

APPLICATION NO PA/2019/1985
APPLICANT Mrs Jayne Dealtry
DEVELOPMENT Planning permission to erect a two-storey detached dwelling
LOCATION Sandhill Cottage, Whins Gate, Eastoft, DN14 8EB
PARISH Eastoft
WARD Axholme North
CASE OFFICER Andrew Willerton
SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from local planning policy

POLICIES

National Planning Policy Framework:

Chapter 2 (Achieving Sustainable Development)

Chapter 4 (Decision Making)

Chapter 5 (Delivering a Sufficient Supply of Homes)

Chapter 11 (Making Effective Use of Land)

Chapter 12 (Achieving Well Designed Places)

Chapter 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset Map for Eastoft

PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Local Plan:

H5 (a-m only) (New Housing Development)

H8 (Housing Design and Housing Mix)

RD2 (Development in the Open Countryside)

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

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

CONSULTATIONS

Highways: No objection in principle, but provides comments in relation to access visibility splays, and advises conditions and an informative.

Drainage (Lead Local Flood Authority): No objection subject to conditions.

Internal Drainage Board: No comments received.

Environment Agency: No objection subject to conditions.

PARISH COUNCIL

Eastoft Parish Council has been consulted but no comments have been received.

PUBLICITY

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. No comments have been received.

ASSESSMENT

The application site is Sandhill Cottage, Whins Gate, Eastoft. The site comprises 0.21 hectares of land which currently hosts a two-storey detached cottage. There is a significant amount of vegetation on the site which effectively screens it from the A161 from

which access is derived. Planning permission is sought to erect a two-storey detached dwelling to replace the existing dwelling on site.

The main issues for consideration are: whether the proposed dwelling, by virtue of its scale and siting, is acceptable; whether the location and construction of the dwelling would be safe in terms of flood risk; and whether the proposed access arrangements would adversely affect the safe operation of the highway.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

Principle

The application site is outside the HELA DPD defined development limit for Eastoft and is, for the purposes of planning, considered to be within the open countryside. NLCS policies CS1, CS2, CS3 and NLLP policy RD2 generally restrict development in the open countryside to that which is justified as being essential for the efficient operation of agriculture or forestry. The proposed detached dwelling is not required to house an agricultural worker and therefore does not meet an essential need for the efficient operation of agriculture. However, it is to replace an existing open market dwelling in the open countryside. NLLP policies RD2 and RD10 permit replacement dwellings in the open countryside in principle subject to appropriate design and environmental considerations. It is also noted that a replacement dwelling of a different design was approved on the same site under PA/2012/0436. On this basis it is considered that the proposal to erect a replacement dwelling on the application site generally accords with the relevant development plan policies and is acceptable in principle.

Flood risk

The application site is within the North Lincolnshire Strategic Flood Risk Assessment (SFRA) flood zone 2/3a. Residential development is defined as a 'more vulnerable' use according to the PPG and therefore requires the application of the sequential and exceptions test. In this case, it is not considered appropriate to apply the sequential test as the proposal is for a replacement dwelling and there is no net gain in residential dwellings, nor would it be possible to re-site the dwelling and still consider it as a replacement. It is considered to be unreasonable to require a search of sequentially preferable sites on this basis. Although sites would be available for a single dwelling in areas of lesser flood risk, they could not provide for a replacement dwelling, only a new dwelling.

The applicant has submitted a Flood Risk Assessment (FRA) to support the application as required by the NPPF. The exceptions test forms two parts. Firstly, it must be demonstrated that the development would be safe from flooding for its lifetime. It is noted within the FRA that it is proposed to set finished floor levels at 3.7 metres AOD which is less than the SFRA identified critical flood level of 4.1 metres AOD. However, the previous permission, granted in 2012, allowed finished floor levels at this site of 3.45 metres AOD. Furthermore,

the proposed level of 3.7 metres AOD is noted to be 450 millimetres above the floor levels of the existing dwelling on the site. The increased finished floor level, when compared to the existing dwelling, is considered to result in betterment and the development will be safer from flooding than the existing situation. In addition, the applicant is also proposing to undertake flood resilience construction measures to 4.9 metres AOD, which will reduce the impact to the property should the 1:100 year flood event occur and flooding occurs to 4.1 metres AOD. The Environment Agency has been consulted on the proposal and has raised no objection subject to conditions to secure the flood mitigation and resilience measures as set out within the submitted FRA. On this basis it is considered that the applicant has sufficiently dealt with the flood risk issue.

