

APPLICATION NO	PA/2012/0545
APPLICANT	Mr W Smith
DEVELOPMENT	Planning permission to erect a three-bedroom detached replacement dwelling including the demolition of the existing detached dwelling
LOCATION	The site of Priesthows, Butterwick Road, Messingham
PARISH	MESSINGHAM
WARD	Ridge
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Subject to the revocation of PA/2009/1270, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Revocation order required and contrary to policy RD10 of the North Lincolnshire Local Plan

POLICIES

National Planning Policy Framework: Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

North Lincolnshire Local Plan: Policy RD2 (Development in the Open Countryside)

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

CONSULTATIONS

Highways: Advise conditions (3 and 4).

Environmental Protection: Raise concerns that due to the agricultural nature of the site there is the potential for the land to be contaminated through the use of agrochemicals, pesticides, petroleum, hydrocarbons and asbestos which may impact upon human health and the wider environment. Therefore Environmental Protection recommend that, should the application be approved, a condition relating to the assessment and mitigation of land contamination be included.

Ecology: No objection subject to conditions, following the submission of a bat and bird survey.

Severn Trent Water Ltd: No objections or comments.

PARISH COUNCIL

No objections or comments.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No letters of comment or objection have been received.

ASSESSMENT

The application site is located in the open countryside, outside the settlement of Messingham, close to the junction of Northmoor Road and Butterwick Road. The site is part of a former agricultural holding and is currently occupied by a vacant two-storey dwelling, with a range of outbuildings to the rear; these buildings are set well back from Butterwick Road. The site is in a fairly isolated position and is surrounded by open fields to the north, east and west, an irrigation pond to the north-west and Bridge Farm to the south. The only

neighbouring property is a single-storey detached bungalow to the south-west, which is owned by the applicant. The buildings on site appear to have been vacant for a number of years, but the dwelling has been boarded up and made secure. The site and surrounding land is fairly open and flat, however there is tall (approximately 2.5 metres) hedging along the frontage of the site and further hedging is evident between agricultural fields in the vicinity. Furthermore, the applicant has recently planted further hedging directly adjacent to the north-west corner of the application site. Directly to the south of the site, across Butterwick Road, is an area used for caravan storage and fishing ponds.

Planning permission was granted in 2006 (PA/2006/1558) for the erection of a replacement dwelling on the site. Permission was then granted in 2009 to extend the time limit on this application (PA/2009/1270). Therefore there is a live planning permission on the site for a replacement dwelling. This permission is for a two-storey replacement dwelling on a similar footprint to the existing dwelling. This application seeks planning permission for the erection of a single-storey replacement dwelling 10 metres to the east of the existing dwelling.

Policy RD10, amongst other things, limits the size of replacement dwellings in the open countryside to no more than 20% larger than the dwelling they replace. In this case the new dwelling is more than 20% larger than the existing dwelling.

It is important, however, to allow some flexibility in this approach and the policy allows extensions that could be built to the existing dwelling without planning permission to be considered. If this approach is followed the new dwelling is within the 20% allowed and the policy is thereby complied with. The dwelling as proposed is therefore considered acceptable as it does not harm the amenity of the open countryside.

The main issues to consider in the determination of this planning application are whether the proposed dwelling is acceptable in terms of its design, location and impact upon the character and appearance of the area and whether the loss of the existing dwelling would result in loss of habitat for protected species.

The existing dwelling is a two-storey semi-detached building that has been vacant for some time and as such has fallen into disrepair and has begun to have a harmful impact upon the appearance of the area. The proposed dwelling will be very different in design, being a single-storey bungalow, with a larger footprint. The bungalow is of a relatively simple design, being a straightforward rectangular shape with the principal elevation facing the road and the majority of openings being to the front and rear. Traditional materials will be used in the construction of the dwelling in the form of red bricks and clay pantiles. The building is very similar in design to the only neighbouring dwelling (the applicant's detached bungalow to the south-west), however it will be constructed of more aesthetically pleasing materials that better suit its countryside location. Due to the single-storey nature of the dwelling and the existing hedging along the road frontage, along with recently planted hedging adjacent to the site, the proposed dwelling will be reasonably screened from view from the public highway and will have no significant impact upon the appearance of the wider area.

