

Delegated Report

Planning Ref: 24/01050/CONDIT

Applicant: Jelson Ltd

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

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

Proposal: Application to vary conditions 1 and 2 of planning permission 22/01091/REM

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

2.1. The application proposes a Section 73 amendment to the reserved matters planning permission for 87 dwellings, originally approved in June 2023.

2.2. The amendments are as follows:

- Vary conditions 1 and 2 on permission 22/01091/REM

Condition 1: Plans

The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- *Proposed Site Layout - Drg No. J112-BRP-00-00-DR-A-0102-P10 received on 05/06/2023*
- *Proposed Landscaping Management - Drg No. J112-BRP-00-00-DR-A-0105-P02 received on 05/06/2023*
- *Proposed House Type Pack received 17/11/2022*
- *Vehicle Tracking & Highways J112 0103-P01 received on 06/04/2023*

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Condition 2: Parking and turning arrangement

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

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

3. Description of the site and surrounding area

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

4. Relevant planning history

15/00188/OUT

- Erection of up to 850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure (outline - access only)
- Granted
- 03/05/2018

22/01091/REM

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

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No representations were received.

6. Consultation

- 6.1. No objections / comments from:
- Nuneaton & Bedworth Borough Council
 - Rugby Borough Council
 - LCC Highways
 - HBBC Waste

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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. Appraisal

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

- Design and impact on the character of the area
- Impact upon neighbouring amenity
- Previously imposed conditions

Design and impact upon the character of the area

8.2. 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 Borough Council's adopted Good Design Guide 2020.

8.3. The submitted plans outline the proposed changes to the approved plans, and the specific locations of the plots which are to be amended within the site.

8.4. The key changes to the layout and appearance of the scheme relates to house type substitutions on 8 plots within the scheme. These amendments can be summarised as follows:

- Plots 02, 03, 04, 52, and 55 – The house types have changed from JD402 and JD407 to JD412 and JD417. The only modification to these units is the relocation of the single-storey rear element, which is now positioned on the gable end rather than centrally.

- Plot 51 – The previous layout did not include any allocated parking. The updated layout now incorporates a shared garage between Plots 51 and 52, positioned further back within the plot to allow for additional parking spaces in front of the garage.
 - Plots 06 and 16 – The garages have been set further back within their respective plots to provide additional parking space in front.
 - Plots 20 and 29 were previously rendered and are now proposed to be brick
- 8.5. The design and materials of the substituted dwellings conform to the wider scheme and their changes to the overall appearance of the site is minimal.
- 8.6. It is therefore considered that the proposed development accords with the requirements of Policy DM10 of the SADMP as well as meeting the standards that are set out in the Good Design Guide

Impact upon neighbouring amenity

- 8.7. Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.8. The amended scheme achieves adequate separation distances with all neighbouring dwellings in accordance with the Good Design Guide. The proposed garden areas exceed the minimum required size as outlined in the Good Design Guide (80sqm). There would be no unacceptable neighbouring loss of light or overbearing impacts as a result of the amended scheme.
- 8.9. In summary, the proposal would have an acceptable impact upon occupier and neighbouring residential amenity and would therefore accord with Policy DM10 of the SADMP.

Previously imposed conditions

- 8.2 As a Section 73 amendment, any permission is a stand-alone approval and so it is necessary to consider whether it is appropriate to re-impose the conditions attached to the latest permission granted under 22/01091/REM. The permission was subject to 9 conditions.
- 8.3 Conditions 5 (surface water drainage) and 9 (sustainability measures) were discharged in September 2025 (25/00547/DISCON).
- 8.4 Condition 8 relates to the treatment of the Public Right of Way U6 to the northwest of the site. This condition is yet to be discharged and has been re-imposed.
- 8.5 None of the other conditions require formal discharge.
- 8.6 The discharged conditions have been reworded in order to comply with the relevant discharge of conditions applications. The remaining conditions continue to be relevant and are repeated below, with some amendments to reflect the revisions as part of this application.

9. Equality implications

9.2 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.3 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.4 There are no known equality implications arising directly from this development.

9.5 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.2 The proposed amendment to the approved development to vary conditions 1 (plans) and 2 (parking and turning arrangement) is considered to be acceptable and results in no harm to the design and character of the area or neighbouring amenity, thus complying with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as follows:

- Site Location Plan - Drg No. J112-BRP-00-00-DR-A-0100-P02 received on 18/11/2024
- Proposed Site Layout - Drg No. J112-BRP-00-00-DR-A-0102-P19 received on 29/04/2026

- Proposed Landscaping Management - Drg No. J112-BRP-00-00-DR-A-0105-P02 received on 05/06/2023
- Proposed house type pack received on 17/11/2022
- Plans and elevations – House type GP1 – C03 received on 26/03/2026
- Plans and elevations – House type JD417L – Elevation type render – C01 received on 26/03/2026
- Plans and elevations – House type JD417L – Elevation type brick – C01 received on 26/03/2026
- Plans and elevations – House type JD412LG – Elevation type Y – C01 received on 26/03/2026
- Plans and elevations – House type JD412LG – Elevation type brick – C01 received on 26/03/2026
- Proposed amendment locations – J112 0106-P02 received on 26/03/2026
- Vehicle Tracking & Highways J112 0103-P06 received on 29/04/2026
- Materials Layout – HIN_09_020_002 received on 29/04/26

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024) and Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

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

the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2024) and Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

5. The development hereby permitted shall be carried out in accordance with the site drainage details Proposed External Works Drg No. HIN02-03-020-02 Rev D discharged under 25/00547/DISCON.

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 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (2024).

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

Reason: To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with policy DM18 of the SADMP and the National Planning Policy Framework (2024).

8. No development shall take place above ground level until a scheme for the treatment of the Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their surfacing, drainage, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To protect and enhance Public Rights of Way and access in accordance with the National Planning Policy Framework (2024) and Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

9. The development shall be carried out in accordance with the Sustainability Measures comprising the Renewable Plan and Proposed External Works, submitted as part of the approved discharge of conditions application 25/00547/DISCON.

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