

Delegated Report

Planning Ref: 24/00016/FUL
Applicant: Mr D Winter
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land Adjacent To 12 Newquay Close Hinckley

Proposal: Change of use of agricultural land to provide 4no gypsy and traveller pitches including day rooms with associated landscaping. (Re-submission 23/00655/FUL).

1. Recommendations

1.1. Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of existing agricultural land to provide four gypsy and traveller pitches including day rooms and associated landscaping at the Land adjacent to 12 Newquay Close, Hinckley.
- 2.2. Each residential pitch includes one static caravan, one touring caravan, one day room, private outdoor residential amenity, and off-street parking provision. These residential pitches are distinguished by new 1.8m high close boarded timber fencing.
- 2.3. Each day room externally measures 6m in width by 4m in depth, which includes kitchen and living areas, a bathroom and a utility. These structures have a pitched roof with a ridge height of 4.5m, and an eaves height of 2.3m, and are constructed in fair face block painted grey, with vertical timber board on their front elevations, and concrete roof tiles.
- 2.4. The development also provides 273.4sqm of play area, a 123.5sqm hardstanding bin store area, and 1,854.7sqm of additional deciduous tree planting on the northern and western edges of the site. The width of the site access is also enlarged from 3.4m to 6m. The details of this planting is to be confirmed.
- 2.5. This application is a resubmission of refused planning application, 23/00655/FUL, and no amendments have been made to the scheme since this original planning application.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.87ha application site is a vacant agricultural field that is largely screened by mature vegetation along its boundaries. The site is located adjacent to, but outside of, the northeast settlement boundary of Hinckley within the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge ('Green Wedge').
- 3.2. The application site is located within Character Area F (Burbage Common Rolling Farmland) of the Landscape Character Assessment (LCA) (2017). Two of the key characteristics of this location include the influence of the urban fringe as a result of the exposed settlement edges of Hinckley and Earl Shilton, and the presence of the Green Wedge. Ultimately, one of the key sensitivities of this Character Area is the rural character and undeveloped landscape of the Green Wedge.

- 3.3. The Green Wedge between Hinckley, Barwell, and Earl Shilton provides an important gap between, and protects the separation of, the three settlements, which safeguards their individual identities. Maintaining the Green Wedge is also an important part of protecting the green infrastructure of the Borough and helps to provide easy access from the urban areas into green spaces, which contributes towards the quality of life for residents in these urban areas. Nevertheless, there are opportunities within the Green Wedge for enhancement to further increase its amenity as well as ecological value.
- 3.4. The Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge Review (GWR) (2020) highlights the application site within Area F (Land between Normandy Way and Leicester Road) of the Green Wedge. The GWR notes that the west of Area F is more agricultural in nature and that this area of the Green Wedge between Hinckley and Barwell is at one of its narrowest and therefore sensitive in relation to the coalescence of these settlements. Whilst Area F of the GWR has a number of recreational opportunities, the GWR notes that many of the areas within this area are privately owned and do not have open public access.
- 3.5. There are residential properties to the south and west of the site within the identified settlement boundary of Hinckley, but there are open agricultural fields to the east and to the north beyond Normandy Way (A47). Beyond the agricultural fields to the north are residential dwellings within the settlement boundary of Barwell.
- 3.6. The application site is accessed by, and bounded by, Normandy Way (A47) to the north of the site. Normandy Way (A47) is an adopted and classified 'A' road that is subject to the National Speed Limit at the entrance to the site.

4. Relevant Planning History

4.1 23/00665/FUL

- Change of use of land of agricultural land to provide 4no gypsy and traveller pitches including day rooms with associated landscaping.
- Refused
- 24.08.2023

This application was refused for the following reasons:

1. The proposal results in significant harm to the intrinsic value, beauty, open character, and landscape character of the countryside, in principal and by virtue of the domestication and urbanisation of the site. Consequently, this scheme also fails to the protect the role and function of the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, which also detrimentally affects its character. Ultimately, it is considered that these adverse impacts significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. Therefore, the development is contrary to, and in conflict with the Good Design Guide (2020), Policies DM4 and DM10 of the adopted Site Allocations and Development management Policies Development Plan Document (2016), Sections 6, 18, and 20 of the adopted Core Strategy (2009), as well as Section 15 and the overarching principles of the National Planning Policy Framework (2021).
2. This proposal results in an intensification of vehicular movements turning onto and off the A47 Normandy Way, which is a busy, high-speed road, where the turning manoeuvres are likely to be an additional source of danger to road users. As a result, the residual cumulative impacts of the development are considered to be severe, contrary to, and in conflict with Policy DM17 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy IN5 of the Leicestershire Highway Design Guide (2020), and Paragraphs 110 and 111 of the National Planning Policy Framework (2021).

3. The Applicant has failed to demonstrate that an appropriate and safe vehicular access can be provided for the proposed development contrary to, and in conflict with Paragraphs 110 and 111 of the National Planning Policy Framework (2021).

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 98 members of the public have objected to the planning application from 81 separate addresses for the following reasons:

- Air pollution.
- Approving such a development sets a precedent for further development of the Green Wedge.
- Child welfare concerns.
- Commercial use of the site.
- Concerns regarding future extensions to the site.
- Congestion issues.
- Danger to pedestrians and cyclists at the site access.
- Deciduous tree planting is insufficient to screen the development in winter months.
- The development does not take into account heavy good vehicles entering the site.
- Diminishing area for recreational walks.
- Ecological harm.
- Fly tipping concerns.
- Harm to the character of the area.
- Harm to local house values.
- Highway safety concerns.
- Inaccurate speed survey.
- Inadequate site access.
- Inappropriate boundary treatment for its location in the countryside.
- Inappropriate waste management system.
- Increased anti-social behaviour.
- Increased crime.
- Increased flood risk.
- Insufficient capacity of Hinckley facilities to accommodate further residential properties.
- The information appertaining to the proposed tenants should not be considered as a reason for approval.
- Intensification of the use of the site.
- Issues regarding loose animals.
- Light pollution.
- The location of the site suffers from poor transport sustainability.
- Loss of privacy and overlooking impacts to neighbouring residents.
- Maintenance of the site concerns.
- Noise pollution.

