

Delegated Report

Planning Ref: 23/00124/FUL

Applicant: Ruth Atkins

Ward: Ratby, Bagworth and Thornton

Site: Land Adj Roman Way Footpath, Groby

Proposal: To install a breedon gravel pathway, linking the mineral line with the Roman Way footpath leading from Sacheverell Way, Groby to Glenfield



Hinckley & Bosworth
Borough Council

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 to install a breedon gravel pathway between the existing mineral line footpath and the Roman Way footpath leading from Sacheverell Way, Groby to Glenfield.

3. **Description of the site and surrounding area**

- 3.1. The application site comprises of a semi grassed area, between two existing footpaths. The applicant has stated that the area was originally pathed and that the original paths foundation may still remain below the grassed area. The area is located on the corner of Laundon Way and Sacheverell Way. The proposed extension of the footpath is located between existing low level post and rail fencing. The application would seek to join the mineral line route owned and maintained by the Parish Council to the public rights of way and adopted highway paths owned by County Highways.

4. **Relevant planning history**

None

5. **Publicity**

- 5.1. The application has been publicised by posting a site notice within the vicinity of the site.
- 5.2. No comments have been received.

6. **Consultation**

- 6.1. LCC Highways: No objections.
- 6.2. Ratby Parish Council: No comments received.

7. **Policy**

7.1. **Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

7.2. **Core Strategy (2009)**

- Policy CS9: Rothley Brook Meadow Green Wedge

7.3. **National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

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

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. The application site is located outside the settlement boundary of Groby and is therefore sited within the countryside and also within the Green Wedge. Policy CS9 of the adopted Core Strategy 2009 seeks to protect and enhance the green wedge. Development is acceptable where the use is considered for footpaths, bridleways and cycle paths, and also for recreation purposes and does not damage the function of the green wedge.

8.5. 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.

8.6. According to Policy DM4 of the SADMP, 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 diversification of rural businesses; or
- c) It significantly contributes to economic growth, job creation and/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.

- 8.7. Policy DM4 of the SADMP and Policy CS9 of the Core Strategy supports development in the countryside and green wedge where it is considered to be for recreation purposes. Therefore it can be considered that the proposed works would be in general accordance with Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.8. Policies DM4 of the SADMP seek to protect the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.9. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10. The proposals seeks to extend the existing footpath from the Mineral Line to the tarmacadam path on Sacheverell Way. The proposal would involve the laying of a gravel path to allow for pedestrian access from one right of way to the other. The area in which the proposal relates already contains existing low level fencing, with a gap in situ to allow for pedestrians to walk across the existing grassed area to the Mineral Line from Sacheverell Way. It is considered that the proposal would cause no detrimental impacts upon the character of the area, the countryside or the Rothley Brook Meadow Green wedge.
- 8.11. It is therefore considered that the proposal is in accordance with policies DM4 and DM10 of the SADMP and policy CS9 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The proposal is located south of the dwellings located on Warrington Drive, whereby the existing Mineral Line runs behind the properties. It is considered that the proposal would not cause significant impacts upon the amenity of the neighbouring properties and nearby residents, by virtue of the nature of the application type having no impacts upon loss of light, privacy, overbearing issues or overshadowing.
- 8.14. Overall, the proposed development would have limited impacts upon nearby residents, it would not cause any adverse overshadowing, overlooking, overbearing impact or loss of light impacts, and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.16. The application proposes the extension of the Mineral Line footpath to connect to the existing footpath and public highway of Sacheverell Way. County Highways were consulted as part of the application and offered no objections to the proposal, stating that the existing mineral line route is a linear green space and permissive path/cycleway owned and maintained by the Parish Council. As such it can contribute towards outdoor recreation and active travel and so complement the

network of public rights of way and adopted highway paths in the area. It can be considered that the proposal causes no detrimental impact upon highway safety, and therefore the proposal is in accordance with Policy DM17 of the adopted SADMP.

9. Equality implications

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

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

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

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

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

10. Conclusion

10.1. The proposal seeks to extend the existing Co Op Band Room, to provide additional space to the existing band room and provide a car port. The proposal is considered to have limited adverse impacts upon the intrinsic value of the countryside and character of the area, it is additionally deemed acceptable in terms of overall design, neighbouring residential amenity and highway safety.

10.2. The proposal seeks to extend the existing footpath of the Mineral Line to connect to the existing footpath on Sacheverell Way. The proposal is considered to improve the immediate setting of the area and to have limited adverse impacts upon the intrinsic value of the countryside and character of the area. In addition it is not considered to have detrimental impacts upon design, neighbouring amenity and highway safety.

10.3. It is considered that the proposed development would be in accordance with Policies DM4, DM10 and DM18 of the adopted SADMP.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan

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).

3. The materials to be used on the footpath shall accord with the approved materials detailed within the application form.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

