

APPLICATION NO	PA/2011/0747
APPLICANT	Mr C & Mrs S Morley
DEVELOPMENT	Planning permission to demolish an existing building, and erect a new dwelling and boundary wall with associated access
LOCATION	The Poplars, Brigg Road, Wressle, Broughton
PARISH	BROUGHTON
WARD	Broughton and Appleby
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy RD10

POLICIES

North Lincolnshire Local Plan: Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) states that proposals to replace dwellings in the open countryside will only be permitted provided that the replacement dwelling would not exceed the volume of the original dwelling, which it is to replace, by more than 20% and would not be substantially higher in elevation.

Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Permission will only be granted for development which is for the replacement of an existing dwelling provided that the development would not be detrimental to the character or appearance of the open countryside in terms of siting, scale, massing, design and use of materials.

Policies T1 (Location of Development), T2 (Access to Development) and DS1 (General Requirements) also apply.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire) – the spatial strategy will focus on Scunthorpe. Within rural settlements development will be limited to and should take into account levels of local service provision, infrastructure capacity, and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS3 (Development Limits) – the site is located outside the development limits of Brigg. Development outside defined settlement boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy CS7 (Overall Housing Provision) – within rural settlements and the countryside 30-35 dwellings per hectare should be achieved.

Policy CS8 (Spatial Distribution of Housing sites) – housing development in the open countryside will be strictly limited. Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the open countryside.

CONSULTATIONS

Highways: Advise conditions (numbers 9 to 12).

National Grid: Advise that the works, unless controlled, are likely to adversely impact the safety and integrity of National Grid apparatus. The developer must contact them before any works commence. A 300mm pipe is located nearby and may need to supervise any work.

TOWN COUNCIL

No objections or comments.

PUBLICITY

Neighbouring properties have been notified and one letter has been received stating no objections.

ASSESSMENT

The application site lies in the open countryside and is currently occupied by a two-storey detached cottage which is built close to the site frontage with Brigg Road. There is an existing vehicle access into the site. There are existing properties to the south of and opposite the site and the dwellings along Brigg Road are a mix of designs and single and two-storey detached, semi-detached and terraced dwellings.

The main issue in determining this application is whether or not the scale and size of the replacement dwelling is appropriate in this open countryside location. Additional issues are whether the re-siting of the dwelling is acceptable and whether the impact upon protected species (bats) is acceptable.

It should be noted that the replacement dwelling will be larger in scale than the property it is to replace. However, this very large plot is more than large enough to accommodate the replacement dwelling. Policy RD10 specifically sets a limit on the increase in the size of new dwellings to 20%. The existing dwelling on this site and an adjacent utility building together are 1000m³; the proposed dwelling would be 1868m³, an increase of 86%. However, the site is in an area which is fairly well built-up in places and there are other large two-storey houses in the vicinity. The replacement dwelling would be sited further back within the site than the existing dwelling. Considering the impact upon the street scene this is acceptable as the design of the new dwelling is an improvement on the existing dwelling. Planning officers did raise some initial concerns about the design details of the new property but these have been addressed following negotiations with the agent. No material harm would be caused to the open countryside, or the amenity of neighbours, by moving the dwelling back into the site.

The replacement dwelling would be sited a considerable distance from any neighbouring properties and there are no issues of neighbour amenity such as light/privacy.

The council's ecologist requested a protected species survey which revealed that there is some water vole activity in the adjacent pond, and some use of the existing dwelling by bats. The survey discovered bats using the existing property as a roost, which is protected by law. The council's ecologist advised that to be acceptable the proposals would have to pass Natural England's tests, including that there are no satisfactory alternatives and that the development is of overriding public interest. It was not considered that the development met these tests initially, as it appeared that the house could be refurbished and/or extended and it was not accepted that it was necessarily correct to say there are no alternatives to the proposed development. However, further to this, the applicant has submitted a structural report which states that it would be almost impossible to restore the existing property to a suitable standard and Building Control, having had sight of the report, have confirmed that the best solution is demolition of the existing house. The council's ecologist is comfortable with the development and the proposals for biodiversity management and the method statement in respect of bats will safeguard protected species. (Only three bats were detected at this site.) The scheme can therefore be supported.

Therefore the Natural England tests are met, the existing property needs to be demolished and there is no realistic alternative. It is reasonable to argue that it is in the overriding public interest to improve the local environment by removing an empty house which is likely to deteriorate over the longer term and erect a new dwelling which will be a significant improvement.

The applicant has submitted additional plans which detail a barn/stable building to provide a new bat roost. This should be conditioned to be finished before demolition of the dwelling commences so as to provide a new home for the bats before their existing one goes.

The council's Environmental Protection team have advised that conditions be attached to any permission granted, requiring investigations to be carried out into possible land contamination.

For the reasons set out above the proposed development is considered to be acceptable in this open countryside location as there are a number of existing dwellings close to the site that are of a substantial scale and height and there is no perceived loss of amenity to adjacent properties.

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: site plan received 20 October 2011, M.11/57/1, M.11/57/3 Rev A, M.11/57/4 Rev A, M.11/57/5.

Reason

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

3.

