

**Planning Committee 28 March 2017  
Report of the Head of Planning and Development**

**Planning Ref:** 17/00010/OUT  
**Applicant:** Mike Petty Design  
**Ward:** Ratby Bagworth And Thornton

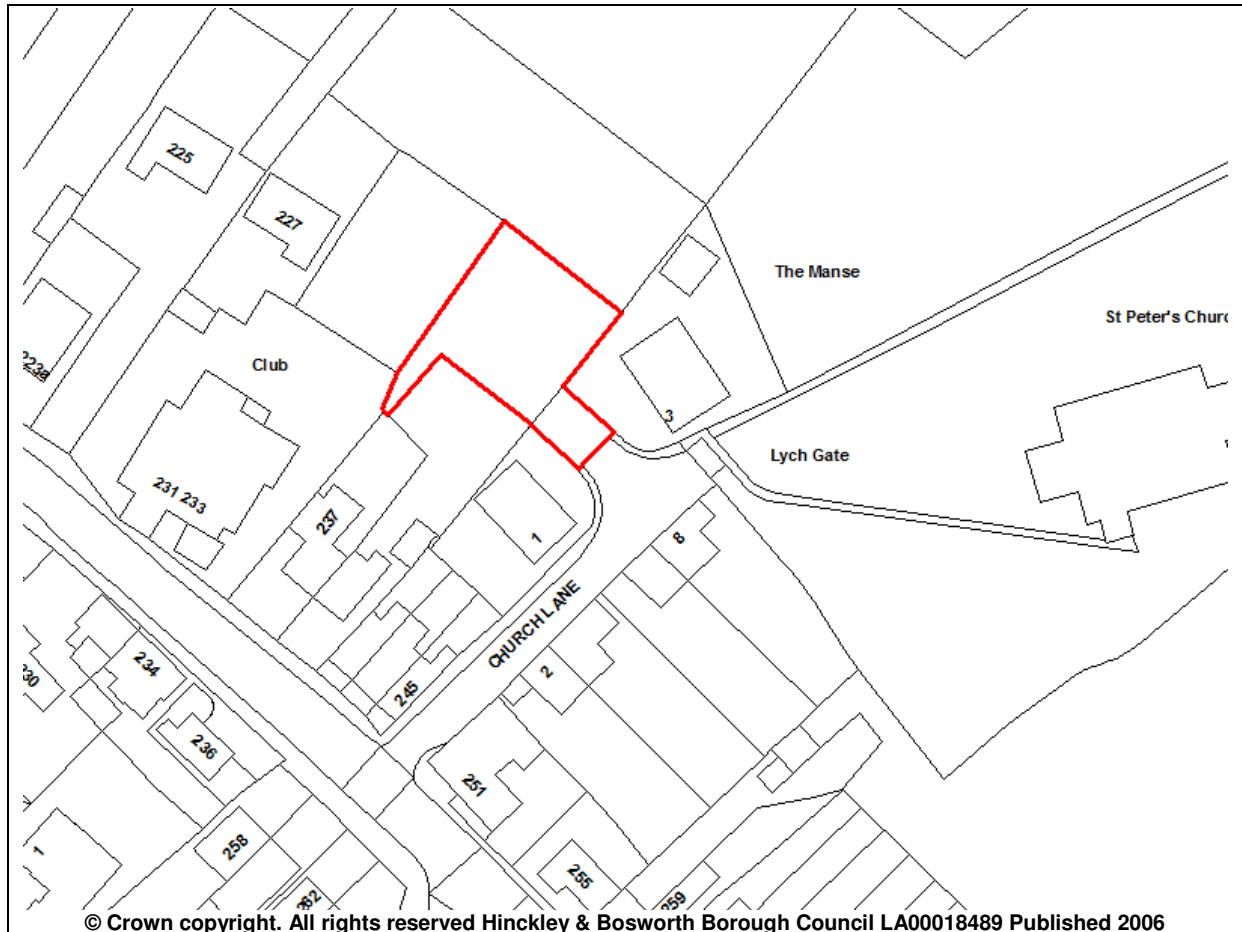


Hinckley & Bosworth  
Borough Council

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

**Proposal:** Erection of detached dwelling (Outline - all matters reserved)



**1. Recommendations**

**1.1. Grant outline 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 detached dwelling. Outline permission is sought with all matters reserved. It has been indicated the access to the site would be gained via the existing shared access to Lychgate Cottage and The Manse at the end of the turning head on Church Lane.

