

**Planning Committee 20 June 2017
Report to the Head of Planning and Development**

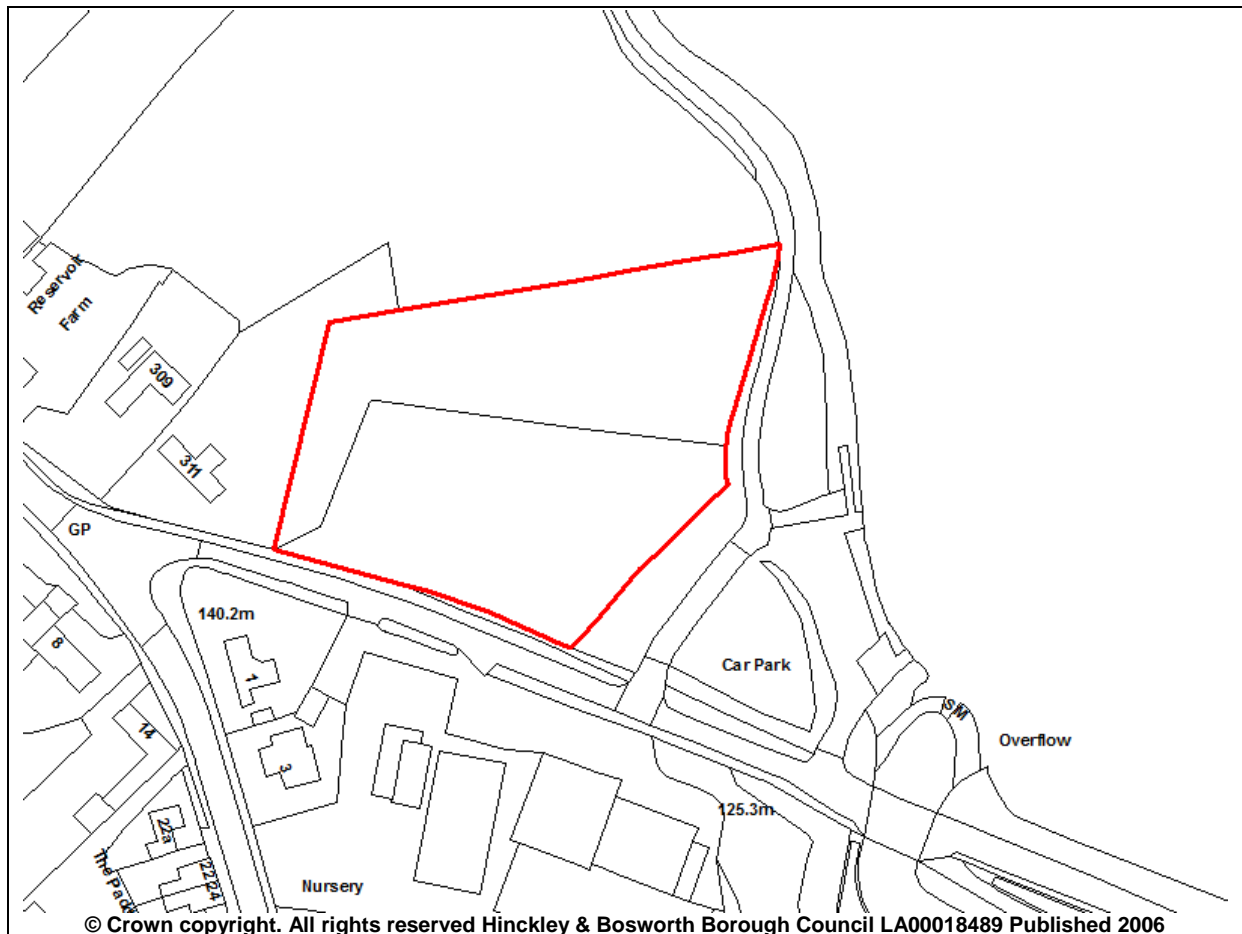


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00049/FUL
Applicant: Tiffany Green
Ward: Ratby Bagworth And Thornton

Site: Land Opposite Thornton Nurseries Reservoir Road Thornton

Proposal: Creation of an agricultural access



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Head of Planning and Development be given delegated powers to determine the final terms of the S106 agreement including contributions, trigger points and claw back periods based on the terms agreed by the committee.

2. Planning Application Description

2.1. This application seeks full planning permission for the creation of an agricultural access to land opposite Thornton Nurseries, Reservoir Road, Thornton.

2.2. The proposed access would measure approximately 5 metres wide and would incorporate a 5 metre wide timber gate set back approximately two to three metres from the highway.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a parcel of agricultural land forming part of a larger field which falls away to the South East. The application site is bounded by Reservoir Road to the south which is located just outside of the settlement boundary of Thornton. The site also borders Thornton Reservoir to the South East and is located opposite Thornton Nurseries to the South.
- 3.2. This section of Reservoir Road is characterised by mature hedgerows and grass verges. The application site is located adjacent to the 30mph speed limit signs leading into the village. There is an existing section of dropped kerb which is used for pedestrians to cross to Thornton Nurseries Garden Centre which would be widened as part of this application to 5 metres to accommodate the tractor accessing the field.

