DELEGATED REPORT

Reference:- 11/00285/FUL **Parish:- Bagworth Parish Council**

Applicant:- Mr & Mrs C Torr
40 Main Street
Thornton
Leicestershire
LE67 1AF

Location:- 40 Main Street Thornton Coalville Leicestershire LE67 1AF

Proposal:- DEMOLITION OF EXISTING DWELLING AND ERECTION OF ONE DWELLING

Introduction:-

This is a full planning application for a replacement detached two-storey dwelling within the side garden of the existing property. The proposals also involve the demolition and removal of the existing detached two-storey property.

The application site consists of a double pitched detached dwelling which is constructed from a red brick and black pantile. The dwelling is sited sideways onto the highway with its blank gable facing onto Main Street. The site has a wide frontage along Main street measuring 50m from north to south. The depth of the site is 53.5m. The site has two existing vehicular accesses which consist of a shared access with 44 Main in the south eastern corner and a gated access sited centrally along the eastern boundary. The eastern boundary is heavily screened by a 1.2m high brick wall with a 3m high conifer hedge immeditaely behind it. The brick wall along the eastern boundary then steps up to 1.5m beyond the gated vehicular access. The rear (west) and southern boundaries are densely screened by mature trees and coniferous hedges up to 2m high. There is a single pedestrian access into the site along the eastern boundary. There are two single storey brick outbuildings with pitched roofs located in the north eastern corner of the site which are used as garages and stores.

Relevant Planning History

88/00253/4	Erection of Private Nursing Home	Withdrawn
79/02276/4M	Extension to dwelling	Approved 25.1.80

Consultations:-

No objection has been received from the Head of Community Services (Pollution)

No objection subject to conditions:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive, LCC (Ecology)

No objection subject to notes to applicant:-

Head of Community Services (Land Drainage)

Site notice displayed and neighbours notified. Two letters of objection have been received raising the following concerns:-

a) justification for the existing dwelling to be demolished
b) poor visibility from the site access
c) development is too close to the junction with Markfield Lane
d) parking of construction and delivery vehicles will obstruct access to 39 Main Street
e) impact of development on character of the village

f) proposed development is out of keeping
g) devaluation of property prices
h) noise and dust from demolition and construction
i) trees have been removed which have TPO status

At the time of writing no comments have been received from:-

Bagworth and Thornton parish council
Ward Members

Development Plan Policies:-

National Planning Policy:-

PPS1
PPS3
PPG13

Regional Policy:-

East Midland Regional Plan 2009

Policy 2
Policy 3

LDF Core Strategy:-

Policy 10- Key Rural Centres within the National Forest
Policy 21- National Forest
Policy 24- Sustainable Design and Technology

Adopted Local Plan 2001

BE1- Design and Siting of development
RES5- Residential Proposals on Unallocated Sites
RES10- Replacement dwellings
T5- Highway Design and Vehicle Parking Standards
NE21- The principles of development within the National Forest

Supplementary Planning Guidance- New Residential Development SPG.

Appraisal:-

The main considerations in this case are the principle of development, the impact of the replacement dwelling upon the character and appearance of the area, impact on neighbour amenity and highway issues.

Principle of development

The site is located within the settlement boundary of Thornton where there is a presumption in favour of development. The proposed development is for a replacement dwelling, thereby resulting in no net increase in the number of planning units on the site. The application site comprises garden land and would prior to the update to PPS3 have fallen into the category of brownfield land, however the update to PPS3 removed garden land from the 'brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The relevant plan policies include PPS3 which states that the extent to which the proposed development is well integrated with and complements the neighbouring buildings and the local area more generally in terms of

scale, density layout and access should be considered.

This approach is supported by Policy RES5 of the Adopted Local Plan that states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

The development proposed in this application is for 1 dwelling and for the reasons discussed further in this report the proposed development is considered to be acceptable in principle.

