

APPLICATION NO	PA/2017/63
APPLICANT	J Riley, J & S Metals Ltd
DEVELOPMENT	Planning permission for demolition of redundant garden centre and erection of three detached houses and one detached garage with ancillary infrastructure works
LOCATION	Belton Garden Centre, Sandtoft Road, Westgate, Belton, DN9 1PN
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Support by Belton Parish Council Member 'call in' (Cllr Baroness Liz Redfern – significant public interest) Agent request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means approving proposals that accord with the development plan without delay or, where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as whole or where specific policies in the Framework indicate development should be restricted.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

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 and that new isolated homes in the countryside should be avoided unless there are special circumstances.

Paragraph 56 states that 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 58 states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should also respond to the local character and reflect the identity of local surroundings and materials and should be visually attractive and use appropriate landscaping.

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 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.

Paragraph 103 states that planning applications in areas of flood risk should only be considered by the planning authority if they are informed by a site specific flood risk assessment following the sequential test and, if required, the exceptions test, and it can be demonstrated that the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location and the development is safe from flooding and any residual risk can be safely managed.

Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset taking account of the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 196 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset Map for Belton

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

H5 (a-i only) (New Housing Development)

H7 (Backland and Tandem Development)

H8 (Housing Design and Housing Mix)

T1 (Location of Development)

T2 (Access to Development)

DS1 (General Requirements)

DS16 (Flood Risk)

CONSULTATIONS

Highways Team: Advises conditions and an informative.

Drainage Team: No comments received.

Archaeology: No objection.

Spatial Planning: Does not consider that sufficient evidence has been provided in the Flood Risk Assessment to demonstrate that the Sequential and Exceptions Test have been passed.

Environmental Health: No objection, but advises conditions.

Environment Agency: No objection subject to a condition.

PARISH COUNCIL

Belton Parish Council supports the application.

PUBLICITY

Neighbouring properties have been notified by letter and a site notice posted. Five letters of support have been received. Three of the letters support the proposal as it would tidy up the derelict garden site. One of the letters supports the development of three dwellings. One of the letters comments on the need for the properties to be three-storey.

ASSESSMENT

The application site is the former Belton Garden Centre, Sandtoft Road, Epworth. Planning permission was sought for five dwellings at the same site under PA/2014/0252 which was refused and subsequently dismissed at appeal. A number of applications at the site for a caravan holiday park were submitted and withdrawn in 2016. PA/2016/1389 for the caravan holiday park was determined and refused in December 2016. Planning permission is sought for the demolition of the redundant garden centre and the erection of three detached dwellings, one detached garage and other ancillary infrastructure works.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire

Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (PPG).

The main issues for consideration with regard to the determination of this application are: whether the development is acceptable in principle; whether the development would be safe from flooding and not increase flood risk elsewhere; whether the design on the site is acceptable; whether the development would be to the detriment of highway safety; and whether the method of demolition of the existing garden centre is acceptable.

Principle and sustainability

The Belton Garden Centre site is outside of any development limit as defined by the Housing and Employment Land Allocations (HELTA) DPD (2016). Adopted policy dictates that development in such a location is to be considered as within the 'open countryside' and that in such a location residential development should be strictly controlled unless there is a justified need for the purposes of agriculture or forestry. This proposal does not accord with policies CS2 and CS3 of the NLCS or saved policy RD2 of the NLLP as no justification for agriculture or forestry has been provided.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date. In the light of the recent Inspector's decision on Five Year Land supply in an appeal decision in Ealand (i.e. 4.9 years) the council has taken the decision to update and review the five year land supply statement and issue a new statement. This will be available shortly.

Notwithstanding this, it is acknowledged that a five-year supply of housing land is not necessarily an upper limit, and there have been a number of recent appeal decisions in other parts of the country where Inspectors have concluded that sustainable residential developments should be permitted outside of established development limits even in cases where the relevant council can demonstrate an up-to-date five year supply. The existence of a five-year housing supply should not necessarily be an impediment to the grant of permission in view of the benefits of a scheme.