- No amendments have been made to the scheme since the previous application.
- No justification for further gypsy and traveller residential pitches within the Borough.
- No provision of mains electricity, gas, or sewage connections into the site.
- Overdevelopment of the site.
- Odour issues.
- Queries regarding the ethnicity of the Applicant.
- Planting is insufficient to screen the development.
- Policing concerns.
- Presence of bats, birds, and badgers within the site.
- The proposal underplays the importance of the Green Wedge.
- A sewage treatment plant within the application site is not environmentally appropriate.
- Significant environmental harm.
- Significant harm to the countryside
- Significant harm to the Green Wedge.
- Significant harm to neighbouring residential amenity.
- The scheme is too near to existing residential development.
- The site access is not compliant with the requirements of the Leicestershire Highway Design Guide (LHDG) (2022).
- The site is close to a well-used green space park.
- The use is incompatible with the local area.
- Vermin concerns.

5.3 *It is noted by the Planning Officer that private interests, such as the value of nearby properties, are not a material planning consideration. Moreover, there is no justification or evidence that this development proposal is likely to result in any increase in anti-social behaviour or crime.*

5.4 Members of the public have also stated that their highway safety concerns are heightened by the fact that there is no street lighting near to the site's access and due to the proposed Hinckley National Rail Freight Interchange within the Borough.

It is noted by the Planning Officer that the proposal for the Hinckley National Rail Freight Interchange has not yet been determined by the Planning Inspectorate.

5.5 In addition, several members of the public have challenged the location of the speed survey, which was undertaken 30m before the commencement of the 40mph as opposed to adjacent to the site access. One member of the public also challenged the Applicant's suggestion that the A47 was not a Trunk Road and asserted that the public highway was subject to Paragraph 9 of Circular 02/2013.

These concerns were noted by the Planning Officer and raised with the Local Highway Authority for their consideration within their response to the planning application.

5.6 It has been suggested by members of the public that the site is utilised recreationally for family walks and public walks. One member of the public argued that the application site has been accessed by the public for at least 20 years and therefore there is a Public Right of Access to the Land.

The Planning Officer notes that the application site cannot be currently accessed from Newquay Close, Kent Drive, or Harwood Drive, and there is no formal Public

Right of Way in or around the application site. The only access into the application site is via Normandy Way, which features locked gates. Whilst there may be a Public Right of Access to the application site, no evidence has been provided to the Council to demonstrate this, nor has this been raised by Leicestershire County Council's Public Right of Way Department.

- 5.7 Responses from members of the public have also discussed concerns regarding the future implications of the site, including the further expansion of the site.

The Planning Officer notes that the planning application can only be determined on what is submitted and proposed. Any speculation on potential future developments within the application site is not a material planning consideration.

Furthermore, the proposal is only for the residential use of the application site, and no commercial uses shall be undertaken, which can be secured via planning condition should the development be recommended for approval.

- 5.8 Several members of the public also referred to decisions of the Council, including appeal decisions, of planning applications within the Borough's Green Wedges including planning applications 11/00377/FUL, 12/00452/FUL, 13/01044/FUL, 16/00113/COU, 17/00531/OUT, and 18/01051/FUL.
- 5.9 Planning application 11/00377/FUL, which was for the provision of two mobile homes at the Land adjacent to Hissar House Farm, Leicester Road, Hinckley, was dismissed at appeal. In summary, the Inspector concluded that the adverse effect of the proposal on the role of the Green Wedge should be granted substantial weight in the planning balance, and this issue ultimately outweighed any potential benefits of the scheme regarding the sustainability of the site and the need for the additional provision of gypsy and traveller sites within the Borough. Development has since been refused on this site in 2013 (13/01044/FUL), and in 2016 (16/00113/COU).
- 5.10 Planning application 17/00531/OUT, which was for the provision of up to 185 dwellings at the Land east of the Common, Barwell, was dismissed at appeal because the Inspector concluded that, whilst the appeal site was on the edge of a town and it was not considered to be a 'valued' landscape for the purposes of the Framework, significant weight should be attached to the conflict with Policy 6 of the adopted Core Strategy and Policy DM4 of the SADMP. Therefore, it was considered that the adverse effects of the development significantly and demonstrably outweighed the benefits of the scheme.
- 5.11 One member of the public referred to the decision of *Stevens v Secretary of State for Communities & Local Government*, where the Inspector concluded that the interests of the children were of moderate weight without offending Article 3 of the United Nation's Convention on the Rights of the Child.
- 5.12 Notwithstanding the above, it is noted that all planning applications must be determined on their own merits and the site-specific material considerations of the site.
- 5.13 No further responses have been received.

6. Consultation

- 6.1 The Local Highway Authority (LHA) advised that the residual cumulative impacts of the development were considered to be severe. Consequently, the LHA recommended that the development was refused for the following reasons:

1. This proposal, if permitted, would lead to an intensification of vehicular movements turning onto and off the A47 Normandy Way, which is a busy high-speed road, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety, and is contrary to Policy IN5 of the Leicestershire Highway Design Guide and Paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) (December 2023).
2. The Applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development contrary to Paragraphs 114 and 115 of the NPPF (December 2023).

Reason for Refusal 2 was removed by the Local Highway Authority on 28 March 2024 following the submission of a Stage 1 Road Safety Audit (RSA1) and Designer's Response alongside revised Access Details and Vehicle Swept Path Plans.

Site Access

- 6.2 The proposed development would be accessed off the A47 Normandy Way via an existing agricultural access. The LHA must be satisfied that a safe and suitable access can be achieved to the site in accordance with Paragraph 114 of the NPPF (December 2023).
- 6.3 The RSA1 raised four issues in respect of the site access and recommended solutions, which are summarised below:
 1. **Risk of tail end and side swipe type collisions.**
It was recommended that a dedicated right turn was provided.
 2. **Risk of cycling and vehicle collisions.**
It was recommended that priority measures for cyclists at the interface of the proposed access were confirmed.
 3. **Footway/cycle interface with the proposed access (To be read in context with Problem 2 above).**
It was recommended that the traffic sign was relocated to the west and that a, "*New side road ahead*," warning sign relating to the proposed access should be considered.
 4. **Risk of tail end collisions.**
It was recommended that the eastern radii was increased and/or the access widened. Vehicle tracking was also needed to confirm the viability of the proposal.
- 6.4 The Applicant accepted the solutions to Problems, 2, 3, and 4, however they disagreed with Problem 1 because they considered the projected development traffic associated with the development to be minimal. As a result, the Applicant considered that the provision of a dedicated right turn lane to be disproportionate to the development.
- 6.5 After giving considerations to the proposals, the LHA accepted that a ghost right turn lane would not be necessary to serve the site. However, in the event that the Local Planning Authority were mindful to grant planning permission, amendments to the central hatching in the immediate vicinity of the site access could be undertaken at detailed design, which would offer some space for vehicles to wait in the highway

whilst turning right. In addition, features such as tactile paving and appropriate give way lining for the footway/ cycleway could be considered at detailed design.

