weight can be given to the conflict with the first part of Policy DM4 and the criteria set out in parts (a) to (e).

5.7. For appeal proposal, a scheme of 95 dwellings, the inspector concluded that the proposal would cause some moderate harm to the rural landscape character of the area and to a limited geographical area but it would not result in a significant adverse effect which is the test set out in criteria (i) of Policy DM4 and criteria (a) of Policy DM10. It must be remembered that the proposal that is subject of this planning application is significantly smaller at 25

dwellings, lies against the urban backdrop of Hinckley and is well screened from views from the wider Green Wedge.

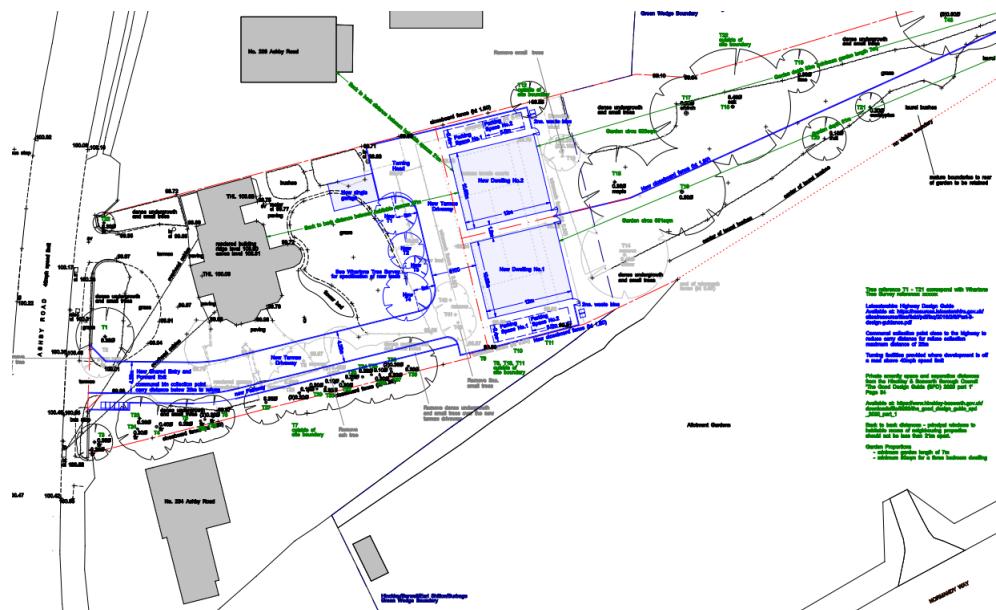
5.8. With regard to Green Wedge the Inspector for the appeal at the east of The Common, Barwell concluded that the proposed housing development would not materially spoil the value of the Green Wedge in visual terms, but it would erode the physical extent of this open area and its function in contributing towards the quality of life of local residents. However, reduced weight also has to be given to Policy CS 6 because of the Council's HLS position and the lack of new housing sites coming forward as originally planned.

5.9. The appeal inspector concluded that:

"In applying the test set out in paragraph 11(d) of the Framework I find that the adverse effects that the proposed development would cause, including the loss of the appeal site land to the function of the Green Wedge, are greatly outweighed by the benefits of development in this sustainable location".

