

APPLICATION NO	PA/2016/79
APPLICANT	Mr Richard Anderson
DEVELOPMENT	Planning permission to erect a dwelling in connection with a fishing business
LOCATION	Nuddock Wood Lake, Brumby Common Lane, Burringham, DN17 1US
PARISH	Burringham
WARD	Burringham and Gunness
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	At the discretion of the Head of Development Management

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 55 states 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.

Paragraph 64 of Core Planning Principle 7 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 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding, where informed by a site-specific flood risk assessment.

Paragraphs 15, 47, 50, 56, 60, 61 and 99 also apply.

North Lincolnshire Local Plan: Policies RD2, DS1, DS16, H5, H8 and R6 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS4, CS5, CS7, CS8 and CS19 apply.

Lincolnshire Lakes Area Action Plan (Submission Draft 2014)

CONSULTATIONS

Highways: No objection.

Environment Agency: No objection, subject to finished floor levels of the dwelling being set no lower than 3.3 metres AOD. The proposal is an amendment to a previous planning permission, which represents a 'betterment' in terms of flood risk, given that the dwelling would now be multi-storey.

Environmental Health: No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. Taking into account the above advice, the applicant should submit a Screening Assessment Form for consideration prior to the application being determined, in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to occupation.

If the council is minded to determine the planning application then conditions in respect of contaminated land investigation are recommended.

PARISH COUNCIL

No response received.

PUBLICITY

Neighbouring land users have been notified and a site notice posted. No comments have been received.

ASSESSMENT

The application site comprises an established recreational fishing lakes business located in open countryside known as Nuddock Wood. It is accessed via Brumby Common Lane to

the north along a 350 metre long access track. There are fishing ponds to the north and south of the car parking area; these are bordered by lines of mature trees. The M181 runs north to south along the eastern boundary of the site and the land to the north has undergone restoration and extensive planting. The site is located to the west of Scunthorpe, in the open countryside. Planning permission was granted in 1991 and 2015 for a manager's bungalow at the site.

The main issues in the determination of this planning application are the principle of development, impact on the character and appearance of the countryside, flood risk, and how the proposal relates to the Lincolnshire Lakes Area Action Plan (AAP).

Principle

Planning permission is sought for substantial revisions to planning application PA/2015/0222 which was granted for an extension to an already approved bungalow and for the erection of an anglers' lodge. This application is seeking revisions to the bungalow and involves the creation of two additional floors to provide three bedrooms, each with a dressing room and en suite. The applicant is not seeking revisions to the anglers' lodge approved under the same planning application in 2015. The principle of a dwelling in connection with the fishing business at the site has been established with the granting of planning permission for a bungalow in 1991 (7/539/91) and in 2015 (PA/2015/0222). The latter application included a garage attached to the bungalow. The main issue to consider is the addition of two-storeys to provide additional accommodation and whether this is acceptable in a rural location.

A design and access statement has been submitted with the planning application, which states that the additional residential accommodation is required for the owner and their family, to oversee the business and protect the expensive fish stocks at the site. It goes on to state that the dwelling will be built in the same position and on the same footprint, albeit the scheme will accommodate two additional floors. Planning permission was granted in 2015 for the bungalow with the addition of a garage on the basis that the justification was sufficient to allow this. The planning permissions for the original bungalow in 1988 (outline), the subsequent reserved matters application in 1991 and the revised planning application in 2015 were approved without a condition restricting the occupation of the dwelling in connection with the existing fishing business.

Given that there is no restriction on the occupation of the approved dwelling it is considered necessary to assess this planning application against policies RD2 and DS1 of the North Lincolnshire Local Plan.

