

Item No. 2

Application Reference Number P/21/1297/2

Application Type:	Full	Date Valid:	25/06/2021
Applicant:	Melyvn and Anne Coupland		
Proposal:	Erection of a detached dwelling with double garage and swimming pool (Resubmission of P/18/0713/2)		
Location:	Land to the West of No.39 The Ridgeway Rothley LE7 7LE		
Parish:	Rothley	Ward:	Rothley & Thurcaston
Case Officer:	Deborah Liggins	Tel No:	07864 603401

Background

This application has been brought to the plans committee as it relates to a minor housing development and it is considered to be a departure from the development plan and is recommended for approval.

Description of the Application Site

The application site is currently vacant land between No's 35 and 39 The Ridgeway, Rothley and located on the southern side of the street. The site is both within the countryside and within the Ridgeway Rothley Conservation Area. The proposed dwelling was previously granted under P/18/0713/2 and this lapsed on 22nd August 2021 with the current application having been submitted prior to that date. The design and appearance of the dwelling are unchanged from that previously approved.

Description of the Proposal

The proposed dwelling is a large 5 bedroom detached house with attached double garage and open rear swimming pool. A rear outbuilding located along the eastern site boundary would contain a plant room and changing facilities for the pool, a w.c, workshop and garden store. Accommodation to the house would be provided as follows:-

Ground floor – galleried hallway, cloakroom, w.c., study, living room, t.v room, dining room, kitchen with breakfast area, orangery. A further w.c. would be placed to the rear of the garage with a utility room. A second staircase would lead up to a games room.

First floor – games room over the garage, a master suite (with balcony terrace), an en-suite double bedroom, a double bedroom and family bathroom.

Second floor – storage rooms, 2 further double bedrooms and a bathroom.

The dwelling would have rear garden terraces with steps leading down to the lawned garden which already features a number of trees, particularly to the western boundary. Glass balustrading would be provided to the top of the retaining walls. Four trees are

proposed to be removed to facilitate the development and this was previously accepted in the earlier decisions to grant permission.

Proposed materials are predominantly red brick (to be agreed), through colour off-white render panels, slate stone entrance walls and retaining walls. Re-constituted stone details and an oak framed orangery. The roof would be covered in slate or slate effect tiles (to be agreed). Windows would be cream sash and casement windows.

The application is accompanied by a Heritage Statement prepared by GWH. This describes the site as having a width of 40.5m and a depth of 69.2m on its longest eastern side. The statement sets out the historic context of the site within the Conservation Area where large dwellings were completed and where The Ridgeway forms the remnant of an uncompleted 20th century garden suburb. The document explains that the application site is currently used as the garden to No. 39 The Ridgeway and that it has remained undeveloped since the grant of earlier permissions. The document discusses the significance of the Conservation Area and its listed buildings and explains how the design of the dwelling has evolved, including the use of appropriate materials.

Development Plan Policies

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 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 Rothley Neighbourhood Plan.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 - Development Strategy - sets out the development strategy for the Borough. This focuses housing development in locations around the Leicester Principal Urban Area and Loughborough and Shepshed with three Sustainable Urban Extensions.

Policy CS2 – High Quality Design requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access; protect the amenity of people who live or work nearby, provide attractive well managed public and private spaces; well defined and legible streets and spaces and reduce their impact on climate change.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS11 – Landscape and Countryside - requires new development to protect landscape character and reinforce a sense of place. It supports rural residential development where it has a strong relationship to the operational requirements of agriculture, horticulture or forestry

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting development that is informed by and reflects relevant Landscape and Conservation Area Character Appraisals and Village Design Statements; and development that incorporates Charnwood’s distinctive local building materials and architectural details.

Policy CS16 – Sustainable Construction and Energy – encourages sustainable design and construction and the provision of renewable energy including supporting developments that reduce waste, provide for the suitable storage of waste and allow convenient waste collections.

Policy CS25 - Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

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 – this policy seeks to restrict development to within the existing settlement limits to ensure that development needs can be met without harm to the countryside or other rural interests. The Limits to development distinguish between areas of development and development potential, and areas of restraint.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 - Parking Provision in New Development notes that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimise harm to visual and local amenities.

CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation – states that development in these areas will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) be essential for the efficient long-term operation of agriculture, horticulture or forestry.

CT/2 – Development in the Countryside – In the countryside, development which is acceptable in principle will be permitted where it would not harm the character and appearance of the countryside.

