DELEGATED REPORT

Reference:- 11/00827/FUL **Parish:- Barlestone Parish Council**

Applicant:- Mr A Holder
41 Bagworth Road
Barlestone
Nuneaton
Warwickshire

Location:- 69 - 71 Newbold Road Barlestone Nuneaton Leicestershire CV13 0DY

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

Introduction:-

Full planning permission is sought for the demolition of an existing dwelling and erection of a new dwelling.

The proposed two storey detached dwelling arranged in a 'T' shape of three bed configuration is set to be in close proximity to that of the footprint of the existing dwelling in the north west corner of the site.

The existing four bed property, (originally two dwellings) and outbuildings to the rear are set to the demolished.

The existing vehicular access from Newbold Road is proposed to be widened and the site will provide a minimum of three car parking spaces.

The existing dwelling is set back from the road frontage, some 2 metres higher than that of the level of the highway and is bound to the west by residential dwellings and the north by paddocks. To the front of the site there are seven mature tree specimens, covered by tree preservation order 0801/02/01 dated 9 August 1973. The site is located outside of the settlement boundary of Barlestone, as defined by the adopted Hinckley and Bosworth Local Plan.

Following concerns raised by officers, the applicant has provided a Code for Sustainable Homes Assessment confirming that the design would meet the Code Level 3 Standard and design alterations to include:-

a) Raising of the ridge height from 6.8 to 7.7 metres;
b) Steeper pitched gable to 55 degrees;
c) Alterations to the eastern roof form and additional external chimney stack;
d) Solar collectors omitted from the front elevation;
e) Photovoltaic panels positioned with the western roof slope;
f) Revised streetscene.

Given the relatively minor nature of the works, no re-consultation was undertaken.

The application is accompanied by:-

A Design and Access Statement which states that the current property is in poor condition, does not meet current standards of living accommodation and the cost of bringing the building up to building regulation standards require considerable expenditure. The statement refers to the siting and scale of the proposed dwelling to avoid overlooking or privacy issues and to avoid problems with tree roots and canopies and a design to reflect the neighbouring Victorian property. The statement also details the green technology measures.

A price comparison accompanies this statement, detailing the cost of refurbishment and upgrading the existing property at £85, 277 and the cost of a new dwelling at £66, 877.88

A Structural Appraisal concludes that the existing dwelling suffers from a number of defects and falls short of current building regulations and provides a number of recommendations to be undertaken to ensure it would comply with the regulations, albeit at a high financial cost.

An Ecology Report which confirmed that there was no evidence of bats, birds or any other indications of any other protected species on the site.

Planning History

11/00533/FUL	Demolition of the existing dwelling And erection of new dwelling	Withdrawn	07.09.11

Consultations:-

No objections from:-

Directorate of Chief Executive, LCC (Ecology)
Head of Community Services (Land Drainage)

No objection subject to conditions from:-

Barlestone Parish Council
Director of Environment and Transport (Highways)
Head of Corporate and Scrutiny Services (Tree Officer)

1 letter of representation has been received raising attention to the trees identified as T2, T4, T6 and T7 being horse chestnut and have a tree preservation order on them.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development.

Planning Policy Statement 3: (PPS3): Housing.

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas

Local Development Framework: Core Strategy (2009)

Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside

Policy RES10: Replacement Dwellings

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): New Residential Development

Supplementary Planning Document (SPD): Sustainable Design

Other Material Policy Documents

Planning For Growth (2011) This confirms that the planning system has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as quickly as possible. When

deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

Appraisal:-

The main issues in respect of this application are the principle of development, siting and design and impact upon the character and appearance of the countryside; impact upon residential amenity, highway considerations, impact upon trees, ecology and other matters.

Principle of Development

The site is located outside of the settlement boundary of Barlestone, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and is therefore within an area designated as countryside.

Saved Local Plan Policy NE5 states that the countryside will be protected for its own sake and planning permission will be granted for built and other forms of development provided that the development is either:-

a) important to the local economy and cannot be provided with or adjacent to an existing settlement; or
b) for the change of use, re-use or extension of existing buildings, particularly those of historic value; or
c) for sport and recreation purposes.

In addition, Saved Policy RES10 states that planning permission for replacement dwellings in the countryside will initially be considered in terms of the countryside policies of the plan and that where the Borough Council is satisfied that there is special justification for the development of a replacement dwelling, it will only be permitted where:-

a) it is of a similar size and scale to that of the original dwelling, and
b) it is built on a similar footprint or, where appropriate and less detrimental to the character of appearance of the countryside, within the curtilage of the original dwelling.

It is therefore considered that new residential development in the countryside is not supported by Policy NE5 unless it can be demonstrated that it is required for on-going agricultural enterprises. It is therefore acknowledged that the development would also be contrary to Saved Police RES10 given that the policy requires that replacement dwellings will initially be considered in terms of the countryside policies of the plan.

