

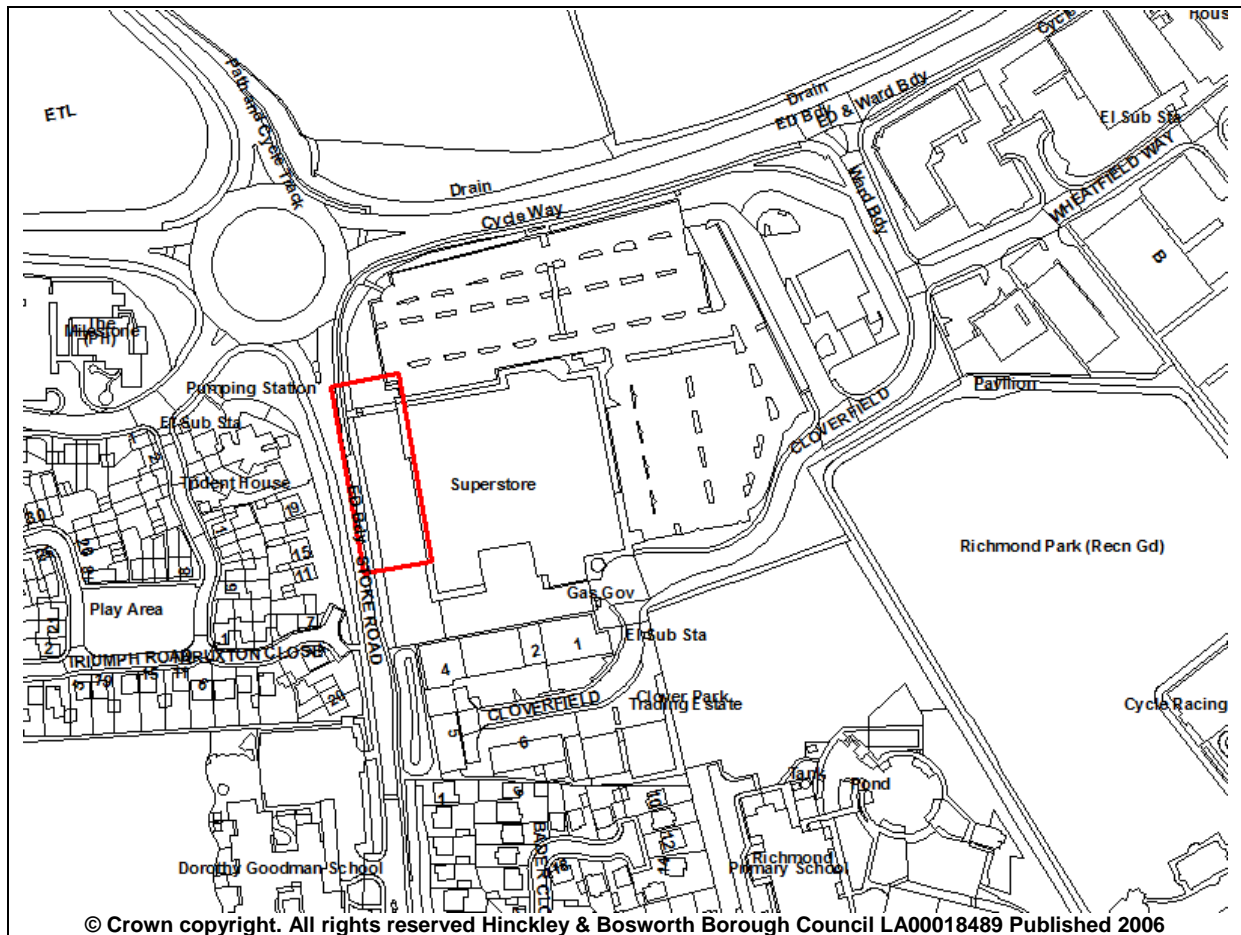
Planning Committee 20 November 2018
Report of the Interim Head of Planning



Hinckley & Bosworth
Borough Council

Planning Ref: 17/00538/FUL
Applicant: Mr Oliver Rebeiro
Ward: Hinckley Trinity

Site: Morrisons 2 Cloverfield Hinckley
Proposal: Creation of second vehicular exit onto Stoke Road



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks full planning permission for the creation of a second vehicular exit onto Stoke Road, Hinckley to serve the existing Morrisons Superstore.

2.2. Currently all vehicles exit the superstore via the existing Cloverfield/Normandy Way junction which is a left turn only. The proposed alterations sought by this permission would provide a two lane vehicle exit onto Stoke Road, allowing vehicles to turn

both left and right. Three car parking spaces are to be lost by the proposed development.

