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| APPLICATION NO | PA/2010/0406 |
| APPLICANT | MJH Engineering Limited |
| DEVELOPMENT | Planning permission to erect a pair of semi-detached dwellings and detached domestic garages (resubmission of PA/2009/0825) |
| LOCATION | Land on corner of Butts Road, Barton-upon-Humber |
| PARISH | BARTON-UPON-HUMBER |
| WARD | Barton-upon-Humber |
| SUMMARY RECOMMENDATION | Refuse permission |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Councillor Sidell) |

POLICIES

National planning policy: Planning Policy Statement 25 (Development and Flood Risk) states that development within Flood Risk Zone 3a 'high probability' shall be assessed against the sequential test and exception test to decide whether the site is suitable for more vulnerable development such as a new dwelling.

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Barton as a principal growth settlement.

Policy H1 (Housing Development Hierarchy) – the primary focus for housing development will be the Scunthorpe and Bottesford urban area, and to a lesser extent the principal settlements of Barton and Brigg.

Policy H5 (New Housing Development) states that new housing should be in keeping with the scale and character of the settlement and the immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings.

Policy H8 (Housing Mix and Design) applies and states that new residential development will be permitted provided that it respects and reflects the form, scale, massing, design, detailing and materials of the local environment.

Policy T2 (Access to Development) requires all new development to be provided with a satisfactory access.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) - proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows.

Policy DS16 (Flood Risk) – development will not generally be permitted within floodplains unless adequate protection or mitigation measures are undertaken.

Policy DS1 (General Requirements) provides general design guidance in relation to all new development.

CONSULTATIONS

Highways: No objection subject to a condition ensuring that any boundary treatment is positioned outside the area of the visibility splay along Pasture Road at the Butts Road junction.

Environment Agency: Objection (summarised). The application does not include confirmation that North Lincolnshire Council considers the sequential test to have been passed. The flood risk assessment (FRA) in its current form has failed to meet the requirements of part (C) of the flood risk exceptions test.

Anglian Water Developer Services: No response.

TOWN COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified. No responses have been received.

ASSESSMENT

This proposal is for the erection of one pair of semi-detached dwellings with detached domestic garages. A previous application (2009/0825) was withdrawn and this application is a resubmission. In 1999 outline planning permission was granted for one dwelling (1999/1342). The subsequent reserved matters applications were both refused (2002/0910 and 2006/0126) and therefore the original outline permission has now lapsed. Once an application has lapsed or is resubmitted it has to be assessed against the policy appertaining at that later date. If the policy has changed since the original approval the local planning authority could quite properly refuse the resubmission on the basis of the new or changed policy.

The site is a corner plot located within the development boundary of Barton. The site is currently overgrown and there are several trees covered by a tree preservation order (TPO) on the site. The proposal involves the removal of a number of trees from the site and pruning works to the remaining trees. The dwellings will front Butts Road and be level with existing dwellings on this road. The design of the dwellings will be in character with existing properties along Butts Road. The garages are located to the rear of the site and will be accessed via Pasture Road.

The main issues associated with this case are whether, in planning policy terms (including flood risk), residential development is acceptable on this site, and if so, whether its design and impact on the highway, trees, neighbours and the locality are also acceptable.

The site is located within the development boundary of Barton where, in principle, residential development is considered to be acceptable. The design of the dwellings is considered to be acceptable and in character with this part of Butts Road. The design and siting of the dwellings will not result in any loss of amenity to adjoining neighbours. The proposal therefore accords with policies ST2, H1, H5, H8 and DS1 of the North Lincolnshire Local Plan.

In terms of impact on the trees, the site is very overgrown. Five of the trees covered by the TPO are to be removed with the remaining five trees to be pruned. The loss of these trees is regrettable but it is considered that these trees are of limited amenity value. The pruning of the other trees located on the boundary of the site will improve the amenity value of these trees and safeguard the long-term health of these trees. The proposal, on balance, accords with policy LC12 of the North Lincolnshire Local Plan.