A range of former agricultural outbuildings are located directly to the rear of and close to the existing dwelling and this is one of the major reasons for relocating the replacement dwelling 10 metres to the east. This will allow for an open, more useable, rear garden area for the property and will offer unrestricted views over the fields to the rear. Currently the rear elevation of the existing dwelling faces directly onto the outbuildings, which stand in the area that would normally be used as private amenity space. As outlined above the design of

the dwelling, its low height and existing screening mean that it will not have a significant visual impact. Furthermore, it is considered that the relocation of the dwelling 10 metres east of the existing dwelling will have no harmful impact upon the character and appearance of the area and will allow for a more practical residential layout by separating the dwelling and the existing outbuildings, which are to be retained.

The applicant has, at the request of the council's ecologist, carried out and submitted a bat and breeding bird survey. This report concluded that there was no evidence of the site being used by roosting bats, however the dwelling was found to be used by breeding barn owls. Consequently, a method statement in respect of barn owls has been submitted setting out a specific mitigation strategy to maintain barn owl breeding potential at the site. The council's ecologist has confirmed the acceptability of this survey, its methods and the interpretation of results. Furthermore, he has confirmed that, subject to conditions requiring all works to be in accordance with the submitted method statement and further requiring the provision of bat, barn owl and bird boxes within the existing outbuildings on the site, the proposed development will not result in the loss of habitat for protected species.

The council's Environmental Protection team have requested a condition requiring a full contaminated land assessment and remediation scheme to be submitted prior to development commencing. However, this request is not based on any evidence of contamination on the site, rather it is based on the fact that the site has previously been used for the purposes of agriculture and as such pesticides etc may have been used at some time in the past. Bearing in mind the expense and time involved in preparing these specialist reports, it is considered this condition would be unreasonable. Instead a condition has been recommended that would require the applicants to stop work and contact the council's Environmental Protection team should any odorous, discoloured or otherwise visually contaminated land be discovered on site. This condition will adequately protect the development from the potential of contaminated land, whilst avoiding the need for expensive reports to be produced unnecessarily.

It should be noted that the proposed dwelling is located 10 metres to the east of the existing dwelling, and the dwelling that still has planning permission under PA/2009/1270. Should planning permission be approved for the proposed dwelling then the site would have permission for the erection of two separate replacement dwellings. Therefore, should members be minded to approve the current application, then a revocation order will need to be signed, revoking the existing permission (PA/2009/1270) before this permission is issued.

RECOMMENDATION

Subject to the unopposed revocation of planning permission PA/2009/1270 dated 31 December 2009, the committee resolves:

- (i) it is mindful to grant planning permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the revocation order;**
- (iii) if the revocation order is not completed by 17 April 2013 the Head of Development Management be authorised to refuse the application on the grounds of unjustified development in the open countryside; and**

(iv) the permission to be granted be 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: S.12/269/2.

Reason

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

3.

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.

4.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by 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.

6.

All works shall be carried out in accordance with the submitted document 'Method Statement In Respect Of Barn Owl, Tyto Alba, At The Site Of Priesthows, Butterwick Road, Messingham, North Lincolnshire', dated August 2012.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

7.

Prior to occupation of the new dwelling hereby permitted, the applicant or their successor in title shall install the following features in the outbuildings shown on submitted drawing number S.12/269/2 RevA:

- a permanent barn owl (*Tyto alba*) box as specified in the submitted barn owl method statement;
- at least two nesting features for barn swallow (*Hirundo rustica*);
- at least two woodcrete bat boxes.

The approved features shall be retained in working condition thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roost and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

8.

The replacement dwelling hereby approved shall not be occupied until the existing dwelling on the site has been demolished.

Reason

In order to prevent two dwellings on the site, which is located within the open countryside, in accordance with policies RD2 and RD10 of the North Lincolnshire Local Plan.

9.

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 re-enacting that order with or without modification), no extensions or alterations shall be installed on the approved dwelling and no buildings erected on the site other than those expressly authorised by this permission.

Reason

In order to regulate and control development on this site which is located within the open countryside in accordance with policies RD2 and RD10 of the North Lincolnshire Local Plan.

Reasons for approval

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission and revocation of planning permission PA/2009/1270, the proposed development would be in accordance with the development plan, would not materially harm the character of the area nor the living conditions of neighbouring occupiers, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies RD2, RD10, H8 and DS1 of the North Lincolnshire Local Plan, policies CS1, CS2, CS3, CS5 and CS8 of the North Lincolnshire Core Strategy and national policy set out in the National Planning Policy Framework.

PA/2012/0545 - PROPOSED LAYOUT
 NOT TO SCALE

