



TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING, DESIGN AND ACCESS STATEMENT
(INCLUDING CHARACTER ANALYSIS AND APPRAISAL)**

**TO ACCOMPANY A FULL PLANNING APPLICATION SEEKING PLANNING PERMISSION FOR THE
ERECTION OF ONE DETACHED DWELLING, FORMATION OF ACCESS OFF PIPE LANE AND
ASSOCIATED WORKS**

ON LAND TO THE NORTH OF PIPE LANE, ORTON-ON-THE-HILL

FOR MRS PAULINE ROSA TAYLOR

MARCH 2024

OUR REF: PF/10954

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1.0 INTRODUCTION

- 1.1 This planning statement is submitted on behalf of the Applicant and site owner, Mrs Pauline Rosa Taylor, in support of a planning application for full planning permission for:

‘The erection of one detached dwelling, formation of access from Pipe Lane and associated works.’

On land to the north of Pipe Lane, Orton-on-the-Hill.

- 1.2 This Statement describes and comments upon the proposals and discusses the key planning issues relating to the scheme. It assesses the Site within its local context and reviews the relevant planning history relating to the Site. The Statement considers the merits of the proposals firstly in the context of the development plan, and thereafter national policies.
- 1.3 This application is supported by the plans and documents listed below. As such, the plans and documents should be reviewed in conjunction with this Planning, Design and Access Statement.

Plans

- Site Location and Block Plan (Dwg. 1800-0202-01)
- Proposed Site Plan and Parking Plan (Dwg. 1800-0504-03)
- Proposed Plans and Elevations (Dwg. 1800-0503-04)
- Proposed Visual (Dwg. 1800-0507-02)
- Proposed Aerial Visual (Dwg. 1800-0508-02)

Reports

- Heritage Impact Assessment
- Preliminary Ecological Appraisal & Biodiversity Feasibility Study
- Arboricultural Survey
- Topographical Survey

2.0 THE SITE AND SURROUNDING CONTEXT

- 2.1 The Site is located in the village of Orton-on-the-Hill to the north of the Pipe Lane. It is surrounded by residential dwellings to the north, east and west. There are further dwellings located to the south of the site on the opposite side of Pipe Lane.
- 2.2 The site extends to 0.1 ha (0.25 acres) and comprises a grassed area with timber post and rail fencing along its boundaries. It also contains a large horse chestnut tree in the northern part of the site which is proposed to be retained.
- 2.3 The site does not include any Locally Listed or Statutorily Listed Buildings. The site is located within the Orton-on-the-Hill Conservation Area. There are three listed buildings within the Conservation Area, as follows:
- The Church of St Edith (Grade I)
 - Church Farmhouse, 8 The Green (Grade II)
 - Lower Farm, 9 Pipe Lane (Grade II)
- 2.4 Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significance of the listed building. The application site is spatially distinct from the Church of St Edith and Church Farmhouse.
- 2.5 The Site is located in Flood Zone 1 and thus is situated in an area with very low risk of flooding.

Local Character Analysis

- 2.6 The village is divided into two distinct areas, each with its own character. The site is located in the older part of the village, which includes the medieval church of St Edith, and the area around The Green and Pipe Lane. This is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.
- 2.7 Buildings in the conservation area have steeply pitched continuous gabled roofs of plain clay tiles. Windows at first floor level are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills.
- 2.8 Boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance.

Planning History

- 2.9 There are no planning applications that have been submitted at the application site that are of relevance to the determination of this planning application.

3.0 THE DEVELOPMENT PROPOSAL

- 3.1 The proposal seeks the erection of a 3-bedroom detached dwelling extending to 131.3 sqm (1,413.3 sq ft.). The dwelling is proposed to have an appearance of a traditional 2 storey dwelling with a single storey rear wing.
- 3.2 The development proposal includes the formation of a vehicular access off Pipe Lane to serve the dwelling. The proposed private drive will provide sufficient parking for two vehicles.
- 3.3 The Proposed Site Plan (Dwg. 1800-0504-03) accompanying this planning application demonstrates how the site can accommodate a dwelling, a driveway, two car parking spaces and a large garden to the rear.
- 3.4 The dwelling will be sited along the frontage to Pipe Lane to reflect the historic pattern of built form on the road and wider village, whilst respecting the outlook and amenity of the neighbouring residential properties.
- 3.5 The dwelling will have a pitched continuous gabled roof to reflect the local character. The windows at first floor level are smaller than those at ground floor, which have brick sills.
- 3.6 The primary material is a red facing brick with a clay tile roof. The windows and doors will be painted timber casement windows.
- 3.7 Existing mature trees and boundary hedges are proposed to be retained, where possible. The boundary treatments will comprise low hedges, a timber fence and brick wall to reinforce the village's rural appearance.

