

Item Number: 5b**Application Reference Number: P/23/0512/2****Application Type:** Full**Date Valid: 20/03/2023****Applicant:** Residential Design Architects Limited**Proposal:** Proposed demolition of existing manege, stables, double garage, kennels, swimming pool and detached house and erection of a replacement dwelling and detached garages together with associated landscaping and access / parking alterations.
Conversion of existing outbuilding to a self-contained two-bedroom ancillary annex.**Location:** Black Birds Nest, Deans Lane, Woodhouse Eaves, Leicestershire, LE12 8TE**Parish:** Newtown Linford**Ward:** Forest Bradgate**Case Officer:** Jim Worley**Tel No:** 07591 947043

1 Background

- 1.1 This application is referred to Plans Committee in accordance with the scheme of delegation as the scale of the replacement dwelling proposed is greater than envisaged by the relevant policy, CT/14 part (iii), and it therefore represents a departure from the development plan and the Officer recommendation is one of approval.
- 1.2 The application site, in the countryside, is comprised of a group of buildings, including a traditional farmhouse, sizeable indoor manege and various outbuildings. The existing two storey dwelling is (152.7 m² footprint) and the site also contains a single storey detached out building which is used as general storage (169.4 m²), a detached a manege (446 m²), a stable building (45 m²), a garage (49.4m²), a kennel (22 m²) and a swimming pool. There also exist two detached out buildings identified as Existing Outbuilding (169.4 sq m²) and Stone/Brick storage building (40.3m²) are used as storage space.

2 Description of the application site

- 2.1 The site is 7350sq m part of a 41 acre agricultural holding located in the designated Charnwood Forest Regional Park, the open countryside, towards the west of the Borough. The small village of Woodhouse Eaves is located south east of the site. Access is off Deans Lane which abuts the south boundary of the wider site and is a shared access for the dwelling and the surrounding agricultural holding.
- 2.2 Within its wider context, the site comprises agricultural land in Charnwood Forest surrounded by open fields in front and to either side, and with dense forest planting behind forming a backdrop.

- 2.3 The body of the site lies back from the road, Deans Lane, by a distance of approximately 100m, and rises gently south to north and from east to west.



- 2.4 The application site is located within Flood Zone 1.
- 2.5 The development does not affect a listed building or Conservation Area.

3. Description of the proposal

- 3.1 The application seeks planning permission for the demolition of the existing house, manege, a stable, a garage and removal of the swimming pool to be replaced with a new two storey dwelling and two new detached garages. The two existing outbuildings would be retained, one to be used as an annexe with habitable accommodation within its roof void and the other as storage space.
- 3.2 The proposed dwelling would have a footprint of 517 m² over two storeys.

