

APPLICATION NO	PA/2021/2143
APPLICANT	Mr & Mrs Eynon
DEVELOPMENT	Planning permission to erect a replacement dwelling and garage
LOCATION	New House, Hook Road, Amcotts, DN17 4AZ
PARISH	Amcotts
WARD	Axholme North
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework (revised 2021): Sections 2 (Achieving sustainable development), 4 (Decision-making), 5 (Delivering a sufficient supply of homes, 11 (Making effective use of land) and 12 (Achieving well-designed places)

Paragraph 8 – Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (vii) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (viii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 6 refers to building a strong, competitive economy.

Paragraph 81 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Paragraph 82 recognises planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Section 11 – Making effective use of land

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 120 (d) – planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Paragraph 123 – Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

North Lincolnshire Local Plan (2003) (saved policies):

RD2: Development in the Open Countryside

RD10: Replacement, Alterations and Extensions to Dwellings in the Open Countryside

H5: New Housing Development (part saved)

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewerage and Surface Water Drainage

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

North Lincolnshire Core Strategy (2011):

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

CS19: Flood Risk

Housing and Employment Land Allocations DPD (2016):

PS1: Presumption in Favour of Sustainable Development

The site lies outside the development limits of Amcotts and is unallocated as shown on Proposals Map Inset 3 Amcotts and Flixborough Industrial Estate.

The North and North East Lincolnshire Strategic Flood Risk Assessment, November 2021

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to the proposed development.

Environmental Protection: No objection but considering the sensitive end use of the development, should the application be approved, this department recommends the inclusion of a condition requiring details to be submitted of any contamination found during development and how it is to be dealt with.

PARISH COUNCIL

No comments to make.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Relevant planning history

There is no relevant planning history for the development site.

Constraints

The site lies within the open countryside outside the development limits of Amcotts and is unallocated as shown on Proposals Map Inset 03 Amcotts and Flixborough Industrial Estate.

The site is not within a conservation area and there are no listed buildings or tree preservation orders on or within close proximity of the site.

The site is within SFRA Flood Zone 2/3 (a) Tidal, meaning a higher flood risk. It is not within an Air Quality Management Area. It is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003) (Updated 2011/11/18).

The site

The site comprises an existing detached residential property and private garden land which appears vacant and unkempt. The garden is not maintained and includes areas of rubble, with some large trees and shrubs around the boundary of the site. There is an old, detached garage and a series of outbuildings within the rear garden of the property. The site is surrounded on all sides by open fields. Hook Lane provides the eastern boundary to the site beyond which is agricultural land. The existing property is set back from Hook Lane and provides adequate parking for two cars. Existing planting forms a boundary around the site. This property is largely screened from the wider area by existing planting, albeit there are intermittent gaps where plants have died or been cleared.

Proposed development

Full planning permission is sought to erect a replacement detached five-bedroom dwelling with attached garage. The proposed dwelling will be set slightly forward of the original dwelling but will still be set back from the main highway and will provide a larger area of private garden space to the rear. The existing detached garage and outbuildings will be demolished and the new garage will be integral to the main dwelling.

The main issues in the determination of this application are the principle of development, impact on amenity, design and flood risk.

Principle of development

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 saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). The site is outside of

any settlement boundary as defined in the Housing and Employment Land Allocations DPD and as such there is a general presumption against development.

Policy CS1 of the Core Strategy sets out the overarching strategy of the plan. It states that, 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.

Policies CS2 and CS3 of the Core Strategy state, of development outside the defined development limits, '...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 such as those 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 RD2 strictly controls development within the open countryside but does support development for the replacement, alteration or extension of an existing dwelling provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- (d) the development would not be detrimental to residential amenity or highway safety; and
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

The erection of a replacement dwelling within the 'open countryside' is one of the exceptions to this presumption set out in local plan policy RD2.

Policy RD10 of the North Lincolnshire Local Plan is relevant and relates specifically to dwellings located in the open countryside. It sets out the criteria against which replacement dwellings and extensions to existing dwellings in the countryside will be assessed. This policy requires that replacement dwellings do not exceed the volume of the original dwelling by more than 20%, exclusive of normal permitted development rights, and would not be substantially higher in elevation.

Compliance with policy RD10 is also dependent upon the impact of the proposed development on the character and appearance of the area and the amenity of neighbouring properties; these issues are assessed below.

Paragraph 149 of the NPPF relates to replacement dwellings in the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. It does not reference replacement dwellings within the countryside. Policy RD10 is from the 2003 North Lincolnshire Local Plan and could be considered as out of date. As such, only limited weight should be attached to the 20% requirement.