- 6.6 The LHA have also noted that the widening of the access may affect highway trees. Therefore, a survey, an Arboricultural Impact Assessment (AIA), and an Arboricultural Method Statement (AMS) will need to be undertaken and submitted to Leicestershire County Council.

Access to the Road Network Policy

- 6.7 The A47, which is a key strategic link between Leicester and the A5 (Hinckley), is a single carriageway road subject to the National Speed Limit. In the vicinity of the proposed development the A47 has an off-carriageway footway/cycleway and is unlit. Given the nature of the highway in this location, the LHA has concerns on the impact on other road users regarding any intensification use of the access in this location.

- 6.8 When assessing any planning application, the LHA must consider its impact on the local highway network against both the NPPF (December 2023) and local guidance, the LHDG.

- 6.9 Given the location of the proposed development, Part 1, Section IN5, 'Our access to the road network policy' of the LHDG is particularly relevant. This section sets out the LHA requirements and principles for new accesses for vehicles or the increased use of existing accesses onto A and B class roads. Paragraph 1.26 of Section IN5 of the LHDG states that:

"We will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:

- Roads with a speed limit above 40mph (that is 50mph, 60mph, or 70mph) or where measured vehicle speeds are in excess of 40mph.*
- Roads with a speed limit of 40mph or less which are essentially rural in nature.*
- Routes where the access would affect bus-corridor or bus-priority measures being put in place.*
- Roads that are at or near capacity (cannot carry more traffic)*
- Roads where there is an existing problem with road safety."*

- 6.10 In terms of Policy IN5, the Applicant has stated within their Transport Note (TN) that whilst the A47 is not a trunk road, consideration could be given to Department of Transport Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development', published in September 2013. The Applicant states that the document sets out the way in which National Highways will help deliver sustainable development and that Circular 02/2013 sets out a more relaxed approach towards development proposals that affect the strategic road network.

- 6.11 The Applicant concludes in their TN that, given the information available and details of the proposed development, National Highways would not seek to resist the planning application.

- 6.12 The LHA are unable to comment on what advice National Highways would provide should the proposals be accessed from a road under their jurisdiction. Nevertheless, it is highlighted that the A47 Normandy Way forms part of the LHA's Resilient Network, whereby it is considered essential for economic activity and key services in the event of extreme weather events, major incidents, and other

disruption. Because of its importance, Normandy Way is also listed as 'Priority 1' as part of the LHA's winter gritting route.

- 6.13 For information, routes considered within the LHA Resilient Network comprise diversion routes for motorways and dual carriageways or are key access roads to important infrastructure, such as hospitals, food distribution centres, power suppliers and water treatment or pumping stations. The key aim is to ensure that access is maintained on the Resilient Network for traffic at all times, wherever reasonably practicable.
- 6.14 Additionally, on 23 December 2017, the Government launched a consultation setting out proposals for the creation of a Major Road Network (MRN). The MRN forms a middle tier of the country's busiest and most economically important local authority 'A' roads, sitting between the national Strategic Road Network (SRN) and the rest of the local road network. A specific new funding stream will be dedicated to improvements on MRN roads. It should be noted that this section of the A47 is part of the MRN and it is therefore important that it functions as a strategic link.
- 6.15 Finally, the LHA is also aware of a recent radio article (<https://www.bbc.co.uk/programmes/p0h3pj5n>), which identifies the A47 in Hinckley as one of four areas in the County where there are particular concerns with the links used for street races.

Traffic Survey

- 6.16 As advised as part of the previous application, LHA has checked its own database for this section of the A47. An Automatic Traffic Counter (ATC) was in place approximately 35m to the west of the site access in March 2023.
- 6.17 The 12-hour counts for one week in March 2023, which is currently the latest data available, show there were a total of between 12,615 and 13,653 two-way movements over a 12-hour period (07:00 – 19:00). Tables 1- 3 summarises the typical AM, PM and 12-hour flows.
- 6.18 The ATC demonstrates that the A47 is a highly trafficked road, which can be expected given its status as both part of LCC's resilient network and part of the MRN.

Trip Generation

- 6.19 The LHA previously advised it was aware of an identical size development where it undertook its own traffic count on Tuesday 14 and Wednesday 15 June 2022, to ascertain the level of trips that development generated. The results indicated between 29 – 35 daily trips used the access to that site. The Applicant has 'generally accepted' this and does not dispute the proposals would likely lead to an intensification in turning traffic at the site access.
- 6.20 It has been highlighted within the TN that the likelihood of vehicles towing caravans would be extremely low as families would be using the site on a fixed residential basis, rather than the site being used as a 'transit' site. Nevertheless, the LHA advises that concerns remain in respect of the proposals creating an intensification in use of an access on to a highly trafficked road with speeds of more than 40mph, which is contrary to Paragraph 1.26 of Policy IN5 referenced above.

Highway Safety

- 6.21 Based on available records to the LHA, there has been one recorded Personal Injury Collision (PIC) within 500m of the site access on Normandy Way within the

last five years. This occurred in January 2020 and was recorded as slight, involving four vehicles including a right turning vehicle at the junction of Normandy Way with Cornwall Way.

6.22 A total of seven PIC's have occurred at the signalised junction of Normandy Way with Ashby Road (A447/ B4667), which included one serious and six slight.

6.23 This adds to the LHA's concerns that the proposals could be of detriment to highway safety.

Internal Layout

6.24 The LHA is satisfied that there is sufficient space for vehicles to park within the site and that the proposals are unlikely to generate vehicle parking within the highway. It is also considered that there is sufficient space for vehicles to turn within the site to allow access and egress in a forward gear.

