DELEGATED REPORT

Recommendation Made: 7 July 2011

Reference:- 11/00454/FUL **Parish:- Sutton Cheney Parish Council**

Applicant:- Ms Gayner Johnson
14 Dean Road
Hinckley
Leicestershire
LE10 1LG

Location:- New House Farm Stapleton Lane Dadlington Nuneaton Leicestershire

Proposal:- DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF ONE NEW DWELLING.

Introduction:-

This application seeks full planning permission for the erection of a replacement dwelling in the open countryside.

The existing dwelling is a large detached farmhouse constructed from red brick with a dark pantile roof. The existing dwelling is located in the south east corner of the site adjacent to the existing gated site access from Stapleton Lane.

The site is well screened by mature trees and hedges along the southern and western boundaries, some of which have Tree Preservation Orders. The protected trees (4 in total) at the site consist of the following:-

1) Ash Tree to the south eastern corner of the site;
2) Sycamore Tree located centrally along the front boundary;
3) Sycamore and Horse Chestnut Trees located centrally towards the northern boundary

The dwelling is located on Stapleton Lane, approximately halfway between Dadlington and Stapleton, within the open countryside. There are stables located to the rear of the dwelling and there are a number of operational agricultural buildings on the adjacent site.

A structural report has been provided with the planning application which was undertaken in 2007. At that time the report concluded that the property was in need of a major overhaul and specifically stated that it was suffering from a number of structural deficiencies arising from:

a) root system of nearby trees undermining the foundations and internal walls of the property
b) replacement lintels required to all external doors and windows
c) cracking of kitchen floor
d) conservatory needs replacing
e) overhaul to drainage system required
f) lack of thermal enhancement and damp proof course

Four amended plans, consisting of a block plan, layout plan, plans and elevations for the replacement dwelling and garage were received on 14 October 2011.

These plans showing the re-siting of the dwelling 1.7m further to the west, the removal of the car port, the re-siting of the garage 2m to the east and alterations to the elevations of the proposed replacement dwelling.

However the site layout plan, the landscaping plan and plans within the bat report did not correspond with the other plans, namely the garage plan/elevations, the dwelling plan/elevations and the block plan. Three amended plans, consisting of the site layout plan, the landscaping plan and the bat report were received on 04 November 2011. The plans were checked and found to be consistent with the earlier set of amended plans received on 14 October 2011.

History:-

10/00281/CLU	Lawful Development Certificate for extensions and alterations to dwelling including erection of a detached garage	Approved
09/00468/OUT	Demolition of existing dwelling including erection of new dwelling and double garage	Withdrawn
99/01030/OUT	Demolition of existing dwelling and erection of new dwelling	Approved

Consultations:-

No objections:

Head of Community Services (Pollution)

No objection subject to conditions:

Director of Transport and Environment (Highways)
Directorate of Chief Executive (Ecology)
The Borough Council's Arboricultural Consultant

No objection subject to notes to applicant:

Head of Community Services (Land Drainage)

A site notice was displayed.

1 Letter of support was received noting that the existing house is in poor condition and that the replacement dwelling will enhance the site,

No comments have been received from:

Parish Councils- Sutton Cheney, Peckleton and Newbold Verdon
Head of Business Development and Street Scene Services (Waste Minimisation)

Development Plan Policies:-

Adopted Core Strategy (2009):

No policies apply

Adopted Local Plan (2001):

BE1- Design and Siting of Development
RES10- Replacement Dwellings
NE5- Development in the Countryside
NE12- Landscaping schemes
T5- Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in this case are the principle of development, Viability, impact on protected trees, sustainability, impact of development upon the character and visual amenity of the countryside and upon ecology and other issues.

Principle of Development

Policy RES10 of the local plan allows replacement dwelling in the countryside subject to special justification. If the justification is considered to be satisfactory then the proposed development itself is subject to specific planning criteria including size, scale and siting.

The original justification case put forward for the proposed replacement dwelling consisted of:

- cost implications for renovating and extending the existing dwelling (due to its structural deficiencies) were greater than the costs associated with constructing a replacement dwelling at the site;

- that the new dwelling will be sited further away from the protected trees to the front and rear of the site;

- the applicant was prepared to construct a replacement dwelling to meet Code Level 4 for the Code for Sustainable Homes to include the following features:-

Rainwater Harvesting
Ground Source Heat Pumps
Bio-Digester for effluent waste.

Whilst the Planning Statement submitted with the application suggests the willingness of the applicant to develop to Code for Sustainable Homes Level 4 it has been established through extensive discussions with the applicant's agent that the scheme has in fact not been designed to Code 4 therefore the Local Planning Authority are unable to use this as special justification in this instance. This said, the scheme appears to be able to achieve the criteria for a minimum Level 3 dwelling which is over and above the sustainable design and technology requirements for new development in this location.

