

APPLICATION NO	PA/2011/0567
APPLICANT	Mr P Friskney
DEVELOPMENT	Planning permission to demolish an existing dwelling and associated buildings and erect a replacement dwelling with an integral granny annex
LOCATION	Millhouse Farm, Brackenhill Road, Haxey
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy RD2 (Development in the Open Countryside) states that such development will be strictly controlled. This policy lists the type of development that is acceptable in the open countryside, which includes the replacement, alteration or extension of an existing dwelling (vii).

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside). This policy limits the size of replacement dwellings in the open countryside to 20% of the volume of the original dwelling, exclusive of normal permitted development rights, and providing the replacement dwelling would not be substantially higher in elevation. This policy also ensures development is of a high design standard and would not result in an adverse impact on neighbours or the locality.

Policy LC5 (Species Protection) – planning permission will not be granted for development that would have an adverse impact on protected species.

Policy LC12 – proposals for new development should ensure, where possible, the retention of trees, woodland and hedgerows.

Policy LC14 (Area of Special Historic Landscape Interest) – development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

Policy T2 – all development should have a satisfactory access.

Policy DS1 (General Requirements) – all development should have a high standard of design.

North Lincolnshire Core Strategy: Policy CS1 – this site is located within the open countryside. In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

North Lincolnshire's townscapes and historic landscapes will also be protected and enhanced and high quality design encouraged. In particular, the nationally significant historic landscapes of the Isle of Axholme and Crowle Moors will be conserved and their potential as a tourist and educational resource realised. The character and landscape setting of the area's historic market towns will be safeguarded (especially Barton-upon-Humber, Crowle and Epworth) and the rich archaeological heritage of North Lincolnshire will be preserved and enhanced. The value of regionally and locally important sites will be enhanced and opportunities to improve green infrastructure will be included in all new development.

Policy CS2 – any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS3 – development limits will be applied to the Scunthorpe urban area, the market towns and rural settlements. They will not be applied to rural settlements in the countryside. Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS8 – in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

CONSULTATIONS

Highways: No objection.

Severn Trent Water Ltd: No objection.

Yorkshire Water: No comments.

Environment Agency: No objection.

PARISH COUNCIL

'Supports the application but comments about the size of the development and to make you aware of footpath 97.'

PUBLICITY

Advertised by site notice. No responses received.

ASSESSMENT

This proposal is to demolish the existing dwelling and associated buildings and erect a replacement dwelling with an integral granny annex and garage. The existing dwelling was granted a Lawful Development Certificate in 2008 (PA/2007/1864). The proposal involves the erection of a U-shaped dwelling with the principal elevation facing Brackenhill Road. The site is on a plateau and is surrounded by trees. The remainder of this dwelling is one to one and a half storeys high and has been designed as a country house. The vehicular access is from Brackenhill Road. The dwelling itself will be enclosed by a 2.4 metre high wall. The accommodation is four bedrooms on the first floor. The ground floor includes the granny annex, lounge, kitchen, family room, games room and utility/shower.

The main issues associated with this case are whether the proposal is in accordance with planning policies, and if not, whether there is any justification for departing from prevailing planning policy. The impact on the landscape and the locality has to be assessed as does the impact on trees, the highway network, public right of way and any protected species on the site.

In terms of planning policy, the scheme exceeds the volume of the existing dwelling on the site by over 100%. This is clearly contrary to policy RD10 of the North Lincolnshire Local Plan. The reason for this policy is to reduce the impact replacement dwellings have on the open countryside. In this case it is accepted that the proposed dwelling is much larger than the existing dwelling on the site. This is due to the inclusion of a granny annex and integral garage. However, the dwelling has been designed in such a way that it will not be overly prominent on the Isle of Axholme landscape and the countryside itself. The principal elevation will be visible from Brackenhill Road, but the remainder of the dwelling will fall back into the landscape. The dwelling will be enclosed by a 2.4 metre high wall which will shield a large part of the dwelling from view. The dwelling will be screened by a number of mature trees as the existing dwelling is. This further reduces the impact the dwelling would have on the open countryside. The existing and various outbuildings have fallen into disrepair. The site has been fenced off and windows and doors boarded up. It is therefore beneficial for a replacement dwelling to be erected on the site. It is considered, due to the design, siting and accommodation needs of the applicant, that a replacement dwelling of this size can be justified in this special case.

In terms of impact on the landscape, the local planning authority considers that the character and appearance of the LC14 (Area of Special Historic Landscape) will be retained and enhanced by this development. Many of the existing trees on the site will be retained and various dilapidated buildings will be removed from the site. The site has been carefully designed to reduce its appearance on the landscape with its U-shaped design and the site will be enclosed by the proposed boundary treatment. The proposal therefore accords with policies DS1 and LC14 of the North Lincolnshire Local Plan.

In terms of impact on the highway and adjacent public right of way, Highways and the council's Public Rights of Way Officer have raised no objections to the proposal. In terms of protected species of importance on the site, this can be dealt with by planning conditions. The issue of protecting the retained trees on the site can also be dealt with by planning conditions.

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.