Statutory Consultees with No Objections to the Development:

6.25 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Ecology Department
- LCC's Gypsy Liaison Officer
- National Highways

6.26 The County Council's Drainage Department, as the Local Lead Flood Authority, did not comment on the planning application.

Ecology

6.27 The County Council's Ecology Department re-iterated their comments from the previous planning application, 23/00655/FUL. Whilst the Leicestershire and Rutland Environmental Records Centre (LRERC) identified the presence of bats immediately adjacent to the application site, LCC Ecology confirmed that they had no objections to the proposal. However, they requested that the proposed deciduous planting should be of native species of local province. LCC Ecology advised that, should existing vegetation requiring pruning then this should be completed outside of the breeding bird season. If required, a lighting plan should be submitted as a planning condition to ensure that any potential impacts of light pollution are mitigated.

Gypsy Liaison Officer

6.28 The County Council's Gypsy Liaison Officer confirmed that the families the development is intended for are well known to the officers from the County Council's Multi-Agency Travellers Unit (MATU) who have evidence of the lifestyle and work patterns of the families to confirm their ethnicity. Ultimately, the Gypsy Liaison Officer had no objections to the previous scheme and stated that the site has the potential to provide a small family site that supports the health and welfare for children and the elderly that propose to live in the site.

National Highways

6.29 National Highways did not consider the development to have an impact on the safe and efficient operation of the Strategic Road Network (SRN). Therefore, National Highways did not object to the development.

Waste

- 6.30 The Council's Health and Safety Team noted that the proposed recycling and refuse collection strategy requires refuse officers to work in a live lane with traffic potentially moving up to 60mph. The Health and Safety Team considered this to be extremely hazardous and advised that there should be the ability for the Council's refuse officers to enter the site to collect the refuse and turn around to leave the site in a forward gear. In light of the above, the Council's Waste Management Officer requested a planning condition that secures a scheme which makes adequate provision for the storage and collection of waste and recycling containers across the site.
- 6.31 The Council's Drainage and Greenspaces Officers did not respond to the planning application.
- 6.32 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 1: Development in Hinckley
 - Policy 6: Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge
 - Policy 18: Provision of Sites for Gypsies, Travellers, and Travelling Show People
 - Policy 20: Green Infrastructure
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Planning Policy for Traveller Sites (PPTS) (2015).
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge Review (GWR) (2020)
 - Hinckley and Bosworth Gypsy and Traveller Accommodation Assessment (GTAA) (2016)
 - Landscape Character Assessment (LCA) (2017)
 - Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - Housing land supply

- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

Principle of Development

- 8.1 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. The NPPF is a material planning consideration in planning decisions.
- 8.2 Paragraph 4 of the NPPF notes that the Framework should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) (2015) and its Planning Policy for Waste (2014). When making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.9 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside 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.
- 8.10 Therefore, the proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 of the SADMP, but this does not mean that the development is not sustainable.
- 8.11 Importantly, Policy DM4 of the SADMP also states that developments must meet five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.12 For example, Policy 20 of the adopted Core Strategy states that, to assist the delivery of the implementation of the Green Infrastructure Network, the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge (‘Green Wedge’) will be maintained between Hinckley and Barwell as it plays an important environmental and landscape protectional role.
- 8.13 Therefore, Policy 6 of the adopted Core Strategy states that the following land uses are acceptable in the Green Wedge, provided that the operational development associated, and such uses do 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.
- 8.14 Given the above, the scheme does not comply with any of the acceptable land uses within the Green Wedge, contrary to Policy 6 of the adopted Core Strategy. However, Policy 6 of the adopted Core Strategy also states that development proposals must accord with four further requirements to be considered acceptable. These are discussed in detail further in the report.

- 8.15 Although the NPPF does not contain a specific reference to green wedges, these areas support the aims of Section 15 of the NPPF to conserve and enhance the natural environment. Moreover, Paragraph 181 of the NPPF states that plans should
- Distinguish between the hierarchy of international, national, and locally designated sites.
 - Allocate land with the least environmental or amenity value where consistent with other policies in the Framework.
 - Take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.
 - Plan for the enhancement of natural capital at a catchment or landscape across local authority boundaries.

In accordance with the above, green wedges are locally designated areas which help guide development to areas with the least environmental or amenity value, provide a green lung that maintains and enhances green infrastructure and networks of habitats within the Borough, and act as a recreational resource.

- 8.16 As highlighted by Paragraph 7.48 of the GWR, green wedges do not perform the same function as a green belt, in that they do not restrict the growth of an urban area. Instead, they aim to ensure that, as urban development grows, open space is incorporated that provides a recreation resource and acts as a green lung, whilst at the same time having regard to the coalescence of settlements.
- 8.17 In summary, the proposal is offered no support by Policy DM4 of the SADMP, nor Policies 6 and 20 of the adopted Core Strategy. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.18 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.19 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.20 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. The latest figures up to 01 April 2023 are currently being worked on and will be available in due course.
- 8.21 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.

- 8.22 Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.
- 8.23 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.24 Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area.
- 8.25 Within this context, Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.
- 8.26 The PPTS sets out how travellers' housing needs should be assessed for those covered by the definition within Annex 1 of the same document.
- 8.27 As per the guidance of Leicestershire County Council's Gypsy Liaison Officer, it is considered that all potential occupants of the site identify as Gypsy and Travellers for the purpose of the PPTS and The Equality Act 2010.
- 8.28 In accordance with Policy C of the PPTS, it is considered that the provision of four residential pitches in this location does not dominate the nearest settled community.
- 8.29 Paragraph 24 of the PPTS states that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites:
- (a) The existing level of local provision and need for sites.
 - (b) The availability (or lack) of alternative accommodation for the applicants.
 - (c) Other personal circumstances of the applicant.
 - (d) That the locally specific criteria used to guide the allocation of sites in plans or which the policy where there is no identified need for pitches/plot should be used to assess applications that may come forward on unallocated sites.
 - (e) That they should determine applications for sites from any travellers and not just those with local connections.
- 8.30 In relation to Paragraph 24(a) and (d) of the PPTS, Policy 18 of the adopted Core Strategy sets out the criteria for the provision of sites for gypsies, travellers, and travelling show people. Policy 18 of the adopted Core Strategy states that planning permission for new gypsy and traveller sites will be granted providing the site:
- Is within or adjacent to the settlement boundary of Hinckley, Burbage, Barwell and Earl Shilton.