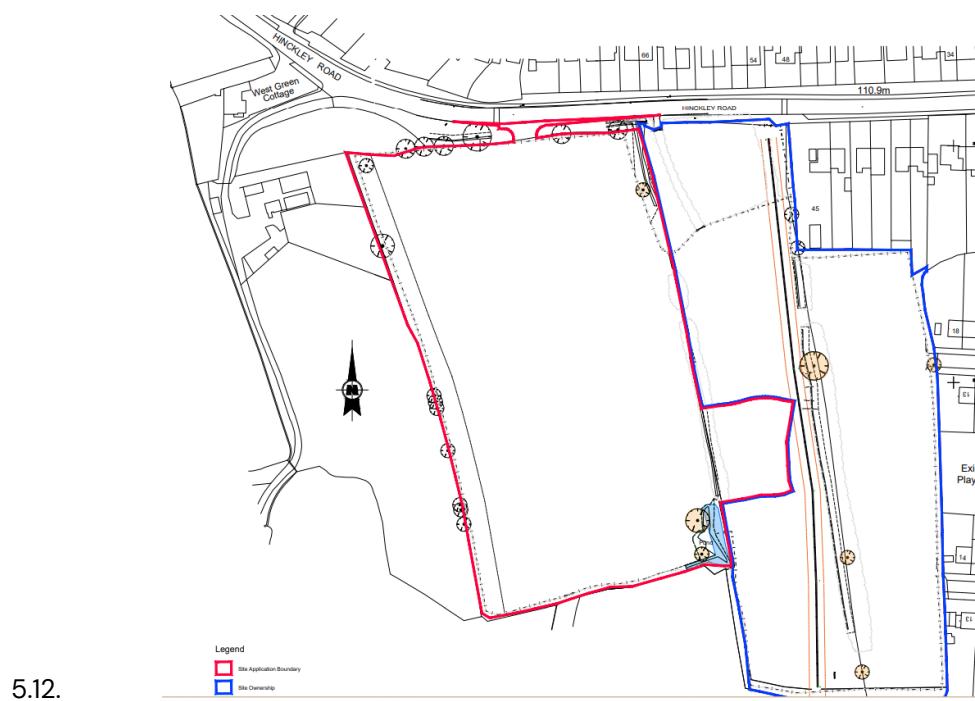
APP/K2420/W/21/3288892 236 Ashby Road, Hinckley LE10 1SW 15 September 2022

5.10. The appeal allowed for two bungalows to the rear of 236 Ashby Road. The site lies immediately adjacent to the planning application site. The rear part of the appeal site lies within Green Wedge and the inspector considered that the proposal the proposal would "not detract from the character or purpose of the Green Wedge, the surrounding countryside".



23/01177/FUL Residential development of 44 dwellinghouses. Land At Crabtree Farm Hinckley Road Barwell (Undetermined)

5.11. The planning application lies south of Barwell within the Green Wedge. The application is undetermined.



5.12.

6. Assessment of the Development Proposals

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2. Whilst the Framework does not change the statutory status of the development plan as the starting point in decision making, the Framework constitutes an important material consideration in determining applications. The Framework constitutes the Government's view of what sustainable development means in practice for the planning system.
- 6.3. The Government's objective in publishing the Framework was to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the Framework is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.
- 6.4. For decision taking, the Framework requires where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.5. For the purposes of this application, the development plan comprises the Hinckley and Bosworth Core Strategy (December 2009) and the Site Allocations and Development Management Policies DPD (July 2016). Due weight is to be given to relevant policies according to their degree of consistency with the Framework (paragraph 232).
- 6.6. The following sections of this Planning Statement consider the consistency of the proposals with relevant policies of the development plan and the emerging Local Plan that can be afforded weight in the determination of the application, and then considers the implications of the Framework, and whether any specific policies indicate development on the site should be restricted.

The Planning Issues

- 6.7. The key planning issues that have been identified in respect of the proposed development are as follows:
 - The Principle of Development and Accordance with the Development Plan;
 - Sustainability;
 - Housing / Affordable Housing
 - Transport, Access, and Highway Safety;

- Flood Risk and Drainage;
- Landscape / Green Wedge
- Biodiversity;
- Open Space
- Other Matters.

Principle of Development

6.8. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The urban area is the focus for development and Hinckley is the most sustainable location and a sub-regional centre, as identified by Policy 1 of the CS.

6.9. Policy 1 identifies a housing requirement of 9000 homes between 2006 and 2026, or 450 homes per year. The standard method for calculating Local Housing Need published by the Government 12 December 2024 states that the figure for Hinckley and Bosworth is 649 homes per year. The appeal at Land East of The Common, Barwell (reference APP/K2420/W/24/3348387) confirms that the Borough housing land supply position lies between 3.23 (appellant's position) to 3.55 years (Council's position) compared to the 5 year supply requirement set out in the Framework as re-issued in December 2024.

6.10. The fact that CS is based upon a housing requirement figure which is significantly different to its LHN, and the Council has such a significant shortfall in its 5 year supply of housing land clearly shows the development strategy for the borough is out of date. Any policy which relates to this strategy, including those which set out settlement limits are out of date and carry limited weight in terms of decision making.

6.11. With the exception of the most westerly part of the site, the application site is located outside of the adopted settlement boundary of Hinckley, and therefore designated as 'open countryside'. As such, the principle of the location of the proposed residential development would be assessed against Policy DM4 of the adopted SADMP. Policy DM4 states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Policy DM4 states that:

6.12. Development in the countryside will be considered sustainable where;

- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or

- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation. And
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development".

