

<b>APPLICATION NO</b>	<b>PA/2016/481</b>
<b>APPLICANT</b>	Mr & Mrs Hinz
<b>DEVELOPMENT</b>	Planning permission to erect a replacement dwelling (including demolition of existing house)
<b>LOCATION</b>	Orchard House, access road to West Carr Houses, Epworth, DN9 1LF
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from planning policy

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states 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.

**North Lincolnshire Local Plan:** Policies DS1, DS9, DS16, RD2, RD10, H5, H8, T1, T2 and LC5 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS7, CS8, CS17 and CS19 apply.

## CONSULTATIONS

**Fisher German:** There is a high pressure gas pipeline and in order to verify the accurate location the applicant is advised to contact Central Services to enter into works consent. Easement strips are 6 metres wide and can incorporate other associated pipeline system facilities. The Energy Act 2013 prohibits any development and most intrusive activities within the easement strip without specific consent. No work or activity should be undertaken without first contacting the pipeline system operator.

**Highways:** No objection, but recommend a condition requiring vehicle parking and turning spaces to be provided prior to occupation of the dwelling.

**Environmental Health:** No objection, but recommend a condition requiring investigation of any contaminated material found during construction.

**Environment Agency:** Following receipt of a supplemental flood risk assessment, no objection subject to a condition relating to the development taking place in accordance with the mitigation measure in the FRA.

**Ecology:** Following receipt of an ecology report, no objection subject to conditions relating to the submission and implementation of a biodiversity management plan.

## TOWN COUNCIL

No objection.

## PUBLICITY

Neighbouring properties have been notified and a site notice posted. One letter of comment has been received drawing attention to the fact that there is a high pressure gas pipeline to the south of the existing property.

## ASSESSMENT

Planning permission is sought to erect a replacement dwelling in the open countryside. The site currently contains a two-storey detached farmhouse set within a large plot to the rear of farm buildings and dwellings. The existing dwelling is set back from the highway by a distance of approximately 250 metres and is accessed via a farm track from Idle Bank to the north-east. The existing dwelling is constructed from red brick (painted white) with a red concrete tiled roof.

**The main issues in the determination of this planning application are the principle of development and impact on residential amenity.**

### Principle

The proposal is for the erection of a replacement dwelling on land classed as open countryside. Policy RD2 of the North Lincolnshire Local Plan therefore applies and states that development in the open countryside will be strictly controlled and only permitted for development which is for the replacement, alteration or extension of an existing dwelling. Policy RD10 also applies and states that proposals to replace, extend or alter dwellings in the open countryside will only be permitted provided that:

- (i) the replacement dwelling would not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation;
- (ii) all new construction is of a high standard of design and in particular reflects the architecture of the building and/or vernacular styles in the locality; and
- (iii) the appearance or use of the dwelling as replaced, extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

The proposal results in a dwelling which is 70% larger in volume than the existing property and which is 2 metres higher in its ridge height. Whilst the replacement dwelling (in terms of volume) results in a substantially larger property, it will not be highly visible in the rural landscape (owing to surrounding screening in the form of mature trees along the boundary and rural buildings in close proximity). Consequently the proposal is not considered to amount to a significant departure from local plan policy.

The existing property is a large, traditional two-storey detached cottage constructed from brick (painted white) and a red concrete tile, with a single-storey outbuilding to the side. The existing dwelling, with the exception of the two chimney stacks on the southern roof slope has little or no defining details of interest; it is somewhat tired and dilapidated in its appearance. The existing dwelling has its principal gables facing east and west; the proposal is to introduce a replacement dwelling which is re-orientated through 90° and positioned slightly further to the west, the position of which slightly overlaps the footprint of the existing single-storey outbuilding. The positioning of the replacement dwelling is considered acceptable in this case, particularly as its principal elevation will address the approach road and it respects the siting of the existing dwelling and how it responds to its surroundings. The replacement dwelling will not be substantially higher in its finished ridge height, it respects the openness that exists between the existing dwelling and its boundaries/neighbouring properties, and is proportionate to the scale of the site. Given the substantial tree planting along the boundaries of the site, views of the proposed replacement dwelling will be restricted. Furthermore the dwelling will not be viewed in isolation in the countryside – it will be viewed against the backdrop of existing farm buildings and dwellings located to the north and north-east.