- Is located within a reasonable distance of local services and facilities including shops, GPs, and schools, even if the site is not directly adjacent to the settlement boundary.
- Has safe highway access, provision for parking and servicing.
- Can be capable of sympathetic assimilation into the surroundings.
- Will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

These requirements will be assessed further within this report.

- 8.31 However, it is noted that this Policy is largely superseded by the Planning Policy for Traveller Sites (PPTS) (2015). Therefore, the targets for residential pitches that are identified within Policy 18 of the adopted Core Strategy are out of date.
- 8.32 It is also considered that the Council's most up to date Gypsy and Traveller Accommodation Assessment (GTAA) (2016) is over five years and out-of-date. Therefore, evidence on the need for gypsy and traveller accommodation remains to be updated. It is also accepted that since 2016 there has been limited additional gypsy and traveller accommodation granted in the Borough.
- 8.33 Furthermore, the County Council's Gypsy Liaison Officer has confirmed that the Aston Firs Caravan Site, which is located in the Borough of Blaby, which is owned by Leicestershire County Council, is at capacity and there are a number of families living on this site that have grown up children who would like to start their own families with nowhere to move to.
- 8.34 Within the Applicant's Planning Statement, the Applicant has identified that Family 1 have lived on a gypsy and traveller site in Market Harborough since 2004, Family 2 have lived on a gypsy and traveller site that is owned by their cousin for the last two years, Family 3 have lived in a house for 17 years, and Family 4 have been renting a house for the last 7 years.
- 8.35 Therefore, whilst there are advantages to the Applicant and the families identified within the Planning Statement moving into the application site, all identified families currently have alternative accommodation that is not considered to be intrinsically unsatisfactory. Therefore, in accordance with Paragraph 24(b) and (c) of the PPTS, the personal circumstances are not considered to attract significant weight in the planning balance.
- 8.36 In summary, the provision of four residential pitches within this application site is unlikely to be of a significant benefit to the housing land supply within the Borough, therefore this is given limited weight in the planning balance. Furthermore, the provision of four residential pitches within this application is unlikely to be of a significant benefit to the supply of gypsy and traveller accommodation within the Borough. However, given that the identified need for further gypsy and traveller accommodation within the Borough is out of date, and it is acknowledged that limited gypsy and traveller accommodation has been granted in the Borough since this time, the provision of additional gypsy and traveller accommodation is given significant positive weight in the planning balance.

Design and Impact upon the Character of the Area

- 8.37 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings

and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 8.38 Paragraph 26 of the PPTS states that, when considering applications, local planning authorities should attach weight to the following matters:
- (a) Effective use of previously developed (brownfield), untidy, or derelict land.
 - (b) Sites being well planned or soft landscape in such a way as to positively the environment and increase its openness.
 - (c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
 - (d) Not enclosing a site with so much hard landscaping, high walls, or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.39 The application site has not been previously developed and is not considered to be derelict land. Therefore Paragraph 26(a) of the PPTS does not relate to this application.
- 8.40 Whilst deciduous planting is proposed around the site, the details of this planting are not confirmed, and no soft landscaping has been proposed within the application site. Whilst this is in conflict with Paragraph 26(b) of the PPTS, details regarding landscaping can be secured via planning condition.
- 8.41 Although the proposal provides a children's play area, as advised within Paragraph 26(c) of the PPTS, no details of this play area have been provided within this application. Moreover, the Applicant has not demonstrated how their scheme promotes opportunities for healthy lifestyles.
- 8.42 There is only one access into the application site and the site itself is entirely enclosed by 1.8m high close-boarded timber fencing, which is considered to feel isolated from the rest of the community. In spite of this, the application site is adjacent to other residential uses, and therefore this development is not considered to be contrary to Paragraph 26(d) of the PPTS in these site-specific circumstances.
- 8.43 Ultimately, Paragraph 139 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.
- 8.44 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - 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 Policies 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.
- 8.45 It is acknowledged that the scheme is not located within the National Forest, nor does it create or exacerbate ribbon development. As a result of the presence of the A47 along the northern boundary of the site, the scheme is also unlikely to

undermine the physical separation and perceived separation and open character between settlements. Therefore, Policy DM4(ii, iii, and v) of the SADMP are not applicable to the determination of this application.

- 8.46 Policy 6 of the adopted Core Strategy states that 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.
 - (d) Retain the visual appearance of the area.
- 8.47 It is noted that there is no formal public access to this application site, and therefore Policy 6(c) of the adopted Core Strategy is not applicable in these site-specific circumstances.
- 8.48 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.49 The Council's Landscape Character Assessment (LCA) identifies that one of the key sensitives of the location of the application site is its rural character and undeveloped landscape within the Green Wedge. This is particularly evident in the location of the application site because Area F of the Green Wedge is described by the GWR as agricultural in nature. Ultimately, one of the main objectives of this area within the LCA, and the wider ambitions of the GWR, and Policies 6 and 20 of the adopted Core Strategy, is to protect the green infrastructure within the Borough and to seek opportunities to enhance its amenity and ecological value.
- 8.50 The residential use of the site is likely to result in a detrimental and fundamental change to the use and character of the site. This can be seen alone by the fact that the entire site is surfaced to accommodate the new use. In addition, the residential use of the application site does not protect the designated Green Wedge's role and function as required within Policies 6 and 20 of the adopted Core Strategy, and Policy DM4(iv) of the SADMP. Therefore, the development is likely to result in the domestication of the site, which is considered to have significant adverse impacts to the intrinsic value, beauty, open character, and landscape of the countryside, and to the rural character and undeveloped nature of Landscape Character Area F and the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge. This harm is considered to be heightened by virtue of the sensitives of the site as detailed within the LCA and the GWR.
- 8.51 Although the application site is adjacent to and influenced by the existing residential development to the west and the A47 to the north, it is noted that the site is bounded by, and also influenced by, open agricultural fields to the east and to the south. Moreover, the urban fringe influence on the Green Wedge is highlighted within the GWR. Notwithstanding this, the presence of existing built form near the site, particularly that which is within an identified settlement boundary, does not suggest that development is acceptable in these site-specific circumstances.
- 8.52 It is considered that the main visual impact of this harm of the development from public views is from Normandy Way. Despite the fact that existing vegetation diminishes views into the site, this vegetation is deciduous, and therefore the scheme's visual prominence is likely to increase in winter months. Furthermore,

whilst the additional deciduous tree planting is beneficial in reducing the visual impact of the scheme, new planting cannot be relied upon to provide permanent or substantial buffers to views. This is because planting initially takes time to become properly established, it is susceptible to disease, and it is ever evolving and reliant on regular maintenance to retain a consistent form.