Rothley Neighbourhood Plan

On June 10th 2021 the Council ‘made’ the Rothley Neighbourhood Plan part of Charnwood Borough Council’s Development plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This followed a successful referendum in May 2021 and the policies of the Plan now have full weight in decision making.

Policies relevant to the proposal are:-

R01 – Development within Rothley Limits to Development

R02 – Development outside Settlement Boundaries – this policy sets out that with the exception of development sites allocated in the Local Plan, proposals for development outside the ‘Limits to Development’ boundary must be for either:

- i) A rural housing exception scheme; or
- ii) Homes in the countryside set out at paragraph 79 of the NPPF; or
- iii) Rural or agricultural business development in accordance with the NPPF.

R03 – Design Principles – this policy sets out local design principles that should be adhered to in terms of the use of materials, scale and height, context, car parking and landscaping etc.

R05 – Areas of Local Separation – this policy is described as being part of the strategic approach to protecting the countryside and maintaining and enhancing the separation between the existing village of Rothley and neighbouring settlements in line with the evidence supporting the Draft Charnwood Local Plan 2021-2037. Development that enhances the Areas of Local Separation and reflects the surrounding scale and design will be supported.

Other material considerations

The National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government’s view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this;

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of an environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and makes it clear that where there is an under-supply of housing land, the most important policies for the determination of housing proposals would be considered out of date.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 60 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 62 sets out that the size, type and tenure of housing need for difference groups in the community should be assessed and reflected in planning policies.

Paragraph 69 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. The paragraph then goes on to explain how such sites might be promoted.

Paragraph 74 sets out that local planning authorities are expected to maintain a 5 year housing land supply and should identify and annually update their supply of specific deliverable sites as measured against the overall housing requirement for the plan period. This should include a buffer and in Charnwood this is an additional 5% in order to ensure choice and competition in the market for land.

Chapter 8 of the NPPF relates to the promotion of healthy and safe communities and sets out how planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Chapter 12 (Paras 126-136) of the NPPF concerns itself with achieving well-designed places and sets out that good design is a key aspect of sustainable development. The use of visual tools and design codes is encouraged as is the development of design policies alongside local communities and neighbourhood plans.

Paragraph 131 In particular states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment and sets out how this might be achieved.

Paragraph 180 states that in determining applications for planning permission, local planning authorities should aim to conserve and enhance biodiversity by applying the principles it then sets out.

Paragraph 185 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions

Paragraph 189 states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 190 indicates that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 195 states that local planning authorities should identify and assess the particular significance of any heritage asset affected by a proposal, including any development affecting its setting, taking account of the available evidence and any necessary expertise in order to minimize any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 sets out that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 provides that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The Equality Act 2010

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)

The National Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework and provides extensive guidance on design and other planning objectives that can be achieved through getting good design. These include the consideration of local character, landscaping setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.

ID 26 - Paragraphs 001-003 states that good design matters and what this can achieve through good plan making. Paragraph 004 notes that weight can be given to outstanding or innovative design and developments of poor quality design should be refused. Paragraph 007 states that planning should promote local character. New development should be integrated within existing surroundings.

National Design Guide (2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

As well as helping to inform development proposals and their assessment by local planning authorities, it supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Department for Communities and Local Government – Technical Housing Standards – nationally described space standard (March 2015)

These standards deal with internal spaces within new dwellings and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling heights. The standard sets out the minimum space requirements dependent on different combinations of single and double/twin bedrooms. These standards are not yet embodied within any Charnwood

Planning (Listed Building and Conservation Areas) Act 1990 (as amended)

This consolidates previous legislation relating to special controls in respect of buildings and areas of special architectural or historic merit and sets out what alterations can be carried out to listed buildings and within Conservation Areas without the formal consent of the local planning authority. The Act also sets out the procedure for local authorities to consider compiling a list of properties considered to be of special architectural or historic interest and how applications affecting such assets are to be advertised. The legislation gives Local Planning Authorities a statutory duty to give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats. 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.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. 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; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

Housing Supplementary Planning Document (July 2018)

This document sets out the Council's goals for the delivery of housing and how it will deal with applications for new development. The document seeks to provide clarity for those who live in the Borough and for the developers who deliver the new homes. It includes guidance on affordable housing, houses in multiple occupation and purpose built and campus student accommodation. The SPD will be a material consideration in the determination of planning applications in the Borough. It should be noted that the SPD

cannot and does not propose new policy; rather it explains how Policies CS3, CS4, H/12 and CS23 will be used.

