

APPLICATION NO	PA/2010/1293
APPLICANT	Mrs P Aked
DEVELOPMENT	Planning permission to replace an extant planning permission (PA/2007/2068 dated 23/04/2008) to erect a two-storey dwelling with associated double garage
LOCATION	Land adjoining The Old Vicarage, Church Street, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision & Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes, and that greater emphasis should be placed on meeting local needs in rural areas.

Policy H2 (Managing and Stepping up the Supply and Delivery of Housing) applies.

North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) sets out the criteria by which proposals in conservations areas will be assessed. This policy requires proposals to be of a standard of design which respects the character and appearance of the conservation area, in terms of architectural features, building materials, access, landscape and ecology, open space and views.

Policy HE5 (Development Affecting Listed Buildings) applies because the principal building on the adjoining site is a grade II listed building. The primary consideration will be the need to preserve or enhance the fabric and character of that building and consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. Proposals which damage the setting of a listed building will be resisted.

Policy DS16 (Flood Risk) states that development will not be permitted within floodplains where it would, amongst other things, increase the number of people or buildings at risk.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) requires, wherever possible, the retention and protection of trees, particularly those trees of amenity value within built up areas.

Policy H5 (New Housing Development) requires all new housing developments to be well related to existing infrastructure; be in keeping with the scale and character of the settlement; not result in the loss of important open space; comprise development of not more than three dwellings; reasonably be expected to commence within the lifetime of the

local plan; be appropriate in scale, layout, height, and materials of construction, which are compatible with the character and amenity of the immediate environment; have an appropriately designed access with adequate parking facilities; conserve and retain features of particular architectural, historic, archaeological, landscape or nature conservation importance; provide a sufficient amount of private amenity space unless the development is for flats and not result in overlooking or loss of privacy of adjacent land uses.

Policy H8 (Housing Design and Housing Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; have a high standard of design and layout; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement taking into account safety, health and the security of residents; provide residents with a sense of identity and an appropriate mix of dwelling size and types.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing;
- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Planning Policy Statement 25 (Development and Flood Risk): PPS25 replaces PPG25 published in 2001 and this document may be a material consideration to decisions by local planning authorities on individual planning applications. The Government recognises that although flooding cannot be wholly prevented, its impact can be avoided and reduced through good planning and management. The key planning objectives of PPS25 are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.

CONSULTATIONS

Highways: Advise conditions.

Environment Agency: No objection subject to previous condition being carried across.

Crowle and Ealand Heritage Society: No objection.

Isle of Axholme Internal Drainage Board: Comments and condition.

Severn Trent: No objection subject to a condition being imposed.

TOWN COUNCIL

No objections or comments.

PUBLICITY

Site and press notices have been posted and neighbouring properties notified. No representations have been received

ASSESSMENT

Planning permission is sought for the renewal of an existing planning permission for the erection of a detached house and garage on land adjacent to The Old Vicarage (a listed building) at Church Street, Crowle.

The existing permission is PA/2010/1293. That application was presented to Planning Committee with a recommendation for refusal; however members felt that permission should be granted and permission was given.

The main issues to consider when determining the application are whether or not the proposed development would meet the sequential and exception tests required by PPS25, whether the design is acceptable in this setting, whether the living conditions of neighbours would be harmed and whether the development, in close proximity to mature trees, is appropriate.

The scheme does meet most of the criteria of new development in a sensitive location adjacent to a listed building and within the conservation area; the design is appropriate and it is not considered that any harm to neighbours would occur, however PPS25 requires the council to carry out sequential and exception tests and these tests are failed.

Sequential and Exception Tests

The development site is within Flood Zone 3a 'high probability' as detailed on the Environment Agency's Flood Zone Maps. The proposed development is classified as 'More Vulnerable'.

The principal aim of the sequential test is to steer development to areas of land at least risk of flooding, and where within a settlement there are varying levels of risk, development should be resisted on high risk land where lower risk land is available. The application site is within Zone 3a on the Environment Agency's indicative maps and there is a large area of land in the centre of Crowle which is designated Zone 1 – low risk. There is a new housing estate at Mill Road which is within Zone 1 land and there are likely to be infill plots available in the Zone 1 area. Therefore, the proposed development fails the sequential test as it would be possible to locate the development on land which is at a significantly lower risk of being affected by flooding.

In any event, the development fails the exception test. The exception test is an integral part of the sequential test and must be passed. The key part in this case is A, which requires development to provide wider community benefits that outweigh the flood risks from allowing development in a high risk zone. It is not possible, in this instance, to argue that the development provides any wider community benefits and the test is failed.

An appeal decision dated 2 April 2008, relating to a site on Wharf Road, Crowle dismissed an appeal that related to the erection of a bungalow. The inspector accepted that whilst much of Crowle lies within Flood Zones 3a and 3b, significant areas of the town are within Zone 1 where 'more vulnerable' developments, such as dwellings, are appropriate. The inspector referred to the plots at Mill Road but the appellant had argued that these had planning permission already and were therefore not available as such. The inspector disagreed and stated that the fact that the plots have planning permission increases the degree to which the plots are truly available for development. The inspector went on to say that this, added to the possibility of infill plots being available and suitable for a single dwelling, meant that he was not convinced it was necessary to consider the suitability of a site in Zone 3a and that being the case the sequential test is not satisfied.

The inspector went on to state that, in any event, even if it could be shown that no sites were reasonably available in an area less likely to flood, all three elements of the exception test, as set out in PPS25, would need to be met. B and C are met but A must also be met and this requires that it must be demonstrated that the development would provide wider sustainability benefits that outweigh the flood risk.

