

<b>APPLICATION NO</b>	<b>PA/2018/1939</b>
<b>APPLICANT</b>	Mrs Janette Weaver
<b>DEVELOPMENT</b>	Planning permission to erect a detached house and garage
<b>LOCATION</b>	27a Ferry Lane, Winteringham, DN15 9NT
<b>PARISH</b>	Winteringham
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Elaine Marper – flood risk and drainage concerns)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Framework must be taken into account and is a material consideration in planning decisions.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 11 sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals which accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or where relevant policies are out of date, granting planning permission unless policies of the Framework protect an area or assets of particular importance that provide a clear reason for refusing the development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 54 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 108 states that safe and suitable access to the site should be achieved for all users with any significant impacts from the development being cost effectively mitigated to an acceptable degree.

Paragraph 109 states that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 127 states that decisions should ensure developments: function well and add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe inclusive and accessible which promote health and wellbeing with a high standard of amenity for existing and future users.

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Paragraph 159 states that if it is not possible for development to be located in zones with a lower risk of flooding, the exception test may have to be applied.

Paragraph 160 states for the exception test to be passed it should be demonstrated that: the development would provide wider sustainability benefits that outweigh the flood risk; and the development will be safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Paragraph 179 states that where a site is affected by contamination, responsibility for securing safe development rests with the developer and/or landowner.

Paragraph 180 states that planning decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

**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)
- CS6 (Historic Environment)
- CS7 (Overall Housing Provision)
- CS8 (Spatial Distribution of Housing Sites)
- CS18 (Sustainable Resource Use and Climate Change)
- CS19 (Flood Risk)

**Housing and Employment Land Allocations DPD:**

Inset Map for Winteringham

- PS1 (Presumption in Favour of Sustainable Development)

**North Lincolnshire Local Plan:**

- H5 (a-m only) (New Housing Development)
- H7 (Backland and Tandem Development)
- H8 (Housing Design and Housing Mix)
- HE9 (Archaeological Evaluation)
- RD2 (Development in the Open Countryside)
- T2 (Access to Development)
- T19 (Car Parking Provision and Standards)
- DS1 (General Requirements)
- DS14 (Foul Sewerage and Surface Water Drainage)
- DS16 (Flood Risk)

**CONSULTATIONS**

**Highways:** Advises conditions.

**Drainage:** No comments received.

**Conservation:** No comments received.

**Archaeology:** Does not consider that the proposal would adversely affect any heritage assets of archaeological interest of their setting.

**Environmental Health:** Advises of the need to obtain further information in respect of the potential for land contamination or conditions should the local planning authority be minded to approve the application without such information being provided.

**Environment Agency:** No objection subject to conditions.

**Anglian Water Developer Services:** No comments received.

## **PARISH COUNCIL**

No objections but raises strong concerns in relation to tandem building which is against local planning policy, that number 27 is falling into disrepair and regarding flooding from Ferry Lane.

## **PUBLICITY**

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to writing this report. No comments have been received.

## **ASSESSMENT**

The application site is 27 Ferry Lane, Winteringham. The site comprises 0.11 hectares of land associated with the original number 27 to the front of the site (although excluded from the application site proper). Planning permission is sought for the erection of a detached house and garage.

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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. 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 the Planning Practice Guidance (PPG).

**The main issues for consideration with regard to the determination of this application are: whether the residential development of the site is acceptable in principle; whether the proposed dwelling would be at risk of flooding; and whether the proposed dwelling would adversely affect visual or residential amenity.**

### **Principle**

The application site relates to land to the rear of 27 Ferry Lane. The majority of the site is outside the HELA DPD defined development limit for the settlement. The position of the proposed dwelling, however, is partially within the development limit and bisects the

footprint of the dwelling. Accordingly, part of the site is considered to be within the open countryside, including the majority of the proposed dwelling's footprint.

