

Plans Committee Date:	12 April 2023
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Item No:

Application Reference Number: P/21/1516/2

Application Type:	Full	Date Valid:	12/8/2021
Applicant:	Vewd Ltd		
Proposal:	Proposed erection of two detached dwellings		
Location:	Land adj 160 Main Street, Swithland Leicestershire LE12 8TJ		
Parish:	Swithland	Ward:	Rothley and Thurcaston
Case Officer:	Susan Chan	Tel No:	07808 844787

1. Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation, due to some of the relevant policies in the emerging Local Plan progressing from limited to moderate weight. The application was presented before Plans Committee on 27th January 2022 (attached as Appendix A). The planning balance of the committee report gave significant weight to the extant permission in the planning balance (11d of NPPF). However, since that time there has been a change in weighting of some of the draft development plan policies.
- 1.2 At Plans Committee, the application was recommended for approval conditionally subject to the completion of a unilateral undertaking and subject to conditions (recommendations A and B below).

RECOMMENDATION A:

That authority is given to the Head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement or accept a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure the delivery, appropriate long term management and maintenance, details of which shall first be agreed in writing by the local planning authority, and retention in perpetuity of the proposed off-site biodiversity enhancements within the wildlife meadow and woodland areas adjacent to the site, identified by the blue land on the site location plan.

RECOMMENDATION B:

*That subject to the receipt of the appropriate Unilateral Undertaking agreement in Recommendation A above, planning permission be granted for the development subject to the Conditions and Reasons why they have been imposed.
(officer note – the conditions are listed in the Plans Committee Report)*

2. Description of the application site

- 2.1 The application site lies to the south of Main Street and west of The Griffin Public House, and currently forms part of the land ownership of 160 Main Street to the east. However, it has recently been separated from No. 160 by a 2m high close-boarded fence. The site consists of grassland and is bisected by Swithland Brook which runs across the site from east to west. The land beyond the Brook is woodland which includes markers of ancient woodland. The frontage of the site onto Main Street is set behind a low stone wall and a variety of vegetation including trees set to the rear of the grass verge along the road frontage. The eastern side boundary is marked by a low stone wall whilst the western boundary is marked by a 2m high close boarded fence between the application site and the dwelling at 160 Main Street.
- 2.2 The site as originally submitted was entirely bounded by a red line and measured 0.7ha. however, a revised location plan (drg ref 2046/PL07) was submitted on 29th November 2021 which shows the woodland to the south of Swithland Brook, the Brook, the land 2m north of the brook and the land to the east of site now outlined in blue. The total application site outlined in red on the site location plan now measures 1617 sq m whilst the adjacent land outlined in blue measures 1,890 sq m.
- 2.3 The site is located within the Limits to Development of the village identified in the adopted Borough of Charnwood Local Plan. The site is also within the Archaeological Alert Zone, Charnwood Forest Landscape Character Area and Swithland Conservation Area. The site sits nearly opposite Swithland Primary School which is a Grade II Listed Building, as is the neighbouring dwelling at 160 Main Street. The front 19m or so of the site is within Flood Zone 1 but the part around the Brook and the rear of the site lies within Flood Zones 2 and 3.
- 2.4 Planning permission was approved on this site in 2014 for 2 no. detached dwellings (app P/14/0332/2 refers) and it is noted that a Certificate of Lawfulness was granted in 2018 (app P/18/1367/2 refers) that confirmed that the works undertaken on site have begun and means that the planning permission remains extant. That application showed the strip of land to the east excluded from the development since it was designated as 'Open Space of Special Character'. Whilst the policy in the Local Plan under which this site was designated has been superseded the applicant has chosen to continue to leave this land undeveloped and has proposed its use as a wildlife meadow, matching the layout of the previously approved application.

3. Description of the proposal

- 3.1 The application seeks permission for the construction of 2 detached dwellings.
- 3.2 Each dwelling has 2 elements, with a gable element that projects towards the front of the site each measuring approx. 6m wide with a wider part to the rear. Both dwellings have a wide element to the rear with projecting gables coming forward. The design concept that the applicant has chosen is that of a farmhouse at Plot 1 with an attached barn with Plot 2 having the form of converted barns so that in its entirety the development follows the design of a farmstead.