Whilst the proposal is technically for a replacement dwelling, the submitted plans are larger than the original dwelling on the site. The original property did include a detached garage and several outbuildings. The principle of development has been accepted previously, and the detached garage and outbuildings have been considered acceptable previously.

The current proposal would introduce a larger property on the site. The proposed garage would also be larger than the existing, albeit integral and not detached as is the existing one. The main part of the property (minus the garage) would not be as deep as the original property but would be wider. The proposed dwelling will take the property, including garage and outbuildings (excluding greenhouse) from approximately 520.95 cubic metres to 743 cubic metres. This would result in a 43% increase in volume. The proposed development is considered to be on the large size, being over 40% the size of the original dwelling, and could be considered disproportionate. An assessment of the scale, massing and design needs to be undertaken.

Whilst the proposed development would exceed the 20% volume outlined within RD10, it is considered that future applications for extensions to the existing property could still be brought forward and increase the volume to a similar level. The current Schedule 2, Part 1, Class A allows for the enlargement of a dwelling, however does not permit development which would exceed 50% of the total curtilage. The proposed dwelling would not exceed 50% of the total curtilage. The applicant would also be allowed to extend either 6m single-storey to the rear or 3m as a double-storey to the rear. Class AA also allows for the construction of additional storeys 'up to two additional storeys, where the existing dwellinghouse consists of two or more storeys'.

To further protect from over-development of this site, it is recommended that permitted development rights be removed from the site through an appropriately worded condition. It is also recommended that the existing garage and outbuildings are demolished prior to occupation.

Subject to the inclusion of the above condition, and the criteria of policy RD2 and wider policies set within the local plan and Core Strategy being met, the principle of development is considered acceptable.

Material considerations

Residential amenity

Part-saving policy H5 establishes a set of criteria for new housing developments. Policy H5 requires development to not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. The proposed dwelling is set within its own private plot, includes existing landscaping on its boundaries (other than a few breaks in planting which allows glimpses into the site) and is located some distance from the nearest residential properties to the north, including Hook House Farm and residential properties further north off Middle Lane. In terms of residential amenity, the

proposed development is considered to not lead to any of the identified impacts set out within policy H5.

Design

Policies RD2, H5 (part-saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states that ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ This is reinforced by local plan policies RD2, DS1 and by RD10 as noted above.

The current application seeks to create a detached residential property on the site which reflects a similar character to the existing dwelling. The dwelling will include a bay window similar to the existing property and the proposed integral garage will reflect the dual pitch of the existing detached garage, albeit 1.5-storeys in height to include a bedroom above.

The development would also be wider than the existing property but would not take up as much of the rear private garden space. The layout would be more usable than the current design which sits the garage within the rear garden with a large tarmac area. The applicant has not confirmed the details for the driveway or boundary treatments.

The current proposal would be achieved via a full rebuild rather than alterations to the original dwelling. The proposal is well positioned within the plot, provides sufficient amenity/private garden space around the property and the development would not exceed 50% of the curtilage of the property.

The main dwelling is to the front of the site, and the alterations include a slightly higher property, mainly due to raising floor levels to assist with flood risk, which the LLFA Drainage Team have no objections to. The final height of the property would be 9.6 metres to ridge height, which includes 450 millimetres raised floor level to improve flood protection which the original property, at 7.9 metres in height, did not include. Similar developments have been approved up to 10 metres in height. Although this is noted to be an increase, and noticeable in the street scene, it is not considered that this would have an adverse impact on the character of the area. It is considered that the scale and overall form of the replacement dwelling would be acceptable, having similar characteristics to the original property and introducing a design to meet modern living requirements. The provision of the integral garage and bedroom above would not introduce an unacceptable visual aspect to the site and would not unacceptably increase the visual impact of the site on the surrounding countryside. The current proposal is not considered likely to result in visual harm to the character and appearance of the countryside, over and above that achievable through the extant approval.

The proposed materials are considered to be in keeping with this countryside location. The applicant has set out that the following materials will be used for the development:

- Walls – Desimpel Hathaway brindled or similar brick

- Roof – Sandtoft Cassius or similar tile
- Windows Upvc
- Doors – Upvc/composite.

The application form suggests the boundary treatments will remain, however this area is in much need of replacement and improvement. The existing fence is old and the planting surrounding the site is patchy and unkempt. The existing site includes areas of cleared vegetation which provides views into the rear garden of the site. There is a small wire and post fence between the existing vegetation that appears old and broken. It is recommended that a condition be attached to agree boundary treatments for the site.

