

APPLICATION NO PA/2011/1183

APPLICANT Mr M Bennett

DEVELOPMENT Planning permission to erect 3 flats

LOCATION 1C Dam 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 K Vickers – environmental reasons)

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) sets out the standards of design for all new developments.

Policy T2 (Access to Development) – all new development must have a satisfactory access.

Policy DS16 (Flood Risk) applies since the site is within an area of high flood risk.

North Lincolnshire Core Strategy: Policies CS1 (Spatial Strategy for North Lincolnshire, CS2 (Delivering More Sustainable Development), CS5 (Delivering Quality Design in North Lincolnshire), CS7 (Overall Housing Provision) and CS19 (Flood Risk) apply.

Planning Policy Statement 25 (Development and Flood Risk): Its main aims are to ensure 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: No objections subject to a condition (3).

Environment Agency: Object on the grounds that the flood risk assessment does not meet the criteria set out in PPS25.

TOWN COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Three letters have been received raising the following issues, together with some non-material planning considerations:

- lack of parking
- possible drainage problems
- loss of daylight and privacy to the rear of adjacent dwellings on Fleetgate
- flood risk

ASSESSMENT

This application is a resubmission of PA/2008/0395 and is identical in all respects except for slight modifications to the flood risk assessment. The previous application was refused planning permission by Planning Committee in July 2008 because the development lies within a high flood risk area where it should only be allowed if it passes a sequential test and an exception test. It was considered that the development did not pass the exception test 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. A subsequent appeal was dismissed by the Planning Inspectorate who agreed that the development was unacceptable within an area designated as being at risk from flooding.

The main issue in determining this application is whether the flood risk problems identified with the previous refusal have now been adequately addressed.

The concerns raised by local residents are the same as those reported to Planning Committee in July 2008. They were adequately assessed and found to lack any justification.

The overriding issue is still flood risk. The flood risk assessment submitted with the previous submission (PA/2008/0395) was dismissed by the Environment Agency as being inadequate to satisfy the provisions of PPS25. Again the Environment Agency object to this application because the details in the flood risk assessment still do not fully comply with PPS25.

RECOMMENDATION Refuse permission for the following reasons:

1.

The flood risk assessment has not used the best available information to make an assessment of current and future flood risk to this more vulnerable development and has failed to evidence that the development would be safe over its lifetime in accordance with part C of the exception test.

2.

The breach hazard maps for the Humber Estuary show that the development site sits within an area of 'danger to most' in the current day scenario with depths between 1 to 2 metres and velocities of 0 to 3 metres per second. For the future climate change scenario over the lifetime of the development the hazard rating increases to 'danger for all'.

3.

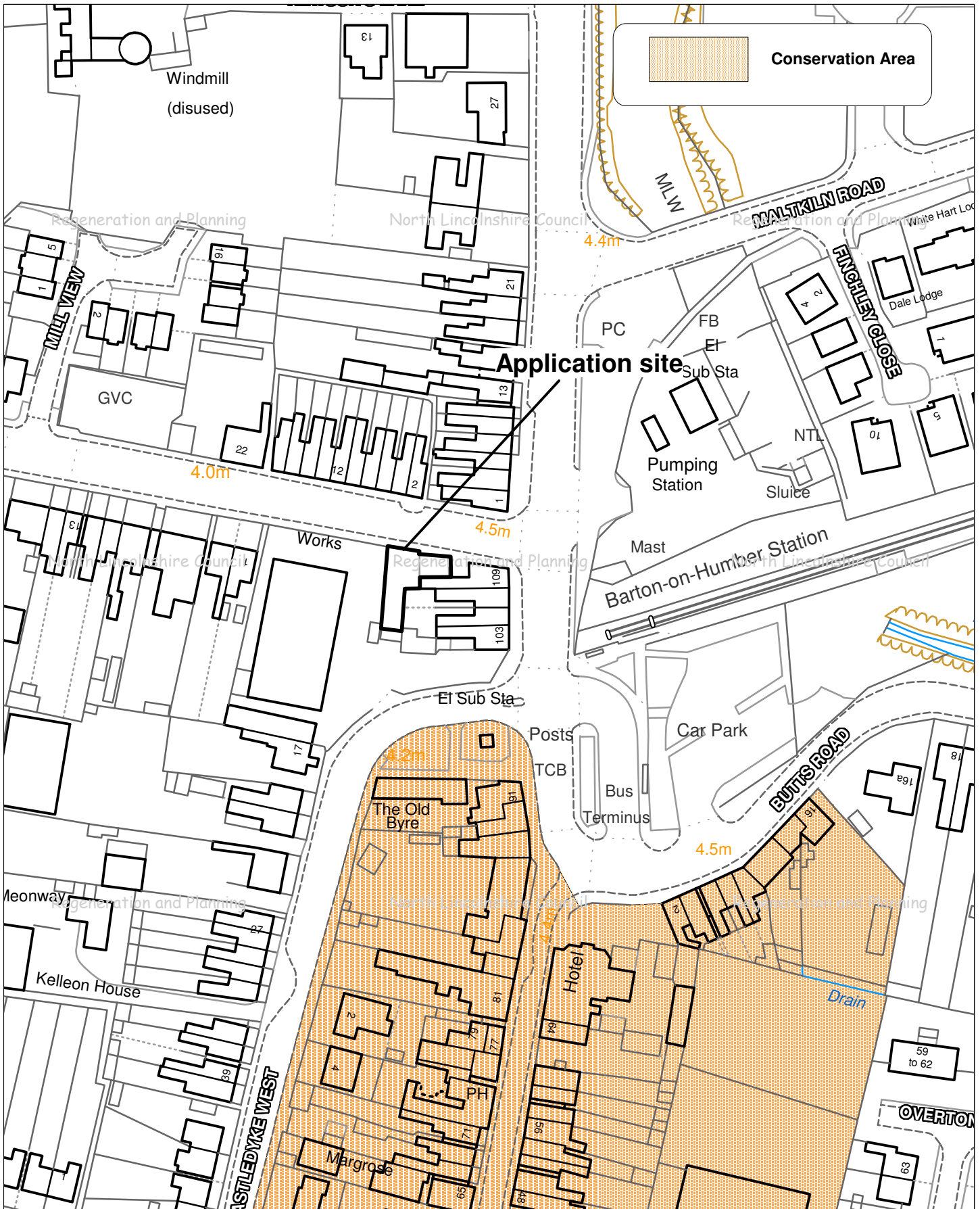
The flood risk assessment has identified minimal increases to finished floor level (in the region of 0.55 metre) which would still result in hazardous depths of water entering the property over the lifetime of the development. The flood risk assessment has also failed to consider change over the lifetime of the development.

4.

The documents supporting this application also fail to evidence safe access or refuge through the use of an informed flood warning and evacuation plan agreed with the local planning authority and emergency planners.

5.

The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan and advice given in PPS25.



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Regeneration and Planning

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