To assess the sustainability of the site, it is paramount that the economic, social and environmental attributes of the proposal are considered in line with the NPPF. The applicant has not provided an assessment of sustainability for the site or the nearby settlement of Belton although it is noted that the applicant does to an extent explain the merits of the proposal within the submitted Flood Risk Assessment (FRA). However, the information provided is not considered to be sufficient to determine whether or not the site is sustainable. Notwithstanding the above, Belton is described as a larger rural settlement within the North Lincolnshire Settlement Survey (2016) and occupies the 19th position out of a list of 79 scored settlements in order of their sustainability survey.

Although Belton is considered to be a sustainable settlement, the former garden centre site is circa 2.7km from the key facilities and services that Belton offers. Furthermore, the site is within Flood Zone 2/3a as identified by the North Lincolnshire Strategic Flood Risk Assessment

(SFRA) (2011). The site was subject to PA/2014/0252 where permission was refused for the development of five dwellings. This decision was subsequently appealed and dismissed at appeal by a Planning Inspector. Within the Inspector's report it was noted that the site was likely to result in a reliance on private transport given the distances involved to key facilities and lack of public transport. In addition the Inspector notes that the site is at risk of flooding. The Inspector concludes that the proposal would constitute unsustainable development despite its positive attributes consisting of delivery of much needed housing, the re-use of a derelict site and the economic support it would likely generate to local business.

Whilst the proposal is now for three dwellings rather than five as previously refused, it is nonetheless considered that the proposal would form unsustainable development and the negative attributes outweigh its positives. It is therefore concluded that the principle of development on the site, although a brownfield site, is unacceptable as the site represents an unsustainable location and thus does not accord with the presumption in favour of sustainable development as defined by the NPPF.

Flood risk

The application site is within Flood Zone 2/3a as identified by the SFRA. According to the NPPG a residential dwellinghouse falls under the 'more vulnerable' classification and thus is subject to both the sequential and exceptions test. The NPPF and local planning policy are both clear in their requirements to steer development to areas of lowest flood risk. Indeed this is the purpose of the sequential test whereby the applicant is required to discredit other available sites of lower flood risk.

Within the submitted FRA the applicant has referred to the requirement to undertake the sequential test but has not carried out the test in accordance with local authority guidance. The applicant has stated that there are no alternative sites within Belton but no evidence has been submitted to substantiate this claim. Whilst the majority of land adjacent to Westgate Road is within the same SFRA flood zone of 2/3a, the majority of land within the Belton development limit is within SFRA flood Zone 1, land at a lower risk of flooding. Following both national and local policy and their associated guidance it is essential that the Authority is satisfied that development cannot be accommodated in the areas of lower flood risk by applying the sequential test. From the information contained within the submitted FRA, it is unclear as to what alternative sites have been considered and thus there is insufficient information available to ascertain whether the sequential test is passed. However, the applicant does consider that this site is exceptional as there is public support for the scheme and the proposal would occupy previously developed land although these matters do not result in the sequential test being passed.

With regard to the exceptions test, to permit development the Authority must be satisfied that the development will be safe from flood risk and not increase flood risk elsewhere and must have a wider sustainable community benefit.

The Environment Agency has been consulted and originally objected to the application as it was unclear whether the finished floor levels proposed were achievable. The Agency and the Council Spatial Planning Team held Lidar data which would demonstrate that the present site levels were much lower than what was stated by the applicant. The applicant has since submitted a topographical survey which demonstrates levels at the site range between 3.5m AOD (above Ordnance Datum) in the south-west corner and 4.2m AOD to the north-west corner. The Environment Agency has been consulted on the additional information and has

removed their initial objection to the scheme. It is considered that the finished floor level of 4.4m AOD is achievable based upon the information submitted.

The applicant has also stated that as the site forms previously developed land, the development will result in a net gain of permeable areas within the site as a result of the demolition of the garden centre. The applicant states that the present impermeable areas of the site are 1700sqm whereas the proposed development will result in 450sqm, provided that the driveway is constructed of a permeable material. In line with the decision made by the Environment Agency, it is considered that the proposed development would be safe from flood risk provided that conditions are imposed to set finished floor levels at 4.4m AOD and remove permitted development rights for extensions and outbuildings within the plots so not to increase flood risk elsewhere.

The second part of the sequential test requires that the development would have wider sustainable community benefits that outweigh flood risk. The applicant considers that this is met as local support for the scheme, which is evident by the letters received and parish council support for the development. Furthermore, the development would support local business and the key facilities in Belton as well as utilising the derelict garden centre site. However, for the reasons set out within the previous section on sustainability, these benefits of the scheme are not considered to outweigh the flood risk issue.