Figures 1 and 2: south (front) elevation

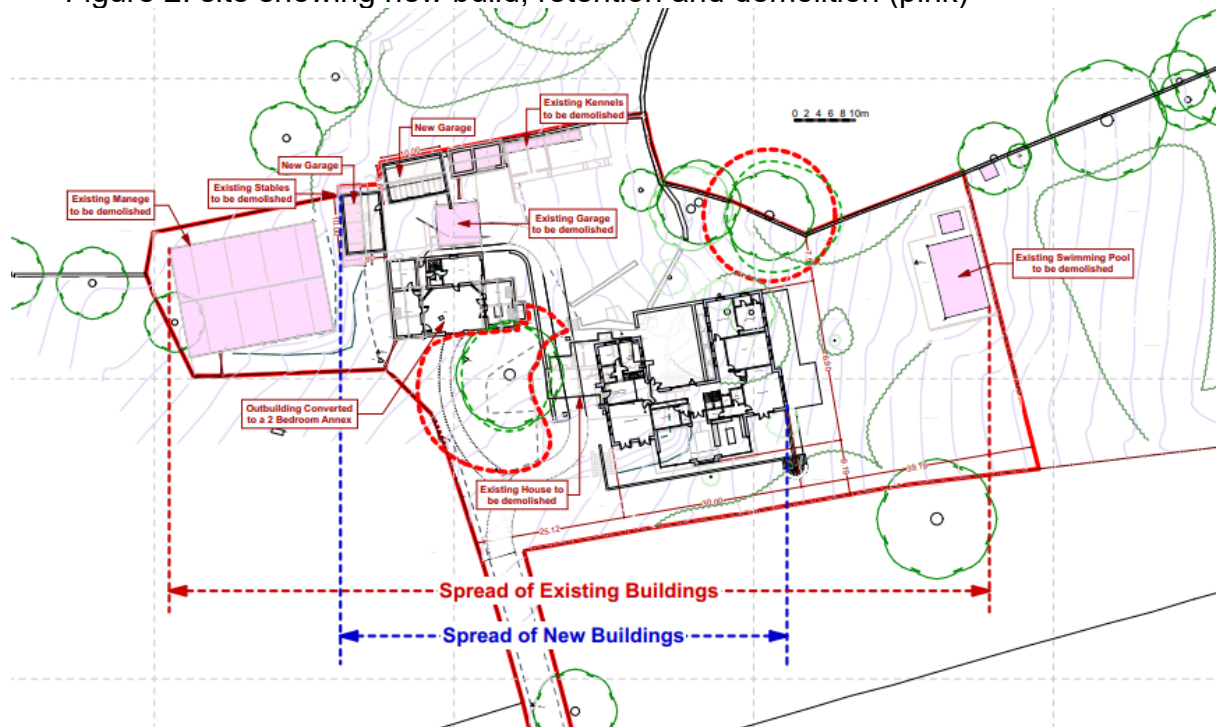


Proposed South Elevation



- 3.3 The outbuilding used as general storage would be retained as an annex with a proposed footprint of 179 sq m and the Stone/Brick storage building would be retained as storage space. The proposed garage 1 would be 66m² with a maximum height of 5.3m, garage 2 would also be 66 m² with a maximum height of 5m.
- 3.4 The existing manege, stable, garage and kennels would be demolished. The swimming pool would be removed. The existing built form will be replaced by two new buildings, being a new dwelling and a garage with car port. The proposed dwelling is shown below

Figure 2: site showing new build, retention and demolition (pink)



- 3.5 The planning application was accompanied by a suite of drawings, including
- Topographical Survey
 - Floorplans and Elevations Drawings, existing and proposed site and layout plans
 - Design and Access Statement
 - Heritage Statement
 - Preliminary Ecology Survey & Follow-up Bat Surveys
 - Structural Inspection Reports (house and outbuildings)
 - Building Condition Report (house)
 - Arboricultural Impact Assessment (with tree constraints & retention/removal plans)
 - Costs/Quote for Repair/Refurbishment & Agency Advice on Viability
- 3.6 During the processing of the application the need arose to identify biodiversity mitigation areas and to relocate the proposed garage at the rear of the site in order to avoid interference with the Listed Wildlife Site nearby.

4. Development Plan Policies

- 4.1 The Adopted Local Plan for the area comprises the Charnwood Local Plan 2011-2028 Core Strategy (CS), the saved policies of the Charnwood Borough Local Plan 1999-2006 (LP) and the Minerals and Waste Local Plan (2019).
- 4.2 The policies relevant to the determination of this application include:

Charnwood Local Plan 2011-2028 Core Strategy

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS11 – Landscape and Countryside
- Policy CS12 – Green Infrastructure
- Policy CS13 – Biodiversity and Geodiversity
- Policy CS14 – Heritage
- Policy CS16 – Sustainable Construction and Energy
- Policy CS25 – Presumption in Favour of Sustainable Development

[Borough of Charnwood Local Plan \(adopted 12 January 2004\) \(saved policies\)](#)

4.3 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 CT/1 - General Principles for Areas of Countryside
- Policy CT/2 - Development in the Countryside
- Policy CT/14 - Replacement Dwellings
- Policy EV/1 - Design
- Policy TR/18 - Parking in New Development

Minerals and Waste Local Plan (2019)

4.4 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.

4.5 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. However the site is not within a Safeguarding Area.

5. Material Planning Considerations:

The National Planning Policy Framework 2023 (NPPF)

5.1 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 9: Promoting Sustainable Transport
- Section 12: Requiring Well-Designed Places.
- Section 14: Meeting the Challenge of Climate Change, Flooding, and Coastal Change
- Section 15: Conserving and Enhancing the Natural Environment
- Section 16: Conserving and Enhancing the Historic Environment

The Equality Act 2010

5.2 This Act requires local planning authorities, when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities in society. It consolidates 7 Acts

including the Disability Discrimination Act. Whilst the accessible design of buildings is regulated by Part M of the Building Regulations, the Equality Act does require 'reasonable adjustments' to be made when providing access to goods, facilities, services and premises and this also applies to the design of proposed development. In terms of planning decisions, there is a need to have 'due regard' to the impact of planning application decisions and policies on anyone with a Protected Characteristic who may be affected by the decision.