3.3 The proposal also includes the maintenance of a wild flower meadow in perpetuity to the east of Plot 2 on the site. The new eastern boundary to Plot 2 will be planted as a native hedgerow from the rear edge of the gable of Plot 2 to the southern extremities of the site beyond the brook.

3.4 The following documents accompany the application:

- Planning Statement dated July 2021;
- Application form;
- Arboricultural Report rev A prepared by Don Munro Consultancy dated 14 May 2021;
- Design and Access Statement prepared by LaunchPadd Architects;
- Flood Risk Assessment Ramm Sanderson prepared by dated July 2021;
- Heritage Statement prepared by Trigpoint Conservation and Planning Ltd dated May 2021;
- Ecology report and Biodiversity Metric 3.0 Calculation Tool;;
- Ecological Impact Assessment prepared by Don Munro Consultancy dated August 2021;
- The Habitat Management Plan by Ramm Sanderson ref: RSE_5013_R3_V1_HMP dated October 2022;
- Plans and drawings:
 - Drg ref 16133-16-01 Topographic Site Survey
 - Drg ref 2046/PL01 Location Plan
 - Drg ref 2046/PL02 Site Plan
 - Drg ref 2046/PL03 Floor Plans rev A
 - Drg ref 2046/PL04 Elevations Plot 1
 - Drg ref 2046/PL05 Elevations Plot 2
 - Drg ref 2046/PL06 Main Street Scene
 - Drg ref 2046/PL07 Revised red line drg.

4. Development Plan Policies

4.1 The Development Plan comprises the Charnwood Local Plan Core Strategy (adopted 9 November 2015), the Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies), Minerals and Waste Local Plan (2019).

4.2 The policies applicable to this application are as follows;

4.3 Charnwood Local Plan Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 Landscape and Countryside
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS 24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

4.4 Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy EV/1 – Design
- Policy TR/18 - Parking in New Development

4.5 Minerals and Waste Local Plan (2019)

This document includes the County Council's spatial vision, spatial strategy, strategic objectives, and core policies which set out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.

Policy M11 seeks to safeguard mineral resources including sand, gravel, limestone, igneous rock, surface coal, fireclay, brick clay and gypsum. The policy sets out that planning permission will be granted for development that is incompatible with safeguarding minerals within a Mineral Safeguarding Area provided certain criteria are met.

Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

5. Other material considerations

5.1 The National Planning Policy Framework (NPPF 2021)

The NPPF policy guidance of particular relevance to this proposal includes:

- Section 2: Achieving sustainable development.
- Section 5: Delivering a sufficient supply of homes.
- Section 8: Promoting healthy and safe communities.
- Section 9: Promoting Sustainable Transport.
- Section 11: Making effective use of land.
- Section 12: Requiring well-designed places.
- Section 15: Conserving and enhancing the natural environment.
- Section 16: Conserving and enhancing the historic environment.

5.2 Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework. The guidance sets out relevant guidance on aspects of flooding, air quality, noise, design, the setting and significance of heritage assets, landscape, contaminated land, Community Infrastructure Levy, transport assessments and travels plans, supporting the policy framework as set out in the NPPF.

5.3 National Design Guide

This is a document created by government which seeks to inspire higher standards of design quality in all new development.

5.4 The Planning (Listed Buildings and Conservation Areas) Act 1990.

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty for local authorities to have special regard to Listed Buildings and Conservation Areas. Section 66 (1) of the Act refers to the desirability of preserving Listed Buildings, the setting of Listed Buildings and the features of special architectural and historic interest which it possesses whilst Section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5.5 The Swithland Conservation Area Character Appraisal

The Appraisal describes the special character of the village which takes a linear form which has been emphasised and retained through both infill and ribbon development in the last 2 centuries. The appraisal examines the historical development of the Conservation Area and describes its present appearance in order to assess its special architectural and historic interest. The appraisal is then used to inform the consideration of management and development proposals within the area. The character of the conservation area identified in the Appraisal document is such that the following general principles should be noted when considering any development in all parts of the conservation area.

5.6 Leicestershire Housing and Economic Needs Assessment (HENA) – 2022

HENA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

5.7 Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

5.8 Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

5.9 Leicestershire Highways Design Guide

The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; as well as to help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking expected to be provided in new housing development.

