

APPLICATION NO	PA/2010/0338
APPLICANT	Mr J Raby
DEVELOPMENT	Planning permission to erect a detached dwelling and new access
LOCATION	Land adjacent to Sunny Bank, North End, Goxhill
PARISH	GOXHILL
WARD	Ferry
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

POLICIES

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Goxhill as a minimum growth settlement and the site is located within the settlement boundary (policy ST3).

Policy H5 (New Housing Development) sets out the criteria to control new housing development and to ensure consistency in design and layout.

Policies H3 (Previously Used Land), H8 (Housing Mix and Design) and DS1 (General Requirements) also apply.

Policy DS14 (Foul Sewage and surface Water Drainage) applies and states that the council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.

Policy DS16 (Flood Risk) sets out the criteria for dealing with developments on land at risk of flooding.

CONSULTATIONS

Highways: No objections subject to conditions (3-6).

Environment Agency: Object on the grounds that the site is within flood zone 3a where there is a high probability of flooding where, notwithstanding the mitigating measures proposed, risk to life and/or property from tidal inundation would be unacceptable if the development were to be allowed.

Anglian Water Developer Services: No objections.

PARISH COUNCIL

Object for the following reasons:

- The site is within flood zone 3 (high probability of flooding) and the accompanying flood risk assessment is out of date, and does not demonstrate that the development would provide wider sustainability benefits that outweigh flood risk.
- The Environment Agency did not object to building on the first plot as it was understood that there would be no further development on the site.
- There is a moratorium in place for new development and this part of North End was subject to significant flooding in 2007. Developing this elevated site will significantly increase run-off to surrounding properties during periods of heavy rainfall.
- The design and access statement is incorrect – there is no current permission on the site. The site had outline for two but this was lost when PA/2009/0981 was approved for one dwelling on over half the area of the site.
- The proposed development blocks off all vehicular access to Sunnybank and no details of a new access have been submitted. The parish council would not support a new access on to the narrow 'S' bend on Ferry Road as it would be a safety hazard.
- The proposal would have a detrimental impact on the amenities of surrounding residents, in particular to properties on Windsor Grove, due to overshadowing and overlooking. The rear windows would also directly overlook Sunnybank.
- The parish council considers that this site has been fully developed.

PUBLICITY

Letters have been sent to surrounding residents and responses have been received from five properties raising the following issues:

- Two dwellings on this site is contrary to previous approvals on the site as the outline has been lost by building one large dwelling on more than half the site area.
- The land that is left is much smaller than on the outline permission for two, and to build a dwelling on this smaller parcel would be out of keeping and over-development.
- The flood risk assessment is out of date, being that originally used for a 2004 application.
- The parking and access arrangements are inadequate and will lead to parking on the shared driveway, blocking access/egress to other properties.
- No information has been submitted about the sewage drainage system and the surface water details are ambiguous.
- Trees have been removed. Is a tree survey required?
- There would be an increased risk of flooding, being in flood zone 3, in an area that is already prone to flooding.

- There would be a reduction in privacy due to overlooking and loss of amenity/light due to overshadowing.
- The proposal is out of scale with the original outline, with one large dwelling already been built on the first plot.
- A new access onto Ferry Road will be required for Sunnybank. This will be unacceptable on such a busy, dangerous road, which is narrow and already congested.

ASSESSMENT

The proposal involves the erection of a detached four-bedroom dwelling with integral garage on part of the garden to the adjacent property, Sunnybank. The site is within the development boundary for Goxhill and is surrounded by other residential properties, including one currently under construction which was also originally part of the garden to Sunnybank (PA/2009/0315). The plot measures approximately 31 metres deep by 17 metres wide. Vehicular access to the site is proposed via an existing private drive.

The main issues in determining this application are whether or not the development is out of keeping with the character of the area and has a detrimental impact on the residential amenities of surrounding neighbours, and whether or not the proposal will increase the risk of flooding.

The proposed dwelling is located to the front of the plot approximately 6 metres back from the edge of the private drive, which leaves a back garden depth of 15 metres. The main living accommodation for the building under construction on the adjacent plot is 11 metres away from the boundary of the application site, with the dwelling to the north (1 Windsor Grove) having a separation distance of 12 metres from the boundary and 17 metres from the main two-storey part of the proposed dwelling itself. The proposed new dwelling will be on land to the south of 1 Windsor Grove and north of a plot currently under construction for another large detached house. The resultant development will mean that the rear garden area of 1 Windsor Grove will be overshadowed and dominated by the new dwelling to an unacceptable degree. There is sufficient space on the plot to provide adequate private amenity space. The dwelling has been designed so that the windows face the front and rear of the property, which will not result in any direct overlooking to any neighbouring property. There is one to an en suite bathroom in the south-facing side elevation but this will be glazed in obscure glass. It is considered therefore that the dwelling will not reduce the amenities of nearby residents due to overlooking. The design of the dwelling is considered to be in keeping with the overall character of the area, which has a mix of house types and sizes.

