

APPLICATION NO	PA/2009/0795
APPLICANT	Mr & Mrs K & S Anderson
DEVELOPMENT	Planning permission to erect a replacement dwelling and a detached double garage/store
LOCATION	Low Farm, Brigg Road, Messingham
PARISH	MESSINGHAM
WARD	Ridge
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST3 – the site lies within the open countryside. Development will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the open countryside.</p> <p>Policy RD2 lists the type of development acceptable within the open countryside. Replacement dwellings are considered to be acceptable within the open countryside.</p> <p>Policy RD10 provides specific design guidance for replacement dwellings. In addition, replacement dwellings cannot exceed the volume of the original dwelling by more than 20% and cannot be substantially higher in elevation.</p> <p>Policy DS1 provides general design guidance for all new development.</p> <p>Policy T2 requires all new development to have a satisfactory access.</p>
CONSULTATIONS	<p>Highways: No objection subject to conditions.</p> <p>Severn Trent Water Ltd: No objections subject to conditions.</p>

Environment Agency: No objection subject to conditions.

PARISH COUNCIL

No objection.

PUBLICITY

Advertised by site notice only, as no neighbours in the immediate vicinity. No responses have been received.

ASSESSMENT

This proposal is for a replacement dwelling and detached garage. The existing dwelling on the site is a modest three-bedroom cottage with a large rear extension. The dwelling is boarded up and is falling into disrepair. The proposed dwelling is a four-bedroom detached dwelling. The design of the dwelling is a cottage-style property with a shallow roof pitch and sash windows.

The main issues associated with this case are whether, in planning policy terms, a replacement dwelling is acceptable on this site, and if so, whether the size and design of the dwelling is acceptable in this rural location.

Under policy RD2 of the North Lincolnshire Local Plan, replacement dwellings are permitted within the open countryside on a one for one basis. In terms of the siting and design of the dwelling, this is considered to be acceptable. The dwelling would be set back further into the site and would not be overly prominent from the road. The dwelling would not have an adverse impact on the amenity of the locality or on neighbours. In terms of the design, the cottage-style design is an improvement on the existing cottage on the site. The proposal therefore accords with policy RD2.

Policy RD10 of the North Lincolnshire Local Plan permits replacement dwellings providing that they would not exceed the volume of the original dwelling by more than 20% inclusive of permitted development rights. In this particular case the replacement dwelling will be approximately a 50% increase on the original dwelling. However, the original dwelling is modest in size and the proposed dwelling, in terms of design and positioning on the site, is considered to be an improvement, in planning terms, of the existing situation on site. There is therefore considered to be a justified exception to policy RD10 in this case.

In terms of the height of the buildings, the existing building is 7.1 metres (maximum height) and the proposed building is 7.8 metres (maximum height). It is therefore not considered that the proposed dwelling

would be substantially higher in elevation than the existing dwelling. The proposal therefore accords with this part of policy RD10.

In terms of the proposed access, Highways are happy with the access arrangement. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan. In terms of DS1, the proposed dwelling has been designed to be in character with the rural area and would not therefore have a detrimental impact on the amenity of the locality. No neighbours would be affected by the development. and it is considered that the proposal is acceptable within the open countryside.

RECOMMENDATION

Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

3.

No development shall take place until drainage plans for the disposal of surface water and foul water have been submitted to and approved in writing by the Local Planning Authority. Thereafter only the approved scheme shall be implemented on site and retained as such at all times.

Reason

To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution in accordance with Policy

DS14 of the North Lincolnshire Local Plan.

4.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Sites and Monuments Record Office, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

5.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record Office within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

No development shall take place until a comprehensive site survey by a competent person shall determine the existence, extent and concentrations of any landfill gas with the potential to reach the application site. The requirements of the Planning Authority shall be fully established before the site survey is commenced. Two full copies of the survey, findings and conclusions shall be submitted to the Planning Authority without delay upon completion. A written scheme to be implemented and completed by a competent person detailing measures to contain, manage and/or monitor any landfill gas with the potential to reach the application site shall be submitted to the Local Planning Authority. The scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development and implemented prior to occupation of the development. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

8.

Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extensions, alterations or buildings shall be installed in the building or erected on the site other than those expressly authorised by this permission.

Reason

In order to regulate and control development on the site which lies in the open countryside in accordance with policy RD10 of the North Lincolnshire Local Plan.