National Planning Practice Guidance (PPG)

- 5.3 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.

National Design Guide (2019)

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

Design Supplementary Planning Document (SPD) (2020)

- 5.5 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.

Leicestershire Highways Design Guide

- 5.6 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.

Technical Housing Space Standards (2015)

- 5.7 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.

Conservation of Habitat and Species Regulations 2010 (as amended)

- 5.8 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.

Planning Guidance for Biodiversity June 2022

- 5.9 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.

The Draft Charnwood Local Plan (2021) 2021-37

- 5.10 This document sets out the Council's strategic and detailed policies for the Borough over the period 2021-37. 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 is dictated by the Inspectors although, subject to their report, it is anticipated the Local Plan will be adopted by the Council in early 2024.
- 5.11 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

- Policy DS5 High Quality Design
- Policy C1 Countryside
- Policy T3 Car Parking Standards
- Policy CC5 Sustainable Transport
- Policy EV1 Landscape
- Policy EV4 Charnwood Forest and the National Forest
- Policy EV6 Conserving and Enhancing Biodiversity and Geodiversity
- Policy EV7 Tree Planting

6. Relevant Planning History

6.1 There is no relevant planning history for this site.

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	No objection subject to conditions requiring that the existing gates to the vehicular access are permanently removed and are not replaced.
Charnwood Biodiversity	The Environmental Assessment deals with bats in a satisfactory way and recommends further survey work and has confirmed the presence of bat roosts on site and the need for work to be carried out under licence. This means that some measures will need to be in place prior to demolition, via a pre-commencement condition. A garage to the rear of the site may affect the nearby Listed Wildlife Site.
Charnwood Environmental Health	Given the scale of the development a Construction Method Statement for approval by the Planning Authority is required.
Charnwood Historic and Natural Environment	The heritage statement has been reviewed and there is no disagreement with its findings or conclusion (that the existing house has no heritage merit). Welcome the intention to reuse the existing outbuildings, which do have historic value.

Ward Councillor and Parish Council Response	
Newtown Linford Parish Council	No Comments received
Responses to publicity	
One letter has been received:	
<ul style="list-style-type: none"> • It's always a pity to see men and materials used up without gaining another dwelling and to realise how much will end up in landfill as waste. 	

8. Consideration of the Planning Issues

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require that planning applications for planning permission must be determined in accordance with the 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 main planning considerations applicable to this application are considered to be:

- Principle of Development
- Design
- Impact upon the character and landscape of the area
- Impact upon amenity
- Highways
- Ecology and Biodiversity
- Heritage and Archaeology
- Sustainable Construction

9. Planning Assessment

9.1 Principle of the Development

9.1.1 The proposal would be for a replacement dwelling in the open countryside and therefore the Council’s position in relation to housing land supply is not

considered to be relevant in this instance, as there would be no net increase in the number of dwellings.

- 9.1.2 The application site occupies a relatively isolated location within the countryside, where there would generally be a presumption against new residential development. The site is located outside of the defined Limits to Development of any settlement, as defined by saved Local Plan policy ST/2. The proposed development would not meet any of the specific exceptions as set out in saved Policy CT/1 of the Local Plan.
- 9.1.3 Notwithstanding this, the development in question comprises the replacement of an existing dwelling and so, in principle there is policy support subject to meeting the requirements of saved policy CT/14 of the Local Plan. Policy CT/14 provides a means to consider replacement dwellings in the countryside, and permission will not be granted unless 6 criteria are all met. Inherently this leads to energy expended in demolition and rebuild/replacement, however in this case a number of the buildings are to also be retained. Each of the criteria of Policy CT/14 is discussed in turn below.
- 9.1.4 Point (i) the replacement would not result in the loss of a building acknowledged to be of local historic or architectural interest. The Heritage Statement was carried out to determine if Blackbirds Nest possesses any local historic or architectural interest and concludes that the existing house (to be demolished) is not of any interest and that none of the buildings on the site reach the threshold to merit being identified as non-designated heritage assets. The outbuildings are of greater interest and they are to be retained and converted.
- 9.1.5 Point (ii) the original building is unsuitable for habitation and/or not viable to repair - The Structural Inspection of the existing house identify a wide range of significant underlying structural problems with the existing house and highlight various defects and the poor condition of the building's fabric. Evidence of significant cracking to external walls along with the historic construction of mass-brickwork buttresses in an attempt to arrest subsidence/movement at the eastern end of the house is clearly visible. The applicant has obtained an estimate of repair costs along with further agency advice as to the viability of carrying out those works from a firm with knowledge of the local market. The overall conclusion is that simply limiting work to renovation and remediation work to address the existing building's condition and structural defects (i.e. no extensions) would cost more than the property would increase in value by.
- 9.1.6 Point (iii): the proposed replacement dwelling represents only a change in the size of the original property and is of a mass, height, colour, design and materials compatible with the traditional character and appearance of the locality. The existing dwelling is two storeys in height. The proposed dwelling would also be two storeys. The footprint of the proposed dwelling would be much larger than that of the existing dwelling. However, this is compensated to a certain extent by demolition of the widely spread built form on site with

