

Item No. 4

Application Reference Number P/20/1526/2

Application Type:	Full	Date Valid:	21.10.2020
Applicant:	Dr Rohit Sahdev		
Proposal:	Demolition of existing dwelling, garage and outbuildings. Erection of a replacement dwelling including annexe and attached garage, and associated hard and soft landscaping works.		
Location:	Benscliffe Cottage, Benscliffe Road Newton Linford		
Parish:	Newton Linford	Ward:	Forest Bradgate
Case Officer:	Ann Scott	Tel No:	07592104635

Background

This application has been brought to plans committee as it has been called in by Councillor Snartt on the grounds of local heritage and historical significance and is recommended for approval.

Description of the Application Site

The application site is situated in open countryside as established by saved Policy ST/2 of the Charnwood Local Plan 2004, outside the Limits to Development. The application site contains a detached dwelling, formerly a cottage dating back to the middle of the 19th century originally built for a local worker but over time the use has changed hands and the building has undergone significant alterations to increase the size of the dwelling.

The site lies within the Charnwood Forest Boundary and is in Landscape character area 2 of the Charnwood Forest Landscape Character Area; Ulverscroft Wooded Valley. The site is relatively isolated with one neighbouring dwelling, and lies at the end of a long gated driveway accessed from Benscliffe Road. The site is well screened from wider public vantage points due to the traditional stone walling and dense woodland that surrounds the site on all sides. The site slopes down significantly between the west and east of the existing dwelling towards Benscliffe Road. The main lawned garden area is located on a plateau to the south west of the existing dwelling. The site is accessed via a long wooded driveway from Benscliffe Road to the east. A pond is located within the south east corner of the site.

Description of the Proposal

The application proposes the demolition of the existing dwelling, garage and outbuildings and the erection of a replacement dwelling to include an annexe, garage and associated landscaping. Access would be retained from Benscliffe Road.

The proposed dwelling would be located further west within the site on the adjacent plateau. The scale and massing seeks to replicate the existing dwelling to be demolished but seeks a more contemporary style with the use of locally distinctive

traditional materials. The design and appearance has been informed by the topography and landscape of the existing site.

The proposed materials are local stone walling, facing brickwork and traditional herringbone brick detailing, with Swithland slate roof using reclaimed slate from the existing dwelling where possible. The proposed fenestration would be a mix of timber and powder coated aluminium frames. The applicant seeks to remove/replace the existing gates adjacent to Benscliffe Road.

Development Plan Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 72 (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 Development Plan for the area currently comprises the Charnwood Local Plan 2011-2028 Core Strategy and the “saved” policies of the Charnwood Borough Local Plan 1999-2006. Policies relevant to this application include:

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Newton Linford as another settlement, where small scale development within limits to development is supported.

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, and protect the amenity of people who live or work nearby.

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 - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

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 - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 – The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

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 sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

CT/14 – Replacement dwellings. This policy supports the principle of replacement dwellings in the countryside subject to meeting a number of criteria.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The NPPF 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 NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

The NPPF policy guidance of relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 74). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Paragraph 78 seeks to ensure in rural areas policies and decisions should be responsive to local circumstances and support housing that reflects local needs.

Paragraph 80 (a-e) advises that planning policies and decisions should avoid the development of isolated homes unless there is an essential need for a rural worker, the development would enable development to secure a heritage asset, the development would involve the use of redundant buildings or the development would involve the subdivision of an existing residential building; or the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards or design in more generally rural areas and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Section 8: Promoting healthy and safe communities

Planning decisions should aim to achieve healthy, inclusive and safe places which; promote social interaction, are safe and accessible, and enable and support healthy lifestyles.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph

113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments. Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Achieving well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding, and coastal change

The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. (Paragraph 152)

Planning Practice Guidance

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

National Design Guide

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

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

This Act provides special controls over developments to or effecting Listed Buildings or Conservation Areas.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up-to-date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic

changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017) The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

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

Leicestershire Highways Design Guide

This is a guide for use by developers and published by Leicestershire County Council, the local highway authority, and provides information to developers and local planning authorities to assist in the design of road layouts in new development. 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 required to be provided in new housing development.

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

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for a single replacement dwelling it does not stand to be screened for an Environmental Impact Assessment.

Technical Housing Space Standards (2015):

Seeks to encourage minimum space standards for housing. This document has not been adopted for the purposes of Development Management at Charnwood Borough Council; it is however a material consideration.