Impact on character: Siting and Design

The area to the north of the site is characterised by traditional brick built detached cottages which are occasionally broken up in the street scene by modern detached dwellings. Immediately opposite the site is a large three storey traditional town house that is built up to the highway path. The dwellings located to the eastern side of Main Street (Numbers 39-47) and to the south of the site (44 and 50) are modern additions to the street scene, they are all sited off the highway frontage and are constructed from modern building materials including UPVC openings and concrete tiles. The proposed dwelling is to be sited in line with the two modern dwellings to the south of the site (Numbers 44 and 50) and not in line with 32 and 30 to the north which are built up to the highway path. It could be argued that the dwelling can be sited in line with either the dwellings to the north or the south of the site, but for reasons of reducing the impact of the scale of the proposed replacement dwelling on the street scene and to provide adequate parking and turning to the front of the dwelling, the setting back of the dwelling 12m front of the highway is considered acceptable. Subsequently the siting of the dwelling is considered acceptable.

The proposed dwelling is large in scale and appearance. However the dwelling will be set back 12m from the edge of the highway path and there is mature screening in the form of a 3m high coniferous hedge along the eastern boundary which is shown to be retained, with the exception of the 1m sections removed either side of the vehicle access for visibility purposes. The siting of the dwelling and the retention of this existing boundary treatment will help to reduce the impact of the proposed replacement dwelling within the street scene. Notwithstanding the presence of this screening, the proposal is not considered to be harful to the diverse character of the street scene.

It should be noted that the site is wide and deep enough to accommodate a replacement dwelling measuring 30m wide x 10m deep at its deepest point. The dwelling will be inset from the northern boundary by 7m and from the southern boundary by 10m, thereby allowing sufficient spacing between the proposed and existing dwellings on adjacent sites. The height of the proposed dwelling will be 8m which will be higher than adjacent properties but significantly lower than the ridge height of 35 Main Street opposite the site which has a ridge height in excess of 9m and stands on an elevated plot. Therefore taking into account the spacing between the proposed dwelling and adjacent properties, the width and depth of the site and the ridge height of the proposed dwelling, the proposed development is considered to be commensurate to the character and appearance of the street scene and to the scale of the plot. To this end the proposed dwelling is not considered to constitute overdevelopment of the site.

In terms of its design the proposed replacement dwelling will have a 10m x 10m two-storey central mass with 2x 4m side projections which will be 0.5m lower in ridge height to provide symmetry and subservience to the design. There are further single storey projections proposed either side of the two-storey wings which consist of a utility measuring 1.9m x 3m and a leisure room measuring 8m x 3.8m and will resemble a stable block in its appearance. The design of the scheme includes a large glazed window and portico entrance on the central hub which will finished in a cream render to add visual interest and to break up the mass of brick work. The single-storey stable block projection will also be finished in a cream render to all of its elevations to provide visual interest. A course of stone banding is proposed between the ground and first floor and the inclusion of other material detailing, including stone cills and brick lintels, a chimney to the rear elevation, ridge detailing

and brick detailing to the eaves provides visual interest to the appearance of the dwelling and utilises material details that are common to properties in the vicinity of the site. By virtue of its design the proposed replacement dwelling is considered acceptable and in keeping with adjacent properties along Main Street.

Impact on neighbour amenity

The proposed replacement dwelling will be sited in line with 44 Main Street to the south and will have no first floor windows in its southern elevation. It will be sited 10m in from the southern boundary and there is substantial existing screening along the southern boundary. Taking all of these factors into account the proposed development is not considered to result in a material loss of amenity to 44 Main Street.

The proposed dwelling will be sited 7m from the northern boundary with 32 Main Street. There are no first floor windows proposed in the northern elevation of the proposed dwelling. The existence and retention of the single storey garage to the northern boundary screens the ground floor windows located along the southern elevation of 32 Main Street. Despite the proposed dwelling being set back 12m from the edge of the highway path there is no potential for loss of amenity to this neighbouring dwelling.

In terms of noise and dust generation from demolition and construction this will be limited to a short period of time and the planning system is concerned with land use planning and long term impacts. There are other statutory controls which exist that control statutory noise and disturbance.

Highway issues

The Director of Environment and Transport (Highways) has raised no objections to the proposed development. It should be noted that an existing vehicular access will be utilised and the most southerly access will be blocked off and no longer used. It is noted that this vehicular access is close to the junction with Markfield Lane but this is an existing access that is used by the applicant. The removal of 1m sections of hedge from either side of the gated access will provide acceptable visibility splays that complies with current highway guidance issued by Leicestershire County Council. The setting back of the property allows for sufficient turning and parking space for a number of vehicles, including three additional off street parking spaces provided by the existing detached garage.

Other matters

Property prices

Devaluation of property prices is not a material planning consideration and will not be appraised.