The replacement dwelling has been designed with its principal elevation facing east, towards the driveway. The replacement dwelling has a balanced appearance to its principal elevation with first-floor windows in vertical alignment with ground-floor openings. The symmetrical approach is continued into the front roof slope with six rooflights positioned at regular intervals and a chimney located to each of the gables. The balanced approach is repeated along the rear elevation where the dormer windows within the rear roof slope and the first-floor openings are in vertical alignment with ground-floor openings. In addition a large, double-height glazed opening is proposed to the rear elevation, which will be positioned centrally and will add visual interest, together with a strong design feature. Each of the elevations and roof slopes will be broken up by a mix of windows, dormer windows and rooflights. Visual interest is added to the appearance of the replacement dwelling through the inclusion of features such as stone cills, brick headers, eaves detailing, stone coping to the gables, chimneys to each of the gables, a front door framed by a timber entrance porch and a projecting gable to the rear with full height glazed opening and a varying ridge height. It is considered prudent to recommend a condition requiring details of the external finishing materials to be submitted for consideration; this will allow the local

planning authority to ensure that the appearance of the replacement dwelling assimilates appropriately into its rural location.

Whilst the proposal is higher and larger than the existing dwelling, it is considered that the replacement dwelling presents an opportunity to provide residential development which is of a high standard of design, which responds to its rural surroundings and doesn't result in an alien or discordant feature in the countryside. The principle of a replacement dwelling in this rural location is considered acceptable in this case.

### **Residential amenity**

The proposal is not considered to result in loss of residential amenity in this case. The applicant will retain a significant amount of private amenity space around the replacement dwelling and will have a minimum of three off-street parking spaces to the front, together with an area for turning vehicles. It is considered necessary and reasonable to recommend a condition requiring the existing dwelling to be demolished and the debris removed from the site within six months of the occupation of the replacement dwelling. There is a high pressure gas pipeline located 40 metres to the east of the existing house, which runs in a north to south direction parallel to Idle Bank. The proposed replacement dwelling, together with the excavations required for its foundations, will not encroach into this pipeline or into the 6 metre easement afforded to either side. It is considered prudent to attach a note to the applicant with any planning approval to inform them of the proximity to this pipeline and it is incumbent on them to contact Central Service before undertaking any construction works.

Given the scale of the replacement dwelling and the location of the dwelling in the open countryside, it is considered necessary to remove permitted development rights to extend or alter the replacement dwelling in this case.

### **Other issues**

The proposed replacement dwelling will be located in Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment (SFRA). An updated FRA has been submitted with the planning application; the Environment Agency has removed their previous objection and recommended a condition that development takes place in accordance with the FRA and the mitigation measure set out therein.

### **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: HINZ/2016/01 and HINZ/2016/02.

#### **Reason**

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

3.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Mark Simmonds Planning Services, May 2016, including the following mitigation measures detailed within the FRA:

- finished floor levels set no lower than 3.5 metres above Ordnance Datum; and
- an additional 600 millimetres of flood resistance and resilience measures to be incorporated into the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

4.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development 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.

5.

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 measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bird nest boxes and bat roosting features to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the completion of the building.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

6.

The biodiversity 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. The applicant or their

successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

7.

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.

8.

Within six months of the replacement dwelling hereby permitted being first occupied the existing house shall be demolished and all debris removed from the site, and the land established as vehicle parking and turning areas as shown on drawing HINZ/2016/01 and thereafter retained.

**Reason**

To define the terms of the permission and to ensure that two dwellings are not provided on the site in a rural area where residential development is strictly controlled, to ensure the timely removal of the existing house and to provide the parking and turning areas to serve the proposed replacement dwelling.

9.

Notwithstanding the provision of class A 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 shall be erected on the site other than those authorised by this permission.