Conservation of Habitat and Species Regulations 2010 (as amended)

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

Equality Act 2010

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

The Draft Charnwood Local Plan 2021-37

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

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	Refer to standing advice – no objections
Newton Linford Parish Council	No objection. Careful consideration has been given to the proposal and the sympathetic design would have a minimal impact on the surroundings but would ask that consideration be given to surface water run off onto Benscliffe Road.
Historic England	Considered the building for listing in December 2020. Recommends that the criteria for listing are not fulfilled. The entrance gates to Benscliffe Cottage although are good quality and of local interest are not recommended for listing.
Ward Member Councillor Snartt	Considers that that there may be local heritage and historical significance connected to the building.

	Therefore, requests that the application is “called in” until I understand more fully the detail surrounding this information.
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Other Comments Received

20 letters of representation have been received, some with supporting historical information about the dwelling and some with requests to speak at the plans committee meeting. Comments and concerns raised are as follows;

- The building to be demolished is of local interest which they say is in the Arts and Crafts Style. They mention that the house and gates are of particular interest.
- Loss of a building of local heritage interest, which contributes to the character of the Charnwood Forest local area.
- Concerns that the existing building has habitat potential for protected species and these would be lost if it is demolished.

Relevant Planning History

Reference	Proposal	Decision
P/75/1013/2	Alterations & extension to dwelling	Granted 10/7/1975
P/81/2852/2	Ext to playroom, utility, wc, & breakfast room, first floor ext of bathroom and bedrooms.	Granted 19/11/1981
P82/2102/2	Ext to dining room, lounge and 2 bedrooms & erection of a garage.	Granted 25/8/1989

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. 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. Except for 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.

The main issues are

- Principle of development
- Impact on non-designated heritage assets
- Visual impact on character of the area
- Impact on residential amenity
- Highway matters
- Flood risk and drainage
- Biodiversity and ecology
- Other matters

Principle of Development

The principle of development is guided by local plan policies CS1 of the Charnwood Local Plan Core Strategy (2015) and saved policy ST/2 of the Borough of Charnwood Local Plan (2004).

Policy CS1 of the Core Strategy sets out the broad strategy for housing growth across the borough. The policy targets proportionate growth towards the edge of Leicester, then to Loughborough and Shepshed and then to the smaller settlements within the hierarchy. Policy CT/1 guides development where it is in the countryside and outside of the limits identified by saved policy ST/2. Development will normally be strictly controlled, and small scale new built development is acceptable where there would not be a significant adverse environmental impact and where it should be demonstrated that the proposed development could not be reasonably located within or adjacent to an existing settlement.

The site is located within the countryside outside of the limits of any sustainable settlement. However, the proposal seeks to replace an existing residential dwelling and would not result in any net increase of residential units in the countryside and is therefore an exception to the above mentioned policies which restrict development in the countryside. It is therefore considered that subject to a legal agreement that secures the demolition of the existing building to ensure there is no net increase in units on the site, there is no objection in principle to residential development within this location and as such the proposal does not conflict with Policy CS1 of the Core Strategy or Saved Policies ST/2 or CT/1 of the Local Plan.

The key considerations are therefore the principle of demolition, design and siting of the proposed replacement dwelling and the subsequent impact on the character and appearance of the area and the amenity of surrounding residential properties.

In order for the development to be considered acceptable, the specific criteria set out within saved policy CT/14 will be of particular relevance in the consideration of the replacement dwelling. This policy requires that the following criteria are met;

1. *The replacement would not result in the loss of a building acknowledged to be of local historic or architectural interest;*
2. *The original building is unsuitable for habitation and/or not viable to repair;*

3. *The proposed replacement dwelling represents only a modest change in the size of the original property and is a mass, height, colour, design and material compatible with the traditional character and appearance of the locality*
4. *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*
5. *There is no increase in the number of dwellings on the site*
6. *There would be no significant adverse impact on the amenity enjoyed by neighbouring properties.*

In respect of the existing building to be demolished, it is acknowledged to be of some historic and architectural merit, although it is not listed nor included on a local list or is it within a designated conservation area. Policy CS14 outlines the criteria for development which affect heritage assets and how the Council will conserve and enhance heritage assets for their own value, and the community and environmental and economic contribution they make. The application is not accompanied by a heritage assessment as the building is not listed. In December 2020 Historic England considered the building for listing however concluded that the building did not meet the criteria for inclusion on the National Heritage List for England.

