

APPLICATION NO PA/2014/0621

APPLICANT Mr I Fletcher

DEVELOPMENT Outline planning permission to erect a dwelling

LOCATION Wesley House, 3 Commonsides, Crowle

PARISH CROWLE

WARD Axholme North

CASE OFFICER Joanna Heweth

SUMMARY RECOMMENDATION Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Councillor Briggs – flood risk issues)

POLICIES

National Planning Policy Framework: Core principles of sustainable development. Section 10 Meeting the challenge of climate change, flooding and coastal change.

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

Paragraph 56 states that 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.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

North Lincolnshire Local Plan: Policy H8 (Housing Design and Mix)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

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)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS19 (Flood Risk)

Strategic Flood Risk Assessment (2012)

CONSULTATIONS

Environment Agency: In the absence of an acceptable flood risk assessment (FRA) OBJECT to the grant of planning permission. The FRA submitted does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA fails to demonstrate appropriate finished floor levels to provide adequate protection against flooding. North Lincolnshire's Strategic Flood Risk Assessment recommends finished floor levels of 4.4 metres above Ordnance Datum for new dwellings in this area, unless site specific evidence indicates that a lower level would be adequate. The proposed development is also subject to the flood risk sequential test and should not be permitted unless the local planning authority considers that this has been passed.

Highways: Advises that any permission should include conditions relating to access, parking provision and surface water (HC1, HC11, HC13, HC14 (2m), HC15 and informative HW1).

Tree Officer: There is a large sycamore tree to the south side of the site, close to the road which is a multi-stemmed specimen tree which has high visual amenity in this location on the street scene. This tree would need to be properly considered with regard to any application on this site. The important consideration here is the protection areas that are needed around the tree and access on and off site. BS5837 suggests that 12x stem diameter would be required as a protection area around the tree, in which no construction should take place. The location of the access and dwelling should take account of this tree protection area. The applicant would be expected to properly consider this tree and root protection area with any full planning application.

Environmental Health Officer: Advises a condition to restrict construction hours, and an informative to be aware of dust arising from construction activities and the requirement to manage such potential problems.

TOWN COUNCIL

No observations.

PUBLICITY

A site notice has been displayed and letters sent to adjacent properties.

No comments have been received from neighbouring occupiers.

ASSESSMENT

This is an outline planning application for the erection of a single dwelling to the side of the applicant's property with all matters reserved for future consideration.

The application site forms the side garden to the applicant's property at Wesley House (3 Commonsides). The existing property is a two-storey double fronted property built in 1912 with red brick and original windows. The side garden is grassed and there is a hedge to the southern side along the boundary with the adjacent dwelling. The front boundary is formed by a low brick wall and there is a large mature sycamore tree in the front corner of the site next to the southern boundary. The existing access from Commonsides to the applicant's property lies within the application site directly adjacent to the existing dwelling. There are no boundary treatments between the site and the applicant's house. The access drive is around 4 metres in width and runs alongside number 3 towards the back of the property and gives access to the applicant's lean-to garage which accommodates two cars. There is additional parking to the rear of the applicant's small rear garden. There is a shed and other outbuildings to the rear of the applicant's house.

The main planning considerations in the determination of the application relate to flood risk and amenity.

Flood risk

The application site lies within Flood Zone 3 on the Environment Agency (EA) Flood Maps which means it has a high risk of flooding from rivers and sea. Flood Zone 3 means the land has a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from sea (greater than 0.5%) in any year. These flood zones refer to the probability of flooding ignoring the presence of flood defences. The EA Flood Maps do not show the functional flood plain and are based on conditions that occur at present and so do not include any allowance for climate change.

The applicant has submitted a flood risk assessment (FRA) with the application. The FRA states that the potential sources of flooding would be the River Trent, Stainforth and Keadby Canal, Warping Drain, the two Soak Drains and other minor drains and ditches which are maintained by the Internal Drainage Board and discharge by pumped system to the Trent. The FRA states that water levels of all nearby watercourses are ultimately controlled by the pumped system and the level of the Trent. According to the FRA the Trent has well maintained flood defences providing a standard of tidal protection better than 0.5% annual probability while its fluvial defences are designed to provide a standard of 1.0% annual probability against fluvial event. The FRA also proposes a number of flood mitigation measures including flood resistant construction techniques and the agreement of the occupiers to subscribe to an early flood warning system. The applicant has been advised, however, that the policy references within the FRA were already out of date when the application was submitted and has been invited to withdraw the application. The Environment Agency has also objected to the application on grounds that the FRA does not comply with the requirements set out in the Planning Guidance, Flood Risk and Coastal Change document. In particular the FRA fails to establish a finished floor level that would provide adequate protection against flooding.

The site lies within Flood Zone 2/3(a) of the Strategic Flood Risk Assessment (SFRA) which is defined as 'Medium or High probability' of flooding and the erection of a dwelling is classified as 'More Vulnerable' within the document. The SFRA dictates that development should be steered towards areas of land with the lowest probability of flooding and to ensure that this is the case all development within the high flood risk areas should be accompanied by a sequential test in addition to an approved FRA. The EA has also stated that a sequential test for this proposal needs to be passed before the development would be acceptable in principle. It is the applicant's responsibility to submit this document for the planning authority to assess. The preference is for new development to be located in Flood Zone 1 and so the sequential test needs to look at other areas within the settlement to see if there is land which could accommodate the same development within a lower flood risk. The applicant has been requested to provide such a document but has responded that such a document is not required as the proposal is for minor development only. This is an incorrect interpretation, however, as the development is defined as Non-Major (Vulnerable Use) in the SFRA and not Minor development. The applicant has made a number of comments addressing the principle of the location of development however, and has commented that there are two building plots with planning permission available within Crowle. The applicant has been advised that in the absence of a convincing sequential test the application cannot be supported on grounds of flood risk and has been invited to withdraw the application.

