

Delegated Report

Planning Ref: 24/00495/FUL

Applicant: William Peace & Richard Peace

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Hydes Pastures, Watling Street, Hinckley

Proposal: Upgrading of an existing farm access track from Watling Street (A5) with associated drainage arrangements and engineering works

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 planning application seeks to upgrading of the existing farm access track from Watling Street (A5) with associated drainage arrangements and engineering works.

3. Description of the site and surrounding area

3.1. The application site is located off the A5, which is a major highway adjacent to Hinckley. The development site is located within the Countryside. The site access is located in proximity to the railway line. The site has an existing access which is in need of upgrading to aid in the agricultural activities occurring at the site.

4. Relevant planning history

None

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.

5.2 No responses have been received.

6. Consultation

6.1 HBBC Pollution: No objections.

6.2 LCC Highways: No objections.

6.3 National Highways: No objections.

6.4 HBBC Drainage: No objections.

6.5 Warwickshire County Council: No objections.

6.6 Rugby Borough Council: No objections.

6.7 HBBC Waste: No objections.

6.8 Network Rail: No objections subject to a pre-commencement condition ensuring engagement from the applicant with Network Rail to enable the works to be carried out in accordance with their own legislation and guidance.

7. Policy

7.1 Core Strategy (2009)

- N/A

7.2 Site Allocations and Development Management Policies (SADMP) 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
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG)
 - National Design Guide (2019)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Design and impact upon the character of the area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety
 - Other issues

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms 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.
- 8.3 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Development in the countryside is considered sustainable where;
- a) it is for outdoor sport or recreation purposes when it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries
 - b) the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting
 - c) it significantly contributes to economic growth, job creation and/or diversification of rural businesses
 - d) it relates to the provision of stand-alone renewable energy developments in line with Policy DM2 (Renewable Energy and Low Carbon Development)
 - e) it relates to the provision of accommodation for a rural worker in line with Policy DM5 (Enabling Rural Worker Accommodation)

- 8.5 The proposal is for a replacement access track, and whilst this does not necessarily fit within the criterion established within Policy DM4, the impact on the Countryside of a replacement track is considered to be negligible and would not be considered to be unacceptable.

Design and Impact upon the Character of the Area

- 8.6 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. The policy seeks to ensure that the countryside is safeguarded and that development does not have a significant adverse effect on the countryside.
- 8.7 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.8 The replacement track is not considered to create detrimental impacts to the character of the area, nor having any impact on the visual amenity of the area or countryside. This is owing to the nature of the proposal when considering there is an existing track already in situ in the same location as the proposed.
- 8.9 The proposal is therefore considered to be in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon Residential Amenity

- 8.10 Policy DM10 of the SADMP also states that proposals should not adversely affect the occupiers of the neighboring properties or the future occupiers of the property.
- 8.11 The proposed replacement track is not within close proximity to neighbouring residents, and when considering the nature of the proposal it is considered to have no impact on neighbouring residential amenity in terms of loss of light, loss of privacy, overbearing impacts, overshadowing or noise. As such the proposal is considered in accordance with Policy DM0 of the SADMP.

Impact upon Parking Provision and Highway Safety

- 8.12 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.13 The proposal seeks to replace the existing track, located in the same location as the existing. LCC Highways were consulted as part of the proposal and offered no objections subject to the consultation of National Highways.
- 8.14 National Highways also offered no objection to the proposal and it is therefore considered that the replacement track would have no impact on highway safety and

as such the proposal is considered to be in accordance with Policy DM17 of the SADMP.

Other Issues (Network Rail)

- 8.15 Due to the proximity of the proposed development to the railway line, Network Rail were consulted as part of the proposal. A substantive response was received outlining that as the proposal is within 10m of the railway boundary, subsequent supervision/review is required from Network Rail. It was confirmed that the applicant is required to set up a formal interface and provide a level of documentation to the Network Rail asset protection team for their observations and own determination. It was confirmed that a pre-commencement condition shall be imposed to ensure the applicant enters into this process with Network Rail, to ensure Network Rails satisfaction with the proposal.

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 proposed development is considered to be compliant with Policies DM4, DM10, DM17 and DM18 of the SADMP, and will not cause detrimental impacts to the character of the area, residential amenity or highway safety.

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 received by the Local Planning Authority as follows:

Site Location Plan Drg No. ADC1839-DR-XX-0204-P02
General Arrangement Plan Drg No. ADC1839-DR-XX-0200-P02
Drainage Technical Note

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. Prior to commencement of the hereby approved development the applicant shall engage in a formal interface with Network Rail. This will include provide detailed information and plans to the Network Rail asset protection team. Details shall also be provided in writing to the Local Planning Authority providing confirmation of Network Rails satisfaction with the scheme.

Reason: To protect and safeguard the railway boundary, in accordance with Network Rail requirements and paragraph 108 of the National Planning Policy Framework (2023).

4. The development hereby permitted shall not be brought into use until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2023).

a. **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.
2. Further advice on the requirements of Network Rail can be found within their consultation response.