- 8.53 Nevertheless, whilst the significant harm of the development is not prominent from public views, this does not suggest that significant localised harm has not occurred to the character of the application site, the Green Wedge, and the countryside.
- 8.54 By virtue of these factors, it is considered that the development results in permanent and significant adverse impacts to the rural character and undeveloped nature of the application site, the wider Burbage Common Rolling Farmland Land Character Area F, the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge, and the intrinsic value, beauty, open character, and landscape character of the countryside. As a result, the development fails to protect the role and function of the designated Green Wedge. Consequently, the development is considered to be contrary to, and in conflict with, the Good Design Guide, Policies DM4 and DM10 of the SADMP, Sections 6 and 20 of the adopted Core Strategy, and Sections 12 and 15 of the NPPF.

Impact upon Residential Amenity

- 8.55 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.56 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.57 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.58 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.
- 8.59 In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.60 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.61 The closest neighbouring properties to the application site are those to the south of the site along Kent Drive, and to the west of the site along Newquay Close.

- 8.62 The properties along Kent Drive are separated from the application site by a further agricultural field. In accordance with the submitted Site Location Plan, this field, at its narrowest, is approximately 17.9m in depth to the rear boundary of 64 Kent Drive's garden, which then increases to a depth of 53.3m to the rear boundary of 38 Kent Drive's garden. Notwithstanding this, it is noted that the shared boundary between the application site and the adjacent field features extensive mature vegetation that reduces the intervisibility between the two sites. Moreover, the Proposed Site Layout Plan indicates that the static caravans are a minimum of an additional 7m north of the southern boundary of the site.
- 8.63 Given the above, and the size and scale of the proposed development, the scheme is not considered to result in any loss of light, loss of privacy, nor any overshadowing or overbearing impacts to the neighbouring residential properties along Kent Drive or Harwood Drive.
- 8.64 To the west of the site, 12, 13, 14, and 15 Newquay Close share a boundary with the application site. As per the Proposed Site Layout, these properties are separated from the residential pitches within the site by existing planting and the new proposed additional deciduous tree planting. The western boundary of the closest residential pitch is approximately 24m from the eastern side elevation of 12 Newquay Close, and this increases to 35m to the rear elevation of 13 Newquay Close, and 37.3m to the rear of 14 Newquay Close.
- 8.65 Due to these distances and the size and scale of the proposed development, the scheme is not considered to result in any loss of light, loss of privacy, nor any overshadowing or overbearing impacts to the neighbouring residential properties along Newquay Close.
- 8.66 Furthermore, given the distance between the application site and the neighbouring residential properties, it is not considered that the provision of four residential pitches is likely to result in any significant adverse noise impacts that detrimentally affect neighbouring residential amenity. This is supported by the fact that the Council's Pollution Officer has no objections to the development. Whilst members of the public have expressed concerns regarding the commercial use of the site, the proposal is only for four residential pitches, and any commercial use of the site shall be prohibited, which can be secured via planning condition, in the interests of protecting neighbouring residential amenity.
- 8.67 Each residential pitch exceeds 680sqm in size, and the development includes a 273.4sqm play area. Whilst the details of the play area have not been confirmed, it is considered that the scheme is able to ensure an adequate level of residential amenity of its future occupants.
- 8.68 By virtue of these factors, the proposal is not considered to result in any significant harm to the residential amenity of the future occupants of the scheme, nor the residential amenity of neighbouring residents. Therefore, the development is considered to be in accordance with Policy DM10 of the SADMP, Policy 18 of the adopted Core Strategy, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.69 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users.

Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 8.70 Ultimately, development should not be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.
- 8.71 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.72 Paragraph 1.26 of Section IN5 of the LHDG states that the Local Highway Authority (LHA) will normally apply restrictions on new accesses for vehicles and the increased use of existing accesses on:
- Roads with a speed limit above 40mph (that is 50mph, 60mph, or 70mph) or where measured vehicle speeds are in excess of 40mph.
 - Roads with a speed limit of 40mph or less which are essentially rural in nature.
 - Routes where the access would affect bus-corridor or bus-priority measures being put in place.
 - Roads that are at or near capacity (cannot carry more traffic)
 - Roads where there is an existing problem with road safety.
- 8.73 The A47, which is a key strategic link between Leicester and the A5 (Hinckley), is a single carriageway road subject to the national speed limit. The A47 forms part of the LHA's Resilient Network, whereby it is considered essential for economic activity and key services in the event of extreme weather events, major incidents and other disruption. Because of its importance, Normandy Way is also listed as 'Priority 1' as part of the LHA's winter gritting route.
- 8.74 Additionally, on 23 December 2017, the Government launched a consultation setting out proposals for the creation of a Major Road Network (MRN). The MRN forms a middle tier of the country's busiest and most economically important local authority 'A' roads, sitting between the national Strategic Road Network (SRN) and the rest of the local road network. A specific new funding stream will be dedicated to improvements on MRN roads. It should be noted that this section of the A47 is part of the MRN and it is therefore important that it functions as a strategic link.
- 8.75 The proposed development is accessed off the A47 Normandy Way via an existing agricultural access, which is widened to 6m in width and is proposed to incorporate a 6m junction radii. Swept path analysis of a 4x4 vehicle towing a caravan has been undertaken which details the vehicle arriving and departing from the site in all directions.
- 8.76 Vehicular visibility splays have also been shown on the drawing, based on the 85th percentile speeds detailed by the LHA's response to the previous application. The Automatic Traffic Count results identified 85th percentile vehicles speeds (for 12 hours between 07:00 - 19:00) of 49.4mph westbound and 53.0mph eastbound. The Applicant has not undertaken their own speed survey.