These matters are discussed in greater detail in the subsequent sections of this report.

Viability

The justification put forward in the Design and Access Statement is that is more cost effective to demolish the existing building and construct a new dwelling than maintaining, repairing and extending the existing structure. The financial costs of constructing the replacement dwelling in relation to improving and extending the existing dwelling are provided with a cost difference of £122,047.00 being quoted to justify the new dwelling. Whilst the cost implications of constructing the replacement dwelling need to be taken into account it is considered that the evidence presented for this matter alone is inconclusive on its own as a special justification.

Impact on trees

The main issues to consider is the proximity of the trees to both the existing dwelling and the proposed dwelling.

If the existing dwelling is retained in its current position the foundations and walls of this dwelling will continue to be undermined by the trees located along the road frontage, in particular the Sycamore and Common Ash, which are protected by Tree Preservation Order (TPO) These trees and conversely the canopy and root system of the trees would continue to be impacted upon by the dwelling, unless measures are taken to safeguard the foundations of the house or the roots of the trees are cut back, thereby compromising the integrity of the protected trees and others which are located in close proximity..

The proposed replacement dwelling will be sited away from the four TPO trees on the site, thereby affording more space in which the root systems and canopies of the trees will remain unaffected by the proposed building works. Following a meeting with the Council's Arboricultural Consultant on 21 September 2011 it was confirmed that the physical construction works for the proposed replacement dwelling will be closely considered and monitored through the Building Regulations procedure and the impact of the foundations in respect of ground conditions and proximity to trees will be taken into account. The amended block plan received on 14 October 2011 shows the re-siting of the replacement dwelling 1.7m further to the west. The re-siting of the replacement dwelling 1.7m to the west will ensure that the dwelling and its foundations are sited further away from the four TPO trees at the site, thereby significantly reducing the impact of development upon

the roots and canopies of these trees.

A planning condition will be imposed that the development takes place in accordance with the method and extent of tree protection identified in the Arboricultural Report submitted with the planning application and that no storage takes place within the root protection areas. This will ensure that the impact of development upon the existing trees is taken into account and adhered to during the construction and demolition phases and that no storage takes place within the root protection areas of the protected trees at the site.

In respect of the proposed garage and car port and their proximity to the TPO Horse Chestnut and Sycamore trees to the rear of the site amended block and layout plans were received on 14 October 2011 showing the the removal of the car port and the re-siting of the garage 2m to the east.

The removal of the car-port and the re-siting of the garage and the toilet services 2m further to the east ensures that this part of the development will take place outside of the tree protection zones for the Horse Chestnut and Sycamore trees and that the services for the toilet will not compromise the root system of these protected trees.

The Council's arboricultural consultant has recommended that the hard standing (paths) proposed around the canopies of the protected trees located to the rear of the site should be excavated by hand. This will be imposed by way of an appropriately worded planning condition to protect the root system of these TPO trees.

On balance it is considered that there is merit in considering proposals for the replacement dwelling in this countryside location on the grounds that the trees at the site, including those protected by TPO status will continue to be compromised by the existing dwelling at the site, and on the basis that the replacement dwelling will be located further away from these protected trees.

Sustainability

As noted in the introduction of this report the applicant has put forward revised proposals to construct the proposed replacement dwelling to a Code for Sustainable Homes Level 3. These revised proposals have been put forward as it was considered that there was insufficient evidence to demonstrate that the replacement dwelling could be constructed to a Code Level 4 without impact on the protected trees or without substantial changes to the design of the proposal submitted.

On this basis an appropriately worded planning condition will ensure that the proposed dwelling is constructed to a minimum of Code Level 3. This will allow flexibility for the applicant to develop beyond Level 3 to include features which are compliant with Level 4 subject to those features not impacting on the protected trees.

It should be noted that there is no sustainability target within Policy 24 of the Core Strategy for residential development in this location. . However measures are put forward by the applicant as a special justification and therefore it is concluded that this proposal provides special justification in this instance.

Impact on character and appearance of the countryside

The front elevation of the proposed replacement dwelling will be sited 14m to the west of the existing property, it will be 0.8m higher in its ridge height and 0.17m higher to eaves height. The existing dwelling as extended under planning permission 10/00281/CLU would have a width along its front elevation of 17.2m, compared to 11.8m for the proposed replacement dwelling. Therefore in terms of its built form the proposed replacement dwelling would appear less bulky in its mass along the front elevation. In terms of floor area the replacement dwelling will be 198 square metres and the existing dwelling as extended under the planning permission 10/00281/CLU will be 201.8 square metres.