The second part of the exceptions test requires it to be demonstrated that the proposed development provides wider sustainable community benefits that outweigh the flood risk. In this case the flood risk issue is limited given that the proposed development forms a replacement dwelling which, given the raised floor levels and proposed flood reliance construction, will be at a lesser risk of flooding than the existing dwelling. Nevertheless, the proposal will result in the tidying of land which currently hosts a derelict dwelling which is heavily vegetated. The proposal will also provide a modern, energy efficient family home of improved design and appearance to the existing. It is considered that these benefits outweigh the limited flood risk in this instance.

The applicant has indicated that surface water is to be disposed of by soakaway and foul water to a septic tank. The Drainage Team has been consulted on the proposal and has raised no objection subject to conditions to secure detail to prevent surface water run-off to/from the site/highway. Such conditions are considered necessary to obtain and secure the implementation of drainage infrastructure, details of which have not been submitted.

Design

Policy RD10 of the NLLP specifically deals with replacement dwellings within the open countryside and sets out a number of criteria to enable assessment of such proposals. Firstly, the policy requires that the replacement dwelling would not exceed the volume of the original dwelling by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation. At the time this policy was written, permitted development rights (extensions that do not require planning permission) were based upon an increase in volume, whereas today they are not and are much more generous than they were historically. Theoretically, the property could be extended at ground floor level in terms of footprint by more than 100% under permitted development.

The applicant has been requested to supply volume details of the original dwelling in order to make this assessment. The applicant has stated that the proposed dwelling would result in a 28% increase in volume when compared to the original. However, this includes an existing store, garage and outbuilding which are not considered to form the original dwellinghouse. The existing house is stated as having a volume of 477.5 cubic metres with the proposed house (excluding the attached garage and garden room) having a volume of 815.5 cubic metres. If the attached garage and garden room are included, this volume increases to 1176.6 cubic metres. The proposed dwelling is therefore likely to be significantly over the 20% volume criterion even when current permitted development rules are applied. However, regard is also had to the existing outbuildings on site which are to be demolished and conditions could be imposed to prevent such being erected under future permitted development.

The main bulk of the dwellinghouse measures 13.2 metres by 8.8 metres with an eaves height of 5.8 metres and a roof ridge at 9.8 metres. The proposed dwellinghouse is higher in elevation when compared to the existing two-storey cottage on site. However, it is balanced in its appearance and the greater height is considered proportionate to the overall scale of the dwellinghouse. The dwelling is to be constructed of a multi-red facing brick with grey tile roof and white uPVC casement windows. No specific detail has been given regarding the proposed building materials and it is recommended such be secured by condition. It is not considered that the proposed dwelling would be harmful to visual amenity given it is well screened from view by mature vegetation. However, given its overall scale and siting within the open countryside, it is considered prudent to remove permitted development rights to regulate any further expansion of the dwelling. As the dwelling forms an isolated residence in the open countryside, it is not considered to adversely affect residential amenity given that it has no immediate neighbour.

Highway safety

The submitted plans indicate that the dwelling is to be served by an integral double garage in addition to a driveway with turning area. It is considered that the dwelling will be served by an appropriate level of off-road parking with the ability to turn within the site. Highways has been consulted on the proposal and has commented that the proposed access visibility splay is not adequate for a derestricted road and it is unlikely that the required splay could be achieved on the traffic approach side. However, traffic speeds approaching the bend are likely to be low and as such a reduced splay could be considered. It is noted that there is an existing and heavily vegetated access serving the site at this point and vegetation clearance could improve this access. Highways therefore advises conditions to secure the access improvements and other conditions to prevent adverse impact to the safe operation of the highways which are considered to be reasonable and necessary. As these conditions are pre-commencement, agreement has been obtained with the application/agent for their inclusion.

Other issues

The applicant has indicated that it is proposed to site a static caravan to provide residential accommodation and two storage containers to house materials/equipment during the build. There is no objection to these other developments taking place during the construction phase and conditions are proposed to require their removal following completion of the dwelling.

Conclusion

In conclusion, it is recommended that permission be granted subject to conditions to ensure the appropriate regulation of development in the open countryside, safe development with regard to flood risk issues, the use of satisfactory facing materials, the safe operation of the highway, the removal of temporary living accommodation and storage following completion of the dwelling, and that any unexpected land contamination is appropriately dealt with.

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: 190520 01 Revision A, 190520 02 revision A, 190520 03 Revision A and 190520 04 Revision A.

Reason

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

3.

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 11 December 2019 compiled by Howard J Wroot, including the following mitigation measures detailed within the FRA:

- finished floor levels to be set no lower than 3.9 metres above Ordnance Datum (AOD)
- flood resistance/resilience measures to be incorporated as described.

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

Reason

To reduce the risk and impact of flooding to the development and future occupants in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

4.