Historic England advise *“in terms of its contribution to the locality and any historical significance, Benscliffe Cottage and its entrance gates do have local historic interest as a house with early origins and a good quality early-C19 gate, but overall, they are not of the level of interest required for national listing. Benscliffe Cottage and entrance gates, Newton Linford, are not recommended for listing. The reasons for this are the building is of relatively recent date and despite being an attractive house with well-considered elevation treatments and a good relationship with its garden context, it is not exceptional or innovative”*. The report goes on to state that;

“the early origins of the house as a warrener’s cottage are evidenced mainly by the retention of some ceiling beams, and this early building does not survive with the integrity and completeness necessary to demonstrate national special interest....”

“...the iron gates are modest in size and design, and have been disconnected from their original location and context where they would have been part of a unified house and garden design...”

**... the house is a good example of a large villa in the Arts and Crafts style, but this is not an unusual type of house for its date, and its interest is at a local rather than national level...”*

The Council’s Design and Conservation Officer in assessing the application has considered the comments of Historic England and assessed the existing building against the Council’s own criteria for local listing. It is concluded that due to the

buildings lack of original intactness and lack of sufficient architectural and historic interest, it is not considered to meet any of the criteria for local listing.

Notwithstanding this, it should still be considered a “non-designated heritage asset” and assessed in accordance with paragraph 203 of the NPPF which requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly affect a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The heritage significance of the building is now limited to the extensive use of very distinctive local materials, the past uses of the site and building, the assimilation into the landscape setting by cutting into the topography, and the location within a naturalised garden and woodland setting. The impact of the proposed development would be the total loss of the heritage asset. The asset currently has limited heritage significance due to the extensive ill-conceived alterations. The level of harm from the loss of the asset is considered to be minor/moderate.

It should be acknowledged that the proposal would result in the total loss of the non-designated heritage asset, however its significance is extremely limited on account of the unsympathetic and irreversible harm caused by extensions and alterations in the latter half of the 20th Century. Therefore, on balance it is not considered that demolition of the existing building could be resisted in the context of paragraph 203 of the NPPF.

In terms of criteria 2 of Policy CT/14, it is not considered that the building is unsuitable for habitation or unviable to repair, although it should be noted that the layout and internal stepped arrangement renders the dwelling unsuitable in meeting the specific needs of the applicant. Due to its age and inconsistency with the National Planning Policy Framework, this aspect of the policy carries only very limited weight and it is not considered a reason to refuse the application on account of any conflict with aspect of the policy could be justified.

In terms of criteria 5 of Policy CT/14, subject to the above mentioned legal agreement, there would be no net increase in the number of dwellings on the site and as such the proposal accords with this aspect of the policy. Other criterions of policy CT/14 that relate to design, impact on the character of the area and amenity are considered under the relevant sections below.

In conclusion, insofar of the principle of development is concerned, it is considered on balance that the principle of a replacement dwelling at this location is acceptable in accordance with Policies CS1, CT1, ST/2 and CT14. Furthermore, it is not considered, on balance, that the building to be demolished is of such architectural quality or of such heritage significance that its demolition could be resisted under (1.) of policy CT/14, or CS14 of the Core Strategy, or could it be retained as a non-designated heritage asset under paragraph 199 of the NPPF. However, in order to satisfy other policies within the development plan and the NPPF, the quality of design of any replacement dwelling should be of equal or greater design quality than the building to be replaced and should respect or improve the character and appearance of the area.

Design and Impact on the Character of Area

Policy CS11 relates to Landscape and Countryside and requires new development to protect landscape character and reinforce a sense of place. Policy CS2 seeks to require high quality design where people would wish to live through design that responds positively to its context. Policies CS2 and EV/1 also require that new development respects and enhances the character of the area in terms of scale, density, massing, height, landscape, layout, materials and access arrangements. Policy CT/14 requires that 'the proposed replacement dwelling represents only a modest change in the size of the original property and is a mass, height, colour, design and material compatible with the traditional character and appearance of the locality' Policy CT/14 also requires that the 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 National Planning Policy Framework 2021 paragraph 130 a.) advises that Planning decisions should ensure that developments function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development. Paragraph 130 b.) seeks to ensure that new developments are visually attractive because of good architecture, layout and appropriate and effective landscaping.

