DELEGATED REPORT

Recommendation Made: 6 September 2011

Reference:- 11/00430/FUL **Parish:- Sheepy Parish Council**

Applicant:- Mr Martin Smith
Sibson Mill Farm Cottage
Wellsborough Road
Sibson
Nuneaton

Location:- Sibson Mill Wellsborough Road Sibson Nuneaton Leicestershire

Proposal:- DEMOLITION OF EXISTING WORKSHOP AND OUTBUILDINGS AND CONSTRUCTION OF NEW SINGLE STOREY WORKSHOP

Introduction:-

This application seeks full planning permission for the demolition of existing outbuildings and construction of new workshop for personal use at Sibson Mill.

The site comprises a range of existing outbuildings and workshops within the grounds of Sibson Mill – a listed house. The construction of buildings is predominantly red brick with tiled roofs, however part of the building to be demolished has a corrugated metal roof and has been maintained throughout the years by a range of materials.

The site is accessed via a long driveway leading from Wellsborough Road and is surrounded by farmland. A tributary of the River Sense crosses the site and there is a large pond to the front of the Mill Building. In addition, a public bridleway also passes through the site.

A Design and Access Statement has been submitted with the application, this appraises the site against local planning policy and justifies the design approach taken. Since submission a further statement has also been submitted by the agent. This clarifies that the building will be used by the owner of the site for him to carry out repair and maintenance and storage of vintage vehicles. The building will not be used as a business and no further people will be employed. There will be some small items of machinery such as a lathe etc but there will be no noisy equipment contained in or outside the building. The internal environment will be clean, secure and well insulated and there will be no discharge of any chemicals or pollutants.

Relevant Planning History: -

07/00670/FUL	NEW STORAGE BUILDING TO THE REAR OF EXISTING STABLES	Approved	10.08.07
97/00673/COU	CHANGE OF USE OF AGRICULTURAL LAND AND BUILDING TO DOMESTIC GARDEN AND GARAGE WITH ACCOMODATION ABOVE	Approved	04.09.97
97/00330/FUL	ERECTION OF STABLES ANDTACK ROOM	Approved	04.09.97
95/00596/FUL	ERECTION OF SUMMER HOUSE	Approved	12.09.95
94/00430/GDO	AGRICULTURAL BUILDING	GDO	07.07.94
90/01289/4L	EXTENSIONS TO DWELLING	LBC	07.01.91
90/01250/4	ERECTION OF DETACHED GARAGE BLOCK FOR 4 CARS	Refused	26.02.91

90/01249/4	EXTENSIONS TO DWELLING	Approved	07.01.91
90/00839/4	CREATION OF POND	Approved	07.09.90
82/01045/4	CONVERSION OF PART BARN INTO GRANNY FLAT	Approved	27.01.83
80/01306/4	ERECTION OF DOUBLE GARAGE	Approved	06.10.80

Consultations:-

No objections have been received from:-
Severn Trent

No objections subject to NTA have been received from:-

Director of Environment and Transport (Rights of Way)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from:-

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

No comments have been received from:-

Sheepy Parish Council
Neighbours

Development Plan Policies:-

Adopted Core Strategy

None relevant

Adopted Local Plan

The site lies within the open countryside as defined in the adopted Hinckley and Bosworth Local Plan.

BE1 - Siting and Design of Development

BE5 - The Setting of a Listed Building

NE5 - Development in the Countryside

T5 - Highway Design and Vehicle Parking Standard

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposal on the character and visual amenity of the area, the design, impacts on neighbours and other issues.

The Principle of Development

The site is located within the open countryside where there would generally be a presumption against new development. Nevertheless, the proposal involves the demolition of an existing building and its replacement with a building of improved design, within the curtilage of the existing Mill and outbuildings. Policy NE5

generally restricts development within the countryside but there are exceptions for appropriate types of development which are situated within an existing curtilage. There will be no further encroachment into the undeveloped countryside, and thus the principle of the development is in this case considered acceptable subject to all other planning matters being appropriately addressed.

Design, Character and Visual Amenity

The existing, dilapidated building, which comprises of various elements of differing design and material is to be demolished and replaced with a new brick building. The proposed building will have a footprint slightly less that that existing. The design approach taken has been carefully considered to ensure that the character of the area is enhanced and that the setting of the listed building is not harmed. To the front elevation the building will have a pitched roof and a centrally projecting pitched gable. Within the elevation three sets of double wooden doors are proposed. To the rear of this will be a large rectangular hipped roofed building. Two gables will project from the side elevation, the second, being subservient in height. A recessed dummy door, with an arched brick header is proposed in the first gable end, to provide detail. A central, single barn-style opening is proposed in the rear elevation, adjacent to a single doorway. Overall the building has an agricultural appearance, by virtue of its design, mass, materials used and architectural detail, and the detail to each elevation ensures that it has an interesting façade from each approach. The design proposed is complimentary to the adjacent buildings which are also of brick and tile construction, and are of a similar scale, and it significantly enhances the approach to the listed mill from the access drive. Accordingly there are no adverse impacts in terms of visual amenity or on the character of the surrounding countryside or adjacent listed mill. Therefore the design approach is considered acceptable.