the proposal resulting is a more compact built form. This point is further elaborated elsewhere in this report. The development would provide a high-quality development that has regard to the nature of the site, the character of the area and the site's wider context within the Charnwood Forest landscape.

- 9.1.7 Although the proposals would result in the construction of a larger dwelling. Large, detached dwellings set within extensive plots are typical features found within the Charnwood Forest landscape. The application also explains that there are several examples of such properties near to the application site and that they possess a variety of architectural styles and are constructed in a mix of materials. The existing house and outbuildings are finished in a stark, white render which emphasises their prominence in the landscape. The proposals seek to remove the whitewash from the traditional farm building and to reveal the mixed stone and brick walls below and the new house would be constructed with stone walls and red brick detailing together with slate roof. These would reflect the local vernacular more firmly and would assist in assimilating the house into the landscape.
- 9.1.8 Point (iv) the proposed replacement dwelling is on the site of the original dwelling or, if appropriate, in a siting elsewhere within the curtilage where there would be a less damaging visual impact and provided that the original dwelling is demolished: the majority of the proposed dwelling would be sited on that of the existing dwelling this preventing the co-existence of both dwellings.
- 9.1.9 Point (v) there is no increase in the number of dwellings on the site – The dwelling is to be replaced with a single new dwelling, with no increase in the number of dwellings proposed in accordance with this requirement. The application proposed to reuse stone outbuildings to create an annex which would create the potential for a second dwelling, and therefore control is required to prevent this. This is proposed to be achieved by means of a planning condition.
- 9.1.10 Point (vi) There would be no significant adverse impact on the amenities enjoyed by neighbouring properties. There are no existing neighbours in such close proximity that the proposal would affect any amenities. Therefore, the scale and massing of the replacement dwelling would not result in overshadowing or loss of light and would not impact on privacy.
- 9.1.11 Emerging Local Plan policy is a material consideration. Policy CS11 of the Core Strategy and EV1 of the emerging Local Plan are also relevant as it is located in the countryside and it requires new development to protect landscape character. These impacts are considered later in the report.
- 9.1.12 Emerging Local Plan Policy DS1 is relevant as it explains that areas are designated as Countryside as an integral part of the spatial strategy towards the objective of conserving and protecting the character of our towns and

villages and the intrinsic character and beauty of the countryside. Policy DS1 of the Draft Charnwood Local Plan (2021-2037) adopts a similar approach to CS1 as both propose a focus of new development in Loughborough and other urban centres. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. However, Policy DS1 is contested and can therefore be given only limited weight currently.

9.1.13 The proposal does not accord with the development strategy set out in DS1 as the site is located outside Limits to Development and within the countryside defined by emerging policy C1. Policy C1 sets out the limited circumstances in which development is permitted in areas defined as 'countryside' in the Plan (including new dwellings), and in common with CS11 above, but the application does not meet with the stated exceptions in policy C1. Under the guidance of NPPF para. 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy C1 currently has moderate weight.

9.1.14 The new building would be a 1- to-1 replacement so the criteria of CT/14 regarding number of units is met. It is however much larger than the existing property. The new house proposed is 517 m², replacing a dwelling of 152.7 m² footprint. Existing buildings on the site have a combined footprint of some 987.9m² (including the traditional farm building to be converted to an annexe) whereas post-development, taking into account all proposed demolitions and replacement buildings it would amount to 868.2m² (including the annexe).