Over time the existing dwelling has been extended by elongated extensions to either side resulting in a long linear pattern of built development. The site is sloping and the existing dwelling on differing levels. The existing elevations show a range of differing roof pitches, levels and fenestration running from the highest point of the site (west) to the lowest point (east). The existing house has Arts and Crafts features including Tudor style boarding to the pitched gables to the front of the property. Most of the property has been rendered and whitewashed.

The rationale for the design of the proposed dwelling is set out in the design and access statement which advises in the introduction section 1.0 that the design of the dwelling is to *"create a dynamic and contemporary twist on the traditional dwelling. With many contemporary features within a distinctly traditional and contextual design."* The design and access statement goes on to advise that *"the existing house is unsuitable for the long-term functionality of the dwelling"* for the applicant and their family and because the house is on split levels the statement advises *"that this restricts the adaptation and development opportunities of the existing dwelling."*

The replacement dwelling proposes a more compacted arrangement with the use of three gabled sections to the front with brickwork detailing, a Swithland Slate roof interspersed with two small dormer windows to the front with the roof sloping down between the gables to reduce the mass of the building. The central gable has beamed timber to the front section and proposes the use of long feature aluminium window frames with tall, glazed sections within the first floor and the use of tall window fenestration details below including opening door sections within this gable at ground floor akin to French style windows. To the rear this is replicated in the central gable and on a side gable elevation facing the garden.

The rear section of the roof contains four small symmetrical dormer windows together with a panel of three roof lights at high level to have a lantern effect to the front and rear elevations of the single storey section of the dwelling containing the side wing of the proposed dwelling. The side wing also contains large sections of floor to ceiling glazed elements. There are four chimneys interspersed at various sections of the roof to give a more traditional appearance to the proposed replacement dwelling. Overall, the appearance of the replacement dwelling is of contemporary character with the use of traditional features including chimneys, local slate roofing materials, and timber oak framed features with the use of brick and render to break up the mass of the building and give more visual interest. In these regards, it is considered that the design of the replacement building reflects the area and landscape character and accords with policies CS2, CS11 and EV/1 and the Design SPD.

The design of the proposed replacement dwelling in terms of its size, siting and design considered to be significant in terms of bulk and height on this plot, which is located to the West of the existing dwelling. The re-siting of the dwelling in the alternate location is borne out of the need for single level living rather than the split level of the existing building to be demolished.

Policy CT/14 seeks to ensure that the proposed replacement dwelling represents a modest 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 replacement dwelling is on the site of the original or if appropriate its siting elsewhere in the curtilage there would be a less damaging visual impact and provided the original dwelling is demolished. In these regards, it is considered that the replacement dwelling is of similar footprint and mass as the existing building to be demolished. In this regard, the proposal complies with criteria 3 of Policy CT/14. Whilst it is acknowledged that the proposed dwelling is not on the site of the existing, and is located on higher ground, it is not considered that this would result in any adverse visual or landscape impact by virtue of the existing dense screening around the site which conceals the site from wider public vantage points. Notwithstanding this, the character of the landscape in this part of the Charnwood Forest is defined by large, interspersed dwellings on elevated hill sides thus it is not considered that the building if seen would detract from the landscape character.

Paragraph 134 b) of the National Planning Policy Framework discusses 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 the surroundings. In relation to paragraph 134 b) the design of the proposed dwelling is not considered to be outstanding or innovative but is of a standard that does fit in with the overall form and layout of the surroundings in terms of the contemporary approach with the use of form, architectural details and materials which do help to assimilate the proposed dwelling into landscape.

The Council's Senior Landscape Officer has considered the proposal in terms of trees and has commented that the oak tree (T8) is in proximity of the proposed building, in terms of the root protection zone. It is considered that the site is extensive with good scope to avoid the tree which is avoidable by design. The tree is not subject to a Tree Preservation Order (TPO) nor is it within a location that would cause it to have sufficient public amenity value to justify protection by TPO. It is considered that the

root protection areas can be protected during construction. Conditions in relation to tree protection measures can be attached to protect existing trees within the site. On balance, there are no objections in principle to the proposed siting of the dwelling in relation to the trees within the site.