4.0 RELEVANT PLANNING POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be taken in accordance with the adopted development plan for the area unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration.

4.2 The current Development Plan covering Hinckley and Bosworth is made up of the following documents:

- Core Strategy (2009)
- Hinckley Town Centre Area Action Plan (2011)
- Earl Shilton and Barwell Area Action Plan (2014) and
- Site Allocations and Development Management Policies (2016)

4.3 Only the policies contained in the Core Strategy (2009) and Site Allocations and Development Management Policies (2016) are of relevance to this planning application and are reviewed below.

Core Strategy (adopted December 2009)

4.4 Orton-on-the-Hill is categorised as a Rural Hamlet within the Core Strategy.

4.5 Policy 13 states that in the Rural Hamlets, the Council will:

‘Support housing development within settlement boundaries that provides for a mix of housing types and tenures.’

4.6 In addition, all new development is required to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Site Allocations and Development Management Policies DPD (adopted July 2016)

4.7 The settlement inset plan for Orton-on-the-Hill confirms that the site is located within the Settlement Boundary. A copy of the inset plan is included at **Appendix 1**.

4.8 The following Development Management policies are considered to be relevant to the proposals:

- DM10 Development and Design
- DM11 Protecting and Enhancing the Historic Environment
- DM12 Heritage Assets

Other Material Considerations

National Planning Policy Framework (NPPF) (December 2023)

4.9 The following paragraphs are considered to be particularly relevant to this proposal:

Delivering Sustainable Development

- Paragraph 8
- Paragraph 10
- Paragraph 11

Delivering a sufficient supply of homes

- Paragraph 60
- Paragraph 83

Conserving and enhancing the historic environment

- Paragraph 205
- Paragraph 212

Achieving well-designed and beautiful places

- Paragraph 135

Emerging Local Planning Policy

Local Plan Review 2020 to 2041

4.10 Consultation on a submission Draft Plan (Regulation 19) was undertaken between February and March 2022. However, the Local Development Scheme (February 2024) sets out that public consultation on a new Draft Plan (Regulation 18) will take place in June – July 2024. The programmed date for adoption is January/February 2026. Accordingly, this emerging Plan will be afforded very limited weight in the decision-making process, until it has advanced substantially towards adoption.

5.0 PLANNING ASSESSMENT

5.1 In considering the principle of development, Policy 13 Rural Hamlets of the adopted Core Strategy is considered to be the dominant or most important policy for the determination of this application.

5.2 The pre-amble to the policy (Paragraph 4.46) states that development in rural hamlets will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. Policy 13 sets out eleven criteria in which development will be supported in the Rural Hamlets. The following analysis considers the site in the context of the criteria under Policy 13.

- **Support housing development within settlement boundaries that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16**

5.3 The policies map (inset plan for Orton-on-the-Hill) of the Site Allocations and Development Management Policies DPD confirms that the site is located within the Settlement Boundary of Orton-on-the-Hill.

5.4 Policy 15 Affordable Housing requires sites on rural area to provide affordable dwellings where 4 dwellings or more are proposed, or the site areas is 0.13ha or more. This proposal is for one dwelling on a site extending to 0.1 ha (0.25 acres). Therefore, Policy 15 is not engaged.

5.5 Policy 16 Housing Density, Mix and Design states that the Council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. Therefore, Policy 16 is not engaged by this proposal.

5.6 The proposal for a dwelling within the confines of the village is therefore in compliance with this criterion.

- **Support development that complies with the Policy 17: Local Needs**

5.7 This proposal does not comprise a local needs scheme. Therefore, Policy 17 is not engaged.

- **Support development enabling home working and other small scale employment uses within settlement boundaries**

5.8 The proposal is for a residential development.

- **Resist the loss of local shops and facilities in rural hamlets unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported**

5.9 The development proposal does not involve the loss of local shops and facilities.

- **Deliver the strategic green infrastructure network detailed in Policy 20. To achieve this, strategic interventions involving Shackerstone, Gopsall Park Multifunctional Route, River Sence Corridor Management and the Shackerstone to Ibstock Multifunctional Corridor will be implemented**

5.10 The proposals do not compromise the delivery of the Green Infrastructure Network.

- **Support proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21**

5.11 In Hinckley & Bosworth, the National Forest covers a small proportion of the north eastern corner of the borough and encompasses the Key Rural Centres of Markfield, Bagworth, Thornton and parts of Groby and Ratby. Hence, Policy 21 is not engaged by these proposals.

