

APPLICATION NO	PA/2016/118
APPLICANT	Mr Nick Coggan
DEVELOPMENT	Outline planning permission to erect dwelling with all matters reserved
LOCATION	Land adjacent to 60 & 62 North Street, West Butterwick, DN17 3JW
PARISH	West Butterwick
WARD	Axholme South
CASE OFFICER	Joanna Heweth
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.

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 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

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy H8 (Housing Design and Mix)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS£ (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing provision)

Policy CS19 (Flood Risk)

CONSULTATIONS

Highways: Recommend conditions.

Environment Agency: The site is located in an area of high flood risk, in Flood Zone 3 of our Flood Map for Planning and Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment. The proposal must therefore pass the flood risk sequential test, to be judged by your authority. The site is afforded a 1 in 100 year standard of protection by an Environment Agency embanked defence on the River Trent located approximately 35 metres to the east. Though the defences are not modelled to overtop during a design flood scenario, the site would be inundated during a defence breach scenario. This would result in water depths of approximately 1.1 metres and velocities of 2 metres/second at the site. The site would be rated as a 'danger to all' on the hazard rating scale and therefore there would be no safe means of access and egress to and from the site if a breach of the defences occurred.

Appropriate mitigation has been incorporated within the development to ensure that the building would be safe and resilient and that there would be no increase in flood risk to third parties. However, there would be significant danger to life for all during a breach scenario. The Environment Agency would support North Lincolnshire if the application was refused owing to the flood risk at the site. However, if you consider that the sequential test is passed, the proposed emergency procedures are appropriate and the danger to life can be managed, and are minded to approve the application, a condition could be attached to such an approval.

Archaeology: The proposal does not adversely affect any heritage assets or their settings.

PARISH COUNCIL

No response.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Three letters have been received from occupiers living on North Street raising the following concerns and objections:

- loss of access for maintenance purposes

- the proposed three-storey building would not be in keeping with existing property nearby
- loss of privacy
- overlooking
- loss of light.

ASSESSMENT

The application site is a plot of land between 60 and 62 North Street, West Butterwick. The site has two single-storey garage/storage buildings on it, including one brick-built building and one of breeze-block construction. It is intended to demolish both structures as part of the scheme. There is a hedge along the frontage of the site to a height of 1.3 metres. There is a galvanised steel gate across the vehicular access. Along the northern boundary of the site is an arched and timber lattice style fence. Along the southern boundary is a 2 metre high garden wall.

To the north is a two-storey dwelling with a fully hipped roof. There is one window on the side elevation facing the site at ground-floor level.

To the south is a double-fronted red brick Victorian dwelling with five windows on the side elevation facing the application site: two at ground floor, two at first floor and one mid-level.

The application is for outline planning permission with all matters reserved for future consideration. The accompanying Design and Access Statement describes the proposal, however, as three-storey with non-habitable rooms at ground-floor level, including garage, carport and utility room. At first-floor level would be living, dining and kitchen and at second-floor level would be four bedrooms and bathrooms. The applicant states that the second-floor accommodation would be designed within the roof space utilising dormer-style windows. The applicant also states that the front elevation of the dwelling would be in line with the front elevation of number 62 to the north side of the site.

A previous application for full planning permission for a three-storey dwelling (PA/2012/0849) was refused in October 2012 for three reasons. The first reason has been overcome now as the site has recently been included within the development boundary for West Butterwick within the adopted Housing Allocations Document.

The second reason for refusal on the previous application related to height, scale, massing and design of the proposed dwelling which was considered to result in a discordant feature within the street scene. (The plans showed that the second floor would be within the roof space with dormer-style windows.) Furthermore it would have a domineering impact upon the adjacent dwelling to the north and would therefore be contrary to policies DS1 and H8 of the local plan. The current application is an outline application but the applicant confirms that the dwelling would be three storeys as detailed above. It is considered that a three-storey dwelling on this site would be out of character with the adjacent properties which are two-storey and with the properties opposite which are single-storey. There are no other three-storey properties within the vicinity of the site. Whilst there is a mixture of designs in the area, the property to the north is a traditional two-storey dwelling with a fully hipped roof and the property to the south is a Victorian two-storey dwelling with a shallow fully hipped roof. Whilst it is understood that the ground floor of the proposal has been designed for flood risk reasons, with no habitable rooms, this design would need a gable roof to

accommodate four bedrooms. Such a design and significant height would detrimentally affect the street scene and would dominate the dwelling to the north.

The third reason for refusal on the application relates to flood risk. The site falls within an area of high flood risk: in Flood Zone 3 of the Environment Agency Flood Maps and Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment. The Environment Agency (EA) has therefore advised that the proposal must pass the sequential test. The EA has advised that the site is afforded a 1 in 100 year standard of protection by an EA embanked defence on the River Trent located approximately 35 metres to the east. Though the defences are not modelled to overtop during a design flood scenario, the site would be inundated during a defence breach scenario. This would result in water depths of approximately 1.1 metre and velocities of 2 metres/second at the site. This would be rated as 'danger to all' on the hazard rating scale and therefore there would be no safe means of access and egress to and from the site if a breach of the defences occurred. The EA considers that appropriate mitigation has been incorporated within the development to ensure that the building would be safe and resilient and that there would be no increase in flood risk to third parties. However, there would be significant danger to life for all during a breach scenario.

