

<b>APPLICATION NO</b>	<b>PA/2017/431</b>
<b>APPLICANT</b>	Mr David Johnson, Northmoor Fisheries
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling in connection with Northmoor Fisheries
<b>LOCATION</b>	Northmoor Fisheries, Northmoor Road, Crowle, DN17 4DW
<b>PARISH</b>	Crowle
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	James Roberts
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Applicant request to address the committee

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 1 (Building a strong, competitive economy)

Chapter 3 (Supporting a prosperous rural economy)

Chapter 6 (Delivering a wide choice of high quality homes)

Chapter 7 (Requiring good design)

Chapter 10 (Meeting the challenge of climate change, flooding and coastal change)

Chapter 11 (Conserving and enhancing the natural environment)

### **North Lincolnshire Local Plan:**

LC5 (Species Protection)

DS16 (Flood Risk)

RD2 (Development in the Open Countryside)

T2 (Access to Development)

DS1 (General Requirements)

### **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)

CS19 (Flood Risk)

## **CONSULTATIONS**

**Highways:** No objections subject to a condition.

**Environment Agency:** No objections subject to a condition.

**Environmental Health:** Requests further information in relation to land contamination.

## **TOWN COUNCIL**

Supports the proposal.

## **PUBLICITY**

The application has been advertised by site notice and press advert. No comments have been received.

## **ASSESSMENT**

### **Principle of development**

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. Residential development is only permitted in the open countryside by policy RD2 of the North Lincolnshire Local Plan where, amongst other policy requirements, the dwelling is demonstrated to be essential for the efficient operation of agriculture or forestry. National planning policy and planning case law has directed that essential need is normally only justified by the submission of functional and financial tests.

Permission was granted for commercial fishing ponds in 2010 (PA/2010/0168). The applicant now seeks to justify the proposed development on the following grounds:

- The site is relatively isolated and has been subject to theft, including equipment and fish stocks.
- People have been using the site for free when the site is not attended by a member of staff.
- The site poses a risk to children who access the site when it is not attended to by a member of staff.
- Given work commitments the owners cannot be at the site 24/7.
- There are no alternative dwellings in close proximity to the site.

- The applicants have already put a lot of time and money into the site and are determined to see it succeed.
- The siting of a dwelling at the site would enable the applicant to expand the business.

Whilst the arguments put forward by the applicant are noted, it is considered that the following factors are also relevant:

- No evidence has been supplied to demonstrate the thefts which have occurred at the site.
- Insufficient justification has been supplied to demonstrate that alternative security measures would not assist with theft prevention. Such measures may include CCTV or the employment of a member of staff to monitor the site during unpopular hours.
- No evidence has been supplied to demonstrate that alternative methods could not be used to deter children from accessing the site unaccompanied. Such measures could include fencing and signage.
- Both owners are employed and it is not therefore clear why the siting of a dwelling adjacent to the fisheries would be of significant benefit to them when they are undertaking the alternative employment.
- The applicant lives within Crowle, in relatively close proximity to the site. It is considered that this short distance allows the applicant to attend the site in swift response to any emergencies or requirements outlined in the supporting statement.

In conclusion, it is considered that the applicant could reasonably reside locally (as per the existing situation) and undertake the functional requirements outlined in the supporting statement and that there is no essential need for a rural worker (the applicant in this case) to live permanently at their place of work in the countryside.

### **Flood risk**

The site is located within Flood Zones 2 and 3a in the Strategic Flood Risk Assessment. A flood risk assessment has been submitted with the planning application, which demonstrates that the land level at the site is below the critical flood level established for this area and that finished floor levels would be set at 4.4 metres above Ordnance Datum (AOD). The Environment Agency has raised no objection to the proposed development on flood risk grounds.

The proposal is for “more vulnerable” development in a high flood risk zone, therefore the proposed development needs to be assessed against the sequential and the exceptions test. As detailed above, it is considered that there is no need for the applicant to reside on the site. The applicant has failed to satisfactorily demonstrate whether there are any sites available which are at lower risk of flooding within Crowle for a single dwelling. Furthermore, it has not been demonstrated that the sustainability benefits of the scheme outweigh the risks to flooding. Due to a lack of information it is considered the sequential and exceptions test is failed in this case.

## **Residential amenity**

The proposed development would not be located in close proximity and it is not envisaged that the scheme would result in any material harm to neighbouring living conditions in accordance with policy DS1 and the guidance contained within the National Planning Policy Framework.

## **Design**

The proposal seeks outline planning permission with all matters reserved. It is considered that a suitable design could be put forward at reserved matters stage to reflect the rural character of the locality. Any refusal on the grounds of appearance could not therefore be substantiated.

## **Highways**

Details of means of access to the site have not been supplied at this stage. It is considered that the scheme would not result in a significant intensification in vehicular movements in the area. With these factors in mind, and given the lack of objections from the council's Highways team, it is considered that the proposal would not have any unacceptable highway impacts.

## **Conclusion**

For the reasons set out above it is considered that insufficient justification has been provided to demonstrate that there is an essential need for a rural worker (the applicant in this case) to live permanently at their place of work in the countryside. Furthermore, the applicant has failed to satisfactorily demonstrate that the proposal satisfactorily passes the sequential and exceptions tests relating to flood risk.

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

1.

Insufficient information has been submitted to justify a requirement for the applicant to reside at the site 24 hours a day on a permanent basis. In addition, any functional need at the site could be adequately met from the applicant's existing place of residence which is located close to the site, within the settlement of Crowle. Therefore the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the North Lincolnshire Core Strategy and paragraph 55 of the National Planning Policy Framework.

2.

Given that there is no functional need for a dwelling on the site and the applicant has provided insufficient evidence as to whether there are any sites which are at lower risk of flooding within Crowle the proposal fails the sequential test. Furthermore, insufficient information has been supplied to demonstrate that the sustainability benefits of the scheme outweigh the risk to flooding and the proposal has therefore failed the exceptions test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and paragraphs 100, 101 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.

**PA/2017/431 – Site Location**

