

Delegated Report

Planning Ref: 23/01083/FUL
Applicant: Miss Jenny Brader
Ward: Hinckley



Hinckley & Bosworth
Borough Council

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

Proposal: Creation of temporary access

Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report

Planning application description

- 2.1. This application seeks planning permission for the creation of a temporary vehicular access to serve Phase 7 of application 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)). The approved scheme includes provision for pedestrian crossing facilities over Normandy Way (A47) including toucan crossings and another informal crossing point and highway improvement works.
- 2.2. The reason for the temporary construction access is to allow the development of phase 7 without the need of tracking additional construction traffic past the current phases of development which are served from the main access north of the proposal. This access is already serving existing construction traffic associated with Phases 1, 2 and 3. In addition to this, there is also the commercial use (Co-op and Greggs) which are operational along with the new primary school, which has recently opened. Phase 7 in particular would result in construction traffic travelling past the operational school which is a matter the developer would prefer to avoid in order to minimise any unnecessary health and safety conflicts between the various users. In addition to this the developer is mindful that 'Jelsons' may also at any point commence Phase 8 which directly faces Phase 7. Given this, it is therefore considered that the temporary construction access would alleviate and negate potential Health and Safety clashes with the various movements already present along the main road serving the wider development. The highway access will be surfaced and tied into the existing road as per the submitted drawing, beyond that it will be a hard surfaced track, not topped with tarmac.
- 2.3. The temporary access is situated on the access road to Triumph Motorcycles. This forms part of the adopted highway and is subject to a 30mph speed limit. The proposed temporary access has a width of 6.75m, with a 10.5m radii to the southeast and a 5.0m radii to the northwest. A 2.4m x 43m visibility splay has been shown to the southeast of the access only, given the road is a cul-de-sac and vehicles could not travel northwest of the access.
- 2.4. The proposed access will be closed once construction has completed.

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 site is 44.04ha of agricultural land, comprising 7 arable fields and rises from

south to north, by approximately 16 metres. The site is located in both Trinity Ward and Clarendon Ward (the north and south of the site respectively).

- 3.2. The site is roughly rectangular in shape. It is bounded by a hedgerow on all sides. To the north of the site is agricultural land and beyond this Wykin Village; to the west of the site is agricultural land; to the south the Triumph Motorcycle factory; and to the east Normandy Way (A47) and beyond the residential estate of Outlands Drive and the Wykin Community Park.
- 3.3. The site contains several mature hedgerows and trees. There are also two connecting streams that run north to south through the centre of the site, connecting to an existing culvert on the southern boundary. There is an 11kV overhead electricity line crossing the southern part of the site in a north-west to south-east direction.
- 3.4. Two agricultural access points serve the site from the A47 and consist of a small amount of hardstanding and a gate into the agricultural field.
- 3.5. Three public footpaths are present within the site. Public footpath U5 runs along the northern boundary of the site on an east west axis. Footpath T53 runs parallel to U5 but within the site and then crosses the A47 and runs across Wykin Community Park to Outlands Drive connecting the site to Battling Brook Community Primary School. Public footpath U6 runs along the western boundary on a north south axis and also crosses the A47 and connects the site to Wykin Community Park.

4.0 Relevant planning history

- 4.1. 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)- Approved. 03/05/2018

20/00527/REM- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 260 dwellings. Approved. 22/09/2020

21/01067/REM- Approval of reserved matters (Appearance, Landscaping, Layout and Scale) for access to facilitate phases 3 and 7 of the development. Approved

21/01262/REM- Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 15/00188/OUT for residential development of 140 dwellings (Phase 7). Approved

22/01091/REM- Approval of reserved matters (appearance, layout and scale) of outline planning permission (ref: 15/00188/OUT) for residential development of 87 dwellings. Approved.

22/00255/DISCON- Application to discharge conditions for Phase 3a (Local Centre) 6 (CEMP), 11 (Boundary Treatments), 12 (levels), 13 (Materials), 17 (Bird/Bat Boxes), 25 (Drainage), 26 (Waste and Recycling), 32 (Air Quality Assessment), 34 (external lighting) attached to planning permission 15/00188/OUT. Discharged

22/00325/DISCON- Application to discharge conditions 7 (Travel Plan), 10 (Public Transport Strategy), 11 (Means of Enclosure), 13 (Materials Layout), 14 (Water Vole Strategy), 17 (Bat Boxes), 19 (Ecology Re-Assessment Survey), 20 (Ecology Re-Assessment Survey Mitigation), 29 (Land Contamination), 31 (Landfill Gas), 32 (Air Quality Assessment) for Phase 3 attached to planning permission 15/00188/OUT. Partial discharge.

22/00544/DISCON- Application to Discharge Condition 21 for Phases 3, 7 and 8 (Archaeology - additional mitigation measures) attached to planning approval 15/00188/OUT. Discharged.