Landscape Character Assessment (2012)

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough. Its purpose is to provide a framework for the assessment of planning applications and supports Policy CS11.

Charnwood Forest Landscape and Settlement Character Assessment. The highly distinctive upland character contrasts with the lower lying nature of the surrounding landscape character areas. It is a landscape of mosaic pasture, frequent woodland and exposed hilltops of acidic grassland with rocky outcrops of ancient Precambrian volcanic and plutonic rocks with bracken and heath land. It is the most densely wooded area of the Borough with coniferous and deciduous woods and includes many wildlife areas and ancient semi-natural woodlands. Field boundaries of stone walls and large free growing hedges and there are strong rectilinear patterns of parliamentary enclosure fields and straight roads. Scattered settlements are often of local stone with steeply angled slate roofs.

Rothley Ridgeway Conservation Area Character Appraisal – describes the special character of the garden suburb development which began following the opening of the Great Central Railway to the west of Rothley. The appraisal examines the historical development of the garden suburb 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:

- The conservation area has a distinct “grain” or pattern of built form and spaces which are part of its historic development. This gives the area great individuality, characterised by the pattern of historic buildings, ancient footpaths and highways and clearly defined boundaries. This “grain” is an important part of the character of the conservation area and will be protected.
- The emphasis for new proposals will be on high quality of design. There may be opportunity for innovative modern design. However a dramatic contemporary statement is unlikely to be appropriate.
- Scale is the combination of a building’s height and bulk when related to its surroundings. Proposed new development must take into account the scale of the existing buildings, and must not dominate or overwhelm them.
- Alterations and extensions must respect the form of the original building and its locality. The use of high quality materials and detailing, whether modern or traditional is essential. Roof lines, roof shape, eaves details, verge details and the creation of new chimneys are important considerations.
- Windows and doors should be of a traditional design and ideally of timber construction.

- The appraisal has identified the types of materials that characterise the conservation area and where possible this should be used to help alterations respect that established character.

The special interest of the Conservation area is derived from the following:-

- Development based on the vision of the Garden Suburb;
- A wealth of mature trees, shrubs and hedges;
- Houses built in Domestic Revival style;
- Rothley Court Hotel, its Knights Templar Chapel, Listed Grade I;
- The parkland and cricket pitch associated with Rothley Court;
- The tourist attraction of the well preserved and Grade II Listed Rothley Station;

Housing and Economic Development Needs Assessment (HEDNA) - The Housing and Economic Development Needs Assessment (HEDNA) has looked at a wealth of evidence, including population, household and economic growth projections, to assess the need for housing and employment land over the next 20 years. The study is an important part of the evidence base for the Strategic Growth Plan. It will also form part of the evidence base for Local Plans and will feed into the Strategic Economic Plan being revised by the LLEP.

The HEDNA looks at projections based on past population and demographic trends, with adjustments made (where necessary) for higher migration to support economic growth, and/or to address affordability issues, responding to an analysis of market signals and evidence of the need for affordable housing. The HEDNA also identifies the appropriate mix of homes of different sizes needed in the market and affordable sectors and concludes that the ideal mix of market housing in Charnwood should be as follows

- 1 bed – 0-10%
- 2 bed – 25-35%
- 3 bed – 45-55%
- 4 bed – 10-20%

Supplementary Planning Document - Charnwood Design (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. The document is a material consideration in the determination of planning applications.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to make provision for at least 19,716 homes between 2019 and 2036 and require these to be delivered to a high standard of design quality.

Relevant Planning History

Reference	Description	Decision & Date
P/74/1235/2	The renewal of planning permission for use of land for	Granted conditionally