In relation to the issue of flooding, the parish council, neighbours and the Environment Agency have objected to the proposal. The site is within flood risk zone 3, wherein it is considered that residential development should not be permitted unless there is an overriding sustainable benefit to the local community. It cannot be argued in this particular case that the erection of one dwelling on this plot provides such a benefit. This site has an extensive and complicated planning history.

There have been a number of applications for residential development on this parcel of land dating back to 1979, when outline permission was given for two dwellings. However, the more relevant applications are as follows:

- PA/2004/0941: Outline planning permission for two dwellings, approved.
- PA/2007/0981: Outline planning permission for two dwellings (renewal of PA/2004/0941), approved.
- PA/2008/0493: Full planning permission for the erection of one dwelling on part of the site, refused on the grounds that the development did not pass the sequential or exceptions test as required by PPS25. The Environment Agency objected to this application.
- PA/2009/0315: Full planning permission for the erection of one dwelling on a larger part of the site, approved at committee. The Environment Agency did not object to this application as it was considered that one dwelling was more appropriate than the two approved at outline. This build (which is currently under construction) covers more than half of the original plot size – see plan.

The site does not now have planning permission for the erection of two dwellings, as the original outline has been superseded by the erection of one dwelling on more than half the site. The Environment Agency has objected to the current application on the grounds that the site no longer has outline permission for two dwellings, and this is correct, but this site did have permission for two dwellings in 2004.

The site is in the middle of the built-up area of the village and is adjacent to a new property currently under construction. As one individual dwelling, the proposal does not meet the sequential test or exceptions test as outlined in PPS25.

A number of other issues have been raised by neighbours and the parish council relating to parking and access and the removal of trees. In relation to the access and parking arrangements for the new plot, the highways department consider that the level of provision is sufficient to meet the needs of the development. By building on this plot, the existing access to Sunnybank will be lost, but this has always been the case. Neighbours and the parish council have raised concerns that a new access to Sunnybank onto Ferry Road would not be acceptable, as it would be dangerous due to the bend in the road and the amount of traffic that already uses the highway. However, an access onto Ferry Road has always been anticipated by Highways, and there was a condition on the outline application to this effect. Similarly, with this application, there are no objections to this, subject to the position and details being submitted for approval before work on the proposed dwelling is commenced.

There were a group of trees on the site and conditions on the outline approval required details to be provided to show landscaping, trees to be retained and how they would be protected during construction. However, the trees were not protected by tree preservation orders and as the outline permission was never implemented, the conditions on that permission cannot now be enforced. Over time, therefore, the trees have gradually been removed to allow for the development of the site.

RECOMMENDATION Refuse permission for the following reasons:

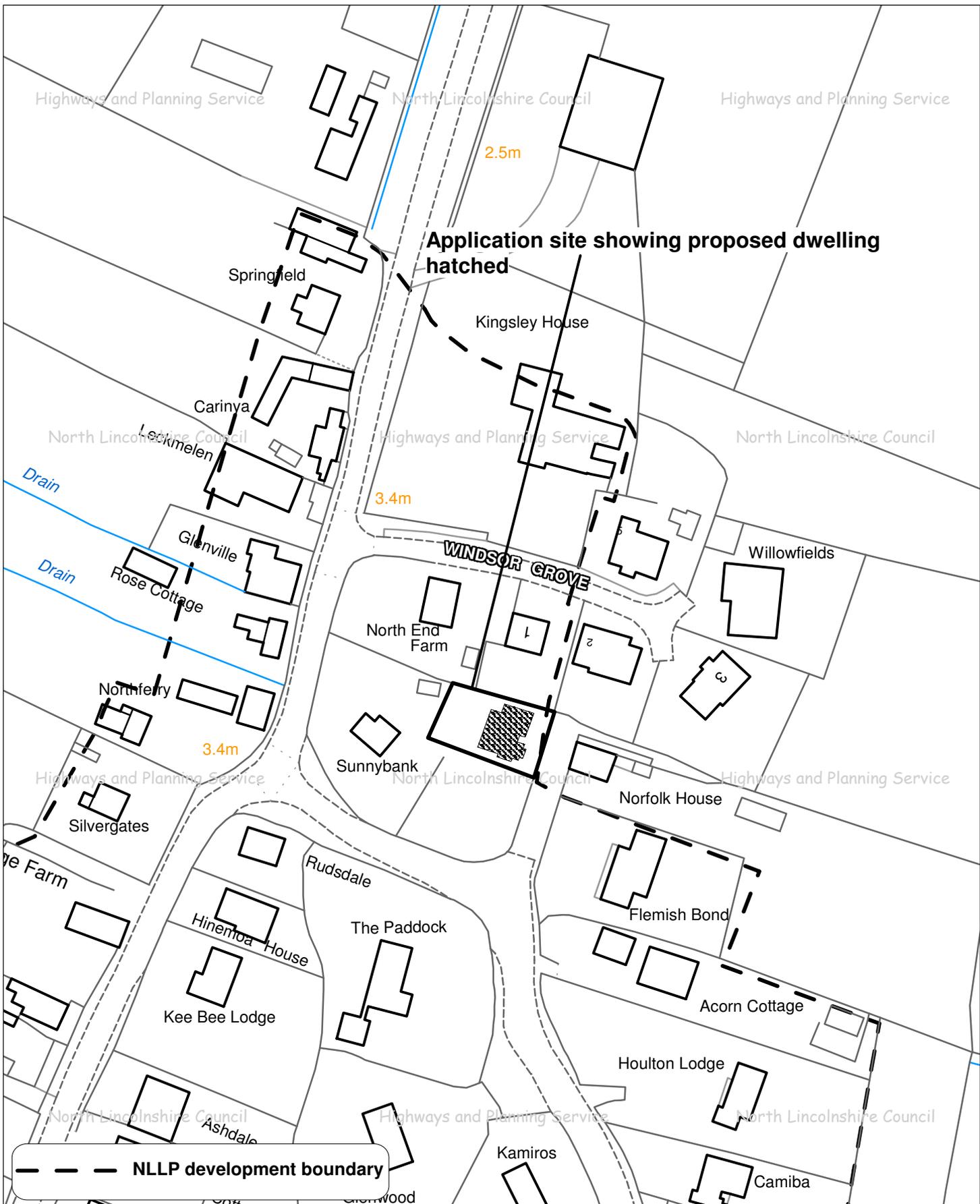
1.

The site lies within Flood Zone 3a defined by Planning Policy Statement 25 (PPS25) as having a high probability of flooding where, notwithstanding the mitigating measures proposed, the risk to life and/or property from tidal inundation would be unacceptable if the development were to be allowed.

In particular North Lincolnshire Council's Strategic Flood Risk Assessment (SFRA) shows the site to be located within compartment 1T4 (Goxhill). Paragraph 4.35 of the SFRA confirms the site is located within North Lincolnshire Council's Zone 3 (High Hazard) and paragraph 4.36 of the SFRA confirms that during a 0.5% annual probability flood event the defences would become overwhelmed and it is highly likely that the site would flood. Due to the above the local planning authority considers that the development is not appropriate and fails to satisfy the provisions of policy DS16 of the North Lincolnshire Local Plan.

2.

In the opinion of the local planning authority the construction of the proposed detached dwelling on this plot would adversely affect the amenity of the occupiers of 1 Windsor Grove by virtue of the dominating effect the new dwelling would have on the private amenity space of that property and hence would be contrary to the provisions of policy DS1(iii) of the North Lincolnshire Local Plan.