5.10 Landscape Character Appraisal

The Borough of Charnwood Landscape Character Assessment was prepared in July 2012. The purpose of the report was to assess the baseline study of the landscape character, at a sub-regional level that gives a further understanding of the landscape resource. The document 'provides a structured evaluation of the landscape of the borough including a landscape strategy with guidelines for the protection, conservation and enhancement of the character of the landscape, which will inform development management decisions and development of plans for the future of the Borough'.

5.11 Technical Housing Space Standards (2015)

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council, but it is included in draft Policy H3 of the emerging local plan and is therefore a material consideration for which appropriate weight must be given.

5.12 Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

5.13 Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

5.14 The Draft Charnwood Local Plan 2019-37

This document sets out the Council's strategic and detailed policies for the Borough over the period 2019-37. The local plan was submitted for examination in December 2021 with hearings concluding in February 2023. It is anticipated that the Inspectors will issue a letter setting out the requirement for main modifications to be made to make the plan sound. These modifications will be published for six weeks of public consultation so that the responses can assist the Inspectors in preparing their final report. The precise timings of these events are dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in Autumn 2023.

In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The following policies are considered applicable to this application, and the weight they can be assigned is addressed in the 'Planning Considerations' part of this report.

- Policy OS1 – Other Settlements
- Policy DS1 – Development Strategy
- Policy DS5 - High Quality Design
- Policy C1 - Countryside.
- Policy H1 - Housing Mix
- Policy H3 – Internal Space Standards
- Policy T3 – Car parking standards
- Policy CC1 – Flood Risk Management
- Policy EV1 - Landscape

- Policy EV4 – Charnwood Forest and the National Forest
- Policy EV6 - Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7 - Tree Planting
- Policy EV8 - Heritage

5.15 Planning Guidance for Biodiversity June 2022

This planning guidance seeks to provide further clarification to Core Strategy Policy CS13 insofar as ensuring development proposals secure biodiversity net gain on-site to contribute towards the overall sustainability of development proposals.

6. **Relevant Planning History**

6.1

Reference	Description	Decision & Date
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The site has the following relevant planning history.

P/14/0332/2	Erection of two dwellings	Granted conditionally 27.6.14
P/17/0290/2	Discharge of conditions 3, 5, 7, 8, 11, 13 and 14 of P/14/0332/2. Materials. Tree protection details. Hedge details. Traffic management plan. Construction Method Statement. Window details. Landscaping details.	Conditions part Discharged 31.3.17
P/18/1367/2	Certificate of lawfulness existing for the use or operation or activity for confirmation of commencement of development.	Unconditional Approval 6.9.18

7. **Responses of Consultees & Other Comments Received**

7.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire County Council – Highways	Leicestershire County Council Highways advises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
Environment Agency	Raises no objection as the plans confirm that the extent of the proposed dwellings fall entirely within Flood Zone 1.
Charnwood Biodiversity	The Habitat Management Plan by Ramm Sanderson ref: RSE_5013_R3_V1_HMP dated October 2022 has been accepted and agreed with the Council's Senior Ecologist via email on 31 st January 2023.
Charnwood Open Space	Effects not significant and are mitigatable by condition.

Charnwood Heritage & Conservation	The proposed application will not adversely impact on the setting to the nearby listed buildings and will at least preserve the character and appearance of Swithland Conservation Area.
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Ward Councillor and Parish Council Response	
Cllr Leon Hadji-Nikolaou	No specific comments for this planning application subject to no officers, residents or the Parish Council substantiating any material considerations.
Swithland Parish Council	No response.
Responses to publicity	
From	Comments
None received.	

8. Consideration of the Planning Issues

- 8.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028) and the Minerals and Waste Local Plan (2019).
- 8.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such there is no reason for them to be given reduced weight. As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.
- 8.3 Part i) of NPPF paragraph 11d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are generally nationally designated areas such as SSSI’s, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF’s presumption in favour of sustainable development and the ‘tilted balance’ applies.

