

**APPLICATION NO** PA/2012/0849

**APPLICANT** Mr N Coggon

**DEVELOPMENT** Planning permission to erect a dwelling

**LOCATION** Land adjacent 62 North Street, West Butterwick

**PARISH** **WEST BUTTERWICK**

**WARD** Axholme South

**CASE OFFICER** Andrew Law

**SUMMARY RECOMMENDATION** **Refuse permission**

**REASONS FOR REFERENCE TO COMMITTEE** Applicant request to address the committee

## **POLICIES**

**National Planning Policy Framework:** Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.... Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraphs 101, 102 and 103 explain the application of the sequential and exceptions test for sites in areas of flood risk.

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

**North Lincolnshire Local Plan:** Policy RD2 (Development in the Open Countryside)

Policy H8 (Housing Design and Mix)

Policy DS16 (Flood Risk)

Policy DS1 (General Requirements)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS19 (Flood Risk)

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Environmental Protection:** Recommend a condition relating to potential land contamination on the site.

**Environment Team:** Request a holding objection on the application until such a time as a suitable protected species survey has been completed.

**Severn Trent Water Ltd:** No objection subject to drainage condition.

**Yorkshire Water:** No comments.

**Environment Agency:** No objection subject to conditions. Additionally, point out some inaccuracies in the submitted flood risk assessment.

## **PARISH COUNCIL**

Object to the proposed development on the grounds that it would be out of keeping with the surrounding area and adjacent two-storey properties and that a turning point should be provided to the front of the property.

## **PUBLICITY**

Neighbouring properties have been notified and two letters have been received. Although these letters express no objection to the principle of a dwelling on the site, they do raise the following concerns with the proposed scheme:

- The three-storey 'town house' style is not in keeping with the more traditional style of adjacent properties.
- A two-storey property would be more appropriate.
- With the living area for the property proposed at first-floor level with a balcony, the development will lead to overlooking of adjacent properties and their private amenity space.
- The proposed dwelling, due to its height, will block a tremendous amount of light to neighbours' outdoor living space.

## **ASSESSMENT**

The application site is a vacant plot of land between 60 and 62 North Street, West Butterwick. The site is currently occupied by two single-storey garage/store buildings and was apparently last used as a builder's yard. The site is located outside the development boundary for West Butterwick as set out in the North Lincolnshire Local Plan and as such is considered to be located in the open countryside. This area is designated as an area of high flood risk, being located adjacent to the River Trent to the east. It is identified as being within Flood Zone 3ii (High Vulnerability) in the Strategic Flood Risk Assessment for North Lincolnshire, as is the rest of West Butterwick. The surrounding area is predominantly residential in nature and the site is surrounded by residential properties to the north, south and west. The development pattern along North Street is rather disjointed, with groups of residential properties separated by open plots of agricultural land. This application seeks planning permission for the erection of a detached, three-storey dwelling in place of the existing front-most garage on the site.

**The main issues in the determination of this application are:**

- **whether the proposed development complies with relevant planning policies with regard to development in the countryside;**
- **whether the proposal would have a harmful impact upon the character and appearance of the area;**
- **whether the proposed dwelling would result in unacceptable loss of amenity to adjacent residential properties; and**
- **whether the development would be safe from flooding.**

The applicant states in his design and access statement that the development boundary for West Butterwick will change to include the site in the next issue of the Development Framework. The local planning authority is currently in the process of producing a Housing and Employment Land Allocations Development Plan Document. This document will introduce the new settlement insets, including any amendments to development

boundaries. It is currently proposed to extend the development boundary for West Butterwick along North Street, which would include the application site. However this document is at draft stage only, and has not yet gone through all stages of public consultation, nor has it gone through formal inspection and is subject to possible changes. As such the local planning authority is giving no weight to this document at this time when determining planning applications and the North Lincolnshire Local Plan is still the relevant document defining the development limits for settlements within North Lincolnshire. This is a consistent approach taken by the local planning authority and has been ratified by the Planning Inspectorate in a recent appeal decision. The application site is located outside the development boundary for West Butterwick as set out in the North Lincolnshire Local Plan and as such is located in the open countryside.

Policies CS2 and CS3 of the Core Strategy for North Lincolnshire state that any development outside the defined development limits of settlements, or in rural settlements with no development limits, will be restricted. These policies go on to assert that only development which is essential to the functioning of the countryside will be allowed to take place outside development limits. Furthermore policy RD2 of the North Lincolnshire Local Plan states that development in the open countryside (outside development limits) will be strictly controlled and goes on to set out the types of development that are considered acceptable in the open countryside. The proposed development does not constitute any of these forms of development. Policy RD2 only allows new dwellings in the countryside where they are replacing existing dwellings, they result from the conversion of existing rural buildings or they are essential for the purposes of agriculture, forestry or to meet a special countryside need. The proposed dwelling is not essential to the functioning of the countryside and is not needed for the purpose of agriculture, forestry or any other special countryside need. The development is therefore contrary to policy RD2 of the North Lincolnshire Local Plan and policies CS2 and CS3 of the Core Strategy.