22/00603/DISCON- Application to discharge conditions for Phase 3; 6 (CEMP), Condition 12 (Levels), Condition 25 (Surface Water Drainage Scheme), Condition 26 (Waste and Recycling) attached to planning permission 15/00188/OUT. Discharged.

22/01008/DISCON- Phase 7- Application to discharge conditions 7 (Travel Plan)10 (Public Transport Statement)11 (Means of Enclosure)13 (Materials Layout) 14 (Water Vole Strategy) 17 (Bat Boxes) 19 (Ecology Re-Assessment) 20 (Ecology Mitigation Re-assessment) 29 (Land Contamination) 31 (Landfill Gas) 32 (Air Quality) attached to planning permission 15/00188/OUT. Discharged.

Publicity

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

Consultation

- 6.1. No objections have been received from LCC Highways subject to conditions.
- 6.2. HBBC Pollution Officer- No objection

Policy

- 7.1 Local Plan 2006 – 2026: Core Strategy (2009)
 - Policy 1: Development in Hinckley
 - Policy 5: Transport Infrastructure in the Sub-regional Centre
- 7.2 Site Allocations and Development Management Policies DPD
 - 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) (2012)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
 - New Residential Development SPG
 - Affordable Housing SPD
 - Play and Open Space Developer Contributions SPD

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

Assessment against strategic planning policies

8.2 Notwithstanding that the application site is located in the countryside; the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (SADMP) provide a presumption in favour of sustainable development. Policy DM4 of the SADMP sets out the circumstances in which development would be considered sustainable within the countryside, such as a development which supports the economic development of rural businesses. As such, the proposed temporary access would facilitate the development of the site which has already been approved and as such is acceptable in principle, subject to having no adverse impact upon the intrinsic value of the open character of the countryside. Compliance with the latter within Policy DM4 of the SADMP will be assessed further in the following section.

Design and impact upon the character of the area

8.3 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Criterion i) requires that the development represents no significant adverse effects to the intrinsic value, beauty, open character and landscape character of the countryside location.

8.4 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5 The proposed access would be in a cul de sac, located on the west side of Normandy Way. It would be 6.75m in width with a 10.5m radii to the southeast and a 5.0m radii to the northwest. A 2.4 x 43m visibility splay would be provided to the southeast of the access only, given the road is a cul-de-sac and vehicles could not travel northwest of the access. The proposal would be a temporary access & would be situated on the access road to Triumph Motorcycles. This forms part of the adopted highway, is subject to a 30mph speed limit and would not have an obtrusive appearance when viewed from the highway. The creation of a temporary access to serve the development of Phase 7 of the approved residential development would not be unreasonable. The proposal would not have any adverse impact upon surrounding visual amenity or the openness of the countryside and the access would be closed once development has been completed.

8.6 The proposed development would therefore accords with Policy DM4 and DM10 of the SADMP and Policy S1 and S8 of the SNP.

Impact upon neighbouring residential amenity

8.7 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.

8.8 The proposed access is a sufficient distance from residential properties to the east. Added to this is the temporary nature of the access which overall would not cause any adverse noise or amenity disturbance to nearby properties when considering the surrounding wider construction of dwellings on the site. In fact the provision of the temporary construction access would divert some construction traffic from existing phases of development including the school and commercial areas, it has amenity benefits in this regard.

8.9 The proposed development would therefore accord with Policy DM10 of the SADMP in this regard.

Impact upon highway safety

8.10 Policy DM17 of the SADMP requires new development to have no adverse impact upon highways safety.

8.11 LCC Highways are satisfied that acceptable visibility splays southeast of the access can be achieved. As the access is on a cul de sac this is acceptable. LCC Highways are also satisfied that the width proposed would accommodate the types of vehicles intended to use the access.

8.12 The proposed development subject to LCC Highways conditions would therefore satisfy Policy DM17 of the SADMP.

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).

Conclusion

10. Owing to the temporary nature of the development and the surrounding development the proposal would not have any significant adverse impact upon the character of the countryside. It would not have any neighbouring residential amenity impacts and would not have any adverse impacts upon highways safety. The application is considered to be in accordance with Policies DM1, DM3, DM4, DM10, DM17 and DM18 of the SADMP. Thus, the application is recommended for approval subject to conditions.

Recommendation

11.1 **Grant planning permission** subject to:

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:

Phase 4-S184 Construction Access, Drg No. MI100-EN-412D
Phase 7- Haul Road Boundary, Drg. No. MI100-EN-733A

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 temporary access road arrangements shown on Bloor Homes drawing number MI100-EN-412 Rev. D shall be implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

4. Following the completion of Phase 7 of the approved development, the temporary construction access shown on Bloor Homes drawing number MI100-EN-412 Rev. D that becomes redundant as a result of the development shall be closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway and pedestrian safety in accordance with policies DM4, DM10 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
the National Planning Policy Framework (2023).

11.3. **Notes to applicant**

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>