8.4 The key issues in considering this application relate to:

- The Principle of the Development
- Design, landscape and visual amenity
- The impact on the significance of heritage assets
- The impact on the amenity of neighbouring residential properties
- Impact on trees
- Impact on biodiversity and ecology
- Impact on flooding
- Impact on highway safety and the highway network.

8.5 These matters were presented to committee on 27th January 2022 And therefore the main planning considerations applicable to this updated report are considered to be:

1. Whether an acceptable Unilateral Undertaking has been submitted, under section 106 of the Town and Country Planning Act 1990 to secure the delivery, appropriate long term management and maintenance and retention in perpetuity of the proposed off-site biodiversity enhancements within the wildlife meadow and woodland areas adjacent to the site, identified by the blue land on the site location plan, as required by Recommendation A of the Plans Committee Resolution from 27th January 2022.
2. Update on emerging Local Plan policy weight.

9. Key Issues

Unilateral Undertaking

- 9.1 Ecology reports and a biodiversity impact assessment were included as part of the application submission. Enhancement works are proposed to the woodland at the rear through the removal of a non-native invasive species and the installation of bat and bird boxes. The enhancement works have been discussed with the Council's Biodiversity Officer who has advised that the woodland, brook banks and grassland (between the houses and the Griffin) enhancements should be removed from the residential curtilage to ensure their appropriate management. Their inclusion within the garden areas could potentially result in their loss. To ensure the retention and appropriate management of these biodiversity areas in perpetuity, it was recommended that their management be subject to a legal agreement.
- 9.2 The proposals show that there will be a net gain in the biodiversity value of the site through enhancements to the wildlife meadow and the woodland at the rear of the site. It is necessary to ensure that an adequate mechanism is in place to ensure that the enhancement works are undertaken and the area is appropriately maintained. Given that the proposed enhancement works will affect land within the applicant's ownership but not within the application site and that these biodiversity sites should be kept undeveloped in perpetuity, it was recommended in the original Plans Committee Report (see Appendix A) that the approval be subject to the completion

of a Unilateral Undertaking to ensure that the proposed enhancements do take place and that the protection of the wildlife meadow and woodland is kept in perpetuity.

- 9.3 Following consultation between the Council's Biodiversity Officer and the applicant's representatives, the Habitat Management Plan by Ramm Sanderson ref: RSE_5013_R3_V1_HMP dated October 2022 has been accepted and agreed and will be secured within the Unilateral Undertaking. Therefore, it is considered that recommendation A of the should be updated to refer to this agreed Plan.

Emerging Local Plan

- 9.4 Since the Plans Committee resolution, the emerging Local Plan has been through examination and some of its policies have gained weight, as set out above. The emerging Local Plan was identified as a material consideration in the Plans Committee Report and the policies were given limited weight at that time. In the emerging Local Plan, Swithland is identified as an Other Settlement (under policy OS1) and the site is partly outside the proposed Limits to Development of Swithland and therefore partly within countryside (as defined on the submitted Policies Map and emerging policy C1). The proposal is therefore contrary to this emerging policy. However, due to the significant weight attached to the extant permission, this does not alter the original conclusion set out in the Plans Committee Report. .
- 9.5 The relevant Emerging Local Plan Policies include:

Policy OS1: Other Settlements (moderate weight). We will support our Other Settlements by supporting developments that delivers allocations in accordance with Policy DS3 or sustainable development that is in accordance with the pattern of development outlined in Policy DS1 and which supports our vision and objectives including making effective use of land and is small-scale and within defined Limits to Development. This policy has been afforded moderate weighting to the proposal. The site is partially located in the open countryside. Given the significant weighting of the extant permission, the proposal is considered to be acceptable under Policy OS1 and no additional conditions are necessary.

Policy DS1: Development Strategy (limited weight). We will support sustainable development that: protects the intrinsic character of the Countryside, makes efficient use of land including using brownfield or underused land and buildings and safeguards and delivers a net gain in biodiversity. This policy has limited weight to the proposal. The site is partially located in the open countryside. However, it seeks to make use of underutilised land without significant harm to the character of the countryside and therefore, is compliant with Policy DS1. No additional conditions are necessary.