6.13. The application site does not fall under any of the categories identified in DM4 and so there is a conflict between the proposed development and the policy. However, DM4 relates to Countryside which simply the land beyond the settlement limits. The settlement limits in the borough are clearly out of date because they relate to a development strategy that significantly at odds with current housing needs, where the Council cannot demonstrate that they are addressing that need. Given how integral DM4 is to the Council's development strategy, it carries limited weight in terms of this planning application, a conclusion that is shared by inspector in the recent appeal at Land East of The Common, Barwell.

6.14. Policy 6 of the Core Strategy (Hinckley/Barwell/Earl Shilton/Burbage Green Wedge) is also applicable to the principle of development. The proposal does not fit within categories a-e, however Policy 6 states that any development or land uses should retain the function of Green Wedge. The Green Wedge Assessment submitted with the planning application confirms that in overall terms the effect of the Green Wedge is mixed, including benefits and very marginal adverse impacts. There is a marginal breach of Policy 6, however Policy 6 is integral to the development strategy that is currently significantly at odds with housing needs and therefore carries limited weight in the determination of the planning application.

6.15. SADM Policy DM10 is also applicable to the principle of development and the relevant test in this is part (a) – whether a proposed development would have a significant adverse effect and cause visual intrusion. As noted as part of Green Wedge Assessment there will be marginal visual intrusion, would not cause significant adverse impacts and there would be no conflict with Policy DM10.

6.16. To summarise the issues with principle of development, the planning application site at Normandy Way, Hinckley is adjacent to current settlement limits, in the most sustainable part of the Borough. The sustainable location, and the pressing need for housing provision in the borough carry very significant weight in the determination of the planning application. Policy 6 of the Core Strategy Policies DM4 and DM10 of the adopted SADMP carry limited weight in the context of this planning application because they are part of a development strategy that is significantly adrift from current levels of housing need. Any conflict with these policies therefore carry limited weight.

Transport, Access, and Highway Safety

6.17. Consultants MEC have carried a transport assessment for the site. The assessment states that the access proposals include stopping up of the existing access off the A47 Normandy Way and provision of a Ghost Island Priority Junction including a new right turn to serve the development, which has been designed to DMRB CD123 and LHDG design standards.

- 6.18. The parking provision within the site is demonstrated to meet LHDG minimum requirements. It is noted that visitor parking is provided within the site and this could be used by either visitors to the Community Orchard or visitors to the dwellings.
- 6.19. The site is forecast to generate 12 and 10 No. two-way vehicular trips during the weekday AM and PM peak period periods, which is unlikely to result in a severe impact on the local highway network in accordance with the NPPF.
- 6.20. It is concluded that, on Transport and Highways grounds, there are considered to be no reasons why permission to the planning application should not be granted in accordance with the NPPF.
- 6.21. The proposal is therefore complies with Policy DM17: Highways and Transportation.

Air Quality

- 6.22. MEC has been commissioned by has been commissioned by Morro Partnerships, to undertake an Air Quality Assessment for a proposed residential development at Normandy Way, Hinckley.
- 6.23. The report concludes that air quality objectives will be satisfied on the Site and at dwellings adjacent to the routes to the Site. The air quality over the Site is acceptable for residential development and that baseline plus proposed development traffic will not have any adverse impacts on ambient air quality for existing dwellings. The results do not indicate a requirement for more detailed dispersion modelling.
- 6.24. Mitigation measures have been proposed to minimise the potential effects associated with increased air pollutant concentrations.
- 6.25. With regard to dust soiling, the risk assessment indicates that on the basis of no mitigation being present, all phases would present a 'Low Risk'.
- 6.26. With regard to PM10 effects, the risk assessment indicates that on the basis of no mitigation being present, all phases would present a 'Negligible Risk' to health.
- 6.27. The proposal is therefore complies with Policy DM7 Preventing Pollution and Flooding.

Noise

- 6.28. Consultants MEC have prepared an Acoustic Report which shows that acoustic modelling has demonstrates that, based on the proposed site plan, BS 8233's lower-level criterion of 50 dB LAeq,16hr will be satisfied at all garden locations on the site through the provision of standard 1.8m high close boarded timber fencing.
- 6.29. With regards to internal acoustic conditions, new dwellings will satisfy relevant standards through the provision of enhanced acoustic glazing and ventilators required for facades overlooking Normandy Way, reducing to standard thermal double glazing and direct airpath window mounted trickle ventilators for rear facades.
- 6.30. The proposal is therefore complies with Policy DM7 Preventing Pollution and Flooding.