9.1.15 The provision of dwellings in the open countryside is usually not supported under Saved Policy CT/1 of the 2004 Local Plan, Policy CS11 of the Core Strategy and emerging Policy C1 of the Draft Local Plan. However, Policy CT/14 is a saved policy and remains extant and does support replacement dwellings. As a replacement dwelling, the proposal would not significantly increase trip generation, servicing requirements etc. The size of the replacement dwelling is more than a 'modest change' in the size of the original property and so conflicts with part of CT14(iii). However, there are acknowledged design and visual impact benefits to the proposal. The existing buildings on the site have a combined footprint of some 987.9m² (including the building to be converted to an annexe) whereas the retained and replacement buildings there would have a combined footprint amounting to 868.2m²

9.2 Design

9.2.1 Policy CS2 of the Core Strategy requires new developments to respect and enhance the character of the area and saved policy EV/1 of the Local Plan supports development that is of a design, scale, layout and mass compatible with the locality and which uses materials appropriate to the locality. These policies generally accord with the NPPF and National Design Guide and do

not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

9.2.2 Policy CT/14 iii) requires that the replacement dwelling is of a mass, height, colour, design and materials compatible with the traditional character and appearance of the locality. Emerging Local Plan Policy DS5 requires development to make a positive contribution to Charnwood by responding positively to local distinctiveness. The policy is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight.

9.2.3 The proposed replacement dwelling gives consideration to the existing landscape and topography. The design takes account of the slope in the site by utilising the lower ground for a basement level whilst maintaining consistent floor, eaves and roof levels above, without substantial excavation or building up of land. The existing ground drops from west to east. The proposed north, south and west elevations would have the appearance of a two storey dwelling whereas the east elevation would reveal the height of the basement level thereby giving an appearance of the three storey dwelling. However, given the location of the dwelling this is not considered to raise concerns in terms of scale of the proposal. The proposal protects an existing mature oak tree by setting the proposed dwelling further away from the tree. The use of local vernacular and finishing materials together with eco friendly energy generation using solar and ground heat pump and rainwater harvesting is proposed. Furthermore, the proposed demolition of buildings listed above would result in a more compact built form as compared to the existing.

9.2.4 It is therefore considered that the design is acceptable and subject to conditions, would be in accordance with Saved Policy EV/1 of the 2004 Local Plan, Policy CS2 of the Core Strategy, emerging Policy DS5 of the Draft Charnwood Local Plan and the Council's Design SPD 2020. As discussed in section 9.2, there is a conflict with saved policy CS14(iii) in terms of the size of the dwelling, but the design is considered to meet the rest of CS14(iii).

9.3 Impact upon the character and landscape of the area

9.3.1 Core Strategy Policy CS2 and saved Local Plan policy EV/1 seek to respect and enhance the landscape character of the area and the form of existing settlements and the open and undeveloped nature of the countryside. Policy CS11 of the Core Strategy seeks to protect the character of our landscape and countryside and reinforce sense of place and local distinctiveness. These

policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

- 9.3.2 Emerging Local Plan Policy C1 covers the Council's approach towards development in the countryside and states that development will be managed to protect its largely undeveloped character. Emerging Local Plan Policy EV1 requires new development to protect landscape character and to reinforce sense of place and local distinctiveness and maintain separate identities of settlements. These policies are at an advanced stage and were discussed at the hearing sessions in June 2022 and are consistent with the NPPF so can be given moderate weight.
- 9.3.3 The proposed development site occupies a secluded position and is largely screened by dense tree cover and landscaping. The site topography provides opportunities for the massing and scale of the proposal to be reduced and assimilated into its landscape setting. The proposal would reduce the existing footprint by 26 m² (as compared to the existing collection of buildings). Given the structural condition of the dwelling and the fact that the proposal would reduce the spread of buildings across the site by making the built form compact and in particular the removal of the large indoor manege, the re-use of the outbuilding as an annexe and the retention of the storage Stone/Brick building is considered to weigh in favour of the proposal. The reduced footprint would be an enhancement of the built form at this location. The proposed design would take into account the existing natural and topographical features of the site as discussed in the Design section of this report. The proposal, therefore, would not result in harm to the character and appearance of Charnwood Forest. It is considered to accord with Core Strategy Policy CS11, Saved Local Plan policy CT/2 and emerging Local Plan Policies EV1 and EV4.
- 9.3.4 The application is accompanied by an Arboricultural Impact Assessment which concluded that the existing tree cover, albeit of high value, lacks age structure and there is an opportunity for betterment by supplementary planting with appropriate young trees to ensure succession of the treescape in the long term. The proposals retain the imposing mature oak tree as a focal point within the development and by off setting the footprint of the replacement dwelling to provide additional space between it and the oak.
- 9.3.5 The Arboricultural Impact Assessment notes that it is only necessary to remove trees of modest quality and/or value to implement the proposals with all higher Category A and B arboricultural features at the site being retained. It is supplemented by a Tree Retention and Removal Plan, which provides detail of tree protection measures, which can be secured by attaching condition(s) should planning permission be granted.