Planning Policy Statement 7 (PPS7) advises that development outside existing settlements should be strictly controlled in order to protect the countryside for its own sake and that new dwellings require special justification but refers to two typical circumstances where new dwellings can be justified in the countryside. Firstly, where a dwelling is required to enable an agricultural worker and certain other full time workers to live at or close to their place of work and secondly, where a new dwelling of exceptional sustainable design is sought. It is considered that PPS7 takes a less restrictive approach and seeks to allow some development where it can be demonstrated that it is sustainable and results in planning gain, particularly in terms of visual impact.

The application seeks to demonstrate that the proposed replacement dwelling of exceptional sustainable design in line with PPS1 and PPS7 will result in planning gain that outweighs the local plan policy conflict with Saved Policy NE5.

Loss of Existing Dwelling

The existing dwelling on site is not of any architectural merit and has been subject to alterations in the past to combine two separate dwellings and it is considered that the original character features within the two dwellings have been lost, and there is no-in principle objection to its demolition. It is considered that the accompanying updated structural survey has confirmed that the structural condition is not unsound to the point of demolition being essential, however there are a number of defects and that there are significant maintenance works and modernisation which would represent a significant financial burden to bring the building in line with current building regulation requirements. The application is also accompanied by a cost comparison between the works required costing in the region of £85,000 plus vat in comparison to a new build construction costing some £66,000. It is therefore considered that the demolition and replacement of this

dwelling is a cost-effective and therefore economically viable and environmentally beneficial solution to its inherent structural problems.

Sustainable Design

The application is accompanied by a Design and Access Statement which list the array of sustainable technologies to be implemented; solar collectors to be fitted to the roof, an air source hear pump within the roof space and a large rainwater harvesting tank. Following the submission of amended plans, the proposals include the use of solar photovoltaic panels on the south west facing roof slope. It is considered that these technologies will significantly improve the energy efficiency of the proposed dwelling over the existing and result in significant reductions in carbon dioxide emissions. The application is accompanied by a Code For Sustainable Homes Assessment written by a qualified Code Assessor, that demonstrates that the dwelling as proposed can achieve Code Level 3.

Inline with Policy 24 of the adopted Core Strategy, any residential unit in this location would need to be constructed in accordance with the Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

Notwithstanding this requirement the proposals include sustainable design and technologies to meet Code Level 3 of the Code for Sustainable Homes which exceeds the requirements of Policy 24 of the adopted Core Strategy, and the technologies are therefore welcomed. Accordingly, this is a significant planning gain that goes over and above the development plan requirements for a dwelling in this location.

It is also important to note that there is an existing dwelling on the site that the proposed dwelling will replace and therefore in sustainability terms no new residential unit is created that is in conflict with local or national policy in this respect.

In summary, it is considered that whilst replacing the dwelling at the site will be in conflict with Saved Local Plan Policies NE5 and RES10, the other planning gains in terms of improvements in its visual appearance and the use of sustainable design and technology measures to increase energy efficiency and reduce carbon emissions in line with PPS1 and PPS7, are considered to outweigh this policy conflict in this case. It is considered that subject to the design of the replacement dwelling being appropriate and of a suitable design quality in accordance with the requirements of Saved Policy RES10 and other development plan policies, there is a planning gain to be had in looking favourably upon the redevelopment of the site.

Siting and Design and Impact upon the Character and Appearance of the Countryside.

The shape of the proposed dwelling is set to be elongated to the east of the site proposing a ‘T’ shape and sited 1 metre away from the common boundary with the neighbouring dwelling. The proposed dwelling is to be sited on a similar footprint to the existing dwelling, and proposes a footprint on 67.3 square metres, slightly reduced from that of the existing dwelling at 70 square metres.

The proposed dwelling will also maintain the conventional two storey proportions reflecting that of the existing and surrounding two storey dwellings. A streetscene has been provided which shows the new dwelling of a smaller ridge and eaves height to that of No. 67 Newbold Road and of similar proportions to that of No.65. The scale of the dwelling within the streetscene is therefore considered acceptable

The design of the dwelling has been carefully considered, by reflecting the style of the neighbouring Victorian dwelling. Materials including blue slates and design features such as the off centre gable, bay windows, heavily detailed external chimney stack, conservation rooflights and decorative barge board and roof line details have been incorporated.

Following the submission of an amended plan, the overall ridge height has been increased and roof pitches to the front and rear gable and dormer windows has been revised to 55 degrees, to reflect that within the adjacent dwelling. Solar Collectors have been omitted from the front elevation resulting in a more simplified uncluttered approach and the eastern elevation now mirrors that of the western elevation which overall improves the aesthetics of the dwelling when viewed from the streetscene of this rural setting.

It is considered that the proposed dwelling represents a marked visual improvement over that of the existing

dwelling, which will provide a more unified overall appearance within the streetscene.

The overall design approach proposed is one of exceptional high quality that has been well thought-out and responds well to the desire to provide a more sustainable dwelling of high construction standard to meet Code Level 3 of the Code for Sustainable Homes.

