

**Planning Committee 7 January 2020  
Report of the Planning Manager**

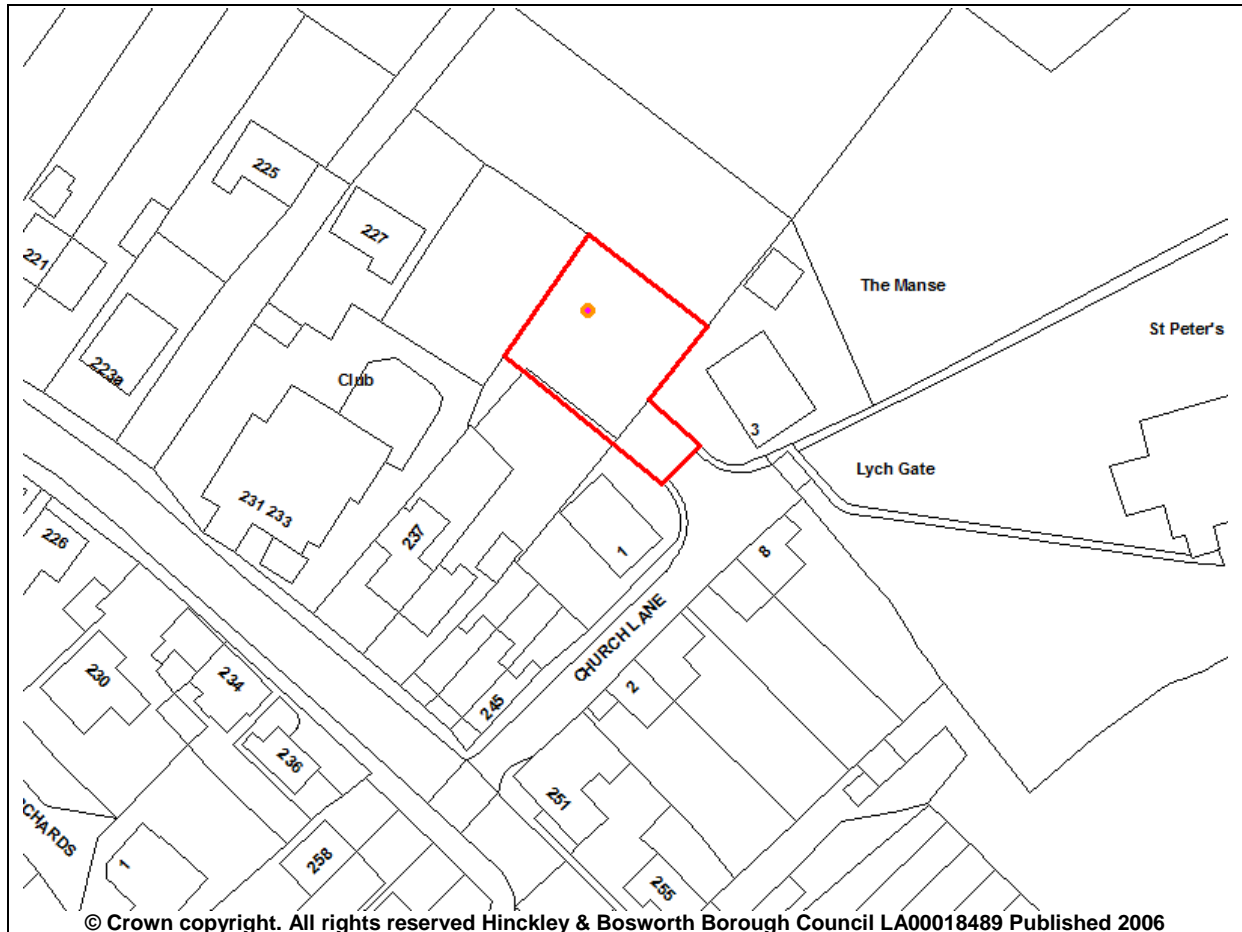
**Planning Ref:** 19/01212/OUT  
**Applicant:** Mr Roger Petty  
**Ward:** Ratby Bagworth And Thornton



Hinckley & Bosworth  
Borough Council

**Site:** Land Rear Of 237 Main Street Thornton

**Proposal:** Erection of one dwelling (outline - all matters reserved)



**1. Recommendations**

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

- Planning conditions outlined at the end of this report.