9.3.6 Subject to these conditions the design approach adopted is therefore considered policy compliant with Core Strategy Policies CS2 and CS11, alongside the Design SPD and emerging local Plan Policy C1 and Policy EV1.

9.4 Impact upon amenity

9.4.1 Policy EV/1 (saved policy from 2004 Local Plan), Policy CS2 of the Core Strategy and Policy DS5 from the emerging Local Plan aim to protect the amenity of neighbours and occupants of new buildings. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved. Policy DS5 is at an advanced stage and hearing sessions in June 2022 considered the policy and it is consistent with the NPPF. The policy can be given moderate weight. Emerging Local Plan policy H3 relates to internal space standards. This policy is at an advanced stage and hearing sessions in February 2023 considered the policy and it is consistent with the NPPF but is subject to objections and can therefore be given limited weight.

9.4.2 The existing dwelling sits in an isolated location and would not affect other properties. It is a very large dwelling which would exceed internal space standards considerably.

9.4.3 The Environmental Health team has suggested that an Environmental Management Plan be required by means of a condition. However, given its isolated location and that the applicant owns surrounding land, it is not considered that it is justified in terms of necessity, on this occasion.

9.4.3 The impact of the proposed development on residential amenity is therefore considered to be acceptable and would be in accordance with Saved Policies EV/1 of the 2004 Local Plan, Policy CS2 of the Core Strategy, Policies DS5 and H3 of the Draft Local Plan and the Council's Design SPD 2020.

9.5 Highways

9.5.1 The site access has been considered suitable by the Local Highways Authority provided the gates are removed and any replacements are 5m behind the highway. The suitably worded condition has been suggested in order to ensure this.

9.5.2 The proposal includes two garages at 6.6m by 10m floor size each. This would provide six parking spaces with dimensions that accord with the Leicestershire Highway Design Guide (LHDG). In addition the red line curtilage would provide sufficient parking for vehicles. No concerns are raised in terms of highway safety and parking and the proposal is considered to accord with Saved Local Plan Policy TR/18.

9.6 Ecology and Biodiversity

- 9.6.1 Policy CS13 of the Core Strategy seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity.
- 9.6.2 Emerging policy EV6 of the Draft Local Plan seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, emerging Local Plan policy EV6 can be given moderate weight but 10% net gain cannot yet be secured.
- 9.6.3 Core Strategy Policy CS12 aims to protect and enhance green infrastructure assets for their community, economic and environmental values and to define, protect and enhance the Charnwood Forest Regional Park and support the aims of the National Forest Strategy by:
- supporting the woodland economy,
 - seeking planting from developments that are within the Charnwood Forest Regional Park that meet National Forest Planting Guidelines;
- These expectations are reiterated by Policy EV4 of the emerging Local Plan, to which moderate weight can be assigned.
- 9.6.4 The application is supported by a Preliminary Ecological Appraisal and a Bat Survey. The Council's Ecologist advises that the proposal would be acceptable in terms of impact on biodiversity subject to their suggested conditions in order to ensure acceptable soft landscaping details and mitigation measures for protection of Bats are implemented.
- 9.6.5 The application is accompanied by a comprehensive landscaping scheme. The Council's senior Ecologist recognises the decrease in buildings and hardstanding and recommends a landscaping condition that includes biodiversity as a reason in order to help define areas of vegetated garden post development. Previous concerns regarding the positioning of a garage within the boundary of the Local Wildlife Site have been overcome by its relocation.
- 9.6.6 It is therefore considered that, subject to conditions requiring adherence to the landscaping proposals, the impact of the proposed development on

biodiversity therefore can be made acceptable, to both ensure in accordance with Policies CS12 and CS13 of the Core Strategy and Policies EV4, EV6 and EV7 of the Draft Charnwood Local Plan.