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

- 3.1. The application site is located within the settlement boundary of Thornton. The area is characterised by primarily residential development of varying size and design

which are 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**

None applicable.

#### **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 have been received from three different addresses. The responses are summarised as follows:
  - 1) Church Lane is busy with resident's parking, customers of the shop, visitors using the graveyard, access to the reservoir and as a general turning point
  - 2) The principle of development is unacceptable
  - 3) The proposal would ruin the character of the road which comprises 150 year old cottages and only two newer properties around the turning circle
  - 4) There are two vacant properties along Church Lane at present which rely on on-street car parking when in occupation
  - 5) Visibility at the junction with Main Street is poor
  - 6) Weddings and funerals often block the road for their duration

#### **6. Consultation**

- 6.1. No objections, some subject to conditions, has been received from the following:

Conservation Officer  
Environmental Health (Pollution)  
Environmental Health (Drainage)  
HBBC Waste Services  
Severn Trent Water
- 6.2. Leicestershire County Council (Highways) refer to standing advice.

#### **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 7: Key Rural Centres
  - Policy 10: Key Rural Centres within the National Forest
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM7: Preventing Pollution and Flooding
  - 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) (2012)
- Planning Practice Guidance (PPG)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon heritage assets
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon the highway
- Drainage

#### Assessment against strategic planning policies

- 8.2. Thornton is designated as a Key Rural Centre in the Core Strategy. Policy 7 of the Core Strategy states that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.
- 8.3. The proposed development is for one dwelling and the application site is located within the settlement boundary of Thornton. Therefore, the proposed development is considered to be acceptable in principle in accordance with Policy 7 of the Core Strategy, subject to satisfying other relevant policies and material planning considerations.
- 8.4. The requirement for affordable housing as set in Policy 15 of the Core Strategy is not applicable for developments under 4 dwellings and therefore there is no conflict with this policy.
- 8.5. Policy 16 of the Core Strategy requires a minimum net density of 30 dwellings per hectare within and adjoining Key Rural Centres. The application site measures approximately 380 sq m and would result in a density the equivalent of 27 dwellings per hectare. Policy 16 allows for lower densities where individual characteristics dictate. In this instance, it is not feasible to provide a greater density without resulting in over development of the site and having adverse impacts on the surrounding area. The development is considered to be in accordance with Policy 16 of the Core Strategy.
- 8.6. 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 settlement of Thornton 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

- 8.7. Policies DM11 and DM12 of the SADMP 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. 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 poses.
- 8.8. The application site is located within the vicinity of the Grade I listed St Peter's Church. The immediate setting of the church is confined to the churchyard allowing full appreciation of the significance of the building but it is visible from various locations in the surrounding area which is considered to be its wider setting. The application site has been historically used as an orchard and has always been separate from the defined curtilage of the churchyard. There is no direct relationship between the application site and the church and churchyard. Therefore, the application site makes no contribution to the significance of the listed building.
- 8.9. This application is for outline planning permission with all matters reserved. The layout and scale of a dwelling could have an impact on the wider setting of the listed building if located to the rear of the site with a scale larger than the surrounding building. However, it is considered that a dwelling could be accommodated within the site where it would not have an impact on the wider setting of the listed building. Therefore, the proposed dwelling is considered to be in accordance with Policies DM11 and DM12 of the SADMP and the LPA have had special regard to the duty as set out in Section 66 of the 1990 Act.

#### Impact upon the character of the area

- 8.10. 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.
- 8.11. The application site is located on land to the rear of No. 237 Main Street and has indicated access onto Church Lane. The location to the rear of No. 237 would constitute backland development. There are two large detached dwellings to the rear of 223a and 231 Main Street. Church Lane comprises two storey cottages abutting the road on the eastern side with two large detached dwellings on the western side fronting the turning head with a shared access.
- 8.12. Due to the detached dwellings to the rear of Main Street and to the west of the application site it is considered that a dwelling on the application site could complement the character of the surrounding area. Layout, landscaping and appearance are reserved matters as it is considered a development can be provided which complements the visual appearance of the existing built form along Church Lane. However, it is important to state from the outset that a development will be sought that reflects the high quality design of the properties within the immediate vicinity of the site. The proposed dwelling would be expected to be orientated so that it would address the turning head and shared access and create an active frontage which could complement the layouts of The Manse and Lychgate Cottage. The design should incorporate high quality building materials and architectural features i.e. a porch, chimneys, cills and headers, brick detailing and traditional fenestration, similar to those on The Manse due to the close relationship to one another. Landscaping would be expected to enhance the end of the turning head including high quality hardstanding, planting and low stone wall.