The applicant has carried out a sequential test but has not provided a copy and this has been requested. The Planning Committee agreed that the sequential test had been passed on the previous application but the exceptions test had not been passed as it could not be demonstrated that the proposal would result in any wider sustainability benefits to the community that would outweigh flood risk. The current proposal does not address the exceptions test and so the current proposal has not overcome the third reason for refusal.

The applicant has commented that there are three other developments within West Butterwick which have been approved and which would not have passed the exceptions test. The applications referred to are not considered to be comparable to the current application. One is for an extension which would not be subjected to the same tests and the other two development sites had previous extant permissions which the later applications would improve upon in terms of flood risk. One included a three-storey element but this would be at the rear of the site and would not detrimentally affect the street scene.

In conclusion, it is considered that the proposal is unacceptable on grounds that the proposal would result in an obtrusive feature within the street scene and would not result in any wider sustainability benefits to the community that would outweigh flood risk.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed dwelling, by reason of its height and three-storey design, would be a discordant feature in 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 is therefore contrary to policies DS1 and H8 of the North Lincolnshire Local plan and policy CS5 of the North Lincolnshire Core Strategy.

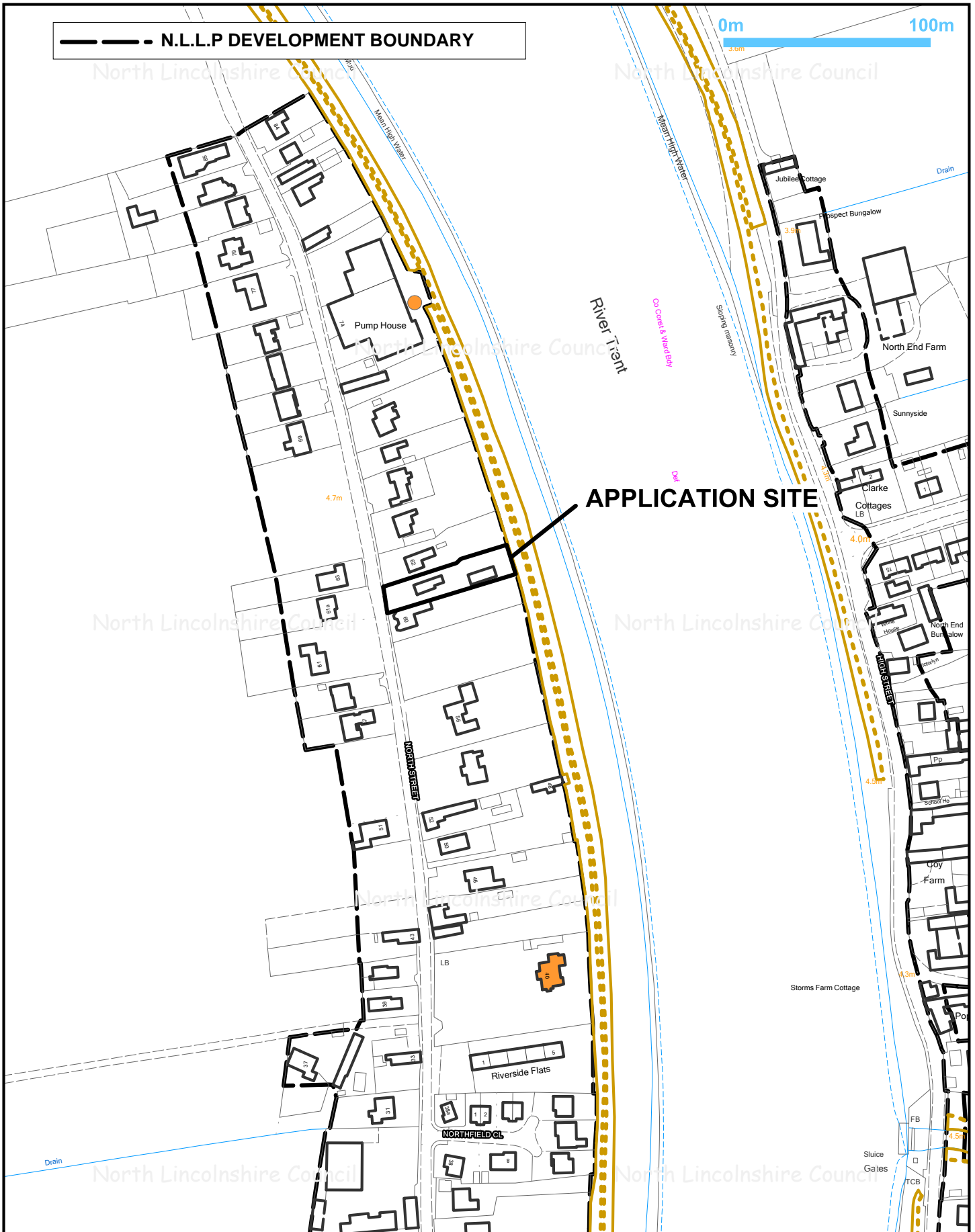
2.