9.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

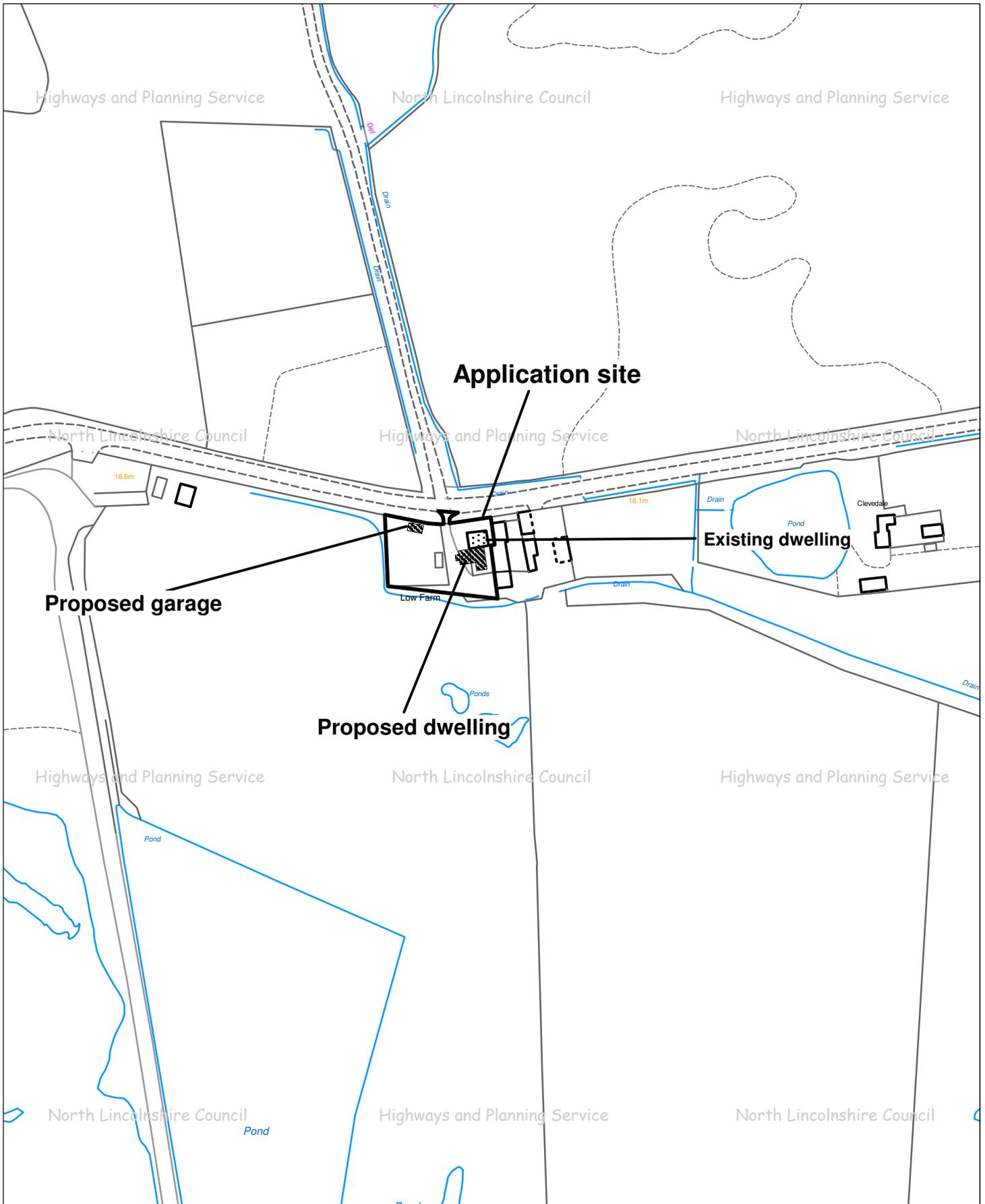
No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of features to be installed to support bats and nesting birds;
- (b) proposed timings for the installation of the above features in relation to the completion of the building;
- (c) details of measures to be taken during the construction phase of the proposal to avoid harm to bats, nesting birds and other protected species or priority species. The details shall include work timings.

The management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

Reason

To protect features of recognised nature conservation importance in accordance with policies LC5 and DS1 of the North Lincolnshire Local Plan.



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Highways and Planning Service

Service Director,
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