- 8.13. It is considered that a dwelling could be provided on the application site which is in accordance with Policy DM10 of the SADMP.

Impact upon residential amenity

- 8.14. 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.
- 8.15. The application site is located to the west of The Manse and Lychgate Cottage and to the rear of nos. 237 and 239 Main Street.
- 8.16. Due to the location of the application site to the side of The Manse and Lychgate Cottage there are no windows serving habitable rooms which face the application site. Additionally the site is not adjacent to the private rear amenity spaces of the dwellings. It is not considered that a dwelling would have an adverse impact on the amenity of the occupiers.
- 8.17. The boundary of the application site is located 21m from the rear elevations of No's 237 and 239 Main Street. The separation between the dwellings and the application site it is considered a dwelling could be accommodated on the application site without having an adverse impact on the amenity of the occupiers.
- 8.18. The amenity of the occupiers of No 227 Main Street to the 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.
- 8.19. The application site measures approximately 380sq m. The size of the site is considered sufficient to accommodate a dwelling and the required associated external spaces including amenity space for the future occupiers.
- 8.20. It is considered that a dwelling could be provided which would not adversely impact on the amenity of the occupiers of surrounding dwellings and would provide sufficient amenity for the future occupiers in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.21. 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.
- 8.22. 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.
- 8.23. Leicestershire County Council (Highways) was consulted on the application and referred to their standing advice. The proposed access point already serves as an access onto the public highway for two dwellings and it is considered that an additional dwelling could use the access without harm to highway safety. Church Lane adjoins Main Street where there are substandard visibility splays in accordance with the 30mph speed limit in both directions at the junction due to surrounding buildings and on-street car parking. The junction is well used due to the customers of the shop on the corner and therefore it is considered that the vehicular movements associated with one dwelling would not materially impact on highway safety.

- 8.24. There is a public right of way running along Church Lane and the churchyard leading down to the reservoir. The proposed dwelling would not impact on the public right of way.
- 8.25. Layout is a reserved matter and therefore a car parking layout has not been submitted. However, 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.
- 8.26. Concern has been raised that Church Lane suffers from significant levels of on-street car parking at present and another dwelling would exacerbate this issue. As noted above, the site is able to accommodate off-street car parking and therefore it is not considered that the existing on-street car parking issue would be exacerbated. However, during construction there would be larger vehicles accessing the site which cause concern if not appropriately managed. Therefore, it is considered that a Construction Management Plan should be secured by way of a planning condition.
- 8.27. It is considered that a dwelling could be provided which provide sufficient off-street car parking for the occupiers and would not have an adverse impact on highway safety. The proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.28. Policy DM7 seeks to ensure developments do not create or exacerbate flooding.
- 8.29. Environmental Health (Drainage) and Severn Trent Water has been consulted on the application and raised no objections subject to condition. It is considered that drainage can be provided for the dwelling without creating or exacerbating flooding in accordance with Policy DM7 of the SADMP.

### **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 application site is located within the settlement boundary of Thornton where new residential development is considered acceptable in accordance with Policy 7 of the Core Strategy.
- 10.2. Given the site location within the settlement boundary, its relationship with nearby uses and proximity to nearby properties, it is considered that the 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 building and would not adversely impact on the amenity of the occupiers of surrounding dwellings. An

access could be provided which would not impact upon highway safety and the site would have sufficient off-street car parking. Drainage could be provided which would not create flooding risks. The proposed development is considered to be in accordance with Policies 7, 16 and 21 of the Core Strategy and DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP.

## **11. Recommendation**

### **11.1. Grant outline 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 & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
- b) The scale of each building proposed in relation to its surroundings
- c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- d) The access arrangements to and within the site for vehicles, cycles and pedestrians
- e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

**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.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan received on 13 January 2017

**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 DPD.

4. Prior to commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be 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 a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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 approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reason:** To ensure a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

6. Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To mitigate the traffic and amenity impacts of the development during construction in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD.

7. Prior to commencement of development, a drainage scheme for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to first occupation of the dwelling hereby permitted.

**Reason:** To ensure adequate drainage in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.