Flood Risk and Drainage

6.31. Consultants MEC have prepared a Flood Risk Assessment which concludes that:

The site is wholly within Flood Zone 1 (Low Probability)

- The site is considered at low risk of surface water flooding, with a small area of low-high risk found along the western boundary, the majority of this is likely to be captured within the existing drainage system of the residential dwelling along Ashby Road, with surface water depth mapping suggesting this area to flood to less than 0.20m.
- Local documentation and geology suggest the site is at low risk of groundwater flooding. However, a residual risk may remain from abnormally elevated groundwater levels.
- There are no identified public foul or surface water sewers within the site boundary. The nearest sewers are found to the south along Normandy Way.
- There are no canals nearby to the site that would pose a risk of flooding.
- Mapping provided by the EA suggests the site falls outside of any modelled extents from flooding from reservoirs or large waterbodies.
- Existing runoff calculations have been calculated using the FEH module within Causeway Flow. For an impermeable area of 0.420ha, the QBAR greenfield rate has been calculated as 1.2l/s. However, in line with Leicestershire County Council guidance, this rate has been amended to 5.0l/s.
- In accordance with the National SuDS Standards, the proposed drainage strategy involves conveying surface water flows to a geo-cellular tank, via permeable paving, which will discharge via gravity into the surface water sewer in Normandy Way at Manhole 4802 and cater for all events, up to and including the 1 in 100-year + 40% climate change. Additional drainage features including rain gardens and rainwater harvesting will be used across the site and will act as a first treatment stage for any runoff and ensure adequate surface water treatment is provided.
- It is proposed to dispose of foul water from the site via a new connection into the existing foul sewer, at Manhole 2801, along Normandy Way, as agreed with Severn Trent Water. Given the levels on site, a gravity fed system is considered feasible.

6.32. The proposed development wouldn't create or exacerbate flooding and therefore complies with Policy DM7 Preventing Pollution and Flooding and with relevant policy and guidance within the NPPF and PPG.

Landscape / Green Wedge

6.33. The planning application site's small scale, existing land use, its visual containment, physical and visual relationship with the settled edge of Hinckley, and lack of views to neighbouring settlements mean that it differs notably in character to the remainder of the Green Wedge in which it sits. By way of this assessment, it is not considered to play an important function in preventing the merging of settlements. Similarly, if the site was developed it would have limited effect upon the function of guiding development form and providing a green lung into

urban areas. By contrast, the site, if developed, would actually represent an improvement in terms of acting as a recreational resource.

6.34. The proposal would have mixed impacts upon the functions of Green Wedge with neutral or marginal adverse impacts against three of the functions and positive impacts effects improvement in terms of acting as a recreational resource. Existing green networks between the countryside and open spaces within the urban areas would be retained. The enclosing effects of the site's well vegetated northern and eastern boundaries and consequential close association with the Hinckley urban area mean that the visual appearance of the wider Green Wedge are considered to be retained were the site to be developed.

6.35. The proposal would comply with the requirements of Policy 6 of the Hinckley and Bosworth Core Strategy.

Biodiversity

6.36. Arbtech have prepared:

- Preliminary Ecological Appraisal and Roost Assessment (PEARA)
- Biodiversity Net Gain Assessment Pre and Post Development
- Environmental DNA (eDNA)

6.37. The PEARA confirms that the site is not subject to any designations. There are no known statutory sites nearby. No national network sites (SAC, SPA, Ramsar) are located within 2.5km. No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site. The PEARA has assessed all relevant species and mitigation measures identified include:

- protection of retained trees,
- a low impact lighting strategy be adopted for the site during post-development which outlines the areas of the site that will be retained as dark corridors for bats,
- construction methods to protect badgers and hedgehogs

6.38. The proposed development would therefore comply with Policy DM6: Enhancement of Biodiversity and Geological Interest.

6.39. The development would also provide a 10% net gain to biodiversity for the site through both on and off site improvements.

Open Space

6.40. An assessment of the site circumstances, including current and historical use clearly indicate that the site does not meet the definition of open space and should not be included within the Council's Open Space Study. The site should not fall within the purview of Policy DM8 of SADMP and not a Development Plan consideration with regard to the proposed redevelopment of the site.