	the erection of a dwelling house	07/11/1974
P/77/2250/2	Use of land for the erection of a dwelling house (Renewal of permission)	Granted conditionally 08/02/1978
P/87/0342/2	Site for the erection of one house	Granted conditionally 09/04/1987
P/88/3151/2	Erection of one chalet bungalow	Granted conditionally 24/05/1990
P/89/2655/2	Site for the erection of one house	Granted conditionally 11/01/1990
P/95/0699/2	Erection of a chalet bungalow (renewal of 88/3151/2)	Granted conditionally 08/06/1995
P/00/0873/2	Erection of a chalet bungalow (Renewal of planning permission P/95/0699/2)	Granted conditionally 27/06/2000
P/01/2680/2	Site for the erection of three dormer bungalows	Withdrawn 08/01/2004
P/05/2233/2	Erection of chalet bungalow (Renewal of planning permission P/00/0873/2)	Granted conditionally 01/09/2005
P/09/0325/2	Erection of a detached dwelling (Revised scheme – refusal P/08/1591/2 refers)	Withdrawn 16/07/2009
P/09/1676/2	Erection of a detached dwelling with double garage and swimming pool	Granted conditionally 20/10/2009
P/12/1396/2	Extension of time for extant permission P/09/1676/2 for the erection of a detached dwelling with double garage and swimming pool	Granted conditionally 23/08/2012
P/14/0884/2	Felling of 1 Ash Tree (TRP)	Granted conditionally 08/07/2014
P/15/0929/2	Erection of a detached dwelling with double garage and swimming pool (Revised scheme P/12/1396/2)	Granted conditionally 03/07/2015
P/16/1002/2	Discharge of Condition 3 of P/15/0929/2. Access details	Condition discharged 08/06/2016
P/17/2175/2	Works to various trees on the highway verge as set out in accompanying application plan and tree schedule (Conservation Area Notice)	TPO not appropriate 05/12/2017
P/18/0713/2	Erection of detached dwelling with double garage and swimming pool (Revised scheme P/15/0929/2 refers)	Granted conditionally 23/08/2018

Responses from Statutory Consultees

Rothley Parish Council has no objection.

Other Comments Received

Councillor Hadji-Nikolaou has no specific comments for the application

Consideration of the Planning Issues

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 Charnwood Local Plan 2011 – 2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991 -2026 (2004) which have not been superseded by the Core Strategy and the Rothley Neighbourhood Plan 2018 – 2028. It is acknowledged that several of these plans are over 5 years old; therefore it is

important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them in this regard.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 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.

Part i) of 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 set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although the greenfield site is outside of the defined limits to development and within the open countryside it does not benefit from any designations to qualify as an area or asset of particular importance as set out in footnote 6.

The main issues are considered to be:-

- The Principle of Development & the tilted balance
- Design and the impact on the significance of the heritage asset
- Neighbour amenity and amenity of occupiers.
- Trees
- Archaeology
- Ecology
- Highway Considerations
- Planning Balance

Principle of the proposed development

Within the settlement hierarchy, Rothley is identified as an "Service centre" settlement where at least 3, 000 dwellings 'within' and 'adjoining' are envisaged between 2011 and 2028, although it should be noted that the site is outside the limits to development for Rothley and within the area known as 'The Ridgeway'.

All planning applications must be considered on their individual merits in accordance with the development plan in place at the time, unless material considerations indicate otherwise. In this context, the proposed dwelling lies within the Ridgeway, Rothley. This is classed as a 'small village or hamlet' within the settlement hierarchy described in Policy CS1 of the Core Strategy. Policy CS1 is generally unsupportive of new residential development in these locations unless it supports a specific local or economic need. The site is an infill site and the principle of the residential development of the site has already

been established through the several previous planning permissions which have been granted for the development, including the latest under P/18/0713/2 which was for an identical dwelling to that now proposed and which only expired recently. It is therefore considered that the principle of the residential dwelling on this site has been previously accepted, especially given that the proposal would be infill development and would not harm the character or appearance of the open countryside.

However, the planning policy position has changed since the grant of the previous planning permissions and this application must be considered on the basis of the current policy. The Core strategy is now five years old, its policies for the supply of housing are considered out of date and the Authority must instead use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing cannot be afforded full weight if they restrict the provision of this supply.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for Rothley was 'made' in June 2021. Whilst the neighbourhood plan is less than two years old there is no unreserved housing allocation to meet an identified housing need within the plan. Accordingly any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

The development is at odds with these housing supply policies as it comprises a small-scale development that is outside the limits to development. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, it should be recognised the proposal would result in the provision of a single dwelling at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position of the Borough Council and the age of policies CS1, CT/1, CT/2 and ST/2, the weight that can be ascribed to them would be reduced. Accordingly although there is some harm resulting from conflict with the development approach set out in the above policies and this weighs against the proposal, it is not considered this would significantly and demonstrably outweigh the benefits, insofar as the principle of development is concerned. Accordingly, the proposal is considered to be acceptable in principle. The conflict with the Development Plan can however be considered within the overall planning balance for the proposal.