The replacement dwelling will be sited behind the existing mature screening located along the front elevation but will become more visible when approaching the site from Stapleton Lane to the west of the site. An amended landscaping plan was received on 04 November 2011 which shows that a beech hedge at a height of 1.2m and width of 1.5m will be provided along the full length of the revised western boundary of the site and implementation details have also been provided. It is considered that a beech hedge at a height of 1.2m and width of 1.5m is of sufficient thickness and height to screen the development and allow the replacement dwelling to assimilate into its amended countryside setting. A point of note that there is an existing line of

trees along the revised western boundary of the site which provide some screening to the site, but they would require bulking up to form a more defined boundary line.....
The replacement dwelling will be screened along its rear elevation by existing farm and stable buildings and trees and along its eastern elevation by the existing screening along the front boundary. The setting back of the dwelling from the western boundary allows the replacement dwelling to be screened by the existing mature tree line established along the front boundary.

An amended plan was received on 14 October 2011 showing further alterations to the external appearance of the dwelling. It is considered that these alterations are minor in relation to their impact on the external appearance of the replacement dwelling as they will still ensure that the sun room projection is glazed on all aspects, the front entrance door is provided to the principal elevation and a chimney with coping detail is retained in its proposed position along the southern elevation. The design of the proposed replacement dwelling incorporates design features that are reflective of the existing dwelling with the chimney stack, stone cills and brick lintels. The design also introduces a more symmetrical appearance to the dwelling along its front and rear boundaries with a low roof slope and glazed porch set between two gables and to the rear with a balcony set between two gables. The inclusion of the chimney stack to the southern elevation adds visual interest to the side boundary. The material finishes including stone gable features, dental courses, coping to the chimney stack and arches over the majority of the windows add further visual interest to the appearance of the dwelling.

The detached double garage in its amended position proposed to the rear of the dwelling will be single storey in construction and will be densely screened from the highway by the conifer hedge along the eastern boundary and by the trees to the front boundary. It will not be visible from the western approach due to the siting of the proposed replacement dwelling and the existence of TPO trees along the former western boundary and will be screened by the farm buildings to the rear.

Taking into account the existing screening at the site, which consists of mature trees along the front boundary, agricultural buildings and trees to the rear, the setting back of the replacement dwelling into the site (in its amended position) away from the highway frontage and the provision of further screening along the revised western boundary will mean that the proposed replacement dwelling will not be detrimental to the character and appearance of the open countryside. The proposed replacement dwelling is considered to be proportionate in scale to the existing dwelling as permitted under 10/00281/CLU and is not significantly higher in its ridge height that would result in an alien feature within the countryside. Therefore in summary the proposed replacement dwelling in its amended position is considered to be proportionate to the scale and size of the existing dwelling and in terms of its siting it is not detrimental to the character and appearance of the open countryside.

In order to protect the existing trees on the site it is considered prudent to impose a planning condition removing permitted development rights for the erection of extensions and outbuildings in this case. If these permitted development rights were not removed then the applicant would be able to extend the property by 5.9 metres either side of the replacement dwelling and by 4 metres to the rear, all at single storey. This would result in extensions that would be constructed to the trunk of the protected Sycamore Tree to the north. Similarly the applicant would be able to erect outbuildings that could be constructed under the canopy and up to the trunk of the protected trees if permitted development rights for incidental buildings were not removed.

Ecology

The bat survey found that the existing dwelling was actively used by a Brown long-eared bat and a Common Pipistrelle bat was also recorded. The Directorate of Chief Executive (Ecology) recommends that the proposed development takes place in accordance with the updated bat survey received on 04 November 2011. The Directorate of Chief Executive (Ecology) agrees with the compensatory roost proposals being put forward in the bat survey and that the existing dwelling should be retained until such time that the replacement roosting is provided within the replacement dwelling. They also recommend that a dawn return survey and intrusive survey be undertaken on the existing dwelling on the date of demolition under the supervision of a licensed bat worker, in accordance with the mitigation measures set out in the bat report. This will ensure that a final and thorough inspection of the existing house for the presence of bats/protected species is undertaken and if any are found they are safely removed and taken into care by the licensed bat worker. It is considered prudent in this case to impose two planning conditions which ensure that the existing dwelling is not demolished until such time that the compensatory roost facilities have been provided within the replacement dwelling and that

the applicant confirms in writing to the Local Planning Authority the date on which the compensatory roots have been completed.

Other issues

Impact on neighbour amenity

There are no dwellings within the vicinity of the site, therefore no potential for loss of amenity.