It is considered that the visual amenity of the site can be further enhanced through landscaping and appropriate boundary treatment, within this setting. Should the application be recommended for approval a condition requiring the submission of further landscaping and boundary treatment details for prior approval will be required.

In summary, by virtue of the schemes siting, scale and design it is considered that the dwelling of a similar size and scale to the original dwelling, built on a similar footprint and is less detrimental to the character and appearance of the countryside, in conformity with Saved Policy RES10 of the adopted Hinckley and Bosworth Local Plan. In addition, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the high quality design approach is considered to be in accordance with guidance contained with PPS3 and Saved Policies BE1,

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 67 Newbold Road, located immediately to the west of the site.

The siting of the proposed dwelling is set to be located approximately 1 metre further from the common boundary that the existing dwelling and there are no windows proposed in the west elevation, therefore the impacts are less than that of the existing dwelling.

Overall by virtue of siting, scale and footprint it is considered that there would not be any significant impacts upon residential amenity, over and above that of the existing dwelling.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

The scheme proposes the widening of an existing access and provision of three off street car parking spaces. The scheme has been considered by the Director of Environment and Transport (Highways) who recommends standing advice in respect of gates being set back and hard surfacing for the first 5 metres behind the highway and drainage to ensure no surface water run off into the highway. The Council does not consider it to be necessary or reasonable to impose a condition in respect of drainage.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Impact upon Trees

To the front of the site there are seven mature tree specimens, covered by tree preservation order 0801/02/01 dated 9 August 1973. The scheme has been considered by the Head of Corporate and Scrutiny Services (Tree Officer) who has confirmed that a Tree Protection Plan is necessary through the imposition of a planning condition.

Ecology

The protected species report does not identify the presence of any protected species or sites or ecological features of note, on the site. The Directorate of Chief Executive, (Ecology) accepts the report submitted with the application and concluded that this application will have no impact on any designated sites of ecological importance and no further action is required. Accordingly, it can be concluded that the proposal will not have any adverse impacts upon protected species.

Other Matters

As this is a replacement dwelling no developer contribution in respect of play and open space is applicable.

Conclusion

In conclusion, the redevelopment of this site whilst not in strict conformity with Saved Local Plan Policy NE5 is considered to provide a number of planning gains; through the demolition of the existing ageing structure and its replacement with a high quality designed scheme, built to a similar scale, form and reduced footprint and not only to modern building standards but also incorporating sustainable design and technology to meet Code Level 3 of the Code for Sustainable Homes that are considered to outweigh the local plan policy conflict.

The development would not give rise to any significant material impacts upon the character and appearance of the countryside, occupiers of the neighbouring dwelling, highway safety, protect trees, protected species and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is considered characteristic of the surrounding area and would not be detrimental to visual amenity, the character and appearance of the countryside, residential amenity, highway safety, protected trees or species.

Hinckley & Bosworth Local Plan (2001):- Policies NE5, RES10, BE1, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 24.

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 following details: Drawing No.'s B11/02/L01; B11/02/BLO1A received by the Local Planning Authority on 20 October 2011 and amended details: B11/02/P01C received by the Local Planning Authority on 2 December 2011.

3 No development shall commence until representative samples of the types and colours of materials (including window, door and rooflight units) to be used on all of external elevations of the proposed 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 until full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) are first submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

5 The dwelling hereby approved shall be constructed in accordance with the submitted Code for Sustainable Homes Assessment and before first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall first be submitted to and approved in writing by the Local Planning Authority.

6 No development shall take place until full details of both hard and soft landscape works, including defined residential curtilage, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

a) Means of enclosure and boundary treatments
b) Hard surfacing materials
c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
d) Implementation programme.

7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

8 No development shall commence until a method statement outlining method of working, tree protection plan and tree surgery specifications if necessary, have been submitted to and agreed in writing by the Local Planning Authority. All works to the trees hereby approved shall be carried out in accordance with the approved details.

9 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.

10 Before first occupation of the dwelling hereby approved, car parking provision shall be made within the curtilage in accordance with the approved plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

11 Before first occupation of the dwelling hereby approved, the access drive for the first 5 metres behind the highway shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.

12 Any gates, barriers, bollards, chains or other such obstructions to the vehicular access shall be set back a distance of 5 metres from the highway boundary and shall be hung so as to open inwards only.

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 Policies BE1 and NE5 and of the adopted Hinckley and Bosworth Local Plan.

4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

5 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

6 In the interests of visual amenity, to accord with Policies NE5 and BE1 of the adopted Hinckley & Bosworth Local Plan.

7 In the interests of visual amenity, to accord with Policies NE5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that existing trees are adequately protected during construction in the interests of the visual amenities and character of the area to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

9 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

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

11 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

12 To enable a vehicle to stand clear of the highway in the interest of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

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).

5 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Contact Officer:- Ebbony Mattley Ext 5691