**Reason**

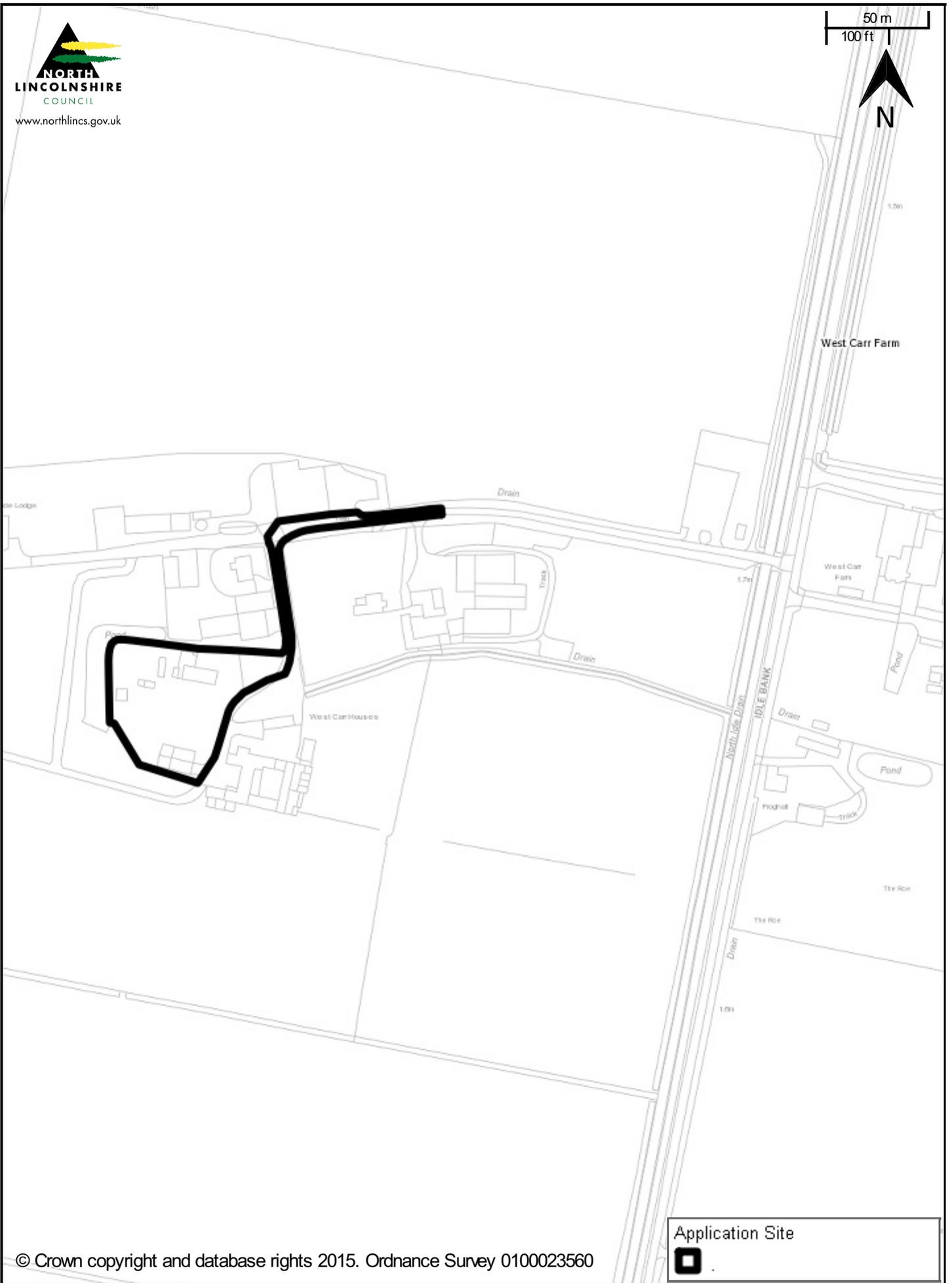
To define the terms of the permission and to ensure that the replacement dwelling hereby permitted is in keeping with the character and appearance of the countryside, in accordance with policies RD2 of the North Lincolnshire Local Plan and CS3 of the adopted Core Strategy.

