

APPLICATION NO	PA/2014/0934
APPLICANT	Mr P Jessney
DEVELOPMENT	Outline planning permission to erect a dwelling with access and siting not reserved for subsequent approval
LOCATION	Homelea, Sluice Road, South Ferriby
PARISH	SOUTH FERRIBY
WARD	Brigg and Wolds
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 100 states that inappropriate development in areas at 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.

Paragraph 101 states that the aim of the sequential test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.... A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 102 states that If, following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exception test can be applied if appropriate. For the exception test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the sequential test, and if required the exception test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

The Planning Practice Guidance (PPG) sets out further guidance to ensure the effective implementation of the planning policy contained within the NPPF on development in areas at risk of flooding.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS16 (Flood Risk)

Policy RD2 (Development in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

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)

CONSULTATIONS

Highways: Recommend various conditions should the development be approved.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the submitted Flood Risk Assessment (FRA) and Design and Access Statement (D&A) are implemented, and if the sequential test is passed. Given that the tidal surge on December 2013 affected this site and the wider area, the sequential test evidence must be robust. Conditions are recommended to ensure that the recommendations of the FRA and D&A are implemented.

PARISH COUNCIL

No response received.

PUBLICITY

Neighbouring properties have been notified. One letter of support has been received on the following grounds:

- There is no access problem with the site.
- A flood risk assessment has been submitted with the application to address flood risk.
- The proposal is for residential development within the boundary of a residential dwelling.
- The proposal will have no impact on neighbours.
- It will improve the confidence of the community which was affected by the tidal surge in December 2013.
- The development will be of benefit to the local economy by supporting local businesses.

ASSESSMENT

The application site is a piece of land that currently forms part of the rear garden for Homelea, Sluice Road, South Ferriby to the north and sits directly to the rear of this dwelling. Access to the site is off Sluice Road to the north via a separate access which runs to the west of Homelea. The site is currently grassed and is bounded by tall hedging and trees. Land to the east of the site is predominantly residential in nature with a mix of single-storey and two-storey dwellings, whilst to the west is the River Ancholme, South Ferriby lock and a large cement works. The East Drain runs immediately to the west of the application site; this drain is owned and maintained by the Environment Agency. The site is located outside the defined development boundary of South Ferriby and is within an area of high flood risk (zone 2/3a of the Strategic Flood Risk Assessment (SFRA)). This application seeks outline planning permission, with access and siting not reserved for subsequent approval, for the erection of a detached dwelling accessed via Sluice Road.

A previous planning application (PA/2014/0471) was recently refused under delegated powers for the same proposal on the grounds that the development falls outside the defined development boundary for South Ferriby with no justification, and as such is contrary to policy. No changes have been made to the proposed scheme since the refusal of this previous application.

The main issue to consider in the determination of this application is whether the proposed development complies with national planning policy as set out in the National Planning Policy Framework, and local planning policy set out in the North Lincolnshire Local Plan and the Core Strategy relating to flood risk and development in the countryside.

The site is located outside the development boundary for South Ferriby and as such is located in the open countryside for the purposes of planning. Policies CS2 and CS3 of the Core Strategy for North Lincolnshire state that development taking place outside defined development limits will be restricted and that only development which is essential to the

functioning of the countryside will be allowed to take place. These policies suggest that such development might include that related to agriculture, forestry or other uses which require a countryside location or development which will contribute to the sustainable development of the tourist industry. Policy RD2 of the North Lincolnshire Local Plan takes a consistent approach by stating that development in the open countryside will be strictly controlled and sets out a similar list of developments that may be considered acceptable outside defined development limits. The proposed development would result in the erection of a new dwelling in the open countryside. This dwelling is not related to agriculture, forestry, tourism or any other countryside need and no justification has been submitted to prove any special need for a dwelling in this location. On this basis it is considered that the proposed development is contrary to policies CS2 and CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan and as such is unacceptable in principle.