- 8.77 As advised in response to the previous application, the LHA accepts that splays of 2.4 x 160m based on Table DG4 of Part 3 of the LHDG can be exceeded in each direction and fall fully within the extents of the public highway.
- 8.78 The Applicant's Stage 1 Road Safety Audit (RSA1) raised four issues in respect of the site access and recommended solutions, which are summarised below:
1. **Risk of tail end and side swipe type collisions.**
It was recommended that a dedicated right turn was provided.
 2. **Risk of cycling and vehicle collisions.**
It was recommended that priority measures for cyclists at the interface of the proposed access were confirmed.
 3. **Footway/cycle interface with the proposed access (To be read in context with Problem 2 above).**
It was recommended that the traffic sign was relocated to the west and that a, "New side road ahead," warning sign relating to the proposed access should be considered.
 4. **Risk of tail end collisions.**
It was recommended that the eastern radii was increased and/or the access widened. Vehicle tracking was also needed to confirm the viability of the proposal.
- 8.79 The Applicant accepted the solutions to Problems, 2, 3, and 4, however they disagreed with Problem 1 because they considered the projected development traffic associated with the development to be minimal. As a result, the Applicant considered that the provision of a dedicated right turn lane to be disproportionate to the development.
- 8.80 After giving considerations to the proposals, the LHA accepted a ghost right turn lane would not be necessary to serve the site. However, amendments to the central hatching in the immediate vicinity of the site access could be undertaken at detailed design, which would offer some space for vehicles to wait in the highway whilst turning right. In addition, features such as tactile paving and appropriate give way lining for the footway/ cycleway could be considered at detailed design.
- 8.81 The LHA have also noted that the widening of the access may affect highway trees. Therefore, a survey, an Arboricultural Impact Assessment (AIA), and an Arboricultural Method Statement (AMS) will need to be undertaken and submitted to Leicestershire County Council. This can be secured via planning condition.
- 8.82 As advised as part of the previous application, LHA has checked its own database for this section of the A47. An Automatic Traffic Counter (ATC) was in place approximately 35m to the west of the site access in March 2023. The 12-hour counts for one week in March 2023, which is currently the latest data available, show there were a total of between 12,615 and 13,653 two-way movements over a 12-hour period (07:00 – 19:00). Tables 1- 3 summarises the typical AM, PM and 12-hour flows.
- 8.83 The ATC demonstrates that the A47 is a highly trafficked road, which can be expected given its status as both part of LCC's resilient network and part of the MRN.

- 8.84 The LHA previously advised it was aware of an identical size development where it undertook its own traffic count on Tuesday 14 and Wednesday 15 June 2022, to ascertain the level of trips that development generated. The results indicated between 29 – 35 daily trips used the access to that site. The Applicant has 'generally accepted' this and does not dispute the proposals is likely to lead to an intensification in turning traffic at the site access.
- 8.85 It has been highlighted within the Applicant's Transport Note (TN) that the likelihood of vehicles towing caravans is extremely low as families are using the site on a fixed residential basis, rather than the site being used as a 'transit' site. Nevertheless, the LHA advises that concerns remain in respect of the proposals creating an intensification in use of an access on to a highly trafficked road with speeds of more than 40mph, which is contrary to Paragraph 1.26 of Policy IN5 of the LHDG.
- 8.86 Based on available records to the LHA, there has been one recorded Personal Injury Collision (PIC) within 500m of the site access on Normandy Way within the last five years. This occurred in January 2020 and was recorded as slight, involving four vehicles including a right turning vehicle at the junction of Normandy Way with Cornwall Way.
- 8.87 A total of seven PIC's have occurred at the signalised junction of Normandy Way with Ashby Road (A447/ B4667), which included one serious and six slight. This adds to the concerns that the proposal is likely to be detrimental to highway safety.
- 8.88 As a result, it is considered that the development results in an intensification of vehicular movements turning onto and off the A47, which is a busy high-speed road, where the turning manoeuvres are likely to be an additional source of danger to road users, which is not in the interests of highway safety. Therefore, the development is contrary to, and in conflict with, Policy IN5 of the LHDG, and Paragraphs 114 and 115 of the NPPF.
- 8.89 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.90 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.
- 8.91 The Proposed Site Layout Plan provides details of the internal layout of the site. Ultimately, it is considered that there is sufficient space for vehicles to park within the site and therefore the proposal is unlikely to generate parking within the public highway. It is also considered that is sufficient space for vehicles to turn within the site to allow access and egress in a forward gear.
- 8.92 By virtue of the factors above, it is considered that the development results in an intensification of vehicular movements turning onto and off the A47, which is a busy high-speed road, where the turning manoeuvres are likely to be an additional source of danger to road users, which is not in the interests of highway safety. Ultimately, it is therefore considered that the residual cumulative impacts of the development are severe, which is contrary to, and in conflict with Policy DM17 of the SADMP, the LHDG, and Paragraphs 114 and 115 of the NPPF.

Planning Balance

8.93 In summary, the Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. It is necessary therefore to consider that the 'tilted' balance in Paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.94 The Applicant has attempted to justify their development by stating the following:

- The Gypsy status of the Applicant was not disputed within the original application, and the PPTS is supportive of sites in the countryside adjacent to the edge of settlements.
- The development complies with Policy 18 of the adopted Core Strategy.
- The Council relies on an out-of-date Gypsy and Traveller Accommodation Assessment.
- The personal needs of the intended occupiers are supported by the County Council's Gypsy Liaison Officer.

The Applicant has also suggested several times within their Planning Statement that the concerns of the Local Planning Authority can be addressed via planning conditions, but the Applicant has not explained how this is possible, nor does it address the concerns of the Local Planning Authority.

8.95 Whilst the ethnicity of the Applicant was not disputed, this does not suggest that the development should be approved. In addition, although the PPTS, does not preclude development in the countryside, the document does not state in writing that National Policy is supportive of sites in the countryside. On the contrary, Paragraph 25 of the PPTS states that:

"Local Planning Authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan."