Policy DS5: High Quality Design (moderate weight). This policy requires all new developments to make a positive contribution to Charnwood, by responding positively to the local distinctiveness of the area and providing attractive and functional places where people will want to live, work and visit. The policy sets out how this might be achieved and includes a requirement for development to protect the amenity of people who live or work nearby and those that will live in the new

development. This policy has been afforded moderate weighting to the proposal. The proposal complies with Policy DS5. No additional conditions are necessary.

Policy C1: Countryside (moderate weight). This policy will manage development in areas of Countryside to protect its largely undeveloped character, and its intrinsic character and beauty by supporting development for the reuse and adaptation of rural buildings and small scale new built development where there would not be significant adverse environmental effects. This policy has been afforded moderate weighting to the proposal. The site is partially located in the open countryside. Given the significant weighting of the extant permission, and the small scale nature of the proposed development, the proposal is considered to be acceptable under Policy C1 and no additional conditions are necessary.

Policy H1: Housing Mix (limited weight). We will seek a mix of house types, tenures and sizes that meet the overall needs of the Borough in line with our most up to date evidence. We will do this whilst having regard to the extent to which those needs have already been met by other development, local housing needs and housing market evidence, economic conditions, viability and site specific circumstances. This policy has limited weight to the proposal. The proposal complies with Policy H1. No additional conditions are necessary.

Policy H3: Internal Space Standards (limited weight). We will seek compliance with the nationally described space standards, or any replacement standards produced by the Government, for all new homes (including those resulting from the change of use of existing buildings). We will do this while having regard to any evidence provided regarding viability or other site-specific factors. This policy has limited weight to the proposal. The proposal complies with Policy H3. No additional conditions are necessary.

Policy T3: Car Parking Standards (limited weight). We will ensure that there is an adequate provision for all users of residential and non-residential parking in our Borough by requiring that all new developments provide car parking spaces in accordance with the latest published guidance of Leicestershire County Council and Charnwood Borough Council. This policy has limited weight to the proposal. The proposal complies with Policy T3. No additional conditions are necessary.

Policy CC1: Flood Risk Management (limited weight). We will manage flood risk by directing development to areas in the Borough with the lowest risk of flooding (Flood Zone 1), applying the Sequential Test and Exception Test, where necessary. We will do this by ensuring that major development proposals in Flood Zone 1 and any developments in Flood Zones 2 and 3 are accompanied by a site-specific flood risk assessment. This policy has limited weight to the proposal. The proposal complies with Policy CC1. No additional conditions are necessary.

Policy EV1: Landscape (moderate weight). We will carefully manage development to protect the Borough's distinctive landscape by requiring new development to protect landscape character and to reinforce sense of place and local distinctiveness; and maintain the separate identities of our towns and villages. This policy has been afforded moderate weighting to the proposal. The site is partially located in the open countryside. Given the significant weighting of the extant permission, the proposal

is considered to be acceptable under Policy EV1 and no additional conditions are necessary.

Policy EV4: Charnwood Forest and the National Forest (moderate weight). The Charnwood Forest Regional Park and National Forest are defined on the Policies Map. We will work with our partners to protect and enhance the Charnwood Forest Regional Park and support the aims of the National Forest Strategy. This policy has been afforded moderate weighting to the proposal. The site is partially located in the open countryside. Given the significant weighting of the extant permission, the proposal is considered to be acceptable under Policy EV4 and no additional conditions are necessary.

Policy EV6: Conserving and Enhancing Biodiversity and Geodiversity (moderate weight). This policy ensures that biodiversity, ecological networks and geodiversity interests are protected, restored, enhanced and resilient. This policy has been afforded moderate weighting to the proposal. A Habitat Management Plan has been agreed with Biodiversity. The proposal complies with Policy DS5. No additional conditions are necessary.

Policy EV7: Tree Planting (moderate weight). This policy seeks to protect and enhance our natural environment by increasing the number of trees in Charnwood. Any new trees planted should be native species suitable for the location and be of benefit to local biodiversity. Where on site planting is not possible due to the size of site, its characteristics or the impact upon biodiversity, we will encourage trees to be planted at a suitable location outside the site. This policy has been afforded moderate weighting to the proposal. A Habitat Management Plan has been agreed with Biodiversity. The proposal complies with Policy EV7. No additional conditions are necessary.