The piece of land in question is of an adequate size to accommodate a detached dwelling and its associated garden space that would not be out of keeping with neighbouring properties in the area. The development pattern in the area is predominantly linear, frontage development with dwellings having long, spacious rear gardens; however there are examples of buildings to the rear of the main building line close to the site and as such the erection of a dwelling in this location would not have an unacceptable impact on the character of the area. Furthermore, due to the position of the dwelling some distance to the rear of Homelea and existing screening around the boundaries of the site, the proposed development will, with careful design, have no unacceptable impact upon either the visual amenity of the area or the residential amenity of neighbouring properties, including Homelea.

However the site is located in an area of high flood risk and the proposed dwelling constitutes a more vulnerable use as defined in the Planning Practice Guidance. Both local planning policy relating to development and flood risk (policy CS19 of the Core Strategy) and national policy set out in the NPPF states that new residential development will only be allowed in areas of high flood risk providing it passes a sequential test. This sequential test considers whether there are sites located in areas at lower risk of flooding that are reasonably available and are suitable for the proposed development. This sequential approach to flood risk is intended to steer new residential development to areas at low risk of flooding where possible. No sequential test has been provided with the application; however, there are areas of South Ferriby at a lower risk of flooding (Flood Zone 1). For the reasons outlined above the development fails the sequential test as there are potentially sites at a lower risk of flooding in the settlement which are available and appropriate for the erection of a single dwelling. As such the proposal is contrary to policy CS19 of the Core Strategy and paragraphs 100 and 101 of the National Planning Policy Framework.

In addition to this, both local and national planning policy requires residential developments in high flood risk areas to pass an exception test. To pass this test it must be demonstrated that the development provides wider sustainability benefits for the community that outweigh the risk of flooding. The applicant has provided no justification or evidence to demonstrate that the erection of a single market dwelling on this site would deliver wider benefits to the community of such a scale that they would outweigh the risk of flooding. The letter of support submitted does make reference to the development supporting local businesses; however the minor benefits that these businesses may derive from a single dwelling is not considered to be sufficient to outweigh the risk from flooding. Therefore the proposed development fails the exception test and as such is contrary to policy CS19 of the Core Strategy and paragraphs 100 and 102 of the National Planning Policy Framework.

It should be noted that whilst the Environment Agency have raised no formal objection to the proposed development with regard to safety, they have stated that it must pass the sequential test and that it is the responsibility of the local planning authority to carry out this test. It should also be noted that the Environment Agency in their consultation response refer to the recent tidal surge, which affected South Ferriby and the application site specifically. On this basis the EA specifically suggests that robust evidence should be submitted to demonstrate compliance with the sequential test.

RECOMMENDATION Refuse permission for the following reasons:

1.