The Draft Charnwood Local Plan is at an early stage in its preparation and underwent a six-week pre-submission consultation period that ran from Monday July 12 until Monday

August 23, 2021. This document carries only very limited weight at this time, however the site would remain outside the identified limits to development for Rothley.

Design and the impact on the significance of the heritage asset

Policies CS2 and EV/1 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS11 and CT/2 seek to protect landscape character and countryside. These policies generally accord with the NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

The Conservation Area Character Appraisal states that the emphasis on new development will be design and that although there may be opportunities to innovate modern design, a dramatic contemporary statement is unlikely to be acceptable. It also states that the scale of development must take into account the scale of existing buildings. The design of the proposed dwelling is considered to accord with this guidance. The Council's Conservation and Design Team also confirm it has no objection to the proposal. A request is made that in the event planning permission is granted that in addition to a condition requiring details of the proposed materials, a condition should be imposed to secure details of key elements such as roof eaves/verge, dormer windows, chimneys, brickwork details, reconstituted stone details and, importantly, details and specification of external doors and windows (jambs, heads, sills, glazing bars). The careful design and specification of these details is vitally important to ensure that the character and appearance of the conservation area is preserved.

Overall, it is considered that the proposed application will not cause harm to the character and appearance of Rothley Ridgeway Conservation Area or its setting as it would result in an infill plot being brought into use with appropriately designed and scaled development. As such, the public benefits of the scheme do not fall to be weighed in accordance with Paragraph 202 of the NPPF. The development accords with Policy CS14 and CS25 of the adopted Core Strategy, Policy EV/1 of the Borough of Charnwood Local Plan and Policy RO3 of the Rothley Neighbourhood Plan. The development would at least preserve the character or appearance of the Conservation Area and accordingly, the statutory duty of the local planning authority required by the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore discharged.

Neighbour amenity & Amenity of occupiers

The dwelling would be sited on a large plot, being approximately 15.5m away from the neighbouring property at 39 The Ridgeway and being over 9m away from the boundary with No. 35 The Ridgeway which both have south facing rear aspects. There would therefore be no impact arising from loss of light or over-dominance. Furthermore, although a rear balcony is proposed, a condition could be imposed to require screening to be provided in accordance with details to be agreed. In addition, a planning condition could ensure the proposed side windows are obscure glazed as they are not main windows to habitable rooms. Although a raised terraced area is proposed to the rear of the dwelling, given this is at a lower height than the proposed balcony and the degree of separation between the dwellings, and the intervening screening vegetation, it is considered that the impact to the host and neighbouring occupiers would be acceptable in terms of overlooking. In summary, the impact of the proposal on neighbour amenity is considered to be acceptable and it is considered that the proposal accords with Policies

CS2 and EV/1, Policy RO3 of the Rothley Neighbourhood Plan, and the adopted SPD on Design.

In addition, the new dwelling would meet and exceed the recommendations of the Technical Housing Standards and there is no evidence to suggest that the potential occupants would have poor amenity.

Trees

There are Tree Preservation Orders in Place at the site, including one which covers a group of trees close to where the proposed dwelling would be sited. Prior to the submission of the previous application in 2015, (which approved a dwelling in the same position as that proposed now), extensive discussions took place between the Council's Tree Officer and the applicant and consent was granted for the removal of an Ash, a Beech and an Oak tree, with one Oak remaining that would have been unaffected by the proposal. The trees that had permission to be felled are now removed and the impact to the remaining trees is considered to be acceptable, with a condition requiring existing trees to be protected by fencing during construction works. The proposal therefore accords with Paragraph 130 of the National Planning Policy Framework.

Archaeology

The site does not lie within a protected archaeological area. However, it is in close proximity to a Roman villa. A condition is therefore recommended to require a written scheme of investigation to be submitted and approved by the local planning authority.

Ecology

The Council's Senior Ecologist had no objection to the scheme granted under P/18/0713/2 (of which this is a duplicate) provided sufficient drainage was provided. It is therefore recommended that in the event planning permission is granted, details of the proposed drainage shall be submitted to and approved in writing by the local planning authority.

The current scheme is not accompanied by any new assessment of biodiversity impact. However, it is material to note that as private garden land, the site could be cleared of any grass, plants or bushes or be have applied hard-surface finishes, without the need for planning permission. Indeed, the site could have been prepared for development following the grant of earlier planning permissions and all these works could have resulted in a reduced biodiversity value of the site.