Policy EV8: Heritage (moderate weight). We will conserve and enhance our historic environment including our heritage assets (which include archaeological assets) for their own value and the contribution they make to the community, environment and economy. This policy has been afforded moderate weighting to the proposal. The proposal complies with Policy EV8. No additional conditions are necessary.

- 9.6 The site is partially located in the countryside and whilst development would be limited to within settlement boundaries, there is an extant permission in place and the proposal is considered to be in accordance with the principle and objectives of the emerging policies. There are no new material planning matters arising and no new conditions are required in addition to the conditions stated in the Plans Committee Report dated 27th January 2022.

10. Conclusion

- 10.1 As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application is to be determined on the basis of para 11d of the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused. The benefits of such housing provision are afforded significant positive weight.

- 10.2 In this case the development would provide an additional two residential units at a time when there is an acute need for housing within the Borough. This is a significant benefit of the scheme. However, weighed against this there is conflict with the spatial strategy set out within the adopted Development Plan. Within this balance it should also be recognized there is an extant permission for 2 dwellings within the site. This is a material planning consideration which should be given significant weight.
- 10.3 The planning balance in the Plans Committee Report made it clear that the application was to be considered in the context of paragraph 11d of the NPPF and that significant weight was given to the extant planning permission for two dwellings on the site. It is therefore considered that the increased weight to the relevant policies of the emerging Local Plan since the Plans Committee resolution does not alter the original conclusion set out in the Plans Committee Report.
- 10.4 The applicant has shown that through management and enhancement proposals that the site will result in a net gain in terms of biodiversity, which will be secured through a Unilateral Undertaking which has been prepared and the management plan agreed in advance.
- 10.5 In conclusion, it is considered that there are no impacts of the development of this site that cannot be mitigated and that would be so significant and demonstrably harmful as to outweigh the benefits of providing the required housing land in a sustainable location. The benefits relate to the contribution of the proposal to the Council's housing land supply deficit and deliverability, sustainable location, affordable housing, community and other infrastructure provision, etc. The application should therefore be supported subject to appropriate conditions being attached and the completion of a unilateral undertaking to secure the delivery, appropriate long term management and maintenance of the proposed off-site biodiversity enhancements within the wildlife meadow and woodland areas adjacent to the site.

11. Recommendation

RECOMMENDATION A:

That authority is given to the Head of Planning and Growth and the Head of Strategic Support to enter into a legal agreement or accept a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure the delivery, appropriate long term management and maintenance, details of which are contained in the Habitat Management Plan by Ramm Sanderson ref: RSE_5013_R3_V1_HMP dated October 2022, and retention in perpetuity of the proposed off-site biodiversity enhancements within the wildlife meadow and woodland areas adjacent to the site, identified by the blue land on the site location plan.

RECOMMENDATION B:

That subject to the receipt of the appropriate Unilateral Undertaking agreement in Recommendation A above, grant planning permission conditionally subject to the imposition of the following draft conditions and reasons.

Recommended conditions:

1. The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No materials shall be placed on the site until such time as samples of the facing bricks and any other materials to be used on the external walls and of the roofing slates, tiles and any other materials have been submitted for the agreement of the local planning authority. Only materials agreed in writing by the local planning authority shall be used in carrying out the development.

REASON: To make sure that the appearance of the completed development is satisfactory.

3. No part of the development hereby approved, including site works, shall begin until each tree shown to be retained on the approved plan has been protected in a manner which shall have first been submitted to and agreed in writing by the local planning authority. Each tree shall be protected in the agreed manner for the duration of building operations on the application site. 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 of any kind shall be placed or stored thereon. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

REASON: The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

4. The works hereby granted consent shall be carried out in accordance with British Standard Recommendations for Tree work - BS 3998:2010

REASON: To make sure that the works are carried out in a way which safeguards the health and amenity of each tree.

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 6 metres of the highway boundary, nor shall any be erected within a distance of 5 metres of the highway boundary unless hung to open away from the highway.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

6. No part of the development hereby approved shall commence on the site until such time as a construction traffic/site traffic management plan, including as a minimum details of 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 to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Floor Plans drawing number 2046/PL03 Rev A. Thereafter the onsite parking provision shall be so maintained in perpetuity and shall not be used for any purpose other than the turning and parking of vehicles.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

8. Before first occupation of any dwelling, its access drive and any turning space shall be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

9. No part of the development hereby approved shall take place until a Construction Method Statement designed to prevent the import of any contaminated runoff and silt into the adjacent watercourse and disturbance to the watercourse ecology has been agreed in writing with the local planning authority. Development work shall proceed in full accordance with the agreed Construction Method Statement.