- **Support proposals that contribute to the delivery of the Charnwood Forest Regional Park in line with Policy 22**

5.12 The site is not located within Charnwood Forest.

- **Require transport improvements in line with Policy 14**

5.13 The preamble to Policy 14 'Rural Areas: Transport' states:

'The Rural Hamlets have very limited, if any services and are therefore not considered sustainable locations for anything but local needs development. Development will therefore be limited to local choice schemes and infill development.'

5.14 The development proposal comprises an infill development within a Rural Hamlet. The provision of one detached dwelling might reasonably result in 1-2 two way movements in the peak hour on the local highway network. This level of additional traffic movement is of no material consequence.

- **Support the development of the tourism industry in line with Policy 23**

5.15 The proposal is not for tourism development.

- **Require new development to respect the character and appearance of the relevant Conservation Area by incorporating locally distinctive features of the conservation area into the development**

5.16 As set out in Section 2 of the Statement and the Orton-on-the-Hill Conservation Area Appraisal, the village is divided into two distinct areas, each with its own character. The site is located in the older part of the village, which includes the medieval church of St Edith, and the area around The

Green and Pipe Lane. This is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges.

- 5.17 Buildings in the conservation area have steeply pitched continuous gabled roofs of plain clay tiles. Windows at first floor level are tucked under the eaves and are smaller than those at ground floor which normally have projecting brick sills.
- 5.18 Boundary treatments are generally low hedges or occasional wooden picket fences which reinforce the village's rural appearance.
- 5.19 The development proposals have been designed to incorporate these locally distinctive features. The dwelling is proposed to have an appearance of a traditional 2 storey dwelling with a single storey rear wing.
- 5.20 The dwelling will be sited along the frontage to Pipe Lane to reflect the historic pattern of built form on the road and wider village, whilst respecting the outlook and amenity of the neighbouring residential properties.
- 5.21 The dwelling will have a pitched continuous gabled roof to reflect the local character. The windows at first floor level are smaller than those at ground floor, which have brick sills.
- 5.22 The primary material is a red facing brick with a clay tile roof. The windows and doors will be painted timber casement windows.
- 5.23 Existing mature trees and boundary hedges are proposed to be retained, where possible. The boundary treatments will comprise low hedges and a wooden fence to reinforce the village's rural appearance.
- 5.24 The proposal complements the character of the surrounding area with regard to scale, layout, design, materials and architectural features. It is hence concluded that the proposals are in accordance with this criterion.

- **Require development to be of the highest environmental standards in line with Policy 24**

- 5.25 The proposed dwelling will be of a modern construction and will be designed to current building regulations – which have a high environmental standard. This includes ensuring solar gain and overheating is managed appropriately. New building regulations FLOS have come into force (June 2022) which are a step change towards Future Homes Standard. A high level of insulation will be incorporated into the construction.
- 5.26 It is hence concluded that the proposal is in accordance with Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.

5.27 It is of course recognised that there are other Development Plan policies which may touch upon these proposals. However, the issues raised by these policies are embraced by the criteria attached to Policy 13. Compliance with Policy 13 means compliance with these individual topic-based policies.

5.28 Furthermore, the application is accompanied by environmental and technical reports which establish that there are no significant adverse impact in terms of the effect:

- On heritage
- On ecology and biodiversity

5.29 The proposal is therefore considered to be in accordance with the Development Management policies contained within the Part 2 Local Plan.

Heritage

5.30 Policy DM11 'Protecting and Enhancing the Historic Environment' states that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- a) An understanding of the significance of the heritage asset and its setting; and
- b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- c) How the benefits of the proposal will outweigh any harm caused; and
- d) Any impact on archaeology in line with Policy DM13.

5.31 Accordingly, a Heritage Impact Assessment accompanies the submission of this planning application and considers the impact of the development on the significance of the heritage assets identified, including the contribution made by their setting.

5.32 The site does not include any Locally Listed or Statutorily Listed Buildings. The site is located within the Orton-on-the-Hill Conservation Area. There are three listed buildings within the Conservation Area, as follows:

- The Church of St Edith (Grade I)
- Church Farmhouse, 8 The Green (Grade II)
- Lower Farm, 9 Pipe Lane (Grade II)

5.33 Lower Farm is the closest listed building to the application site. The setting of the listed building extends throughout Pipe Lane, and includes the application site, but the application site does not appear to contribute to the significance of the listed building. The application site is spatially distinct from the Church of St Edith and Church Farmhouse.