The applicant has yet to confirm the proposed finish and materials for the driveway. The planning team would wish this to be designed to be in keeping with the proposed dwelling and this countryside location.

It is recommended that the demolition of the existing garage and outbuildings be a condition of development.

Other matters

Highways/access

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The proposed development does not propose any alterations to the existing approved access into the site and on-site parking. The applicant has confirmed that two parking spaces are to be provided on the site. Appendix 2 of the local plan sets out the parking requirements for new build residential properties. The application suggests that the property to be built will have five bedrooms. The council's Highways team have assessed the submission and have no objections subject to conditions.

Flood risk and drainage

The application site sits within flood zone 2/3a (Tidal) of the Strategic Flood Risk Assessment for North Lincolnshire and as such is in a high flood risk zone.

The NPPF addresses planning and flood risk. Paragraphs 159 to 169 set out a requirement for the completion of a strategic flood risk assessment as well as a sequential test on sites which are identified as at risk of flooding and then, if necessary, an exceptions test. Paragraph 162 states:

'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

In cases of redevelopment of existing properties (for example, replacement dwellings) such proposals will not require a sequential test provided they will not be placed at an unacceptable level of flood risk, irrespective of the risk posed to the existing dwelling. Section 7, Appendix B of the North and North East Lincolnshire Strategic Flood Risk Assessment, November 2021 highlights a need for a Flood Risk Assessment to be prepared for all development proposals within SFRA Flood Zone 2/3. Paragraph 7.17 states where proposals are for replacement dwellings a sequential test will not be required provided they do not expose people to an increase in flood risk. Whilst the site is for an increase in size of over 20% and will increase the number of bedrooms, the applicant has agreed to the demolition of existing outbuildings and the existing garage on the site which will further reduce the amount of hardstanding on site.

Policy CS19 of the Core Strategy sets out the council's approach to development in areas at risk of flooding. These policies seek to direct new development to areas at lowest risk of flooding and only permit development in areas of high risk where it provides wider sustainability benefits to the community that outweigh flood risk; is on previously developed land; and a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.

The proposal has been assessed by the LLFA team who have not raised any issues with the submission documents or proposals. The applicant has recommended that the ground floor level should be set at 4.1 metres AOD with flood resilient construction materials used for all parts of the building below 4.7 metres AOD as a minimum. It is therefore recommended that a condition be included that references the accompanying Flood Risk Assessment and the proposed mitigation measures set out within.

The applicant has provided a flood risk assessment as part of his submission and has committed to raising the floor levels to address the potential for flood risk. This provides an improved position on the existing dwelling which does not take into account the potential for flooding within the area.

Whilst the works would increase the footprint of the previous dwelling, the site includes a large area of existing hardstanding (paving/tarmac) which the development would extend onto, as well as a detached garage and outbuilding (which are to be demolished). It is, therefore, not considered that the current proposal would result in any increased flood risk on or off the site.

Environmental Protection

Considering the sensitive end use, Environmental Protection have recommended a condition requiring details to be submitted of any contamination found during development and how it is to be dealt with. This condition is viewed as reasonable and will be included accordingly.

Pre-commencement conditions

The pre-commencement conditions relating to driveway materials and boundary treatments have been agreed with the applicant.

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:

Location Plan - dated 10-09-2021

Elevation & Section Plans - DWG. No. E/02/02/032/21/A

Floor Plans - DWG. No. E/01/02/032/21/A

Existing Site Plan - DWG No. E/03/03/032/21/A.

Reason

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

3.

The external materials to be used in the construction of the development hereby approved shall be as provided in section 7 of the application form.

Reason

In the interest of the visual amenity of the area.

4.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.

5.

Development shall proceed fully in accordance with the mitigation measures (for example, finished floor levels) set out in the approved flood risk assessment (dated September 2021), and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

6.

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015, or any order revoking and re-enacting that order with or without modification), no extensions, roof extensions, separate buildings or outbuildings

shall be erected to the dwelling hereby permitted or within its curtilage without planning permission having been obtained from the local planning authority.

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area and the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Prior to first occupation of the hereby approved dwelling, the existing garage and two outbuildings on the site (as shown on Drawing No. E/03/03/032/21/A dated 18-02-2022) will be demolished.

Reason

To protect the character of the surrounding area, impact on amenity and to protect the countryside from over-development in line with policies RD10, H5 and DS1 of the North Lincolnshire Local Plan.

8.