Justification for demolishing the dwelling

Planning permission is not required for the demolition and removal of the existing dwelling, therefore no justification is not required for its removal. The dwelling is not considered to be of particular architectural value to the street scene and therefore there is no objection to its removal and replacement.

Removal of trees

There are a number of mature trees sited along the boundaries of the site. However these trees do not have protected status, either by way of a TPO, highway tree or being sited within a conservation area. Therefore planning permission is not required for the removal of trees from the site.

Sustainability

Under the guidance of policy 24: Sustainable Design and Technology of the adopted Core Strategy there is a requirement for any new dwellings in Key Rural Centres such as Thornton to meet the sustainability targets set out in Building a Greener Future. This means that the dwelling will have to be constructed to current building regulations standards.

Ecology

Following receipt of an updated Ecology Report on 27 May 2011 which included a survey of both roof spaces within the existing dwelling the Directorate of Chief Executive, LCC (Ecology) raised no objections to the proposed development subject to further emergence surveys being undertaken. The purpose of these further emergence surveys was to assess all of the remaining roof space and to determine whether or not a license was required from Natural England. In light of no further requirement for emergence surveys to be undertaken for planning purposes a condition will be imposed ensuring that all works are undertaken in strict accordance with the updated bat report to safeguard protected species.

Open Space Provision

The proposed development is for a replacement dwelling, thereby meaning that there is no requirement for on site open space provision or a financial contribution towards off-site existing open space.

Conclusion

Taking into account the size of the plot, the spacing between the proposed dwelling and adjacent properties and the setting back of the property from the highway the proposed replacement dwelling is considered to be in keeping with the pattern of development and commensurate to the scale of the site. By virtue of its siting, design and scale the proposed replacement dwelling will not result in highway or residential amenity issues and is considered to be reflective of the design and appearance of dwellings within close proximity of the site. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 5576/CMT/4B, 5576/CMT/6A, 5576/CMT/10A, 5576/CT/11A and 5576/CMT/12A received on 08 April 2011.

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed replacement dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

5 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

6 Before first occupation of the dwelling hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.

7 Before the development hereby permitted is brought into use, the wall fronting the site shall be reduced in height and maintained in perpetuity at a maximum of 0.9 metres above the level of the adjacent carriageway. Any new or replacement hedge shall not be set within, nor allowed to grow to a height

exceeding 0.9 metres above the level of the adjacent carriageway and thereafter shall be so maintained.

8 The car parking and any turning facilities shown within the curtilage of the proposed dwelling shall be provided before the dwelling is first occupied and shall thereafter permanently remain available for such use unless otherwise agreed in writing by the Local Planning Authority.

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

10 The existing dwelling shall be demolished and all relevant debris removed from the site within 3 months of the replacement dwelling hereby approved being first occupied.

11 For the period of construction and demolition, vehicle parking facilities shall be provided within the site and all vehicles associated with the demolition shall be parked within the site.

12 The development shall be carried out in strict accordance with the mitigation measures for the safeguarding of bats included in the 'Bat Assessment Report Revision B for 40 Main Street, Thornton, Leicestershire' produced by Ecolocation dated 26 May 2011 received by the Local Planning Authority on 27 May 2011, unless agreed otherwise in writing with the Local Planning Authority.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 In the interests of visual amenity and to ensure that the development has a satisfactory external appearance to accord with policy BE1of the adopted Hinckley & Bosworth Local Plan.

5 In the interests of road and pedestrian safety.

6&7 To ensure that an adequate line of vision is available in the interests of road safety to accord with policy T5 of the Hinckley and Bosworth Local Plan.

8 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

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

10 To ensure that the demolition of the existing dwelling doesn't prejudice the comprehensive development of the larger area of the site on which the replacement dwelling is proposed and to ensure the safe removal of a dwelling which, if retained would result in loss of residential amenity to the occupants of the replacement dwelling through overlooking into its front and rear gardens, exacerbated by its immediate proximity to the site, in accordance with policy BE1 of the Hinckley and Bosworth Local Plan 2001.

11 To ensure that adequate off street parking provision is made to reduce the possibilities of the demolition and construction leading to on street parking problems in the area during demolition and construction to accord with policy T5 of the Hinckley and Bosworth Local Plan 2001.

12 To protect features of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).