6.41. If the Council maintain the view that the site is open space and within the remit of Policy DM8 of SADMP, then the circumstances around its current and historical use are material considerations. The site's current and likely future use as a private allotment used only by a small number of family contacts has negligible public value, and its loss will have no effect on the level of public provision in the area. Any deficiencies identified by the Council's 2016 Open Space Study or its successor, will not be made worse as a result of the proposed development.

6.42. The application proposals provide valuable community orchard provision which will be widely accessible by new and existing nearby residents. Should the Council consider the site falls with remit of Policy DM8, it will be important that the Council note that the redevelopment of the site will actually increase current open space provision for residents and therefore the proposals which be considered positive in this regard, in the overall planning balance for the site, supporting the aims of Policy DM8.

Affordable Housing

6.43. The proposal provides 25 housing units which are made up of 19 units for affordable rent and 6 units affordable home ownership. Two 1 bedroom, Seven 2-bedroom, and Fourteen 3-bedroom. The Hinckley & Bosworth Borough Council Housing Needs Study (April 2024) identifies significant affordable housing need for the borough. The proposals therefore strongly supports the objective of Policy 15 (Affordable Housing) of the adopted Core Strategy.

6.44. The final mix and tenue for the site will be negotiated with input from the Council's Housing Officers and the Registered Provider to ensure the development is meeting the needs of the immediate location.

7. Summary

- 7.1. The site at Normandy Way, Hinckley lies in the most sustainable part of the borough of Hinckley and Bosworth and is accessible to a wide variety of services and facilities, including a range of public transport.
- 7.2. The Council has an acknowledged significant shortfall in housing supply, and proposal would deliver much needed homes within 5 years and therefore represents a significant benefit of the scheme.
- 7.3. Moreover, the scheme is for 100% affordable homes which represents a significant benefit of the scheme, given the acknowledged affordable housing need in the borough.
- 7.4. The planning application is supported by evidence prepared by technical experts which demonstrate the scheme provides safe highway access and drainage which does not increase the risk of flooding elsewhere.
- 7.5. The scheme will provide 10% biodiversity net gain in accordance with legislative requirements and therefore represents a significant benefit of the scheme.
- 7.6. The evidence submitted in support of the planning application demonstrates that the site does not meet the definition of open space as the allotments are not publicly accessible. The scheme provides for public access both to a community orchard and to a footpath network which represents a significant benefit of the scheme.
- 7.7. In terms of the effect upon the Green Wedge, the proposed development will not result in a reduction in the physical distance separating Hinckley from Barwell. The site would retain mature trees along its perimeter which would significantly screen wider views. The proposed scheme is only visible from elsewhere in the Green Wedge from a limited number of vantage points: the public footpath between Ashby Road and Hinckley Road, Barwell. Views of the site from public footpaths are screened by hedgerows, and so views would be filtered to that extent. The Green Wedge would still maintain its functions to guide development form and to provide a green lung. As noted above the site would result in a net benefit in terms of public access. In overall terms the effect of the Green Wedge is mixed, including benefits and very marginal adverse impacts.

Conclusion

- 7.8. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA), requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is an important material consideration.
- 7.9. The proposed development does not strictly accord with the development plan due to the site's location outside of settlement limits and the land being designated as open space. However, the weight to be attributed to the settlement boundary and green wedge policies must be significantly reduced as they are out of date and as such, the planning application is to be considered in the context of the 'tilted balance' as set out in paragraph 11(d) of the NPPF.

7.10. In overall terms the scheme would result in numerous significant benefits and only very marginal adverse impacts. In respect of Paragraph 11(d) II, the above assessment demonstrates that there is no strong reason to refuse the development when assessed against the Framework and that there are no adverse impacts of approving the development that would demonstrable outweigh the benefits, when assessed against the policies in the Framework as a whole.

7.11. Given that that Development Plan policies are out of date, and there is an acknowledged significant housing shortfall in the borough, the considerations weigh very clearly in favour of granting planning permission. The Local Planning Authority must therefore grant permission in accordance with Paragraph 11(d).

8. Section 106 Heads of Terms

8.1. The applicant will enter into a Section 106 obligation (in the form of an agreement or undertaking) to ensure delivery of such requirements as are reasonable and which accord with the legal tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) in respect of the grant of planning permission for this site. The applicant will respond to consultation responses requesting developer contributions.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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