9.7 Heritage and Archaeology

9.7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy CS14 (Heritage) of the Core Strategy seeks development to conserve and enhance historic assets in the Borough for their own value and the community, environmental and economic contribution they make, developments are expected to not only protect the assets, but also their setting.

9.7.2 Saved Policy CT/14(i) of the Local Plan requires that the replacement would not result in a loss of a building acknowledged to be of local historic or architectural interest. Emerging Local Plan policy EV8 seeks to protect and enhance heritage assets, including non-designated heritage assets, and prevents harm to their significance and setting. Under the guidance of NPPF paragraph 48 it is considered that the emerging Local Plan is 'well advanced' having been subject to Examination and policies are consistent with the NPPF. Policy EV8 is largely uncontested and can therefore be afforded moderate weight. The application is accompanied by a heritage assessment addressing the building itself and the settings of nearby heritage assets. NPPF chapter 16 provides national guidance on consideration of heritage assets.

9.7.3 There are no designated or non designated heritage assets on site or within the local area which would be impacted by the proposal.

9.7.4 A Heritage Statement accompanies the submission, which confirmed that the proposed development area is located within an area of general archaeological interest sufficient to warrant an entry on the Historic Environment Record as an early enclosure on the Forest, apparently enclosed prior to 1754. Officers will forward this information for recording in order to enhance the Record for the benefit of the understanding of the evolution of land use for future generations.

9.7.5 The proposal is in accordance with Policy CS14 of the Core Strategy, policy CT/14(i) of the Local Plan and Policy EV8 from the emerging Local Plan.

9.8 Sustainable Construction

9.8.1 Core Strategy policy CS16 encourages developers to go further than required by the Building Regulations toward sustainable design and construction methodology. Policy CC4 in the emerging Local Plan shares similar sustainability design and construction methods and material usage. CC4 has moderate weight and is consistent with NPPF paragraph 157.

9.8.2 The proposal would incorporate measures for energy generation in the form of ground source heat pump and photovoltaic arrays. Although details of location of these measures have not been confirmed it is considered that this can be secured via a planning condition.

9.8.3 As such, the proposals represent sustainable design and incorporates renewable energy generation in accordance with Policy CS16 of the Core Strategy and with emerging policy CC4 of the Local Plan.

10 Conclusion

10.1 The primacy of the development plan as the decision-making tool is enforced in paragraph 38(6) of the Planning and Compulsory Act 2004 and at section 70(2) of the Town & Country Planning Act 1990.

10.2 The development sits outside the limits to development for any settlement and is therefore contrary to policies ST/2 and CT/1 of the adopted Local Plan 2004, CS1 of the Core Strategy 2015 and DS1 of the emerging Local Plan. However, saved Policy CT/14 of the Local Plan makes specific provision for replacement dwellings (subject to criteria). The new dwelling would not undermine the sustainable pattern of development that the policies aim to achieve as the dwelling is a replacement. It is considered that all but part of criteria iii) of policy CT/14 have been satisfied by the proposal.

10.3 There is a conflict with criterion (iii) of Policy CT/14 on the basis that the replacement dwelling would be of a much larger scale and footprint than the existing property. However, the siting and landscaping proposed would combine to reduce the visual impact. That impact can be assessed against the existing situation, whereby a group of buildings, some large and unsightly, have themselves an adverse impact on the landscape. The objectives of Policy CT/14 are in part about ensuring that a replacement dwelling is of an appropriate design and can be absorbed into the landscape. The design is considered to be of high quality and can be successfully absorbed.

9.4 A number of bat roosts would be lost through the proposed demolition of existing structures / buildings on the site. The mitigation proposed is acceptable and biodiversity net gain can be secured, subject to a planning condition.

9.5 On balance, the replacement dwelling is considered to be acceptable, and although the floor area proposed is larger than the floor areas of the existing buildings on the site, with suitable mitigation measures in landscape and ecological terms some betterment of both the visual impact and biodiversity is possible, by comparison with the existing site's condition.