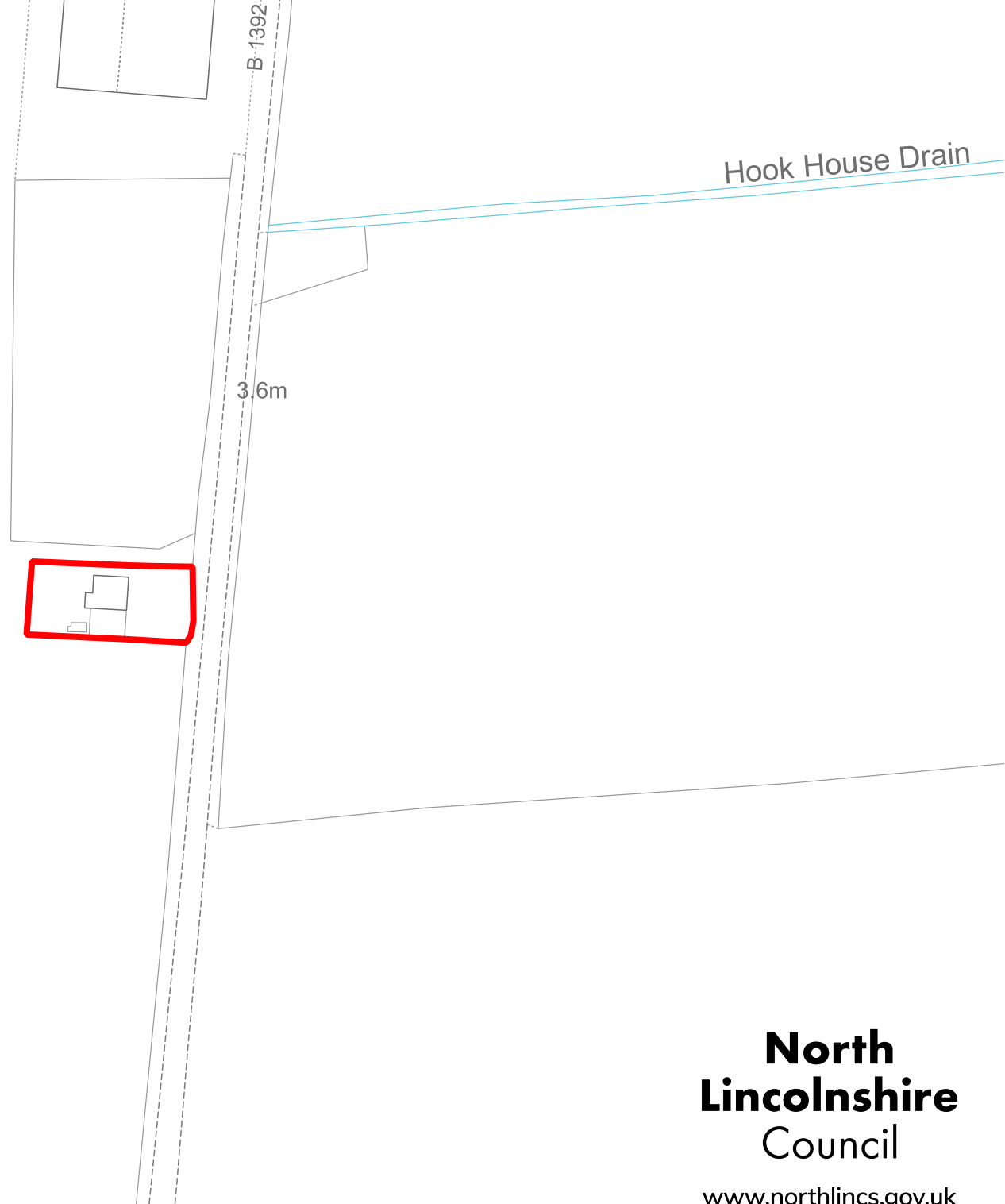
No development shall take place until proposals for boundary treatments (including any proposed walls, fencing or planting) and the proposed materials for the driveway have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of visual amenity and to protect the character of the local area in line with Policy DS1 of the North Lincolnshire Local Plan.

Informative

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.