REASON: In order to protect the watercourse and associated biodiversity.

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

11. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

REASON: In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2021).

12. Notwithstanding the submitted plans for the scheme hereby permitted, the proposed accesses shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5.0 metres behind the highway boundary and shall be surfaced in a bound material for a distance of at least 5.0 metres behind the highway boundary with a 3.7 metre dropped crossing. The access once provided shall be so maintained at all times.

REASON: To ensure a safe and suitable form of access to the site in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting That Order, with or without modifications), no enlargement, improvement or other alteration of the dwelling shall be carried out and no building, enclosure or other structure shall be erected within its curtilage.

REASON: The carrying out of development of this type may create difficulties in terms of the overall appearance and character of the area and in the interest of biodiversity.

14. No part of the development hereby approved shall begin until details of the design, materials of construction and finish of all new window openings have been submitted to and agreed in writing by the local planning authority. The works shall be carried out only in accordance with the agreed details.

REASON: To ensure the satisfactory appearance of the completed development.

15. Notwithstanding the submitted details of the scheme hereby permitted, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:
- i) the treatment proposed for all ground surfaces, including hard areas;
 - ii) full details of tree planting, including the detail of the size and species of the replacement trees to replace the mature cherry tree on the street frontage T4 which is indicated to be felled, which shall be planted during the first available planting season following the removal of the existing mature cherry tree and, should it fail, it shall itself be replaced within the first available planting season following such loss;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) finished levels or contours;
 - v) any structures to be erected or constructed;
 - vi) functional services above and below ground; and
 - vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed.

16. The landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting and seeding seasons following the first occupation of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

17. Prior to the occupation of the scheme hereby permitted details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not limited to, the following:
- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas
 - ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate.
 - iii. A description of the luminosity of lights and their light colour

iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To safeguard rural character from increased light pollution, visual amenity and maintain the existing value of biodiversity on and adjacent to the site.

18. Notwithstanding the submitted details, prior to above ground works of the development hereby approved a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
 - ii. Materials and construction to ensure long lifespan of the feature/measure
 - iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - iv. When the features or measures will be installed and made available.

REASON: To provide net gains for biodiversity and ensure that the proposal will result in a sustainable development.

19. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Drg ref 16133-16-01 Topographic Site Survey rec'd 6th July 2021;
 - Drg ref 2046/PL01 Location Plan rec'd 12th August 2021;
 - Drg ref 2046/PL02 Site Plan rec'd 12th August 2021;
 - Drg ref 2046/PL03 rev A Floor Plans 12th January 2022;
 - Drg ref 2046/PL04 Elevations Plot 1 6th July 2021;
 - Drg ref 2046/PL05 Elevations Plot 2 6th July 2021;
 - Drg ref 2046/PL06 Main Street Scene 6th July 2021;
 - Drg ref 2046/PL07 Revised red line drg rec'd 29th November 2021;
 - Planning Statement dated July 2021 rec'd 6th July 2021;
 - Arboricultural Report rev A prepared by Don Munro Consultancy dated 14th May 2021 rec'd 6th July 2021;
 - Design and Access Statement prepared by LaunchPadd Architects rec'd 6th July 2021;
 - Flood Risk Assessment Ramm Sanderson prepared by dated July 2021 rec'd 6th July 2021;

Heritage Statement prepared by Trigpoint Conservation and Planning Ltd dated May 2021; rec'd 6th July 2021;
Ecology report and Biodiversity Metric 3.0 Calculation Tool rec'd 9th November 2021;
Ecological Impact Assessment prepared by Don Munro Consultancy dated August 2021 rec'd 12th August 2021;
Habitat Management Plan by Ramm Sanderson ref: RSE_5013_R3_V1_HMP dated October 2022.

REASON: To define the terms of the planning permission.

APPLICATION SITE