**2. Planning Application Description**

- 2.1. This application seeks outline planning permission for the erection of a single detached dwelling. Outline permission is sought with all matters reserved.
- 2.2. Outline planning permission was previously granted under 17/00010/OUT for a similar scheme, with all matters reserved. Access into the site is still indicated via the turning head at the bottom of Church Lane, via the shared access currently used by The Manse and Lychgate Cottage.
- 2.3. The only difference between the previously approved and the current outline application is the red line. The red line in the current application has been squared

off on the south west side, removing the small strip of land that was previously included in 17/00010/OUT

### **3. Description of the Site and Surrounding Area**

- 3.1. The application site is located on the edge of Thornton's settlement boundary. The area is characterised by primarily residential development of varying size and design which is located to the east, south and west of the application site. To the east of the application site is the Grade I listed St Peter's Church. To the north of the application site is an area of woodland planting. Immediately adjacent to the west of the application site is a parcel of land which has been hard landscaped but has no authorised use.
- 3.2. The application site comprises a piece of land currently forming the extended garden area to the rear of no. 237 Main Street. The area has been left to become overgrown.
- 3.3. There is a public right of way running along Church Lane and the edge of St Peter's Church yard leading down to Thornton Reservoir.
- 3.4. Thornton is located within the National Forest.

### **4. Relevant Planning History**

17/00010/OUT	Erection of detached dwelling (Outline - all matters reserved)	Outline approval	30.03.2017
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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. Five letters of objection from five separate addressed have been received, raising the following points:
- 1) Development would bring increased traffic to an already congested area;
  - 2) Proposed access should be via Main Street along the side of no.237;
  - 3) Construction vehicles may block entrance into the church;

### **6. Consultation**

- 6.1. No objections, come subject to conditions, have been received from the following:
- HBBC Waste  
HBBC Environmental Services – Pollution  
LCC Highways  
HBBC Environmental Services – Drainage  
HBBC Conservation Officer
- 6.2. No comments have been received from:
- National Forest Company  
Bagworth and Thornton Parish Council  
Severn Trent Water

### **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 10: Key Rural Centres within the National Forest
  - Policy 21: National Forest

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - 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 heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Other matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Thornton is identified by Policy 7 and Policy 10 of the Core Strategy as a Key Rural Centre in the National Forest, with new housing development supported when in the settlement boundary.
- 8.4. The housing policies in the development plan are considered to be out-of-date as they focus on delivering a lower housing requirement than required by the up-to-date figure. The Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.5. Given that the application site is located within the settlement boundary of Thornton, which has good access to facilities, services, employment and sustainable modes of transport, new residential development is supported by Policy 7 and 10 of the Core Strategy and is acceptable in-principle, subject to satisfying all other relevant policies and material planning considerations. Notwithstanding the housing policies being out of date, the remaining policies in the Site Allocations and Development

Policies DPD and the Core Strategy are attributed significant weight as they are consistent with the Framework.

Design and impact upon the character of the area

- 8.6. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The application site is located on land to the rear of No. 237 Main Street and has indicated access from Church Lane. The location of a new dwelling to the rear of No. 237 would constitute backland development. Church Lane itself comprises two storey cottages abutting the road on its eastern side, with two large detached dwellings on the western side (Lychgate Cottage and The Manse). Similarly, Lychgate Cottage and The Manse which sit north west of the application site are built at the back of no.231 and 223a Main Street. Set within the turning head at the end of Church Lane, the two properties front a shared driveway which would be shared with the application site.
- 8.8. Due to the existing detached dwellings set back from Main Street, located behind those fronting the main thoroughfare, it is considered that a dwelling on the application site could complement the prevailing character of the surrounding area.
- 8.9. Layout, landscaping, scale and appearance are reserved matters. Nevertheless, it is considered that a development can be provided which complements the high quality visual appearance of the existing built form along Church Lane. The proposed dwelling should be orientated to face the turning head and shared access, with an active frontage to complement the layouts of The Manse and Lychgate Cottage. The design should incorporate high quality building materials and architectural features similar to those on immediately surrounding properties. Landscaping would be expected to enhance the end of the turning head, and the scale of the dwelling should be two storey to complement those which surround. Both The Manse and Lychgate Cottage are of fairly large massing, and therefore subject to an appropriate layout, the mass of the proposed dwelling is likely to complement these neighbouring properties by virtue of it accommodating for 4+ bedrooms.
- 8.10. It is considered that a dwelling could be provided on the application site which is in accordance with Policy DM10 of the SADMP.
- 8.11. Policy 21 of the Core Strategy seeks to support the implementation of the National Forest and support proposals that contribute positively to the delivery provided that the siting and scale of the proposed development is appropriately related to its setting within the Forest, respects the character and appearance of the wider countryside and does not adversely affect the existing facilities and working landscape. The application site is located on the edge of the Thornton settlement boundary and would respect the urbanised character of the location within the Forest. There is an area of woodland to the north of the site which would mitigate any visual impacts on the surrounding countryside. The proposed development is in accordance with Policy 21 of the Core Strategy.