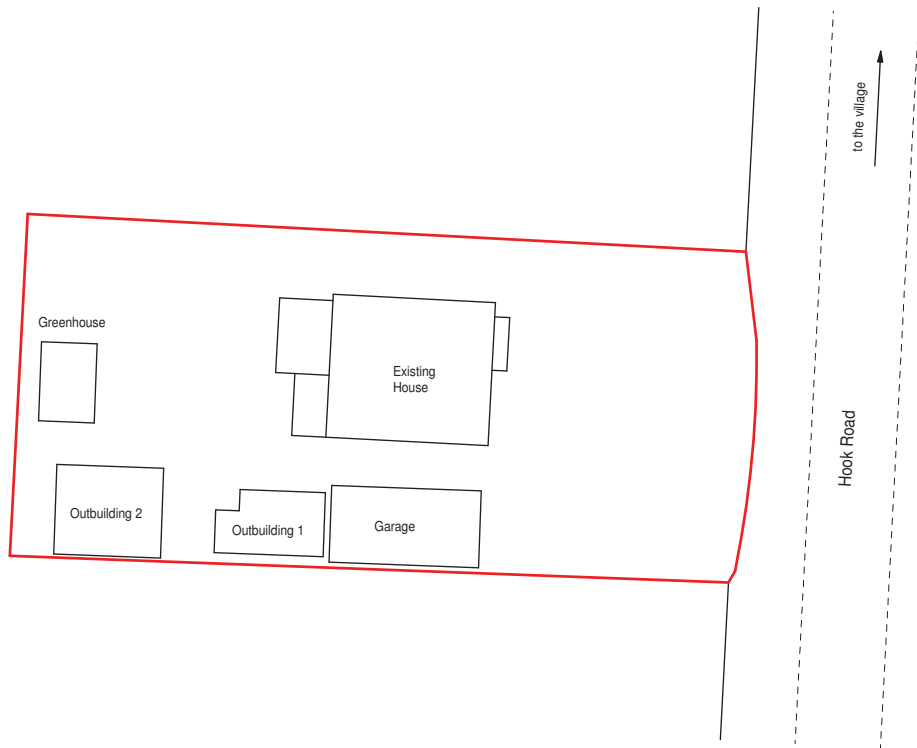
**North
Lincolnshire
Council**

www.northlincs.gov.uk

PA/2021/2143

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PA/2021/2143 Existing site layout (not to scale)



Total volume of existing buildings = 540.19 m3
(includes 19.24 m3 greenhouse).

Height of existing house (ground level to ridge) = 7.90m

Height of new house (ground level to ridge) = 9.60m including
and additional 450mm raised floor level to improve flood protection.

NOTE:
THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND/OR AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS, APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS. ADDITIONAL DESIGN OR ADMINISTRATION DUE TO STARTING WORKS WITHOUT FULL APPROVAL WILL BE CHARGED FOR.

ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE

Drawing title.
EXISTING SITE PLAN

Revisions.

Client.
MR & MRS J. EYNON

Drawing No.
E/03/03/032/21/A

Scale.
1:250

Date.
18-02-2022

Project.
REPLACEMENT DWELLING, NEW HOUSE,
HOOK ROAD, AMCOTTS

R M Potterton Ltd.

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PA/2021/2143 Proposed elevations (not to scale)



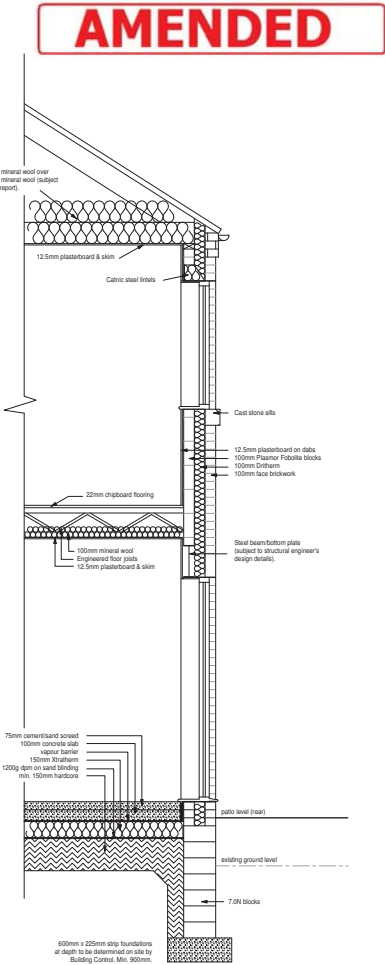
FRONT ELEVATION (EAST).



SIDE ELEVATION (SOUTH).



REAR ELEVATION (WEST).



TYPICAL SECTION (REAR).

TYPICAL HOUSE THRESHOLD DETAIL
PART M (Floor construction
may vary). NTS

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ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE

Drawing title
ELEVATIONS, SECTIONS & NOTES

Revisions.
REV. A - JANUARY 2022: FRONT GABLE WINDOW AMENDED (GARAGE WINDOW OMITTED).

Client.
MR & MRS J. EYNON

Drawing No.
E/02/02/302/21/A

Scale at A1.
1:50, 1:25, 1:100

Date
10-09-2021

Project.
REPLACEMENT DWELLING, NEW HOUSE,
HOOK ROAD, AMCOTTS

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