Design and amenity

The proposal consists of the development of three large detached dwellings. A seven-bedroom, two-and-a-half-storey dwelling is proposed to the front of the site, facing onto Sandtoft Road, and a further two, six-bedroom, two-and-a-half-storey dwellings to the rear. Although the dwellings are large, each dwelling is set within a spacious plot which is consistent with the character of the area. Whilst immediate site context consists of bungalows and traditional two-storey detached dwellings, examples of more modern large detached dwellings can be found further along Sandtoft in Belton.

Plot 1 measures a maximum of 13.7m in width, 13.95m in depth, 4.9m to eaves height and 9.8m to roof ridge. The frontage features a central porch, three gables and three dormer windows to the main roof slope offering a balanced symmetrical appearance. Upper floor windows are proposed to all elevations but these all serve bedrooms or bathrooms and, given the separation distances involved to neighbouring properties, there are no concerns regarding loss of privacy. In terms of materials, it is proposed the dwelling be constructed of a Nelson Old Anglian facing brick with Sandtoft Neo-Clay Pantile to roof. The proposed materials are acceptable and are recommended to be secured by planning condition.

Plots 2 and 3 are handed versions of each other. The properties form an 'L' shape with the main bulk of the dwelling measuring a maximum of 9.7m in width, 8m in depth, 4.9m to eaves height and 8.9m to roof ridge. Attached to the front elevations of each there is a one-and-a-half-storey garage block with bedroom above. Upper floor windows are proposed to all elevations but these all serve bedrooms or bathrooms and, given the separation distances involved to neighbouring properties, there are no concerns regarding loss of privacy. In terms of materials, it is proposed that the dwelling on plot 2 be constructed of a Howden Old Saxon Blend facing brick with Sandtoft Rivius tile to the roof, which is similar in appearance to a slate tile. Plot 3 is to feature a Hanson Hampton Rural Blend facing brick with a Sandtoft Double Pantile to the roof. The proposed materials are acceptable and are recommended to be secured by planning condition.

It is proposed that a 2m high close-boarded timber fence be installed between plot 1 and plots 2 and 3 to the rear. However, no details have been provided with regard to any boundary treatment between plots 2 and 3. The Design and Access statement infers that existing screening to the perimeter of the site is to be retained and it is unclear as to whether any boundary treatment is proposed to the site frontage. It is recommended that details of all boundary treatments to be erected/planted or retained be secured by planning condition.

Impact on the highway

A private driveway is proposed to be sited to the western edge of the site which will utilise the current access point off Sandtoft Road. A single property is proposed to the front of the site with garage to the rear accessed via the private driveway. Two further properties are proposed to the rear of the site, each with integral garage, parking and turning facilities. The Highways team has been consulted and has raised no objections subject to conditions being imposed upon any grant of permission. The conditions are considered to be reasonable to the development and necessary to make it acceptable in planning terms. It is considered that the development will therefore not be to the detriment of highway safety.

Other matters

The proposed development will require the demolition of the redundant garden centre. The application is supported by a demolition method statement which has been considered by the Environmental Health team. The method of demolition is acceptable and should be secured through the imposition of a planning condition. Further conditions are recommended to restrict hours of demolition, site clearance and HGV movements.

A phase 1 land contamination report has been submitted to support the application. This report recommends that a phase 2 intrusive survey is carried out. The Environmental Health team has considered the report and concurs with its findings. Thus it is recommended to secure further investigative work and any remediation as necessary through a planning condition.

In terms of drainage, it is proposed that the surface water will be dealt with through the provision of a soakaway and foul water through the mains sewer. However, no plans have been provided which illustrate these proposals. Therefore, to secure the provision of these features it is considered necessary to impose a planning condition to secure such details.

Conclusion

In conclusion, the proposed development of three dwellings at the former garden centre site is considered to occupy an unsustainable location. This is because of distances involved between the site and the key facilities and services that Belton offers which in turn is likely to generate reliance by the future occupiers of the dwellings on private transport methods. Furthermore, the site is at risk of flooding, adding further weight against the sustainability of the site. Whilst the issue of flood risk can be overcome, both national and local planning policy require that sites of lower flood risk be considered first before allowing development in areas at most risk. It is not considered that sufficient evidence has been provided in order for the Authority to make this decision. Therefore, it is the recommendation of this report to refuse planning permission.