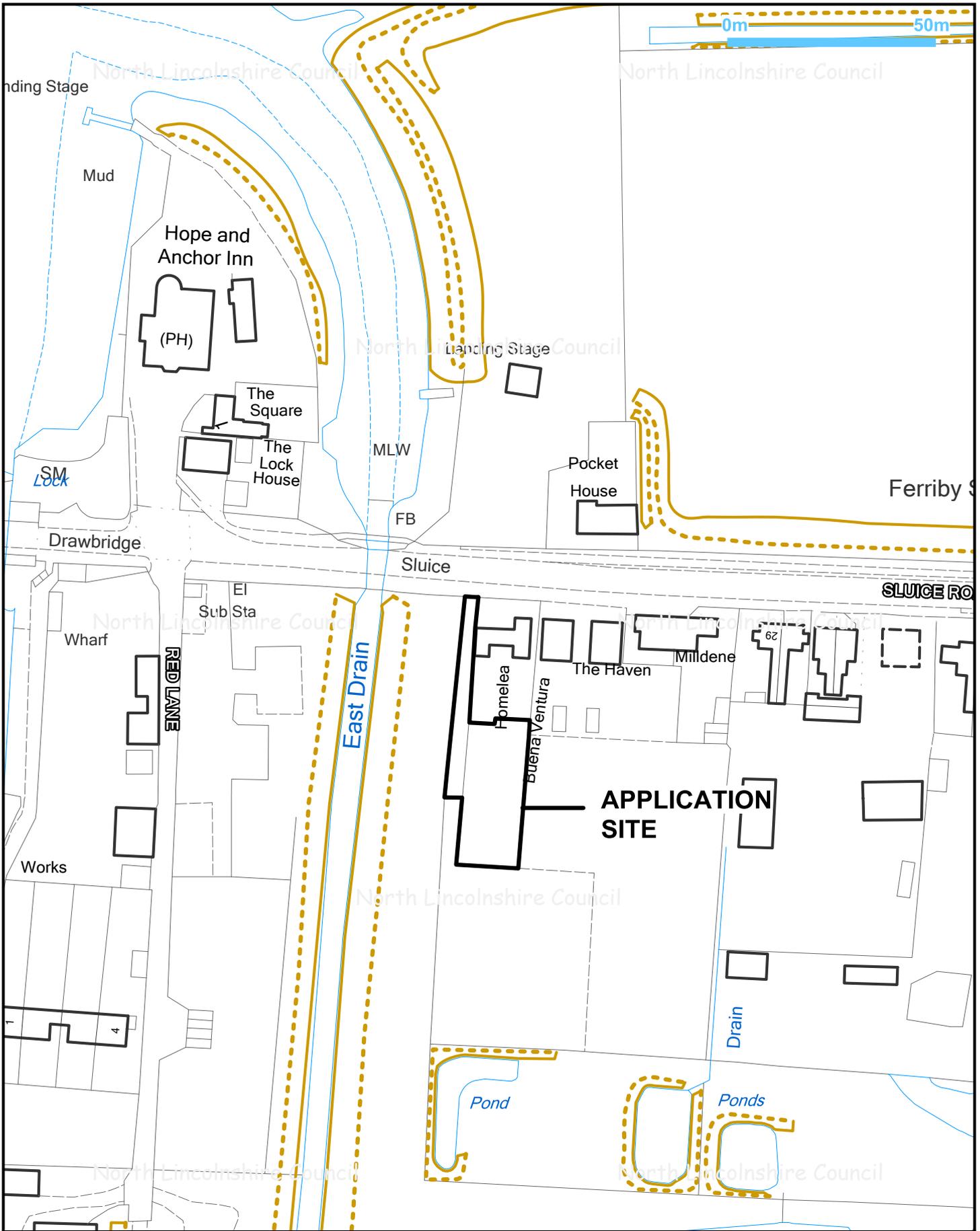
The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is located in flood zone 2/3a as defined in the Strategic Flood Risk Assessment for North Lincolnshire. The Planning Practice Guidance states that the development should only be allowed where it passes the sequential and exceptions test. No evidence has been provided to demonstrate that there are no alternative sites for residential development within South Ferriby at a lower risk of flooding. The proposal therefore fails the sequential test for flooding. The proposal also fails the exceptions test as it has not been demonstrated that it would provide wider sustainability benefits to the community that outweigh the risk of flooding. The proposal is therefore contrary to policy CS19 of the Core Strategy for North Lincolnshire and paragraphs 100, 101 and 102 of the National Planning Policy Framework.

2.

The application site lies outside the defined development boundary for South Ferriby and as such is located in the open countryside. No evidence has been provided to justify a special need for a dwelling in this location and the dwelling is not linked to agriculture, forestry or tourism. The proposal is therefore contrary to policies CS2 and CS3 of the Core Strategy for North Lincolnshire and DS2 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.