The proposed development is classified as 'more vulnerable' in table 2 of the Technical Guidance to the National Planning Policy Framework and the site falls within Flood Zone 3 of the Environment Agency Flood Map for Planning and Zone 2/3a of the North and North

East Lincolnshire Strategic Flood Risk Assessment. 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 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.

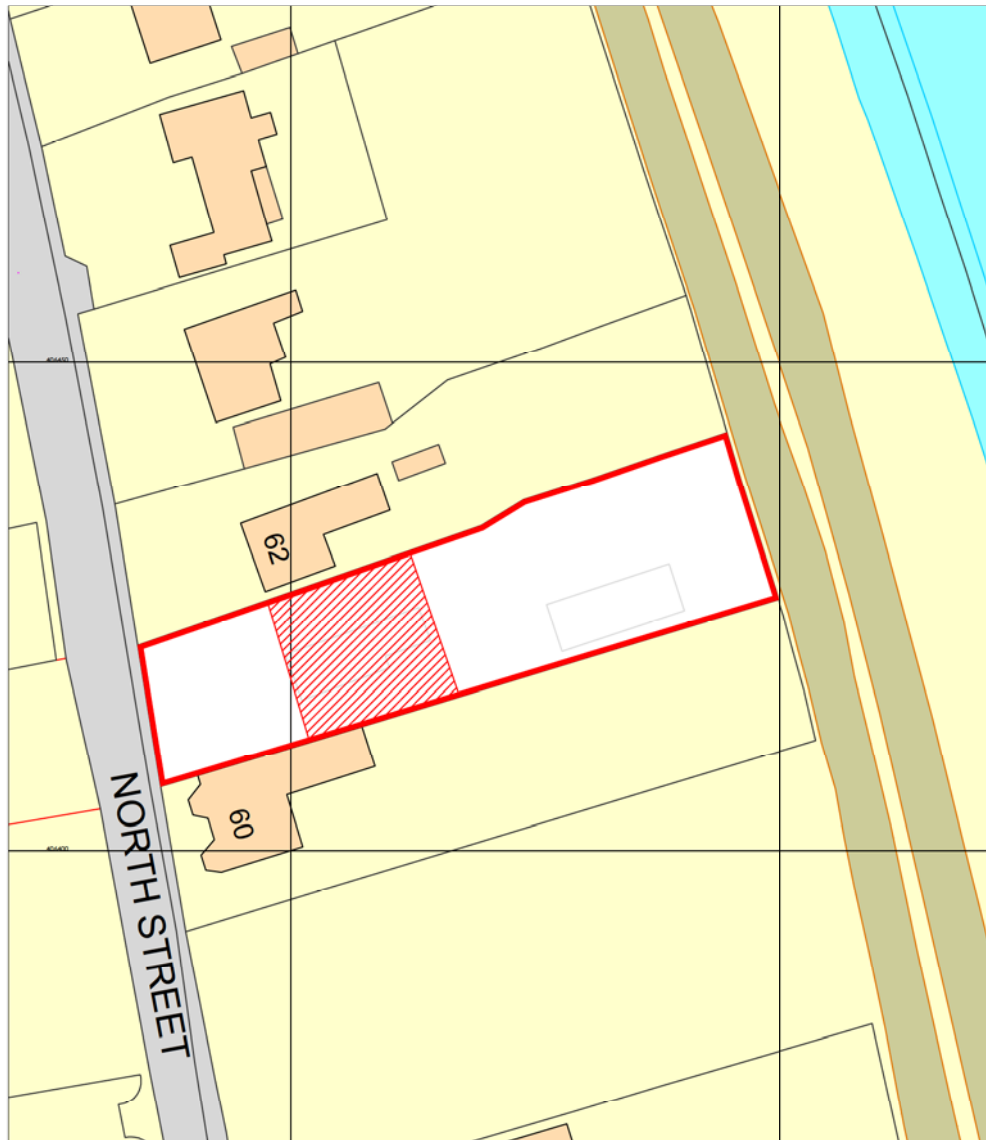
Informative


In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.




Title: PA/2016/118			
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		<p>Director of Places Peter Williams BSc,DMS,CEng,MEI,MCMI,AMIMechE</p>	

PA/2016/118 Indicative Site Layout - Not to scale



 Area for detached house to be built.

 Existing buildings to be demolished

Proposed house to be three story, with ground floor to be non-living accommodation - garage, utility and car port. All living accommodation on first and second floor.

Ground Floor FFL :	4.60
First Floor FFL :	7.05
Second Floor FFL :	9.55