RECOMMENDATION Refuse permission for the following reasons:

- 1.

The proposal is considered to represent an unsustainable form of development which would occupy a location remote from local services and public transport and thus is contrary to policy CS2 of the North Lincolnshire Core Strategy (2011) and paragraph 55 of the National Planning Policy Framework.

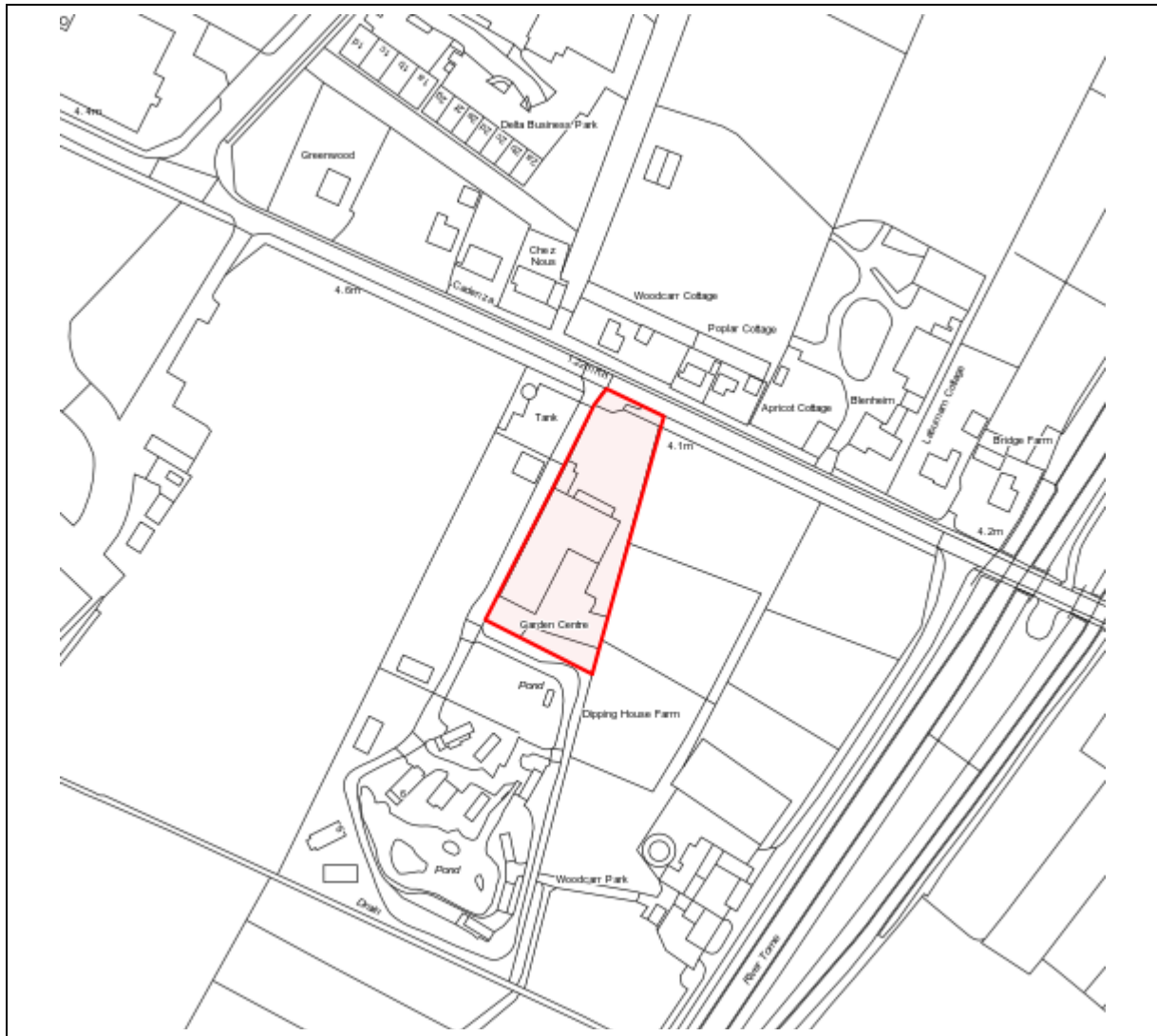
2.