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Drawn by: Sue Barden	Date: 02/10/2014	Scale: 1:1250	

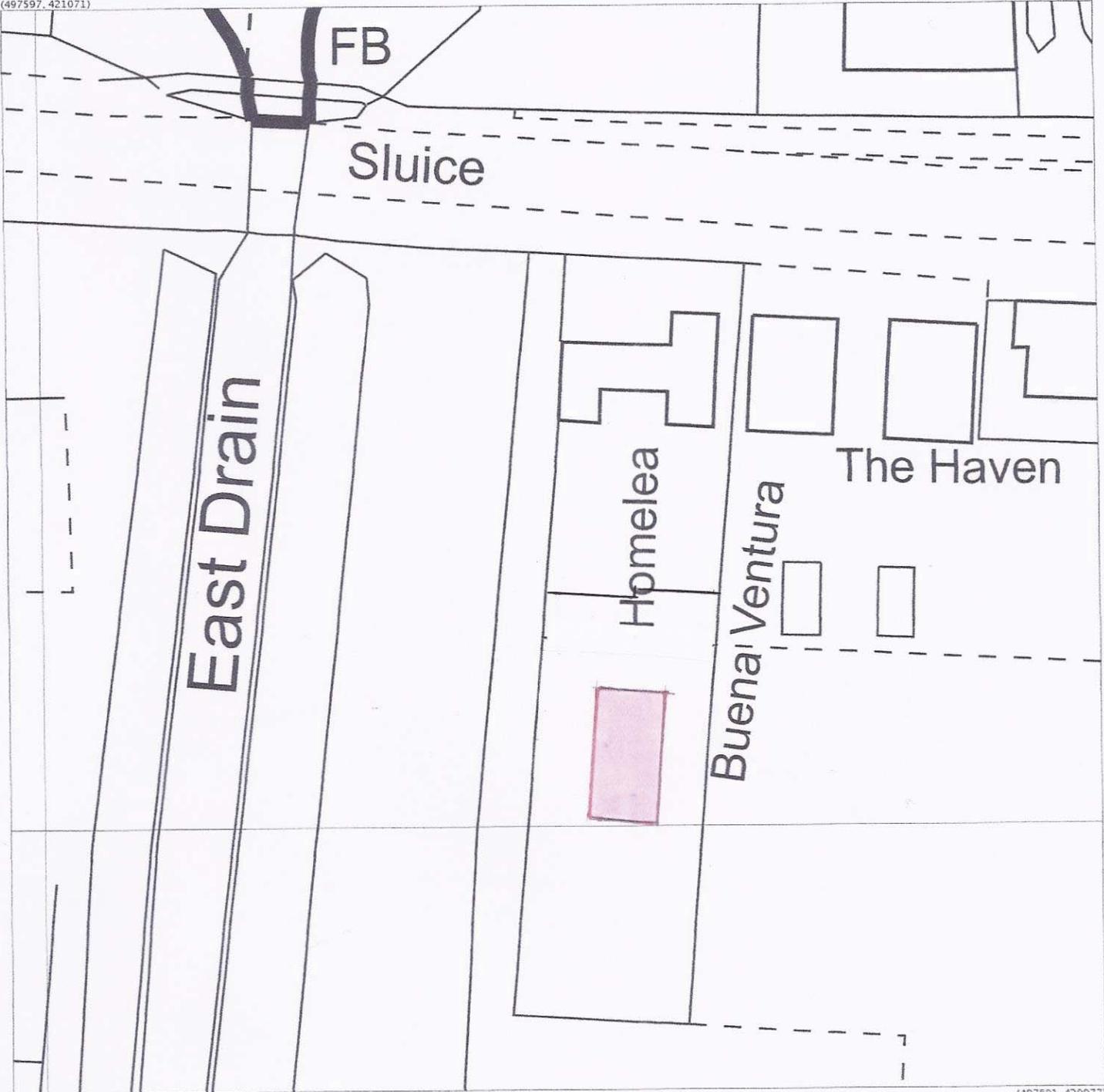


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PA/2014/0934 Proposed Layout - Not to scale



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