Impact upon heritage assets

- 8.12. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

- 8.13. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.14. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals which affect the setting of a listed building will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.15. The proposal is located within the vicinity of the church of St Peter, a Grade I listed building of national importance. The immediate setting which is confined to the church yard allows a full appreciation of the significance of the building. The church and church yard is visible from various locations within Thornton and the surrounding countryside, allowing for some appreciation of the significance of the building from a wider setting. The application site appears to have some historical use as an orchard. Nevertheless, it is separate from the defined curtilage of the church yard, and has no direct relationship with the church. As such, the application site is not considered to make any contribution to the significance of the listed building.
- 8.16. Although scale is a reserved matter, a two storey dwelling located at the front of the proposed plot would not have any impact upon the wider setting of the listed building. Development of this sort would be compatible with the significance of St Peter's Church and its setting, complying with Policies DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.18. The application site is located north west of The Manse and Lychgate Cottage and to the rear of nos. 237 and 239 Main Street.
- 8.19. According to their orientation, there are no windows serving habitable rooms at The Manse and Lychgate Cottage which would face the application site. Additionally, the site would not be adjacent to the private residential amenity spaces of either dwelling. Any dwelling on site would be set back from the north west elevations of The Manse and Lychgate Cottage. It is therefore not considered that a dwelling on the proposed site would have any adverse impact upon the amenity of those occupying these neighbouring properties, in terms of overlooking or overbearing impact.
- 8.20. The south west boundary of the application site would be located approximately 21 metres from the rear elevations of Nos. 237 and 239 Main Street. According to this separation distance, it is not considered that a dwelling on the application site would have any adverse impact upon the amenity of those occupying these dwellings.
- 8.21. The amenity of the occupiers of No. 227 Main Street to the north west of the application site would not be adversely impacted by a dwelling on the application site due to the separation distance and orientation of the existing dwelling.

- 8.22. The application site measures approximately 420m<sup>2</sup>. The size of the site is considered sufficient to accommodate a dwelling and associated external amenity spaces for any future occupier.
- 8.23. It is considered that a dwelling could be provided on the application site which would not adversely impact the private residential amenity of neighbouring properties and would provide sufficient amenity space for any future occupier in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.25. Access is a reserved matter and does not form part of the consideration of this application. However, under Part 3 Paragraph 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 the applicant is required to state where access points to the development proposed will be situated. The applicant has indicated that the site will be accessed across the shared driveway between The Manse and Lychgate Cottage, at the end of the turning head in Church Lane.
- 8.26. Leicestershire County Council (Highways) has considered the application and has referred the assessment of the application to their standing advice. The proposed access point already serves as an access on to the public highway for two dwellings and it is considered that one additional dwelling using this access would not significantly intensify its use to the detriment of highways safety. Church Lane adjoins Main Street where there are substandard visibility splays to join on to a thoroughfare with a 30mph speed limit. This is due to surrounding buildings and on-street car parking. Nevertheless, the junction is well used because of customers to the retail unit on the south east corner of Church Lane. Again, it is not considered that the vehicular movements associated with one additional dwelling would materially impact highways safety at this junction which would lead to a severe impact.
- 8.27. There is a public right of way running along Church Lane and the churchyard leading down to the reservoir. The proposed dwelling would have no impact upon this public right of way.
- 8.28. Layout is a reserved matter and thus detail of off-street parking provision on site has not been provided. Nevertheless, it is considered that the site is of a size sufficient to accommodate off-street car parking to serve the occupiers of the proposed dwelling in accordance with Policy DM18 of the SADMP.

Drainage

- 8.29. Policy DM7 seeks to ensure developments do not create or exacerbate flooding.
- 8.30. HBBC Environmental Health (Drainage) has raised no objections to the principal of a dwelling on the application site. It is considered that drainage can be provided for the dwelling without creating or exacerbating flooding in accordance with Policy DM7 of the SADMP.

Other matters

- 8.31. Concerns have been raised for the congestion caused by construction traffic at the end of Church Lane. Despite this concern not being a material planning consideration, there is a secondary access into the site along the north west elevation of no.237 and thus any potential built up of congestion would not be severe.

## **9. Equality Implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1. The application site is located within the settlement boundary of Thornton where new residential development is considered acceptable in accordance with Policy 7 and Policy 10 of the Core Strategy.

10.2. Given the application site's location within the settlement boundary, along with its relationship and proximity to nearby dwellings, it is considered that the proposed site could accommodate a dwelling which would complement the character and appearance of the area, would not impact on the setting of the nearby listed church and church yard and would not adversely impact on the amenity of the occupiers of surrounding dwellings. The existing access to be used off Church Lane would not significantly impact upon highways safety and the site could accommodate a sufficient level of off-street car parking. The principle of a dwelling on the proposed site is considered to be in accordance with Policies 7, 10 and 21 of the Core Strategy and DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) access
- b) appearance
- c) landscaping
- d) layout
- e) scale

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Site Location Plan Drg No: ED273 - loc (1:1250 scale) received by the Local Planning Authority on 25 October 2019

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling 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 in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3. Notes to Applicant

1. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.



2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).