4. Relevant Planning History

No relevant planning history

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site
- 5.3. There was one letter of objection received from the public consultation which raised concerns with regards to:
 - a) Traffic congestion
 - b) Highway safety
 - c) Public safety

Consultation

- 5.4. LCC Highways referred to Standing Advice
- 5.5. LCC Ecology raised no objections to the proposal but did state that if any more of the hedge to be removed would require a botanical survey, a habitat survey and for the works to be completed outside of bird nesting season.
- 5.6. LCC Archaeology raised no objections to the proposal
- 5.7. Bagworth and Thornton Parish Council objects to the proposal with regards to the potential impact on highway safety and public safety. The parish council also made reference to the fact that there is already an access to the site.

6. Policy

- 6.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 6.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

7. Appraisal

7.1. Key Issues

- Impact upon the character of the countryside
- Impact upon the highway

Impact upon the character of the area

- 7.2. The application site lies within the open countryside. Policy DM4 of the SADMP sets out the types of development which can be considered sustainable within the countryside which includes supporting agriculture and outdoor recreation uses. Development of this nature has to ensure that it does not have an adverse effect on the intrinsic value and landscape character of the area. 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 and materials. The policy also provides that a high level of landscaping should be incorporated where this would add to the quality of the design and siting.
- 7.3. The applicant requires the access and timber gate to allow for the mowing and general maintenance of the land for a limited amount of times (approximately 8 times a year); with the tractor being used once a month during the months of May to October. The site currently has an access through the reservoir public car park and through adjoining fields which is also located adjacent to the settlement boundary. However, the applicant has highlighted the difficulty of driving a tractor through the Thornton Reservoir car park and also considers that the existing access is inappropriate due to the parked vehicles at the reservoir and the angle on approach into the access from Thornton Reservoir Car Park. The new access proposed as part of this application has therefore been located to improve ease and safety into the agricultural field.
- 7.4. The proposed access would require the removal of part of the established hedgerow along the lower section of Reservoir Road when approaching the village. However the hedgerow is approximately 75 metres long so the proposed five metre wide access would result in only a minor loss of hedgerow. Furthermore; the overall impact of the access would be reduced as it is not proposed to set the access back into the field from the line of the hedgerow as the applicant has stated that there would be no requirement to provide room to pull off the road to accommodate a trailer. The gate would also be constructed from timber and would be a traditional field gate design which would be appropriate at this location within the countryside.
- 7.5. It is considered that due to the minor nature of the proposal would not have a significant adverse impact upon the countryside. The proposal is therefore in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon Highway Safety

- 7.6. Policy DM17 of the SADMP seeks to ensure that developments do not have a significant adverse impact upon highway safety.
- 7.7. The proposed access would be located at the speed limit sign where on approach to the village the speed limit changes from 40mph to 30mph. The road is relatively straight from the junction at the end of Reservoir Road into the village of Thornton. LCC Standing Advice provides that visibility splays in a 30mph speed limit should measure 2.4m by 43m which would be possible in both North West and South East directions as there is no hedgerow blocking this visibility. However the applicant has not demonstrated that this could be achieved as part of the application. The 6Cs Design Guide notes that where any gates are to be provided, they should open inwards and be set back a distance appropriate to the type of vehicle likely to require access to the development. The gates are proposed to be set back two to

three metres from the highway which is insufficient for a tractor to pull clear of the carriageway so would inhibit the free movement of vehicles in the carriageway. However, having regard to the proposed limited use of the access and the fact that it is an unclassified road in a rural location, the number of vehicle movements along Reservoir Road are considered to be infrequent and it is considered that the proposed access would not have a significant adverse impact on highway safety.

- 7.8. It is considered therefore that the proposed development would not have a significant adverse impact on highway safety and is in accordance with Policy DM17 of the SADMP.

8. Equality Implications

- 8.1. 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.

- 8.2. 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.

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

9. Conclusion

- 9.1. The proposed access; which is to be used to maintain the field is considered acceptable due to the inappropriate existing access and the proposal would not cause significant harm to the character and appearance of the countryside. Furthermore It is considered that the access would not have a significant adverse impact on highway safety therefore it is in accordance with Policies DM4, DM10 and DM17 of the SADMP.

10. Recommendation

- 10.1. **Grant planning permission** subject to :

- Planning conditions outlined at the end of this report.

- 10.2. That the Head of Planning and Development be given delegated powers to determine the final terms of the S106 agreement including contributions, trigger points and claw back periods based on the terms agreed by the committee.

10.3. 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:

Site Location, Scale 1:500, Dwg No 2007-P-01 Rev C

Proposed Timber Gate, Dwg No 2007-P-03A

Received by the Local Planning Authority on 2 June 2017.

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

10.4. **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.