It is a crucial point that, even if the sequential test was felt to be passed (if no other plots were available in less risk areas), then the exception test is still failed and permission should be refused.

Other issues

The Environment Team has made comments about the presence of two very large mature beech trees in close proximity, their potential to shade the house and that the protection areas are smaller than the council's SPG recommends. It is advised that conditions are imposed in the event of permission being granted.

The Historic Environment Officer recommends conditions be imposed regarding archaeological investigation.

In terms of site access, the proposal will utilise an existing access and Highways themselves have stated that they have no objections to the proposal subject to standard highway conditions being attached to any permission. When they were consulted on PA/2007/2068 they said they would prefer the front boundary wall to be removed but accept that this would have adverse built heritage implications.

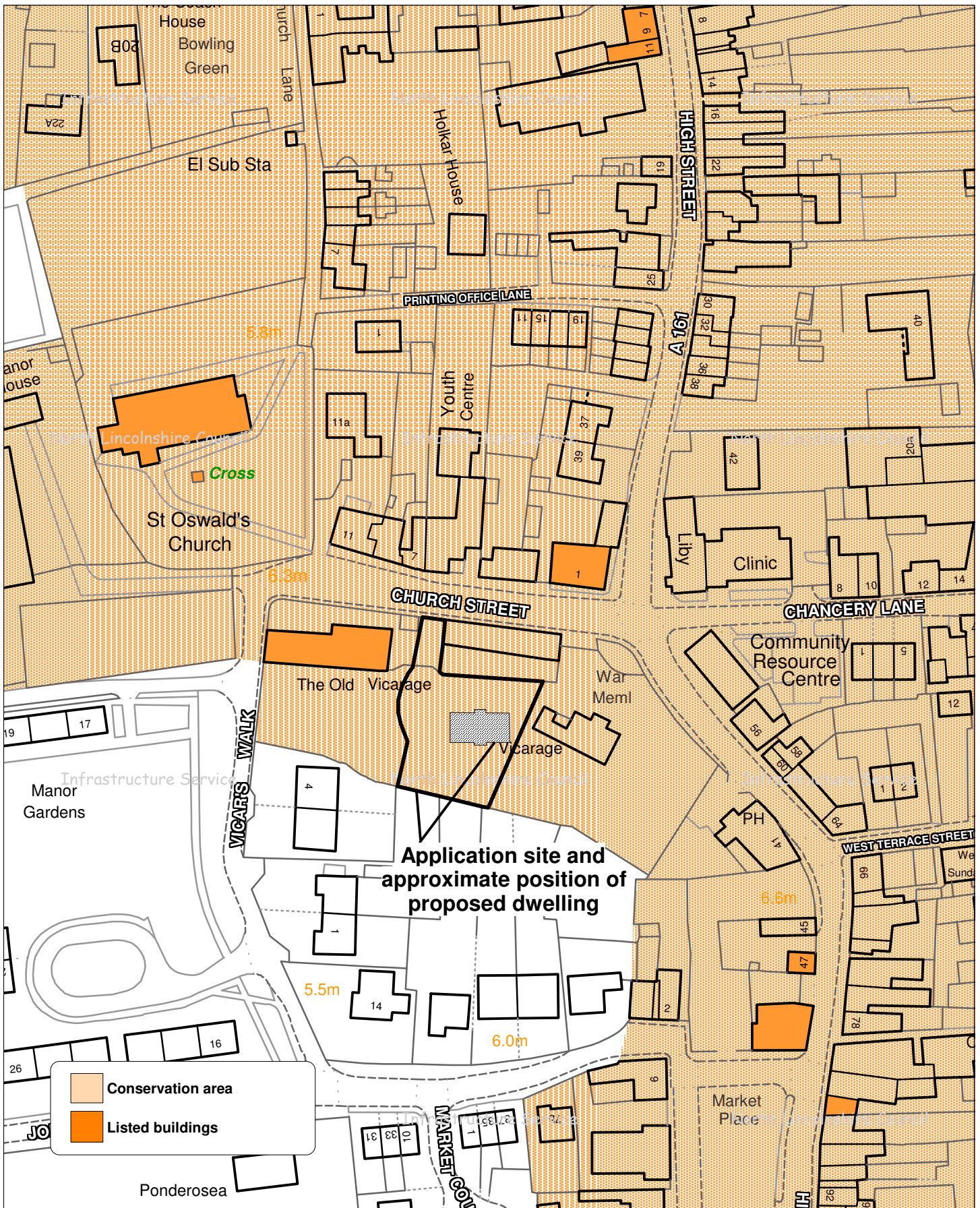
It is not disputed that the scheme would sit well with the listed building and the conservation area and it is felt that the proposed development would not have an adverse impact on the character and street scene of the area – whilst there are bungalows in the area, the adjacent buildings are two-storey. Neither would it be detrimental to the amenity of the neighbouring dwellings. The church hall also gained permission to be converted but the relationship between the two buildings would be acceptable.

However, the issues of flood risk are a national priority and the application is unacceptable and should be refused.

RECOMMENDATION Refuse permission for the following reason:

Reason

The proposed development is classified as 'more vulnerable' in Table D2 of Planning Policy Statement 25 and the site is within Zone 3a 'high probability' of the Environment Agency's Flood Maps where such development should only be allowed where it passes a sequential test and an exception test. The development does not pass the sequential or exception tests as it would not provide wider sustainability benefits to the community that outweigh flood risk nor is the development located in the only area capable of accommodating it. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan and the requirements of Planning Policy Statement 25.



Drawing Title: 2010/1293

OS Grid Ref: SE77231293

Drawn by: CA

Scale: 1:1250

Date: 20/01/2011



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 2011



Infrastructure Service

Director,

Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMechE

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.