Highway issues

The proposed development will utilise an existing vehicle access and there will be sufficient space to the front of the dwelling to accommodate a minimum of four vehicles in addition to a double bay garage to the rear. The Director of Environment and Transport (Highways) has raised no concerns about the proposed development and recommend a condition relating to the hard surfacing of the access. The hard surfacing of the vehicular access and driveway constitute works outside of the root protection area of the protected trees at the site. A condition will be imposed that ensures the hardstanding of the first 5m of the access and driveway is undertaken within an agreed timeframe following demolition of the existing dwelling. The hardstanding cannot be undertaken until such time that the dwelling is demolished.

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

Based on the case put forward that the proposed replacement dwelling will be constructed away from the existing protected trees on the site and will be completed to a standard that complies with a minimum of Level 3 of the Code for Sustainable Homes it is considered that the applicant has demonstrated that special justification exists to merit a replacement dwelling in the open countryside, thereby resulting in a development that is compliant with the special circumstances set out in policy RES10 of the Hinckley and Bosworth Local Plan.

Taking into account the size of the plot, the existence of mature screening to the front, rear and eastern boundaries and the setting back of the property from the highway the proposed replacement dwelling is considered to be proportionate to the scale, size and bulk of the existing dwelling as approved under 10/00281/CLU 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 not considered to be detrimental to the character and appearance of the open countryside. 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 :

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. It is considered that sufficient justification has been put forward to merit the requirement for a replacement dwelling in this countryside location. By virtue of its scale, size and bulk the proposed replacement dwelling is considered to be proportionate to the existing dwelling and in terms of its siting is not detrimental to the character and appearance of the open countryside, to highway safety, to residential amenity or to the protected trees on the site. Therefore the proposed replacement dwelling is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- BE1, RES10, NE5, NE12, T5.

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: 01E (Site Location Plan),11A (Existing Plans and Elevations), received 10 June 2011 and 05S (Proposed Plans and Elevations), 12C (Garage Plans and Elevations) and 03Q (Block Plan) received on 14 October 2011, 18A (Site Layout Plan) and KL.129.003 A (Landscaping Plan) received on 04 November 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 A phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved scheme.

6 The car parking and any turning facilities shown within the curtilage of the proposed dwelling shall be provided in accordance with Drawing 03 Q and shall thereafter permanently remain available for such use.

7 The applicant shall confirm in writing to the Local Planning Authority the date on which the compensatory bat roosts have been completed to the replacement dwelling hereby approved and such roost facilities shall thereafter be retained.

8 The development shall be carried out in strict accordance with the mitigation measures for the safeguarding of bats included in the 'Bat Survey and Report for New House Farm, Stapleton Lane, Dadlington' produced by Ecolocation dated 02 November 2011.

9 None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

10 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details shown on drawing number KL.129.003 A received on 04 November 2011. All works which form part of the approved landscaping scheme shall be completed within the first planting season following the occupation of the replacement dwelling. 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.

11 Notwithstanding the submitted information, before development commences on site details of the method of constructing the areas of hardstanding for the parking area to the north of the proposed detached garage identified on the Block Plan (03Q) shall be submitted to and approved in writing by the Local Planning Authority. The method of construction shall include a no-dig design and be carried out in accordance with the approved scheme.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 2 Classes A and

E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

13 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the replacement dwelling hereby approved can be constructed to a minimum of Code Level 3 be provided to the Local Planning Authority. In addition, prior to the 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 be provided to 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 To ensure that the demolition of the existing dwelling doesn't prejudice the comprehensive redevelopment of the remainder of the site, to prevent the establishment of a separate unit of residential accommodation where residential development is strictly controlled, to protect features of nature conservation and to reduce the possibility of deleterious material being deposited with the highway, in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation and policies BE1, T5, RES10 and NE5 of the Hinckley and Bosworth Local Plan 2001.

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

7 To ensure that provision is made within the proposed replacement dwelling for the roosting of species of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

8 To ensure that provision is made within the proposed replacement dwelling for the roosting of species of nature conservation in accordance with Planning Policy Statement 9: Biodiversity and Geological Conservation.

9 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees at all times, in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

10 To ensure that the landscaping work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan

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13 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy

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 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

6 Access drives, parking and turning areas, paths and patios should be constructed using 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, discharged to an approved outlet.

7 The hard surfacing of at least 5m of the access, driveway and turning space behind the highway cannot be completed until such time that the existing dwelling is demolished.

8 With reference to condition 5 above the phasing scheme shall include:-

i) timetable for demolition
ii) timetable for the implementation of the parking and turning provision.

Contact Officer:- Scott Jackson Ext 5929