Samples of the bricks and roof tiles, and details of the openings (sections and finishes) have been submitted. It is proposed to use reclaimed red brick and a small plain tile (Blue Rosemary) and the openings are to be solid wood with a dark stain. These materials are similar to those used on the adjacent brick building (which comprises another outbuilding to the Mill). This has been restored and modernised and are considered acceptable. The use of these materials will be secured by way of condition.

Impact on neighbours

Sibson Mill Cottage is the nearest residential property to the building, however this is also within the applicants ownership. This is situated approximately 20 m south east of the building. There will be no impacts on this property in terms of overshadowing or loss of privacy, and based on the additional information received by the agent, which states that the workshop will be for the personal use and enjoyment of the applicant, the level of noise and disturbance created will not be of an industrial scale and thus will not materially impact on the residential amenity of the occupants of this property. Therefore the proposal will have no material impacts in terms of residential amenity and is therefore considered acceptable.

Other Issues

The Environment Agency have objected to the proposal on the grounds that insufficient information has been submitted with the application to demonstrate that there will be no pollution created to controlled waters resultant of the development. The comments are based on the fact that the EA records show that the site is underlain by mudstone of the Mercia Mudstone Group and that the formation is overlain by Alluvium at this location. The Alluvium is classified by the EA as a secondary aquifer A. There are no groundwater abstractions within 500m radius of the site. A pond is located within the vicinity of the site with an outlet adjoining the River Sence.

Since there initial objection a phase 1 contamination assessment has been undertaken by Lustre Consulting to clarify whether there is any risk of pollution or contamination from the proposal to the controlled waters. This has concluded that there is no risk from the development to controlled waters and based on the findings of this the EA have withdrawn their objection. They are now satisfied with the development subject to conditions.

Director of Environment and Transport (Highways) and Head of Community Services (Pollution) both requested that additional information be submitted in respect of the proposed end use of the building. In response to this, the agent has submitted a statement concluding that the building is to be used as a personal workshop for the applicant. Accordingly as there will be no employees and no commercial scale operations, both of the above consultees have no objections to the scheme.

Directorate of Chief Executive (Ecology) has stated that prior to demolition of the building a further survey must be conducted by an ecologist to ensure there are no protected species within the building and that the demolition must be conditioned to take place between the months of March and October. This will ensure there ate no nesting birds or hibernating bats within the building. If bats or nesting birds are found within the building, it is advised that works be postponed until the young have left the nest. Further, if bats or birds are found, it has been suggested that compensation roosting be provided, wither within the proposed building or around the site. Aside from the condition requesting that the demolition of the building takes place between the months of March and October, the remaining information will be relayed to the applicant via a note to applicant. This is due to the fact that these requests can not secured by way of condition, for there is insufficient grounds to do so, and thus any condition would be considered unreasonable.

Conclusion

The proposal comprises an exceptionally designed development which enhances the visual amenity and approach to the site, and respects the character of the adjacent buildings and Listed Mill. Due to its siting and use, there will be no adverse impacts on the residential amenity of the adjacent cottage, and subject to conditions there will be no material impacts on protected species or risk of pollution to the controlled watercourse. Therefore the development is considered acceptable and in accordance with policies, BE1, BE4, T5, and NE5 of the adopted Hinckley and Bosworth Local Plan.

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 by virtue of the scale, mass and design respects the character of the adjacent buildings and Listed Mill, enhances the visual amenity of the site and has no detrimental impacts in terms of residential amenity and highway safety or on the character of the surrounding countryside. The proposal is therefore considered acceptable.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE4,NE5

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

2 The bricks to be used on the development shall be:- Northcot: Brickfield Antique, the roof tiles to be used on the development shall be:- Reclaimed Blue / Grey Plain Clay Tiles, the opening shall be constructed in accordance with the details on Drg Ref:- 7065 and 7065.05 received by the Local Planning Authority on the 17.10.11

3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg ref:- 7065.04A, 7065.03 A, 7065.0S received by the Local Planning Authority on the 1.06.11

4 Demolition of any buildings should take place between the months of March - October inclusive, only.

5 Prior to commencement details of the locations and types of bat boxes should be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be implemented and retained as approved.

6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reasons :-

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

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

3 For the avoidance of doubt and in the interests of proper planning

4 To safeguard the protected species which have been found hibernating in the building to be demolished. To accord with Planning Policy Statement 9: Biological and Geological Conservation.

5 To safeguard protected species in accordance with Planning Policy Statement 9: Biological and Geological Conservation.

6 To protect controlled water receptors in accordance with Policy NE14 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 In relation to condition 5, either EcoSurv or Schwegler bat boxes would be acceptable.

Contact Officer:- Eleanor Shaw Ext 5680