The proposal also seeks to replace a pair of existing gates at the access point along Benscliffe Road. Whilst it is acknowledged that the gates are attractive in their own right, they are not considered by Historic England or the Council's Conservation Officer to possess heritage value nor are they originally associated with the existing house. There is no objection to their removal subject to a condition that requires approval of details prior to the installation of any new entrance gates having regard for the character of the area and highway safety.

In conclusion, it is considered that the design and siting of the proposed replacement dwelling is acceptable having regard for policies CS2, CS11, EV1, CT2, CT14, The National Planning Policy Framework and the design SPD.

Impact on Residential Amenity

Policy CS2 of the Core strategy and EV/1 of the Local Plan seeks to protect the amenity of existing and future residents. Criteria 6 of Policy CT14 requires that there would be no significant adverse impact on the amenity enjoyed by neighbouring properties as a result of the replacement dwelling. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity.

The proposed development by virtue of the wooded and isolated site location is not considered to result in the loss of sunlight, daylight, nor is it considered to have an adverse impact on the privacy of nearby dwellings or would give rise to any sense of overbearing impact, noise and disturbance or intensification of the existing use and would not result in any additional light or glare to nearby properties. The addition of any proposed exterior lights can be controlled by a suitable condition in the interest of protecting wider amenity, and the character and appearance of the countryside and wildlife.

In relation to the attached self-contained annexe for the accommodation for the applicants extended family members, a restrictive condition is considered appropriate to ensure that the annexe remains ancillary to the main house and is not let or otherwise separated as an additional dwelling in the open countryside as this would not be appropriate in this location in accordance with Policies ST/2 and CT/1 of the Local Plan (2004) and would prevent what would otherwise be an unacceptably close relationship between the annexe and the main house.

No other comments or objections have been received on the grounds of residential amenity.

The proposal does therefore, following careful design, comply with the provisions of policies CS2, EV/1 and CT14 along with the guidance set out in the Design SPD.

Highway Matters

Policies CS2 and CS18 of the Core Strategy and TR/18 of the Local Plan seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. 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 110 of the NPPF seeks to promote sustainable travel choices. 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 site is situated in a rural area and the opportunities for sustainable means of travel are available by means of walking, cycling but there will be limited opportunities for accessibility by means of public transport networks. As the application is for a replacement dwelling, the use of the site and its existing access will not be intensified. The Leicestershire County Council as Highway authority do not object to the proposal and refer the local planning authority to standing advice.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly, the proposal is considered to comply with relevant development plan policies and national guidance, and not to give rise to transport related harm.

Flooding and Drainage

Policy CS16 of the Core Strategy seeks to ensure that new development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

The site itself is not subject to fluvial flooding being located within zone 1 of the flood zone as identified by the Environment Agency flood maps. It is considered that there will be no further adverse impact on drainage to the site from the resulting development. Comments from the Parish Council advise that they would not wish to see an increase in surface water run off onto Benscliffe Lane from the resulting development. The Environment Agency Flood Map for Planning does not demonstrate any information in relation to surface water flood risk at this location and it is the responsibility of the applicant under the building regulations to ensure that excess water is adequately drained on site. As the proposal is for a replacement dwelling, it is considered that the resulting development can be accommodated within the site. The proposal is therefore concluded to be compliant with policy CS16 of the Core Strategy and the Framework.

Ecology and Biodiversity

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats.

The application is not supported by an Ecological Appraisal. The Borough Council's Senior Ecologist has confirmed that there is evidence of the presence of protected species within the existing building and subject to mitigation in the form of a bat mitigation strategy which is to be submitted and approved prior to commencement of development, no objection is raised. The proposed landscape measures including the provision of green roofing are also supported.

Policy CS13 supports development which protects biodiversity or enhances, restores, or creates biodiversity, and which does not harm ecological networks. It is concluded that the proposal could be made acceptable with regards to biodiversity by suitable pre-commencement condition for a Phase 1 Ecology Survey and a Bat Mitigation Strategy, in compliance with policy CS13 of the Charnwood Local Plan 2006-2028 Core Strategy.

Section 106

Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. In this instance as the proposal is for a replacement dwelling there are no requirements for financial contributions. A Section 106 Unilateral Undertaking is however necessary to secure the demolition of the existing dwelling within a timeframe to be agreed.

Planning Balance and Conclusion

Overall, the proposal has been carefully assessed against the comments and consultation responses received and the policies of the Development Plan and the National Planning Policy Framework.