The applicant also refers to the North Lincolnshire Local Development Framework 'Sequential Test of the Flood Risk of Potential Development Sites' – Final Report April 2014. This document states that the spatial strategy for North Lincolnshire set out in the adopted Core Strategy Development Plan Document (DPD) is to locate the majority (81%) of new development in Scunthorpe with the remaining 18% split between the five Market Towns of Barton-upon-Humber, Brigg, Crowle, Kirton-in-Lindsey and Winterton. For Crowle this would equate to 1.2% of the total new housing (127 dwellings). The document shows that a proportion of the housing requirement within the settlements of Scunthorpe, Barton-upon-Humber, Brigg and Crowle will need to be provided in areas of higher flood risk. This comment, however, refers to potential development sites within North Lincolnshire that are being considered as possible development allocations in the Housing and Employment Land Allocations DPD. In advance of undertaking the sequential test for such sites, the proposed methodology was agreed with the council and the EA and one of the first stages of the test was to exclude all sites that would accommodate less than ten dwellings and secondly to exclude all sites that do not meet the spatial distribution requirements within the Core Strategy DPD. As a result it is clear that the application site would not meet the requirements for inclusion in the DPD and is therefore not relevant in the planning consideration of this application. There is also a large area of Crowle which lies within a lower flood risk area compared to the application site and it is therefore difficult to see how the sequential test could be passed.

The applicant has commented that Crowle is a thriving and growing town and the council has spent a lot of money redeveloping the Market Square with further plans for leisure facilities and so the authority should be encouraging people to come and live in the town and support the local businesses and shops who deserve continued support.

It is considered that as the development fails the sequential test it cannot be supported. The EA has objected to the application on grounds that the FRA is unacceptable and has advised that the application should not be permitted if the sequential test is not passed. If the development is granted this would set a precedent for other small windfall development to come forward within the high risk flood areas which the planning authority would find

difficult to refuse and which cumulatively would undermine the approach to development across the whole authority as set out in the SFRA and the 'Sequential Test of the Flood Risk of Potential Development Sites' Final Report April 2014.

Amenity

The application is in outline form only with no details for consideration at this stage. The applicant has confirmed, however, that the proposed dwelling would share the existing access and drive to Wesley House. The drive is immediately next to Wesley House and it is considered that such an arrangement would have some impact on the amenities of the existing occupiers in terms of noise and disturbance as there is a habitable window at ground floor level on the side of the dwelling facing the application site although there is another window to the same room on the rear elevation. The existing rear garden to number 3 is relatively small and the main garden is to the side which forms the application site. Another area of garden lies to the rear of the application site and the applicant has confirmed that this land would be used in connection with the applicant's own property as an orchard. An amended plan has been submitted to show a reduction in the depth of the plot to accommodate an access to the rear of the application site from the applicant's property.

There is a large sycamore tree to the front corner of the site close to the boundary with the neighbouring property at 5 Commonsides. The Tree Officer has advised that the tree offers significant amenity value in the street scene and should be protected against any damage from construction work and should have a protection area around it to preclude construction of the dwelling.

As the sycamore is significant in size and has an amenity value in the street scene it is considered to be a material planning consideration in determining the application. As there are no details submitted with the application to show the siting of the proposed dwelling, consideration has been given as to where the dwelling could be sited without impacting on the tree or the amenities of the existing occupiers and the appearance of the street scene. It is considered that the dwelling could not be sited immediately next to number 3 as this would detrimentally affect the amenities of the occupiers and would be too close to the sycamore tree. If the dwelling was positioned further back into the site, adjacent to the applicant's rear garden, there would be loss of sunlight and overshadowing issues for the occupiers of the existing property as the site lies to the south of the existing dwelling. If the proposed dwelling was sited any further back into the site there would be potential for overlooking between the two properties. For these reasons it is considered that the development would be unacceptable.

RECOMMENDATION Refuse permission for the following reasons:

1.

The site lies within a medium to high flood risk area identified in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) and the submitted Flood Risk Assessment (FRA) fails to address the requirements of the Planning Practice Guidance, Flood Risk and Coastal Change Document accompanying the National Planning Policy Framework (NPPF). In particular the FRA fails to establish a finished floor level that would provide adequate protection against flooding. In addition the applicant has provided insufficient evidence in the form of a sequential test to demonstrate that the development could not be built elsewhere in an area of lower flood risk as required by the SFRA. The development is therefore contrary to the NPPF and accompanying Technical Guidance on Flood Risk and

Climate Change and contrary to the Council's SFRA and policy DS16 of the North Lincolnshire Local Plan.

2.

The application provides insufficient evidence to demonstrate that a dwelling could be accommodated within the site without detrimentally affecting the amenities of the applicant's property at Wesley House (3 Commonside) in terms of loss of light, overshadowing, loss of privacy, noise and disturbance and impact on the large sycamore tree to the front of the site and is therefore contrary to policies DS1 and LC12 of the North Lincolnshire Local Plan.

Informative

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.

