

APPLICATION NO	PA/2008/0395
APPLICANT	Mr M Bennett
DEVELOPMENT	Planning permission to erect three two-storey apartments
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 Vickers)
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy P1 (Strategic Patterns of Development) – development should be located in sustainable locations, within urban areas, close to public transport.</p> <p>Policy H1 (Sequential Approach to the Allocation of Land for Housing) – previously developed land should be the first preference for new housing.</p> <p>North Lincolnshire Local Plan: The site is located within the development boundary of Barton (policy ST3) which is identified as a principal growth settlement (policy ST2).</p> <p>Policy H3 states that the development of previously used land and vacant buildings will be preferred in sequence to the take-up of greenfield sites in a locality.</p> <p>Policies H5 and H8 both provide general design guidance in relation to new housing development.</p> <p>Policy DS1 provides general design guidance for all new residential development.</p> <p>Planning Policy Statement (PPS) 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.</p>
CONSULTATIONS	Highways: No objection subject to a condition.

Environment Agency: Object on the grounds that the flood risk assessment does not meet the criteria set out in PPS 25.

TOWN COUNCIL

No objections.

PUBLICITY

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

- lack of parking provision
- possible drainage problem
- loss of daylight and privacy to the rear of adjacent dwellings on Fleetgate

ASSESSMENT

Planning permission is sought to redevelop a site on the south side of Dam Road, currently used as a retail car sales outlet, for the erection of three two-storey apartments. The proposal would entail the demolition of a small single-storey office building. The site is situated in a predominantly residential area but the adjoining property to the west is used as a woodyard.

The main issues which need to be addressed in determining this application are whether or not the proposed development would satisfy the sequential and exception tests required by PPS 25 and whether the living conditions of neighbouring residential properties would be harmed.

Concern has been raised about possible loss of daylight and privacy to adjacent dwellings on Fleetgate. However, the proposed design of the apartments takes account of overlooking issues by positioning all principal windows in the north and south elevations. The only first floor windows looking towards the rear of dwellings on Fleetgate are to bathrooms. Loss of daylight is not considered to be an issue.

Highways have not asked for any on-street parking to be provided as they consider that sufficient spaces are available on adjacent roads.

In this case the overriding issue is flood risk. The Environment Agency have objected to the development pointing out that the site is shown to be within Flood Zone 3a 'high probability' as shown on the Environment Agency's flood zone maps. The proposed development is

classified as 'more vulnerable'. The Environment Agency have requested that sequential and exception tests be applied.

The principal aim of the sequential test is to steer development to areas of land less at 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. Much of Barton falls within designated Zone 1 'low risk' where there is likely to be land available to accommodate this development. Hence the proposed development fails the sequential test, as it would be possible to locate development on land which is at a significantly lower risk of being affected by flooding.

In addition the development also fails the exception test. It has not been demonstrated in the flood risk assessment that the proposed development will be 'safe' or will not increase flood risk elsewhere. Another part of the test 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 case, to argue that the development provides any wider community benefits so again the test is failed.

The Environmental Protection team have identified the site as a possible source of contamination and should permission be granted have requested that appropriate conditions be imposed.

RECOMMENDATION

Refuse permission for the following reasons:

1.

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 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. The proposal is therefore contrary to Policy DS16 of the North Lincolnshire Local Plan and the requirements of Planning Policy Statement 25.



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Highways and Planning Service

Service Director,
G Popple

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