In this case the development would provide a replacement dwelling in the countryside. Whilst the proposal would result in the loss of a non-designated heritage asset to be considered of some local historic interest, the harm from the resulting demolition is not considered to be sufficient having regard for the limited historic and architectural significance of the building.

The proposed replacement dwelling represents good design that responds to local and landscape context in accordance with policies CS2, CS11, EV/1, the NPPF and the Design SPD. There would be no other adverse impact that cannot be mitigated with the use of conditions in terms of amenity or ecology. There is neutral impact in terms of parking provision and access.

Whilst the proposal does not comply with all criteria of saved policy CT/14 as it is considered that the existing building is habitable and not unviable to repair, it has to be considered in the planning balance that this criterion is not consistent with the NPPF and as such carries only limited weight. Such limited weight would not be considered sufficient to justify a refusal of the application on this basis.

Accordingly, it is recommended planning permission should be granted conditionally

subject to a S.106 agreement as set out below

RECOMMENDATION A:

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement (or accept a Unilateral Undertaking) under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

- To secure the demolition of the existing dwelling Benscliffe Cottage within an agreed timescale.

RECOMMENDATION B:

That subject to the completion of the agreement in recommendation A above, planning permission be granted subject to the following conditions and notes:

1.	The development hereby permitted shall not 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 and information. Approved drawing numbers 7973_03_001 Rev A Site location plan 7973_03_003 Lower Ground Floor Plan 7973_03_004 Ground floor plan 7973_03_005 First floor plan 7973_03_006 Rev A Site plan 7973_03_007 Elevations 7973_02_008 Section elevations 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.
3.	Prior to the development reaching Damp Proof Course level or above, samples of the facing bricks and any other materials to be used on the external walls of the building, and roofing slates and any other materials to be used for the roof of the building shall have been submitted to, and agreed by, the Local Planning Authority. Prior to their installation, the

	<p>details of any other external materials to be used for the building, (including doors, windows, rainwater goods and other external fittings), shall have been submitted to, and agreed by, the Local Planning Authority. Only materials agreed in writing by the Local Planning Authority shall be used in carrying out the development.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory.</p>
4.	<p>No development shall commence until a Phase One Ecology Assessment and a Bat Mitigation Strategy has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed Strategy.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF.</p>
5.	<p>Notwithstanding the submitted details, prior the development reaching Damp Proof Course level or above, a landscaping scheme, to include those details specified below, shall be submitted in writing to the Local Planning Authority for approval:</p> <ul style="list-style-type: none"> 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) finished levels or contours; including finished floor levels v) any structures to be erected or constructed; vi) functional services above ground (including all external lighting) and below ground; and vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed. <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>
6	<p>The agreed landscaping scheme shall be fully completed, in accordance with the details 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.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 of the Development Plan.</p>

7	<p>No development, including site works, shall begin until the hedges and trees located within the application site boundaries that are to be retained, have been protected, in a manner previously agreed in writing by the local planning authority. The hedges shall be protected in the agreed manner for the duration of building operations on the application site.</p> <p>REASON: The hedges and trees are an important feature in the area and this condition is imposed to make sure that it is properly protected while building works take place on the site.</p>
8	<p>The self-contained annexe hereby approved shall be occupied in conjunction with the occupation of the dwelling hereby approved and shall not be sold or let as a separate unit of accommodation.</p> <p>REASON: This condition is imposed for the avoidance of doubt and in accordance with Policy ST/2 CS14 of the Charnwood Borough Council Local Plan 2004 and the National Planning Policy Framework as the provision of a dwelling in the open countryside would not normally be approved unless it is essential for agriculture, horticulture or forestry.</p>
9	<p>Prior to the installation of any new or replacement entrance gates, details shall first be submitted and approved by the Local Planning authority. The gates thereafter shall be installed and retained in accordance with the approved details.</p> <p>REASON: in the interests of preserving and enhancing the character of the area in accordance with policy CS2 and Highway safety in accordance with paragraph 110 of the NPPF.</p>

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, CT14, EV/1, TR/18, because the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is

strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001). A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
6. Care should be taken during site works to make sure that hours of operation, methods of work, dust and disposal of waste do not unduly disturb nearby residents.
7. This permission has been granted following the conclusion of an agreement/Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 relating to the provision of a timescale for the demolition of the existing dwelling necessary to make the development acceptable in planning terms.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and

protection. Details regarding the protection of any proposed infiltration areas should also be provided.

10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