The proposed dwelling is a relatively large, detached property that is set back in line with 62 North Street to the north. The adjacent property to the south is an attractive, two-storey Victorian property with a fully hipped roof and a single-storey row of attached outbuildings to the rear. The adjacent property to the north is a more modern, detached, two-storey dwelling with a fully hipped roof. The adjacent property to the west is a detached bungalow with a fully hipped roof. Whilst there is a mix of different styles of dwelling along North Street, the vast majority of these are two-storey detached dwellings. There are no three-storey dwellings in the locality of the site and the proposed dwelling, due to its height, scale and design, would be a discordant feature within the street scene. The dwelling to the north is a traditional two-storey property and the proposed three-storey dwelling would dominate this property visually. This is further emphasised by the fact that the dwelling to the north (as well as that to the south) has a hipped roof, whereas the proposed dwelling has a large gable roof that will be significantly higher than that of the dwelling to the north. It should be noted that the height and design of the property has been heavily influenced by the fact that it is located in an area of high flood risk and habitable accommodation needs to be removed from the ground floor. However, regardless of this fact the proposed dwelling would, for the reasons outlined above, have a harmful impact upon the street scene and would dominate the adjacent property to the north.

The adjacent property to the south has six windows in its north elevation, facing onto the application site. However the proposed dwelling is set back, in line with the dwellings to the north, and as such will not lead to loss of light to these windows. Furthermore, due to the dwelling being set back, there will be no unacceptable overlooking between these windows and the windows in the front of the proposed dwelling; any overlooking that results would be

at a very obtuse angle. The adjacent property to the north has only a non-habitable room window in its southern elevation and as such the proposal will not result in loss of light to, or overlooking of, this property. Due to the property being set back approximately 18 metres from the road there will be a distance of nearly 40 metres between the proposed dwelling and those on the west side of North Street. Therefore the proposed development will not result in an unacceptable loss of amenity to neighbouring dwellings.

The site is located very close to the River Trent, backing onto the banks of the river. Consequently, it is located in an area of high flood risk, designated as being highly vulnerable to flooding in the Strategic Flood Risk Assessment for North Lincolnshire. In recognition of this fact the applicant has designed the dwelling with three storeys, with no habitable accommodation at ground floor level in an attempt to make the development safe from flooding. The Environment Agency has been consulted on the application and has raised no objections on safety grounds, subject to several conditions.

Residential development is classified as 'more vulnerable' development in the technical guidance that accompanies the NPPF. As such, when it is located in flood zone 3a (3i in the SFRA), as is the case in this instance, it is subject to the sequential and exceptions tests set out in paragraphs 101 and 102 of the NPPF. The whole of West Butterwick is in the same flood risk zone 3ii as set out in the Strategic Flood Risk Assessment for North Lincolnshire. Therefore, there are no sites within the settlement that are at a lower risk of flooding. Consequently, the proposed development is considered to pass the sequential test. However the proposed development of the site offers no demonstrable wider sustainability benefits to the community that would outweigh the risk of flooding and as such it fails the exceptions test as set out in paragraph 102 of the NPPF. The applicants have submitted a sequential and exceptions test with the application and this document states that the proposed development will provide benefits by contribution towards the council's housing target. However, the provision of a single dwelling on this site will have no significant impact upon the council's ability to meet their housing targets. This is not a wider sustainability benefit to the community and it does not outweigh the risk of flooding. No other possible sustainability benefits have been suggested by the applicants and as such the proposed development fails the exceptions test relating to flood risk.

**RECOMMENDATION      Refuse permission for the following reasons:**

1.

The proposed dwelling is located outside the development boundary for West Butterwick and as such is in the open countryside. The dwelling is not required for the purposes of agriculture, forestry or to meet a special need associated with the functioning of the countryside and the proposed development is therefore contrary to policy RD2 of the North Lincolnshire Local Plan and policies CS2 and CS3 of the North Lincolnshire Core Strategy.

2.