Notwithstanding the provisions of Classes A to 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, none of the development normally allowed under those classes shall be carried out other than those specifically authorised by this permission.

Reason

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. 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. The applicant or their successor in title shall submit photographs of the installed bat roost and water vole features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

5.

The stable/barn and bat roost shall be completed in its entirety before any other development takes place on site, including the demolition of the existing house.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

6.

Within three months of the new dwelling being occupied, the existing dwelling shall be completely demolished and cleared from the site.

Reason

The site is in the open countryside and an additional dwelling on this site would be unsustainable and contrary to policy RD2 of the North Lincolnshire Local Plan and policy CS3 of the North Lincolnshire Core Strategy.

7.

Within 3 months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

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.

9.

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.

10.

The new wall across the site frontage shall be constructed in accordance with drawing number M.11/57/4.

Reason

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

11.

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.

12.

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

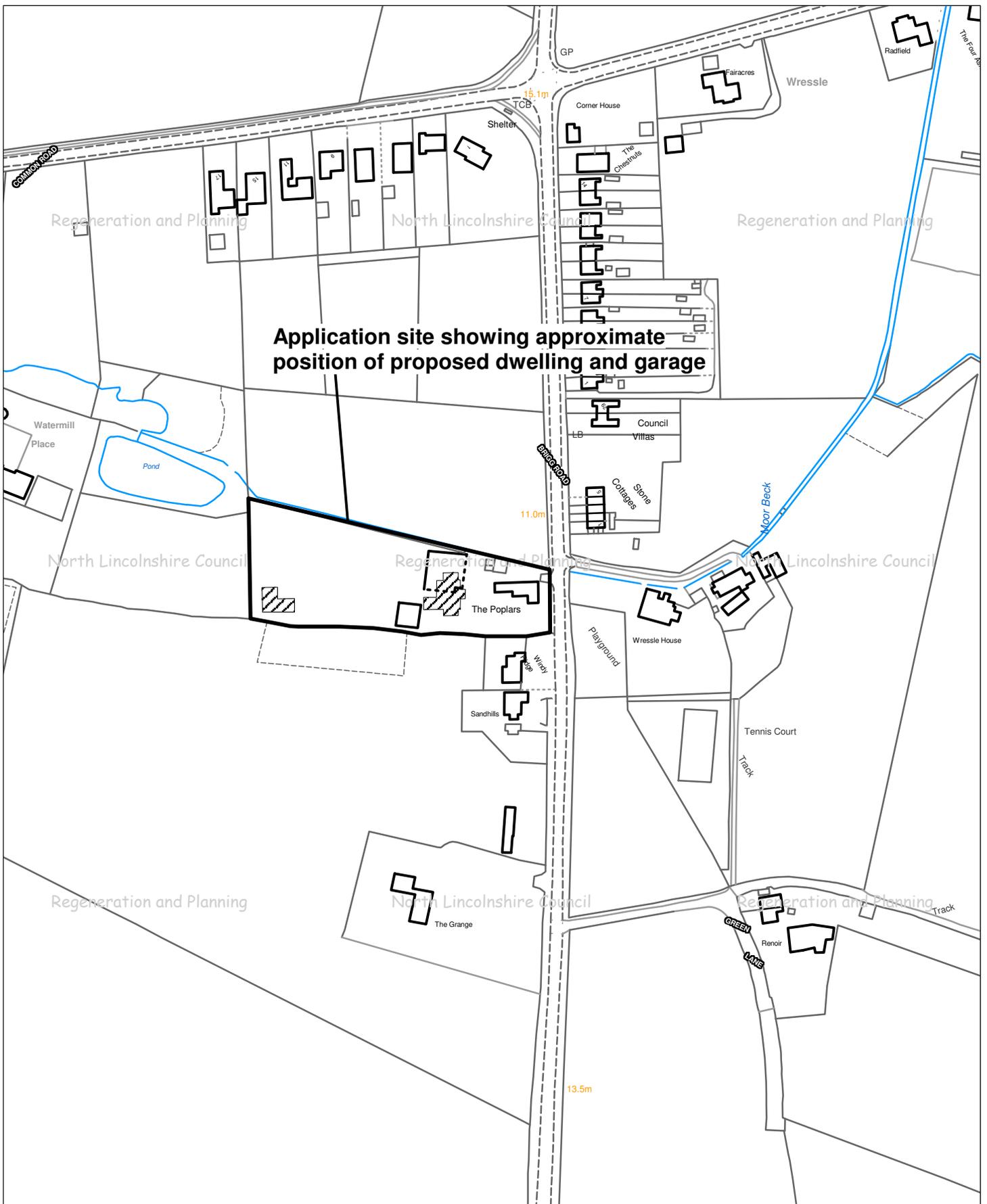
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

No development shall commence on site until the final position of the proposed stable/barn building has been agreed in writing with the local planning authority following submission of a detailed plan.

Reason

To ensure the building is outside the easement of a 300mm pipeline.



Application site showing approximate position of proposed dwelling and garage

Drawing Title: 2011/0747

OS Grid Ref: SE97200934

Drawn by: KC

Scale: 1:2500

Date: 28/10/2011


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