The submitted scheme proposes new hedge planting to the front of the site and the retention of the majority of the many trees to the site and whilst the full assessment of biodiversity loss has not been calculated, it is likely that some minimal loss would occur in the new development, but on balance, given the proposal is for a single dwelling, this is not likely to constitute significant or demonstrable harm that would outweigh the benefits of the proposal.

Highway considerations

Policy CS2 of the Core Strategy and TR/18 of the Borough of Charnwood Local Plan seek to ensure safe access is provided to new development. These policies generally accord with the National Planning Policy Framework and do not directly prevent 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

Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.

The proposed access is that previously approved. There would be sufficient parking and turning provision within the site to easily accommodate the required 3 parking spaces for dwellings this size. Furthermore, although gates are shown within 2.3m of the highway, the applicant previously agreed to a condition relating the appearance and positioning of these gates, which could easily be recessed the required 5m. Provided this condition is subsequently discharged, it is considered there would be no significant impact on highway safety or parking provision.

It is therefore considered that the proposal would not result in 'severe' harms to highway safety or the highway network and conditions can be imposed to ensure highways requirements are provided and retained in perpetuity.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the National Planning Policy Framework. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide a single new residential unit at a time when there is an acute need for housing within the Borough. This is a significant benefit of the scheme.

The application site lies within a 'small village or hamlet' in line with the Core Strategy. Although new dwellings are not normally supported in such locations, given the infill nature of the site and the significant planning history of dwellings being granted at the site, (the most recent being in 2018), it is considered that the principle of the development is established.

The site offers the potential for a high quality design of dwelling which reflects the scale and character of existing housing. There are no technical constraints relating to highways, contamination or flooding.

Weighed against this is the conflict with the Development Plan including the recently adopted Neighbourhood Plan. Whilst the development does not currently comply with Policies R01, R02 or R05 of the Neighbourhood Plan or other development plan policies which seek to protect areas of countryside, the harms of developing one additional dwelling, which encroaches on a small scale, would not constitute significant or demonstrable harm which could warrant the refusal of planning permission.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current

position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

RECOMMENDATION:-

Grant Conditionally

- 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 Notwithstanding the plans submitted, the proposed entrance walls and entrance gates shall not be constructed until further details regarding their positioning and appearance have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall thereafter be implemented before the first occupation of the dwelling hereby approved and retained as such in perpetuity.
REASON: To ensure that the impact of the proposed development on highway safety and the character and appearance of the Conservation Area is acceptable.
- 3 Notwithstanding the plans submitted, the area marked as a terrace on the first floor plan shall not be brought into use as a terrace or balcony, until a scheme for screening to the western elevation has been submitted to and agreed in writing by the Local Planning Authority. The development shall be built in strict accordance with these agreed details and the screens shall be retained in perpetuity.
REASON: To prevent unacceptable overlooking on adjoining properties.
- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:
Application form
7697/01 Rev A - Site location plan
7697/02 Rev A - Existing site survey
7697/03 Rev A - Proposed site layout
7697/04 Rev A - Proposed floor plans
7697/05 Rev A - Proposed elevations
REASON: To define the terms of the planning permission.
- 5 No above ground development shall commence until details of the external materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. Only materials as agreed shall be used in the construction of the development.
REASON: To ensure the satisfactory appearance of the completed development.
- 6 No development, including site works, shall begin until each tree shown to be

retained on the drawing entitled - 'Planning Site Layout', 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

- 7 No development shall take place until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the local planning authority, and no development shall take place except in accordance with the approved details.
REASON: To ensure that any features of archaeological interest are protected or recorded.
- 8 No development, including site works, shall begin on site until such time as full details of the way in which surface water is to be disposed of from the site have been submitted to and agreed in writing by the local planning authority.
REASON: To make sure that the site can be drained in a satisfactory way.
- 9 No works shall begin until large scale plans of the proposed roof/eaves/verge detailing, dormer windows, chimneys, and full details of the design, materials, construction and finish of all new window openings (including a specification for external doors and jambs, sills, glazing bars etc.) 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.

The following advice notes will be attached to a decision

DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS11, CS13, CS14, CS16 and CS25 of the Charnwood Local Plan Core Strategy 2015 and saved policies EV/1 and TR/18 of the Borough of Charnwood Local Plan (adopted 12th January 2004) and Policies R01, R02, R03 and R05 of the Rothley Neighbourhood Plan have been taken into account in the determination of this application.

- 2 Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the above-mentioned policies and the Council's adopted Supplementary Planning Document 'Design' (adopted 2020).