No development shall take place until details showing an effective method of preventing surface water run-off both to and from the public highway to and from hard paved areas within the site have been submitted to and approved in writing by the local planning authority. The drainage infrastructure shall be implemented prior to first use of the highway access and parking area, and shall be retained thereafter.

Reason

In the interests of highway safety and to prevent the increased risk of flooding in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy, and T2, T19, DS14 and DS16 of the North Lincolnshire Local Plan.

5.

No development shall take place until details showing the construction of the proposed access point, with the provision of an appropriate visibility splay, have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

Prior to first occupation of the dwelling, the access and visibility splay shall be provided in accordance with the approved details submitted pursuant to condition 5 above, and once provided the visibility splay shall be maintained.

Reason

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

7.

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.

8.

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.

9.

No above-ground works 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.

10.

The temporary residential and storage accommodation shown on drawing reference 190520 02 Revision A shall be used in connection with the construction of the dwelling hereby approved only, and upon first occupation of the dwelling, the temporary residential and storage accommodation shall be removed from the site and the land returned to its former use.

Reason

To define the terms of the permission and to regulate development in the open countryside in accordance with policies RD2 and RD10 of the North Lincolnshire Local Plan.

11.

Notwithstanding the provisions of Classes A, B, C, D and E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order

re-enacting that order with or without modification, no extensions, alterations or outbuildings shall be installed in the building or erected on the site other than those expressly authorised by this permission.

Reason

To regulate and control development on the site, which lies in the open countryside, in accordance with saved policy RD10 of the North Lincolnshire Local Plan.

12.

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.

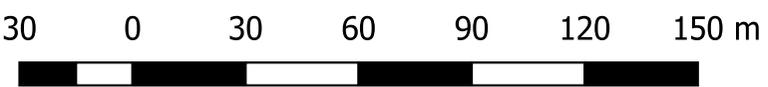
Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

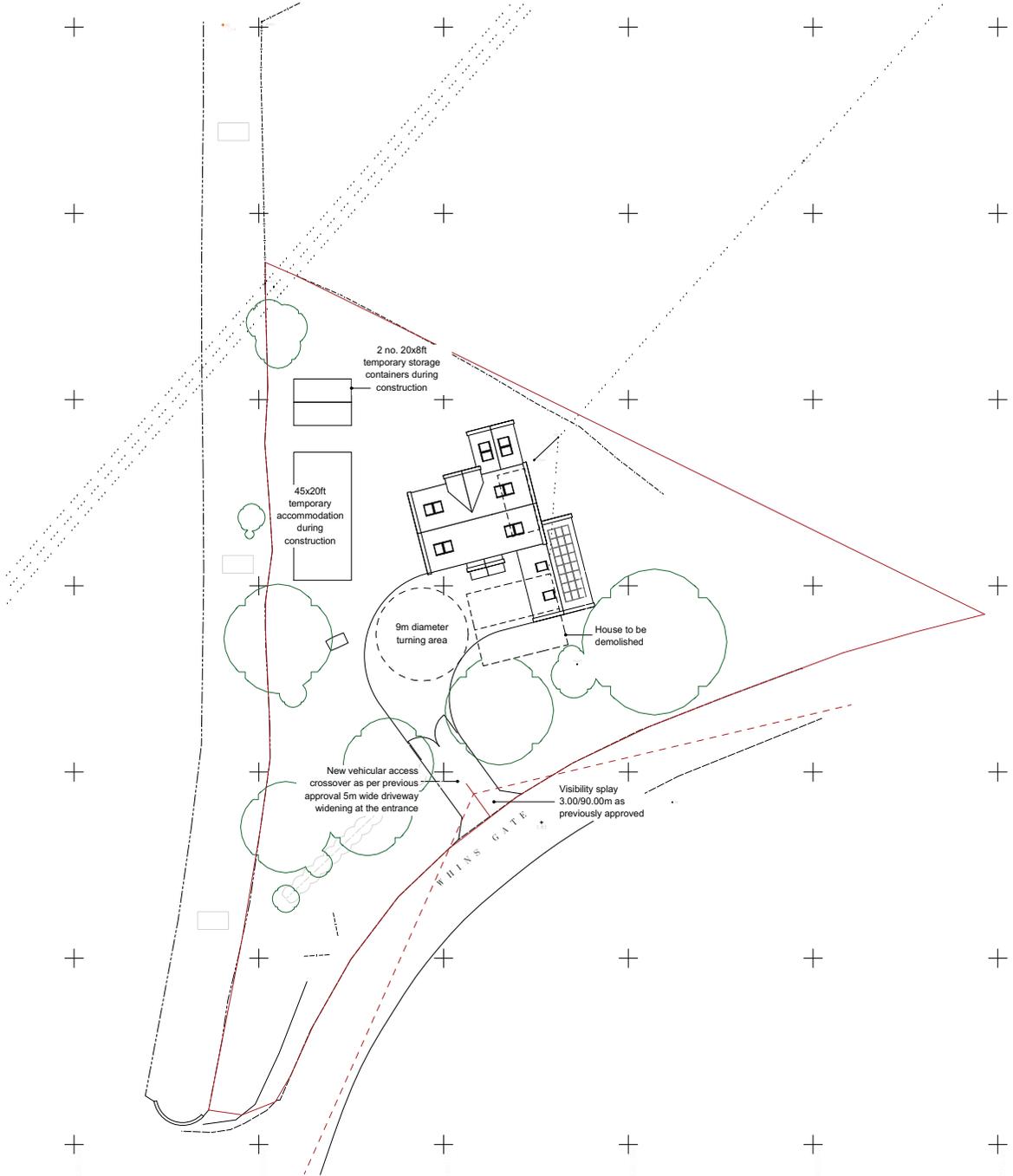
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**North
Lincolnshire
Council**