8.96 Moreover, as per Paragraph 2 of the PPTS:

"Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise... Local planning authorities... taking decisions on traveller sites should also have regard to the policies in the National Planning Policy Framework so far as relevant."

8.97 Although the development is proposed adjacent to the settlement boundary of Hinckley, in accordance with Policy 18 of the adopted Core Strategy, the residual cumulative impacts of the development are considered to be severe, and the Applicant has failed to demonstrate that the scheme is capable of sympathetic assimilation into the surrounding area. Therefore, the development is in conflict with the requirements of Policy 18 of the adopted Core Strategy.

8.98 As confirmed within this report, the Local Planning Authority acknowledges that the identified need for further gypsy and traveller accommodation within the Borough is

out-of-date, and it is acknowledged that limited gypsy and traveller accommodation has been granted in the Borough since this time.

- 8.99 For clarity, the County Council's Gypsy Liaison did not make comments in support of the application. Instead, the Gypsy Liaison Officer highlighted the health and welfare benefits of such a scheme, "*Should planning permission be obtained.*" Notwithstanding this, the decision to grant or refuse a planning application ultimately rests with the Local Planning Authority upon taking into account all relevant considerations and matters. The relevant considerations and matters of the development, which have been assessed within this document, are summarised below.
- 8.100 Firstly, but in light of the above, the development results in permanent and significant adverse impacts to the rural character and undeveloped nature of the application site, the wider Burbage Common Rolling Farmland Land Character Area F, the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge, and the intrinsic value, beauty, open character, and landscape character of the countryside. As a result, the development fails to protect the role and function of the designated Green Wedge.
- 8.101 Although the Applicant has suggested the development is, "*Insignificant,*" in comparison to other development in the Green Wedge, such as the Dorothy Goodman Upper School, it is noted that Dorothy Goodman Upper School is an established community facility within the Borough, which is considered to have significantly different material considerations within the planning balance in comparison to the provision of four private residential properties. Moreover, to suggest that the function of the Green Wedge is not affected because only a relevant small part would be lost is not a significant argument on its own, and is one that, if repeated, is likely to lead to the substantial loss of the Green Wedge and its function.
- 8.102 Therefore, the harm to the character of the area is given significant weight in the planning balance.
- 8.103 Furthermore, it is considered that the development results in an intensification of vehicular movements turning onto and off the A47, which is a busy high-speed road, where the turning manoeuvres are likely to be an additional source of danger to road users, which is not in the interests of highway safety. Ultimately, it is therefore considered that the residual cumulative impacts of the development are severe, which is contrary to, and in conflict with Policy DM17 of the SADMP, the LHDG, and Paragraphs 114 and 115 of the NPPF. This is given significant weight in the planning balance.
- 8.104 Policies DM4, DM10 and DM17 of the SADMP and Policies 6 and 20 of the adopted Core Strategy are considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.105 In spite of this, it is acknowledged that there are potential social benefits from the scheme such as the provision of gypsy and traveller residential accommodation, which is given significant weight in the planning balance.

- 8.106 Although the scheme is unlikely to result in any significant harm to neighbouring residential amenity, this is not a benefit of the scheme, and is given neutral weight in the planning balance.
- 8.107 By virtue of all the factors raised within this report, it is considered that the significant adverse impacts of the development as a result of its harm to the character of the site, the wider character area, the Green Wedge, and the wider countryside, alongside its severe residual cumulative impacts on highway safety are considered to significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances.
- 8.108 Consequently, the development is contrary to, and in conflict with, the Good Design Guide (2020), Policies DM4, DM10, and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Sections 6, 18 and 20 of the adopted Core Strategy (2009), the Leicestershire Highway Design Guide (2022), as well as Paragraphs 114 and 115 and Sections 2, 12 and 15 of the National Planning Policy Framework (December 2023).

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 The equality implications arising from this application relate to persons with protected characteristics as identified within the Equality Act 2010. This has been addressed in the assessment of the application by having regard to the National Planning Policy Framework (December 2023), the Planning Policy for Traveller Sites (2015), Designing Gypsy & Traveller Sites Good Practise Guidance (2008), and other National Guidance.
- 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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be refused.

11. Recommendation

11.1 Refuse planning permission subject to:

- Planning reasons outlined at the end of this report.

11.2 Conditions and Reasons

1. The development results in permanent and significant adverse impacts to the rural character and undeveloped nature of the application site, the wider Burbage Common Rolling Farmland Land Character Area, the Hinckley/ Barwell/ Earl Shilton/ Burbage Green Wedge, and the intrinsic value, beauty, open character, and landscape character of the countryside. As a result, the development fails to protect the role and function of the designated Green Wedge. Ultimately, it is considered that the significant adverse impacts of the development significantly and demonstrably outweigh the benefits of the scheme in these site-specific circumstances. Consequently, the development is contrary to, and in conflict with, the Good Design Guide (2020), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Sections 6, 18 and 20 of the adopted Core Strategy (2009), as well as Sections 12 and 15 and the overarching principles of the National Planning Policy Framework (December 2023).
2. This proposal, if permitted, would lead to an intensification of vehicular movements turning onto and off the A47 Normandy Way, which is a busy high-speed road, where the turning manoeuvres could be an additional source of danger to road users, which is not in the interests of highway safety. As a result, the residual cumulative impacts of the development are severe, which is contrary to Policy 17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Policy IN5 of the Leicestershire Highway Design Guide, and Paragraphs 114 and 115 of the National Planning Policy Framework (NPPF) (December 2023).

a. Notes to Applicant:

1. The application has been determined in accordance with the following submitted details:
 - Planning Statement (submitted: 08.01.2024).
 - Proposed Access Details (Rev A) (submitted: 27.03.2024).
 - Proposed Block Plan 010 Rev C (submitted: 30.01.2024).
 - Site Location Plan, Floor Plan, Elevations, Drg No. 2023031-PL-011 (submitted: 08.01.2024).
 - Signed RSA Designer's Response (submitted: 27.03.2024).
 - Stage 1 Road Safety Audit 0322-01 (submitted: 27.03.2024).
 - Transport Report (submitted: 08.01.2024).
 - Vehicle Swept Paths (Rev A) (submitted: 27.03.2024).