- 5.34 The settings of the three listed buildings are relatively contained, visually, by extensive tree cover and thick hedges, and for all practical purposes they are not strongly grouped or connected with each other. The church is on a hill, and is a landmark, but it is not a commanding feature within much of the conservation area because of thick vegetation.
- 5.35 The Heritage Impact Assessment considers that there will only be a small change within the settings of the listed buildings, resulting in a neutral impact to their significance. There will be no harm to the significance of the listed buildings.
- 5.36 In terms of views and vistas within the conservation area, the proposal will have very little effect on views in Pipe Lane. Insofar as there will be an effect, it will be to position a new dwelling along the frontage in a manner that is traditional in situations such as this.
- 5.37 There will be little change within the surroundings of the unlisted important historic building nearest the application site (i.e. the Former Schoolmaster's House).
- 5.38 There will be no loss of key space within the conservation area, as the site has been identified in the Council's Conservation Area Appraisal as a 'Potential Development Area'. There will be no harm to the character or appearance of the conservation area. Indeed, most of the land within the application site will be used as garden, similar to the key space that prevails throughout the conservation area.
- 5.39 The Heritage Impact Assessment concludes that there will be no harm to the significance of any heritage assets. Paragraphs 207 and 208 of the Framework will not be engaged, and the effect will fall of the bottom of the scale of harm. There will be no conflict with local heritage policy. There will be preservation for the purposes of the Council's duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology and Biodiversity

- 5.40 The submitted Preliminary Ecological Appraisal confirms that the site has no statutory or non-statutory designations for nature conservation within its boundary nor adjacent to the site. When considering the likely scale and extent of the proposed works, no such designations are expected to be adversely impacted either directly or indirectly.
- 5.41 The full extent of grassland on site will be lost to enable the development, with the single residential plot provided with a significant area of vegetated garden. The loss of this grassland habitat will result in a minor adverse effect significant within a local scale.
- 5.42 With access restricted to ponds within a 250m radius of the site, the presence of great crested newt, locally, could not be ruled out. These ponds are however physically separated from the site by roads and expanses of hardstanding associated with surrounding residential dwellings. No pond will be directly impacted by the proposed development. The nearest dwelling with associated vegetated garden is located some 87m from the site boundary.

- 5.43 In this instance, given the limited scale of development, it is considered highly unlikely that any offence would be committed in respect of great crested newt should the development proceed. Therefore, no licence would be required. However, it is considered reasonable that a precautionary working method statement, in respect of the residual impact on great crested newt, in the form of Reasonable Avoidance Measures (RAMs) should be compiled and form part of a Construction and Environmental Management Plan (to be conditioned as part of any decision).
- 5.44 The Biodiversity Gain Requirements (Exemption) Regulations 2023 provide for temporary exemptions of “non-major” developments, as follows:

“3. –(1) The biodiversity gain planning condition does not apply in relation to planning permission for small development where-

(a) The application for planning permission for small development was made before 2nd April; or

(b) Planning permission is granted for small development which has effect before 2nd April 2024”

- 5.45 The application proposals do not fall into the category of a major development, as defined in article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as it comprises residential development for a single dwelling on a site of an area of below 1 hectare.
- 5.46 Therefore, as the application will be made prior to 2nd April 2024, the development qualifies for temporary exception under Regulation 3 of the Biodiversity Gain Requirements (Exception) Regulation 2024.
- 5.47 It has been demonstrated that the development would not prejudice any protected species in accordance with the guidance contained within Paragraph 180 of the Framework.

6.0 CONCLUSION

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and the need to achieve the economic, social and environmental objectives in mutually supportive ways as set out in paragraph 11 of the NPPF.
- 6.2 Core Strategy Policy 13 Rural Hamlets is most relevant to the proposed development. This policy supports housing development within the settlement boundaries of Rural Hamlets (i.e. infill housing schemes). It has been demonstrated that the proposals are in compliance with the criteria under Policy 13. The proposal is therefore compliant with the dominant policies in the Core Strategy and in so doing is in accordance with the development plan.
- 6.3 It is of course recognised that there are other Development Plan policies which may touch upon these proposals. However, the issues raised by these policies are embraced by the criteria attached to Policy 13. Compliance with Policy 13 means compliance with these individual topic-based policies.
- 6.4 The proposed dwelling has been designed to respect the character and appearance of the Orton-on-the-Hill Conservation Area by incorporating locally distinctive features of the conservation area into the development.
- 6.5 The accompanying technical assessments demonstrate that the development will not give rise to any significant adverse impacts by way of heritage, ecology, biodiversity or residential amenity.
- 6.6 For the reasons set out above, and taking into account the proposals and supporting plans, it is respectfully requested that planning permission is granted.

Appendix 1- Settlement inset plan for Orton-on-the-Hill