11 Recommendation

To grant conditionally subject to the imposition of the following conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 2221 / 07 A - Outbuilding Conversion • Prop Floor Plans – received 10/07/2023
 - 2221 / 03 A - Proposed Ground Floor Plan • New Dwelling - received 10/07/2023
 - 2221 / 11 B - Proposed Roof Plan - received 10/07/2023
 - 2221 / 02 A - Lower Ground Floor Plan • New Dwelling - received 10/07/2023
 - 2221 / 08 A - Proposed Garage Elevations - received 10/07/2023
 - 2 221 / 14 - Proposed Garage Plans - received 18/07/2023
 - 2221 / 01 A - Proposed Site Layout – received 26/06/2023
 - 2221 / 10 - Outbuilding proposed elevations - received 20/03/2023
 - 4035 5/8 – Proposed North and South elevations – received 20/03/2023
 - 2221 / 13 – Proposed East and West sectional elevations – received 20/03/2023
 - 2 221 / 04A – First floor plan – received 10/7/2023
 - BCA Design Tree Retention and Removal Plan ref 02

REASON: To define the terms of the planning permission.

3. Prior to commencement of the development hereby approved, including site works, a scheme for the disposal of foul sewage and surface water from the site and for its future maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and subsequently shall be maintained in accordance with such details.

REASON: To make sure that the site can be drained in a satisfactory way in accordance with Policy CS 2 of the Charnwood Local Plan 2011-2028 Core Strategy and Policy cc2 of the emerging Charnwood Local Plan 2021-37

4. Prior to commencement of the development hereby approved a Bat survey carried out by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the Preliminary Ecological Assessment (BJ Collins; July 2022). If identified as being necessary, proposed mitigation measures, and timescale(s) for implementation including prior to any demolition taking place if required, shall be included in the survey report to be submitted and these shall then be implemented in accordance with the approved timescale(s).

REASON: To ensure that important features of ecological interest are protected in accordance with Policy CS 13 of the Charnwood Local Plan 2011-2028 Core Strategy and Policy EV4 of the emerging Charnwood Local Plan 2021-37

5. Prior to first occupation of the development hereby approved the existing gates to the vehicular access shall be permanently removed. 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 5.0 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. 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: In order to ensure such development does not affect the overall appearance and character of the area in accordance with Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy, EV/1 of the adopted Charnwood Local Plan 2014 and Policy DS5 of the emerging Charnwood Local Plan 2021-37.

7. Notwithstanding the submitted details, 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;
 - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
 - iv) any structures to be erected or constructed;
 - v) functional services above and below ground; and

vi) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

REASON: To make sure that a satisfactory landscaping and biodiversity scheme for the development is agreed in accordance with Policy CS11 and CS13 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV6 and EV7 of the emerging Charnwood Local Plan 2021-37.

8. 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 in accordance with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV7 of the emerging Charnwood Local Plan 2021-37.

9. During the course of development, the protections measures set out in the BCA Design Tree Retention and Removal Plan (ref 02) shall be implemented in full.

REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with Policy CS11 of the Charnwood Local Plan 2011-2028 Core Strategy, and Policy EV1, EV7 of the emerging Charnwood Local Plan 2021-37.

10. Only those materials specified in the application shall be used in carrying out the development hereby permitted.

REASON: To ensure the satisfactory appearance of the completed development in accordance with Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy, EV/1 of the adopted Charnwood Local Plan 2014 and Policy DS5 of the emerging Charnwood Local Plan 2021-37.

11. The existing outbuilding proposed to be used as an annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the main replacement residential dwelling hereby approved.

REASON: In order to ensure sustainable development in accordance with Policy CS1 and CS25 Charnwood Local Plan 2011-2028 Core Strategy and Policy DS1 of the emerging Charnwood Local Plan 2021-37.

12. Prior to first occupation of the dwelling or the annex hereby approved, details of the provision of Air Source Heat Pumps and solar panels shall be submitted to and approved in writing by the Local Planning Authority, including a timetable for their provision. The development shall be implemented in accordance with the approved details and approved timetable.

REASON: to ensure sustainable sources of energy production, in accordance with Policy CS16 of the Core strategy and Policy CC4 of the emerging Charnwood Local plan 2021-37

SITE LOCATION PLAN