PA/2019/1985

PA/2019/1985 Site layout (not to scale)



NOTES

DRAWING PURPOSE
 Drawings are design intent only, prepared for the purposes of obtaining Town & Country Planning Permission and Building Regulation Plan Check Approval only as appointed by the client. Any work carried out before these approvals have been granted will be strictly at the clients own risk.

Contractor to check and clarify all levels, dimensions, electrical and drainage specification / construction prior to any works on site and bring to the clients attention any variations or deviations for written confirmation before being carried out on site.

All materials shall be fixed, applied or mixed in accordance with all of the manufacturers instructions, recommendations & specifications. All materials shall be fit for the purposes that they are to be used for.

QUANTITIES / COSTING
 The contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authorities / Building Control, whether or not indicated on the drawing or in the specification.

BOUNDARIES / PARTY WALL ACT
 The client is responsible for providing the architect with correct site boundary/ ownership definitions, any covenants or easements relating to the site. The Architect will assume site boundaries as clearly defined, unless otherwise informed by client.

Any building works within 6m of a neighbouring home's foundations may require you to notify the owner of that property of your intentions at least one month before you start work. Work to an existing party wall requires you to give at least two months notice of your intentions. If consent to carry out work cannot be reached procedures dealing with an dispute should be followed (the party wall act 1996). Explanatory booklets can be obtained free of charge on the Government website.

LEGISLATION / OTHER CONSULTANTS
 Unless stated otherwise, the designs shown are subject to detailed site survey, investigations, and legal definition, the CDM Regulations, and the comments and / or approval of the various relevant Local Authority Officers, Statutory Undertakers, Fire Officers, Engineers and the like. They are copyright, project specific and confidential and no part is to be used or copied in any way without the express prior consent of the architect. This drawing includes information provided by independent surveyors and / or consultants, to whom all queries shall be made.

Contractor shall discharge any conditions detailed in the approved planning decision notice, ensuring pre-commencement conditions are discharged and approval recieved in writing from the council before any works start on site.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ARCHITECT OF ANY DISCREPANCIES ON THE DRAWING PRIOR TO CONSTRUCTION. ALL DIMENSIONS TO BE CHECKED ON SITE. IF IN DOUBT ASK.

		residential architecture planning consultancy building regulations
t. 07719626027		e. neil@ncaassociates.co.uk
status: PLANNING		
client: MR & MRS DEALTRY		
project: SANDHILL COTTAGE		
title: PROPOSED SITE PLAN		
scale: 1:500 @ A3	date: JULY '19	
project no.: 190520	number: 02	rev: A



E-01 Proposed Front elevation 1:100



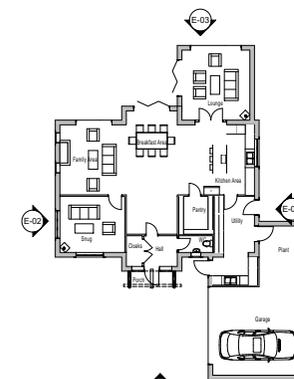
E-02 Proposed Side Elevation 1:100



E-03 Proposed Rear Elevation 1:100



E-04 Proposed Side Elevation 1:100



Elevations Key Proposed

 residential architecture planning consultancy building regulations		
t. 07719626027 e. neil@ncaassociates.co.uk		
status: PLANNING		
client: MR & MRS DEALTRY		
project: SANDHILL COTTAGE		
title: PROPOSED ELEVATIONS		
scale: 1:100 @ A3	date: JULY '19	
project no.: 190520	number: 04	rev: A

PA/2019/1985 Proposed elevations (not to scale)