- 2.3. Amended plans, arboricultural surveys, additional transport assessments, road safety audits and traffic modelling data have been submitted during the course of the application.

3. Description of the Site and Surrounding Area

- 3.1. The existing site comprises of Morrisons supermarket including a garden centre and petrol station, and the associated car park serving the premises. The premises is located on the corner of Stoke Road and Normandy Way (A47), and the corner of Cloverfield and Normandy Way (A47). The proposed access would be located on Stoke Road at a point where it is a 40 mph speed limit.
- 3.2. The location of the proposed access is currently covered by dense hedgerow and shrubbery. The store is located significantly higher than Stoke Road with land levels dropping to the west.
- 3.3. To the west of the site opposite the proposed access are the residential dwellings of Thruxton Close. To the north of the site, over Normandy Way (A47) are open fields.

4. Relevant Planning History

91/00447/4	Erection of retail food store petrol filling station and associated works	Permission	25.06.1991
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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. Objections received from six separate addresses raising the following concerns:-
- 1) Impact upon highway and pedestrian safety
 - 2) Speed of traffic greater than the submitted survey
 - 3) A large number of existing exits onto Stoke Road already, thus potential to cause a cumulative impact
 - 4) Existing access on Cloverfield should be upgraded instead
 - 5) Time limit in the car park should be introduced to deter additional parking from adjacent businesses
 - 6) Increase in noise and pollution from additional vehicle movements
 - 7) Existing anti-social behaviour within the car parking could be increased by a through route
 - 8) Devaluation of adjacent properties
 - 9) Lack of public consultation
- 5.3. In addition to the above, a petition has been received with 47 signatures regarding concerns surrounding impact upon highway and pedestrian safety.

6. Consultation

- 6.1. Leicestershire County Council Highways department have no objections subject to conditions.
- 6.2. HBBC Arboricultural Officer has no objections.
- 6.3. Concerns raised by Councillor D Bill and Councillor D Cope in respect of upgrading the existing access instead and the potential impact upon highway and pedestrian safety from the proposed exit.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

- 8.2. The proposed exit is to serve the existing retail food store, within the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy and is therefore a sustainable location for development. The application site is an allocated local centre within the Site Allocations and Development Management Policies DPD (SADMP) (HIN190L). Given it is to be used in conjunction with the existing retail store, the provision of a new vehicular exit would support the existing Local Centre. As such, the proposed development is considered acceptable in principle subject to all other material planning considerations being addressed.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.4. This application seeks full planning permission for the creation of a second vehicular exit to serve the existing Morrisons superstore. Existing low level shrubbery and trees are currently located to the side of the existing building, separating the site from Stoke Road. A large ash tree (T1) is located immediately adjacent Stoke Road and a number of other ash trees are located next to the existing car park serving the store (T2-T5).
- 8.5. The development would result in the loss of part of the existing group and also the ash tree (T1) located on the highway boundary. It should be noted that both the group (G1) and T1 have been identified as category B, with the ash tree (T1) below the expected vitality of this species.

- 8.6. Although the loss of part of the shrubbery would open up the visual appearance of the building, the development would not result in any significant built form, with only the provision of an access road and a 1.5 metre high boundary wall. A mix of shrub and tree planting is proposed between the exit road and Stoke Road, ensuring that the green nature of the existing site is retained as much as possible. In addition, the trees adjacent to the existing car park are to be retained, ensuring the limited views of the superstore from the A47 roundabout is continued.
- 8.7. A lime tree is proposed to the south of the exit, replacing the existing ash tree (T1). Overall, it is not considered that the loss of the small part of the existing shrubbery as well as the significant landscaping proposed would adversely alter the character of the surrounding area.
- 8.8. The levels of the exit drive would gradually fall from north to south, reflecting that of the existing drop in levels. Details regarding the materials of the boundary wall are to be submitted prior to commencement of works to ensure the wall is not out of character with the surrounding area.
- 8.9. Overall, given the built up nature of the surrounding area, the loss of only a small section of category B shrubbery and the substantial replacement planting would ensure the development would not adversely impact upon the character of the area, in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.11. The proposed development would result in additional vehicles movements accessing Stoke Road from the proposed development. The nearest residential properties are located opposite the application site on Thruxton Close. These properties are approximately 15 metres away from the exit, separated by the existing Stoke Road and a mature line of trees. These properties also have their rear gardens on the west side of their house, thus further away from the superstore.
- 8.12. Given the separation distances, existing tree line and the existing vehicle movements from Stoke Road and Normandy Way, it is not considered that there would be a significant intensification of noise from the vehicles using the proposed exit.
- 8.13. As such, the proposed development would not result in any adverse impacts upon residential amenity from the development and would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. 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. Paragraph 109 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.15. A Transport Assessment was originally submitted with the application. Following a number of consultations with LCC Highways, traffic modelling information, an independent Road Safety Audit (RSA), revised access drawing and an updated Transport Assessment have been submitted in support of the application.