Open countryside

The proposal is for an amended house design which includes an increase in the ridge height by 3.1 metres and the provision of additional floor space at first floor and within the roof. The existing site is well screened by existing mature vegetation along its boundaries, which serves as landscaping to the recreational fishing lakes. The dwelling is proposed in the centre of the site. Views of this area and the dwelling previously approved under the 2015 and 1991 planning permissions were considered limited and were generally restricted to an elevated view from the bridge over the M181 (Brumby Common Lane) and when travelling in a northerly direction along the M181 towards Scunthorpe; this view would be transient in nature. The increase in the ridge height of the dwelling perpetuates an increase

in the amount of brick wall to each elevation, thereby resulting in a much bulkier appearance. It is considered that the proposed dwelling, in its extended form (i.e. higher ridge height and additional scale), will result in a substantially larger, bulkier and visually prominent dwelling in the open countryside which will be visible in the surrounding rural landscape, particularly as it will be 3.1 metres higher to its ridge line.

The detached dwelling will be located in the same position on the site (as those previously approved) and will occupy the same built footprint. It will be located close to the existing parking area. The design of the dwelling has been revised when compared to the 2015 planning permission; in particular it is much bulkier owing to raising the ridge height by over 3 metres. The dwelling continues to be dominated by gable features to all elevations and the visual interest is retained through the inclusion of design details such as stone cills and lintels to all openings, stone coping to the parapet walls, stone banding above the ground floor openings, false windows and a chimney to the southern elevation. Each of the elevations will be broken up by a mix of window and door openings and parts of the southern and eastern roof slopes.

Taking into account the scale and increased height of the dwelling proposed here, it is considered the proposal will be highly visible in the rural landscape and therefore contrary to policies RD2 of the North Lincolnshire Local Plan and CS3 of the adopted Core Strategy.

Flood risk

The site is located within flood zones 2/3a of the North Lincolnshire Strategic Flood Risk Assessment and the proposal is for more vulnerable development (a family dwelling for the on-site manager). A Flood Risk Assessment (FRA) has been submitted with the planning application and the Environment Agency has raised no objection. In terms of flood risk vulnerability the manager's dwelling constitutes a 'more vulnerable' use in a high flood risk zone, therefore the sequential and exceptions test are applied. There is a requirement for the manager's bungalow to be located on the fishing lakes site and as the whole site is located within the same flood zone, there is no location at Nuddock Wood at lower risk of flooding. The sequential test is therefore considered to be passed.

Secondly there is a requirement to apply the exceptions test. Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reduce flood risk overall. The proposal will provide a facility which allows the owner of the site to reside at the fishing lakes and provide the day-to-day management of the fishing lakes business. This will allow the business to expand its operations and provide greater opportunities for an increase in activities open to members of the public such as night fishing or fishing events. The FRA demonstrates that the development will be safe for its lifetime without increasing flood risk elsewhere. It is worth reiterating that a bungalow can be provided on this site (extant planning permission) without the need for the sequential and exceptions test to be applied.

The Environment Agency has commented that the introduction of upper floors within the dwelling results in betterment in flood risk terms, particularly as all the sleeping accommodation will be provided at first floor and within the roof.

Lincolnshire Lakes AAP

The Lincolnshire Lakes AAP shows that the proposal will be positioned approximately 35 metres to the east of village 6. This village will contain 64 hectares of housing providing a total of approximately 1361 dwellings. The document also shows that Nuddock Wood is to be retained as a natural/semi-natural green space. The housing proposed to the west and south-west of the site (village 6) will be at varying scales and heights, however it is likely that the dwellings on the eastern edge of the village will be lower in scale and height to ensure that the scale of residential development is not harmful to the character and appearance of the countryside. Therefore the erection of a three-storey dwelling, located 35 metres to the east of the proposed village is likely to be out of keeping with the scale of housing proposed around the fringes of village 6, an area which borders the open countryside.

RECOMMENDATION Refuse permission for the following reasons:

By virtue of scale, massing, bulk, siting and increased ridge height (3.1 metres) the proposed dwelling, in its revised form, is considered to be out of keeping with the character and appearance of the open countryside resulting in a visually prominent feature in the rural landscape. Accordingly the proposed development is contrary to policies RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan and CS3 (Development Limits) of the North Lincolnshire Core Strategy.

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.