

APPLICATION NO	PA/2010/0492
APPLICANT	Miss S Nothard
DEVELOPMENT	Planning permission to change the use of a former Methodist chapel to a dwelling (resubmission of PA/2008/1577)
LOCATION	The Moorings, Jaques Bank, Medge Hall, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor John Briggs – concern about the interpretation and implementation of PPS25 on single development plots)

POLICIES

National Planning Policy: Planning Policy Statement 25 (Development and Flood Risk) (PPS25) states that planning applications for new development located in flood zones 2 and 3 should be accompanied by a flood risk assessment (FRA). This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. A flood risk assessment will also be required where the proposed development or change of use to a more vulnerable class may be subject to other sources of flooding or where the Environment Agency, Internal Drainage Board and/or other bodies have indicated that there may be drainage problems.

North Lincolnshire Local Plan: Policy ST3 (Development Limits) states that development outside development boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside.

The site is located outside of defined development boundaries and as such is in the open countryside. Policy RD2 (Development in the Open Countryside) restricts the granting of planning permission to proposals which are essential to the efficient operation of agriculture or forestry, appropriate employment and related development, affordable housing to meet a proven local need, essential for the provision of outdoor sport and recreation or the re-use of existing buildings.

Policy RD9 (Re-use and/or Adaptation of Rural Buildings for Residential Use in the Open Countryside) states that proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration;

- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion;
- (iv) the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and
- (v) the development will not lead to the loss of habitat for protected species.

Policy DS16 (Flood Risk) states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of flood water; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences;

unless adequate protection or mitigation measures are undertaken.

Policy DS1 (General Requirements) also applies.

CONSULTATIONS

Highways: No objection subject to conditions.

Yorkshire Water: No comments or objections.

Environment Agency: Object on the grounds that the FRA submitted with the application does not comply with the provisions of PPS25. The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Additionally the Environment Agency has stated that any construction works on the development would be within 8 metres of the South Soak Drain and would require the prior written consent of the Environment Agency under Land Drainage Byelaw 18. The agency has confirmed in its response that consent would not be granted for such works within the byelaw distance as they could obstruct essential maintenance works.

TOWN COUNCIL

No objection or comments.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No letters of comment or objection have been received.

ASSESSMENT

The application site is located outside the development boundary for Crowle and is close to the North and South Soak Drains as well as the Stainforth and Keadby Canal. There is a small former Methodist chapel on the site at present and it is proposed to convert this building into a dwelling.

There has been a previous planning application for the conversion of this building to a dwelling (PA/2008/1577), which was refused by the Planning Committee on flood risk grounds. The current application is a resubmission of this previous application with an amended flood risk assessment that attempts to overcome the concerns regarding flood risk.

The main issue to consider when determining this application is whether the proposed development will be safe from flooding.

The Environment Agency considers the site to be within flood risk zone 2 'medium probability', however it is classed as being in flood zone 3(ii) 'high vulnerability area' of the Strategic Flood Risk Assessment for North Lincolnshire. The site is very close to the South Soak Drain and is only defended from flooding to a 1:30 year standard. As a result the application site is at risk from overtopping and breach of the banks. The Environment Agency has objected to the application on the grounds that the flood risk assessment submitted is inadequate to comply with the provisions of PPS25 as it does not demonstrate that the development will be 'safe' from a flood risk perspective. The FRA has not assessed the 1% annual probability flood event, with an allowance for climate change, as required by PPS25. It also fails to consider the residual risk of pump failure and how this event would impact upon the proposed development. Additionally the FRA has not demonstrated that occupants of the dwelling could remain safe, by either residing in the dwelling or being safely evacuated in a flood event.