The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, PF/H/100/01, PF/H/100/02, PF/H/100/03, PF/H/100/04, PF/H/100/05, PF/H/100/06 and PF/H/100/07.

Reason

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

3.

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.

4.

A method statement shall be submitted to and approved in writing by the local planning authority in relation to the provision of bat bricks/boxes and bird nesting sites or boxes in advance of the development commencing on site. The agreed method statement shall subsequently be implemented on site. The statement shall include details of procedures to be adopted to avoid disturbance to nesting birds or bird nests when they are in use.

Reason

In order to safeguard protected species on the site in accordance with policies LC5 and DS1 of the North Lincolnshire Local Plan.

5.

A method statement shall be agreed in writing with the local planning authority and implemented on site in relation to an agreed procedure in the event that any bats are found during development work.

Reason

In order to safeguard protected species on the site in accordance with policies LC5 and DS1 of the North Lincolnshire Local Plan.

6.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site

affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.

7.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

8.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

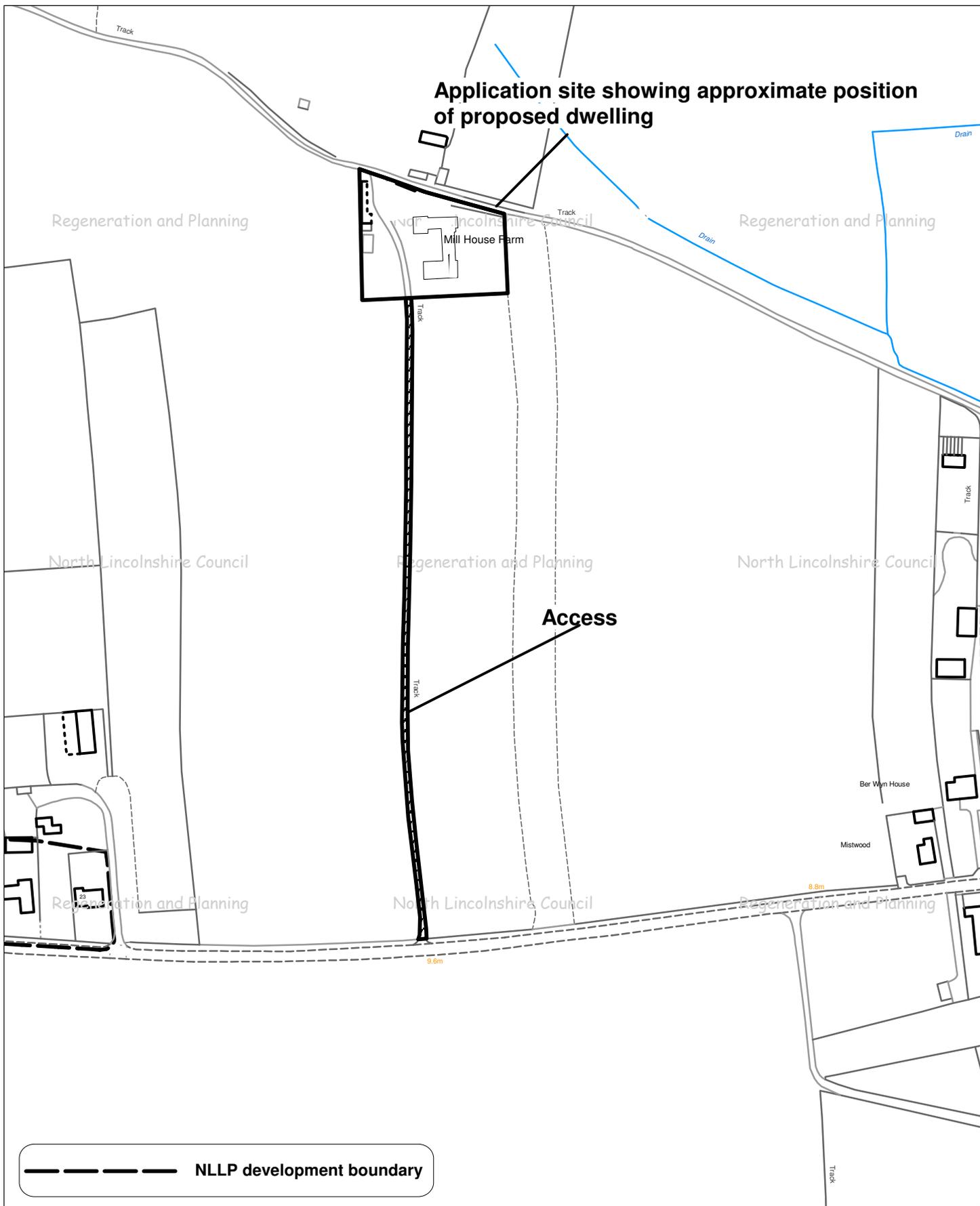
To enhance the appearance of the development in the interests of amenity.

9.

Notwithstanding the provisions of Classes A, B, C, D 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 or alterations shall be carried out to the dwelling, nor buildings erected on the site, other than those expressly authorised by this permission.

Reason

In order to safeguard the amenity of the open countryside in accordance with policies RD10 and LC14 of the North Lincolnshire Local Plan.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



Regeneration and Planning

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