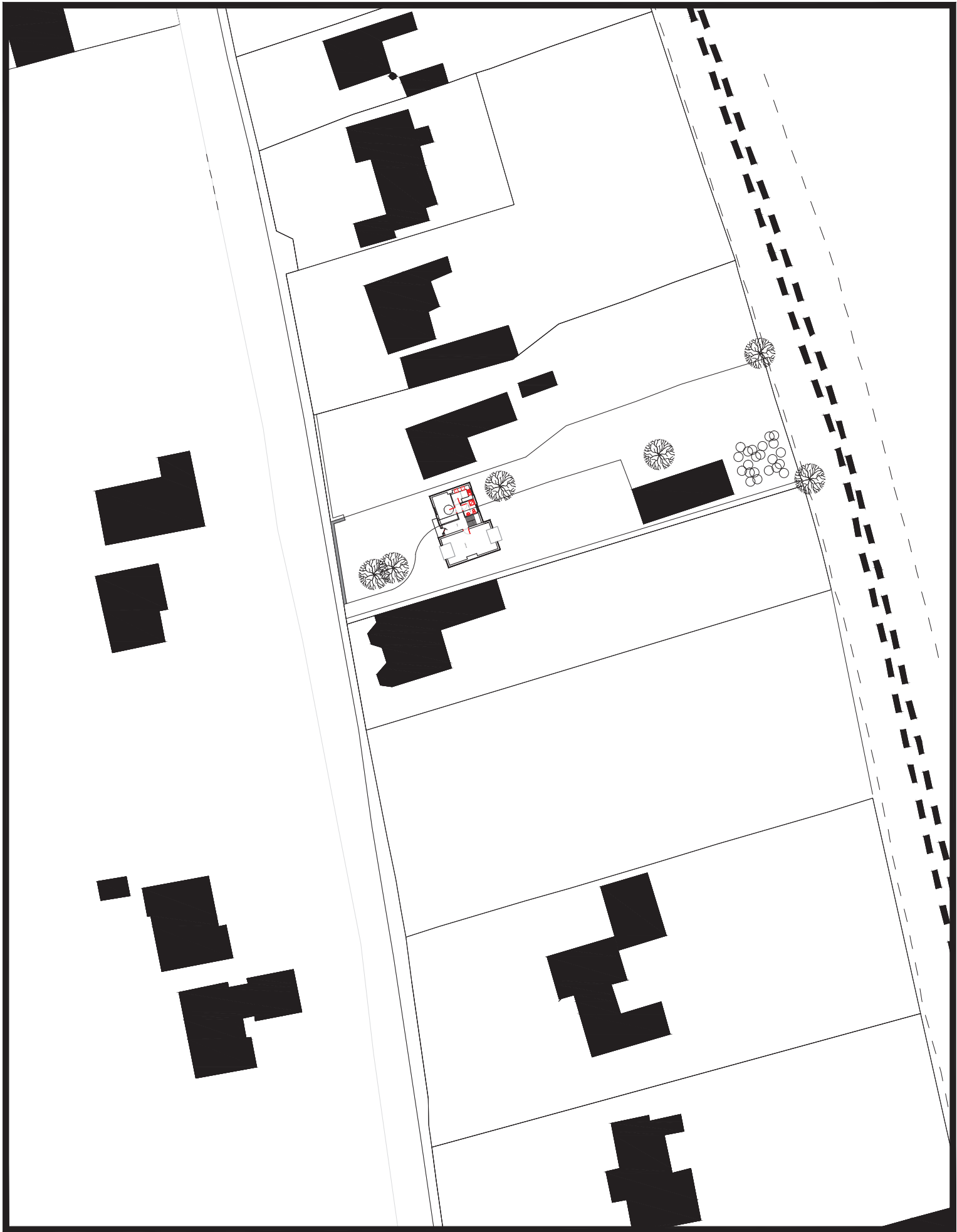
The proposed dwelling, due to its height, scale, massing and design, would be a discordant feature within the street scene, at odds with surrounding dwellings. Furthermore, it would have a domineering impact upon the adjacent dwelling to the north. The proposed development would therefore be contrary to policies DS1 and H8 of the North Lincolnshire Local Plan and policy CS5 of the North Lincolnshire Core Strategy.

3.

The proposed development is classified as 'more vulnerable' in table 2 of the Technical Guidance to the National Planning Policy Framework and the site is located in flood zone 3ii

as defined in the Strategic Flood Risk Assessment for North Lincolnshire. Such development will only be allowed where it passes a sequential and an exceptions test. The proposal fails the exceptions test as set out in the National Planning Policy Framework as it would not provide any demonstrable wider sustainability benefits to the community that outweigh the flood risk. The proposal is therefore contrary to paragraphs 100 and 102 of the National Planning Policy Framework.





PROPOSED BLOCK PLAN  
NOT TO SCALE

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