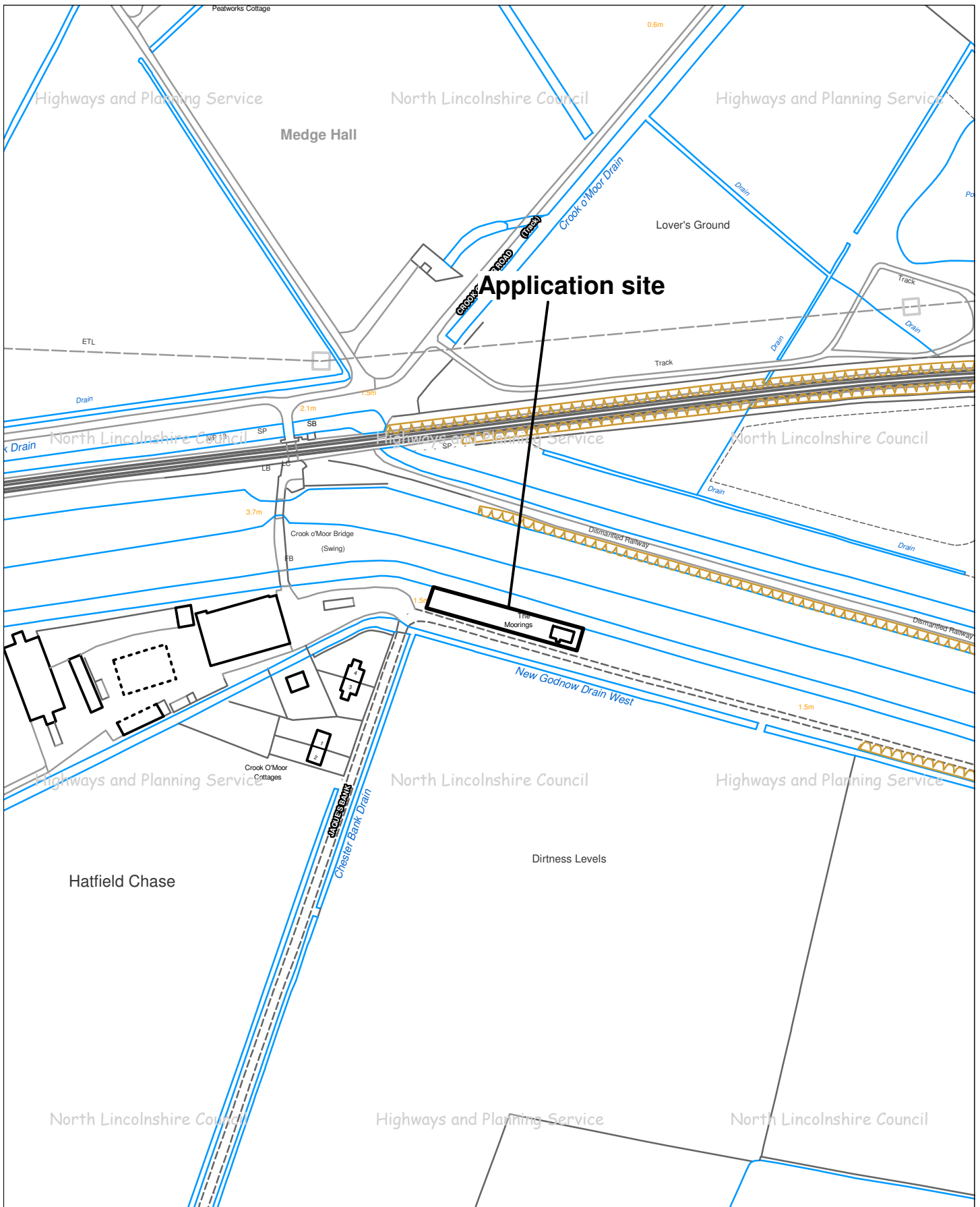
The FRA submitted with the application does not provide the necessary information to allow the Environment Agency to assess the flood risk in the area. As such it cannot be proved that the proposed development will be safe from flooding. Therefore the proposal is contrary to the provisions of PPS25 Annex E. The proposal is also contrary to the provisions of policy DS16 of the North Lincolnshire Local plan as it will increase the number of people at risk from flooding and impede access for the future maintenance of the South Soak Drain. As such the proposed conversion of the chapel is unacceptable.

The Environment Agency have stated that should the planning application be approved the applicant would also require their consent under Land Drainage Byelaw 18 to carry out the works. Planning legislation is separate and different legislation to the Environment Agency byelaws. Therefore, if planning permission is granted for the conversion, the applicant would still have to accord with any other relevant legislation and the planning permission would not overrule any other legislation. The local planning authority has no obligation to consider other pieces of legislation when making its decision. Applications should be judged on their planning merits and other legislation is not a material planning consideration.

RECOMMENDATION Refuse permission for the following reasons:

1.

The submitted flood risk assessment does not comply with the requirements set out in Annex E of Planning Policy Statement 25 (PPS25). It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposal is therefore contrary to the provisions of PPS25 and to policy DS16 (Flood Risk) of the North Lincolnshire Local Plan.



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Highways and Planning Service

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