The proposal is contrary to policy CS19 of the North Lincolnshire Core Strategy (2011) and paragraphs 100 and 101 of the National Planning Policy Framework as it has not been sufficiently demonstrated that there are no available sites in the local area at a lower risk of flooding that could accommodate the development.

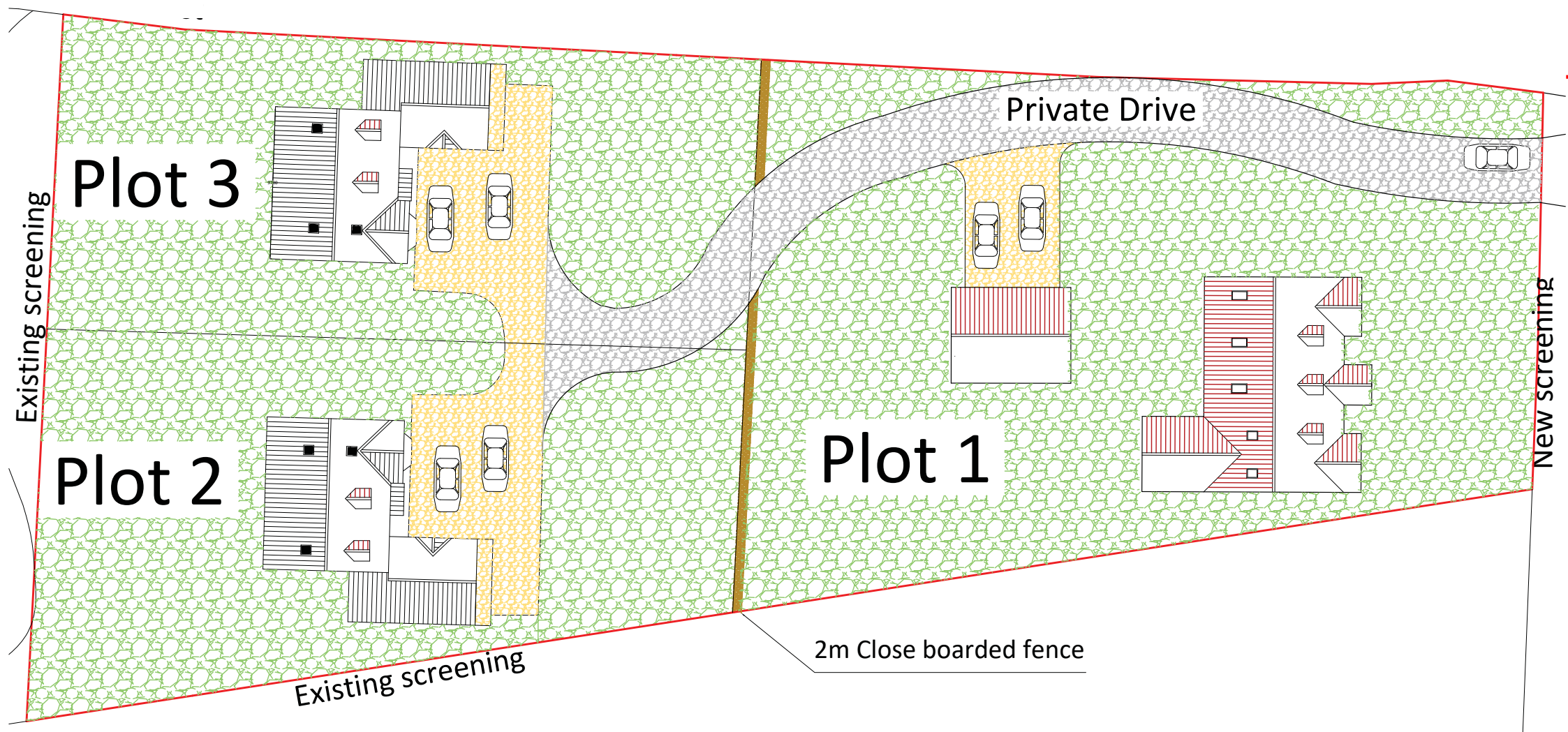
Informative

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.

PA/2017/63 – Site Location



© Crown copyright and database rights 2017 Ordnance Survey 0100023560



Plot 3

Plot 2

Plot 1

Private Drive

2m Close boarded fence

Existing screening

Existing screening

New screening