**Informative 1**

Your attention is drawn to a high pressure gas pipeline located close to where the replacement dwelling is proposed. Before any construction works commence on site you are strongly advised to contact Central Services (the pipeline operator) on 01799 564101 or [anne.swallow@clhps.uk](mailto:anne.swallow@clhps.uk) for advice on this matter.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Application Site  

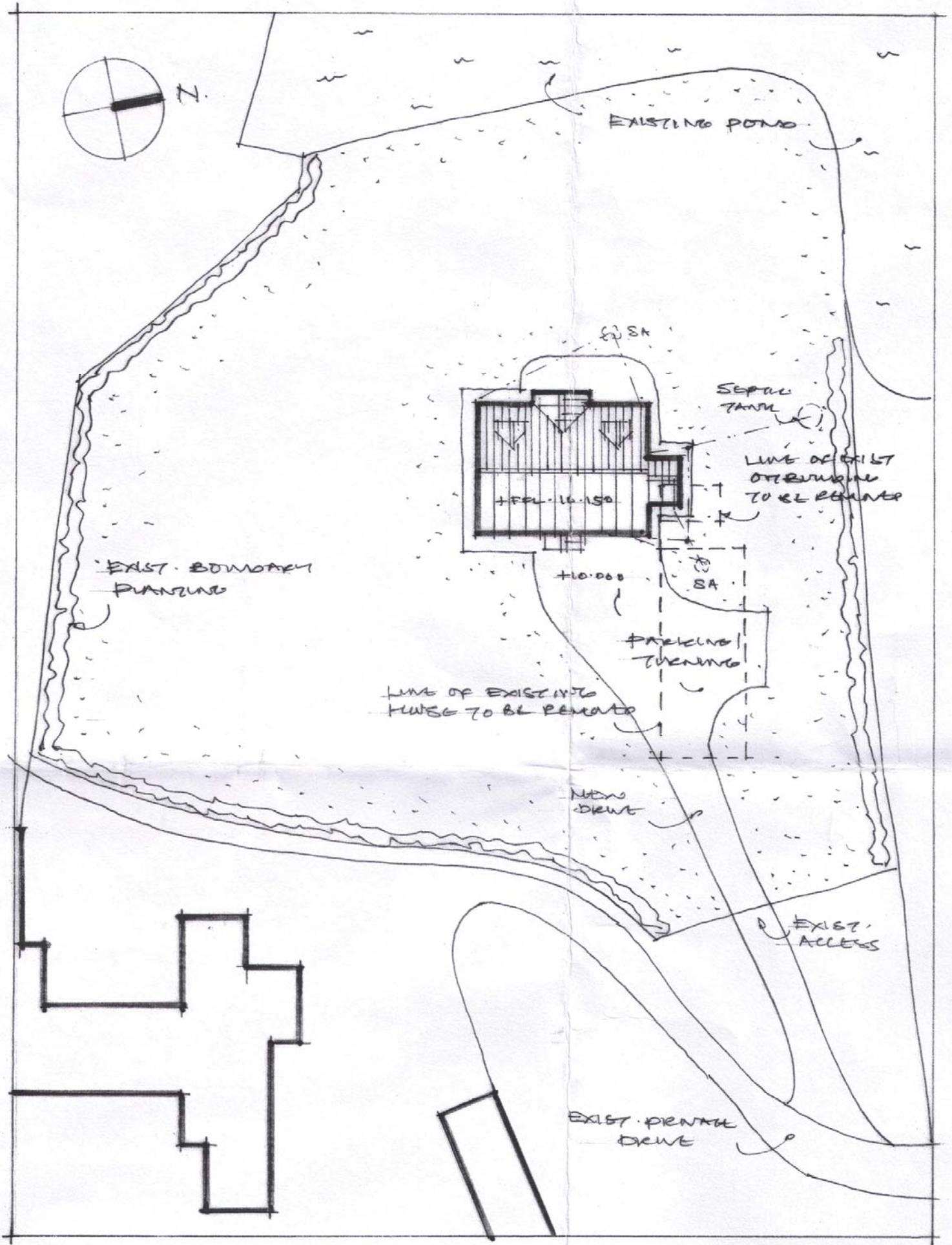



Front Elevation.



Rear Elevation.

PA/2016/481 Proposed Site Layout - Not to scale



PA/2016/481 Photos showing existing dwelling