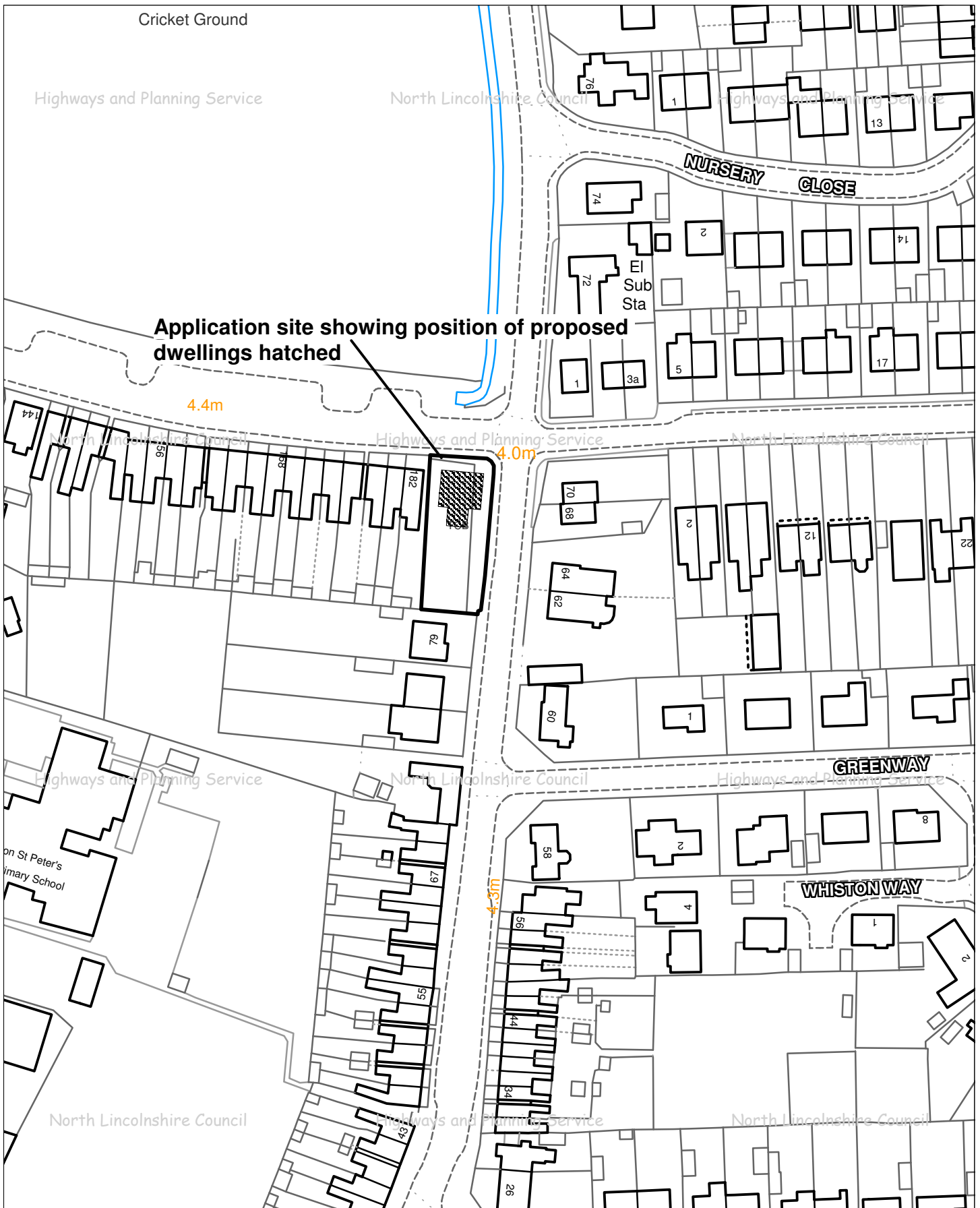
The comments in relation to the access arrangements made by Highways are noted. The local planning authority is satisfied that issues relating to the boundary treatment and visibility splay could be overcome with a planning condition requiring the applicant to submit a drawing showing the type of boundary treatment proposed in such a position and of a height that the visibility splay at the junction of Butts Road and Pasture Road is safeguarded.

The Environment Agency's comments are noted. The site is located within an area at high risk of flooding. In terms of PPS 25, when the sequential test is applied there are alternative sites within Barton that could accommodate a pair of semi-detached dwellings (such as the development site off Tofts Road) that have a lower risk of flooding than this particular site. The proposal therefore fails the sequential test.

In addition, had the proposal passed the sequential test it would still be subject to the exception test set out in PPS 25. All three elements of the exceptions test will need to be passed in order for the development to accord with PPS 25. The exceptions test is applied to development in flood risk areas to identify whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. In addition, the submitted flood risk assessment needs to demonstrate that the development would be safe, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall. In this particular case the development of a pair of semi-detached dwellings for private ownership would not provide a wider community benefit to outweigh the risk of flooding. The submitted FRA does not meet the minimum requirements of PPS 25 and therefore the site is not protected from flooding to an adequate standard. The proposal is therefore contrary to advice given in PPS 25 and policy DS16 of the North Lincolnshire Local Plan.