Drawing Title: 2010/0338

OS Grid Ref: TA10552270

Drawn by: KC

Scale: 1:1250

Date: 09/06/2010



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

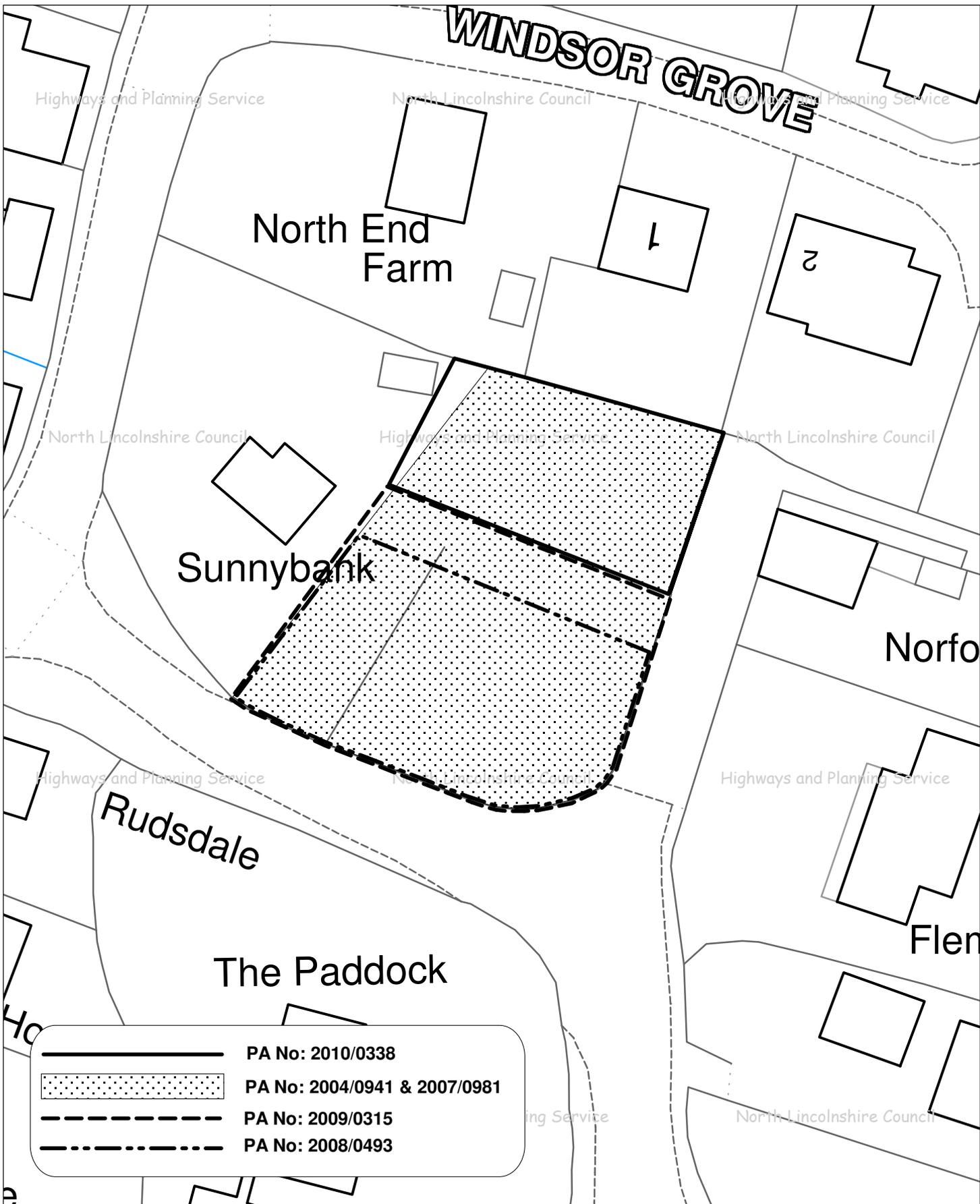
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

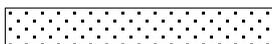
NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



Highways and Planning Service

Service Director,
G Popple



	PA No: 2010/0338
	PA No: 2004/0941 & 2007/0981
	PA No: 2009/0315
	PA No: 2008/0493

Drawing Title: 2010/0338

OS Grid Ref: TA10542266	Drawn by: KC	Scale: 1:500	Date: 14/07/2010
-------------------------	--------------	--------------	------------------

 Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. NORTH LINCOLNSHIRE COUNCIL 0100023560 2010

 **Highways and Planning Service**
Service Director,
G Pople

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a highways and planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.

North End Farm

unnybank

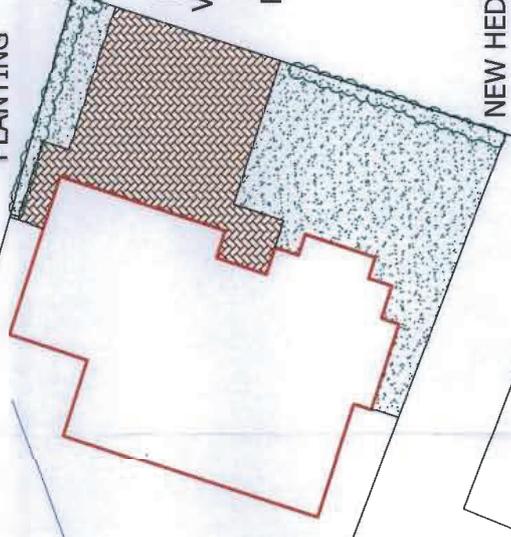
Norf

DEVELOPMENT CONTROL SECTION
31 MAR 2010
DATE RECEIVED

NEW HEDGEROW PLANTING

EXISTING VEHICULAR ACCESS RETAINED

NEW HEDGEROW PLANTING



PROPOSED SOAKAWAY, min 5m AWAY FROM BUILDINGS & 2.4m dia x min 1.5m DEEP

PROPOSED NEW DWELLING
NORTH END
GOXHILL, N LINGS
for MR & MRS J. RABY

SITE LAYOUT 1 / 200
MAR 2010