- 8.16. These documents indicate that the proposed vehicular exit would have adequate width and visibility at its junction with Stoke Road and would not result in severe cumulative impacts upon the highway network.
- 8.17. Stoke Road is a classified road subject to a 40 mph speed limit. The proposed exit would be located approximately 60 metres from the A47 roundabout. The exit road would have two lanes, one for vehicles turning left towards Hinckley and one for vehicles turning right towards the roundabout. Visibility splays have been shown of 120 metres to the south and 100 metres to the north. The development would result in the loss of three car parking spaces serving the existing store.
- 8.18. This application has been submitted in order to try and address an existing problem that the store currently has, in respect of a large volume of vehicles leaving the existing store at peak PM times and the associated disruption this causes.
- 8.19. The submitted access plan is considered acceptable in terms of geometry and visibility, in relation to the site and the existing Stoke Road.
- 8.20. The independent RSA submitted not only assessed vehicles but included the safety of pedestrians and school children, especially given the proximity to a number of schools. The independent RSA concluded that the proposed scheme would not have any negative impact upon the safety of local school children and as such LCC Highways does not consider that a reason for objection could be sustained on safety grounds.
- 8.21. Concerns have also arisen with regards to the impact of the egress traffic on the local highway network, including the adjacent Normandy Way roundabout. Detailed local traffic modelling has been submitted with the application which shows some impact at this roundabout and on the rest of the network, however it does not show a severe impact.
- 8.22. It should also be highlighted that there would be a reduction of approximately 157 vehicles using the roundabout in Friday PM peak as a result of vehicles turning left, southwards along Stoke Road. As such, the proposed development would also help the free-flow of traffic on the main through route of Normandy Way.
- 8.23. The only changes to the car park area are the removal of 3 parking bays. It is considered that the remaining car park is of a significant size to adequately serve the store and the loss of these three spaces would not have a detriment to highway safety.
- 8.24. The additional details submitted have satisfied the previous outstanding concerns of LCC Highways with regards to the geometry of the access, its safety, and the impact on the surrounding highway network.
- 8.25. As the submitted details are now in accordance with design standards, LCC Highways do not seek to resist the application.
- 8.26. Overall it is considered that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF and would be in accordance with Policies DM17 and DM18 of the SADMP.

Other issues

- 8.27. Concerns have arisen regarding existing anti-social behaviour within the car park and the surrounding area and the devaluation of adjacent residential properties. However there are no known issues of anti social behaviour in the area and the decrease in neighbouring properties value is not a material planning consideration in the determination of this application
- 8.28. Comments have been received by the lack of public consultation during the course of the application. A site notice was placed in the vicinity of the site and all adjoining

neighbouring properties were consulted, as per the regulations of the Procedure Order.

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 in the consideration of this application. The Committee must also ensure the same when determining this planning application.

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

10. Conclusion

10.1. The proposed development would be in conjunction with the existing superstore which is part of an allocated Local Centre. As such, and as a result of the location within the settlement boundary of Hinckley, the proposed development is considered acceptable in principle.

10.2. The proposed development is not considered to result in any adverse impacts upon the character of the area or residential amenity nor a severe impact upon highway or pedestrian safety.

10.3. The application is therefore considered to be in accordance with Policy 1 of the Core Strategy and Policies DM1, DM10, DM17, DM18 and DM22 of the SADMP and is recommended for approval subject to conditions.

11. Recommendation

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. **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 51 of the Planning and Compulsory Purchase Act 2004.

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

Location of Proposed Egress drg. no. LOC/006
received by the Local Planning Authority on 31 May 2017

Proposed Access Arrangement & Long Section drg. no. DE/100/001 Rev. B
received by the Local Planning Authority on 18 October 2018

Visibility Splay Plan drg. no. SKH/001 Rev. A
received by the Local Planning Authority on 19 October 2018

Tree Protection Plan drg. no. TPP01 Rev. A
Landscape Proposals drg. no. LL01 Rev. B
received by the Local Planning Authority on 22 October 2018.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the boundary wall hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Landscape Proposals drg. no. LL01 Rev. B received by the Local Planning Authority on 22 October 2018. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. No demolition/development shall take place/commence until trees T2, T3, T4, T5 and Tree Group G1, identified on the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018 and as shown on the approved submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity

to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of surface water being deposited in the highway network in the interests of highway safety in accordance with Policies DM7 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

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