RECOMMENDATION Refuse permission for the following reasons:

The proposed development is classified as 'more vulnerable' in Table D2 of Planning Policy Statement 25: Development and Flood Risk and the site is located within Zone 3ii as defined on the Strategic Flood Risk Assessment for North Lincolnshire. This development in this location will only be permitted where it passes a sequential and exceptions test. It is considered that there are alternative sites within Barton-upon-Humber for residential development which are located in a lower flood risk zone. The proposal therefore fails the sequential test. The proposal also fails the exceptions test as it would not provide wider sustainability benefits to the community that outweigh the flood risk and the submitted flood risk assessment will not protect the site from flooding to an adequate standard. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan and Planning Policy Statement 25: Development and Flood Risk.



Application site showing position of proposed dwellings hatched

4.4m

4.0m

4.5m

Drawing Title: 2010/0406

OS Grid Ref: TA03552234

Drawn by: KC

Scale: 1:1250

Date: 09/06/2010



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



Highways and Planning Service

Service Director,
G Popple

PROPOSED PAIR OF SEMI-DETACHED DWELLINGS

BUTTS ROAD, BARTON-UPON-HUMBER

MR & MRS HUGHES.

VEHICLE VISIBILITY SPLAY

08/65/02 - REV 1

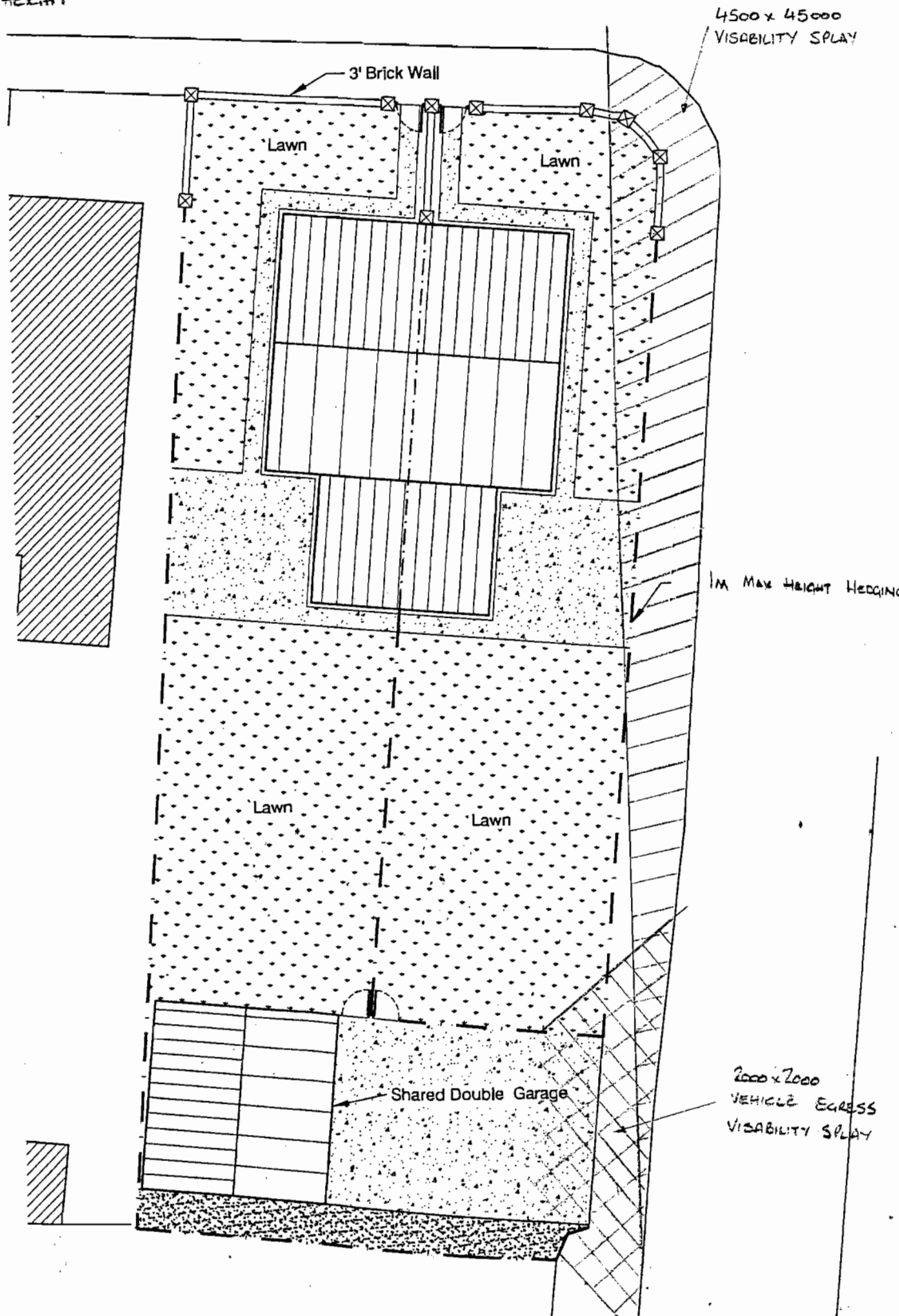
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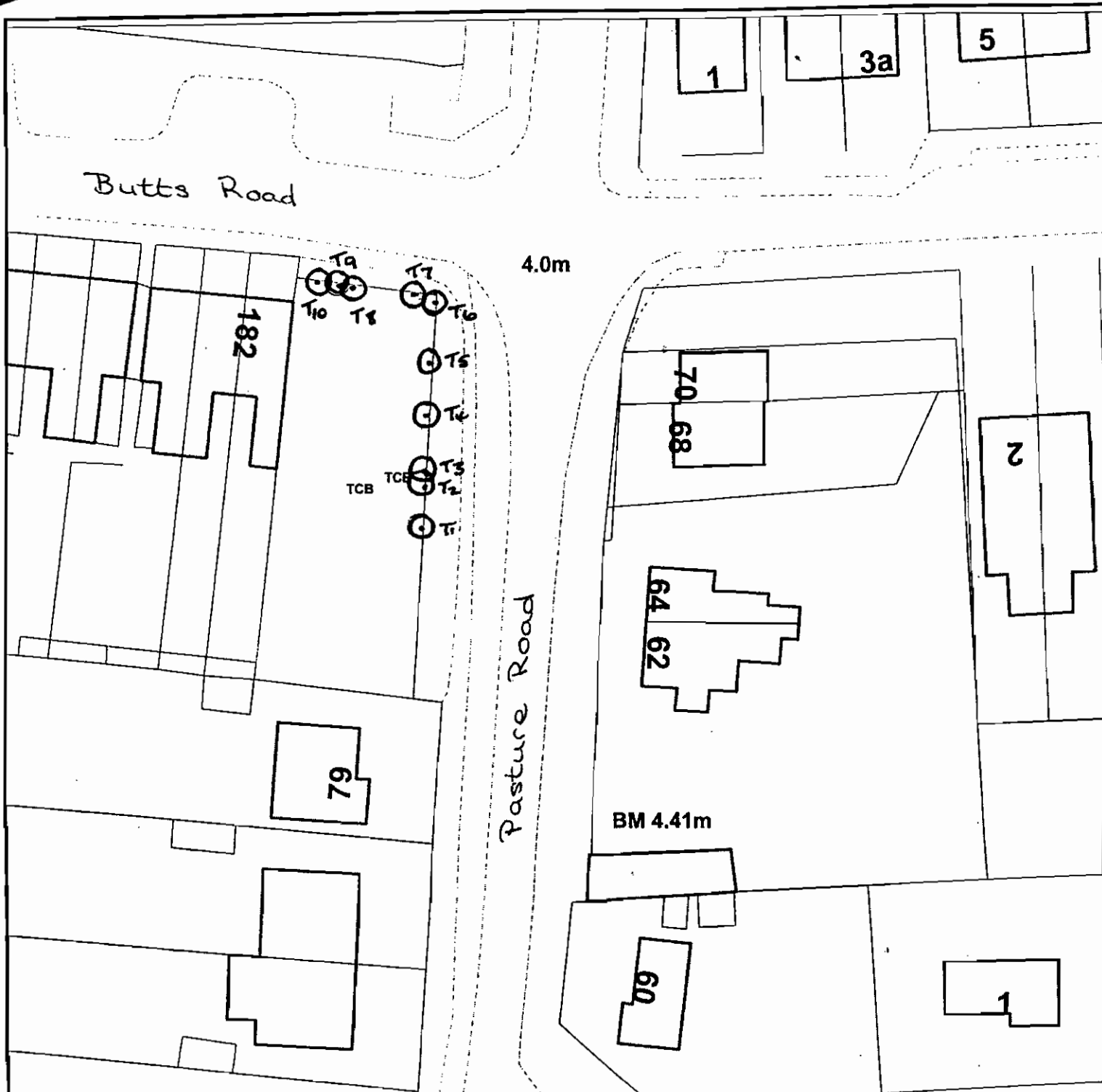
DATE - SEPT 09

DEVELOPMENT CONTROL SECTION
13 APR 2010
DATE RECEIVED
Referred To

NOTE:-

NO ITEM WITHIN VISIBILITY SPLAYS TO BE GREATER THAN 1000 IN HEIGHT





Notes

| Rev No | Revision Details | Rev'd By | Rev Date |
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Directorate of Environment and Public Protection

Development Plans Team

Director, E. Lodge, BA, DMA, MCIEH, MinstWM, MIHE

Tree preservation Order

Land adjacent 182 Butts Road
Barton upon Humber

Drawn by: 29th November 2001

1:500 App'd by:

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