NLCS policies CS1, CS2, CS3 and NLLP policy RD2 together seek to regulate development in the open countryside. These policies permit development that is for the efficient operation of agriculture or forestry, or that which is justified as requiring an open countryside location where that need cannot reasonably be met elsewhere. In this case, the proposal is for a dwelling which is not required for the purposes of agriculture or forestry and is therefore contrary to the aforementioned policies.

Notwithstanding the above, the latest available five-year housing land supply statement, from Spring 2016, states that the Authority only has a 3.9 year supply of housing land. Accordingly, the provisions of footnote 7 of paragraph 11 apply and determination is required in the context of paragraph 11 – the presumption in favour of sustainable development.

The application site is partially within, and therefore abuts, the development limit for Winteringham. Winteringham is described as a larger rural settlement within the Sustainable Settlement Survey 2016. The settlement scored 28 points and has 5 out of the 7 key facilities and services and was ranked 24<sup>th</sup> out of 79 settlements in North Lincolnshire. The development of a single dwelling in this location is considered to be sustainable in principle subject to assessment of other technical factors and material considerations.

### **Flood risk and drainage**

The application site is within flood zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment (SFRA). Residential development is classified as being a 'more vulnerable' use within the Practice Guidance (PPG). According to the PPG flood zone compatibility table, the development is subject to both the sequential and exceptions tests.

The purpose of the sequential test is to steer development to areas at lower risk of flooding. Locally adopted flood risk guidance states that the scope of search for alternative available sites for development should be restricted to the settlement within which the proposed development is located. In this case the majority of the settlement of Winteringham is within SFRA flood zone 1, which is land at the least risk of flooding. The originally submitted Flood Risk Assessment did not include robust assessment of sequentially preferable sites at lesser risk of flooding. The applicant has now carried out a sequential test which has concluded that there are no available sites within Winteringham for the development of a single dwelling. The applicant has reviewed the brownfield land register and online estate agencies for available land, and has searched for dwellings for sale that may have sufficient garden land available. The only site found within the brownfield land register was the former Ferry Boat Inn site which has been developed for housing and is therefore not available. It is therefore considered that the sequential test is passed and that there are no other available sites within Winteringham for the development of a single dwelling.

The exceptions test forms two parts: firstly, that the development is safe for its lifetime; and secondly, that the development has wider sustainability benefits that outweigh the flood risk issue. The Environment Agency has been consulted on the proposal and has no objection subject to conditions requiring finished floor levels within the proposed dwellings to be raised 300 millimetres above existing ground levels. The submitted flood risk assessment states that the finished floor levels will be raised by 150 millimetres but does not include

risks from a tidal defence breach. The Agency is satisfied that by raising a further 150 millimetres to the 300 millimetres as specified would address this residual risk. The Agency also advises that the development incorporates flood resistant and resilient design as stated within the submitted flood risk assessment. The delivery of a single dwelling is considered to result in benefits through the delivery of housing whose future occupants would likely utilise the facilities and services of Winteringham and assist in their long-term viability. It is therefore considered that the proposal would result in wider sustainability benefits.

The applicant has shown that a soakaway is to be used to dispose of surface water generated by the proposed dwelling. No comments have been received from the Drainage Team and it is considered that the method of surface water disposal is acceptable. It is noted that the proposed driveway and parking area serving the dwellings is to be constructed of permeable paving and will therefore not increase surface water run-off where it is to be sited. It is considered that the proposal would not result in an increase in surface water flooding.

### **Design and amenity**

The proposed two-storey dwelling is L-shaped and at its maximum measures 16.5 metres by 11.8 metres with an eaves height of 5.1 metres and maximum roof ridge at 8.1 metres. The roof ridges decrease in height to single-storey level to the southern side of the dwelling where the attached garage is to be sited. All roofs are to be hipped and the dwelling is to be constructed of Cotswold stone with heritage blend brick quoins. The dwelling in this regard has taken architectural cues from surrounding traditional properties and there is no objection to its appearance.

The proposed dwelling is set back from the highway and is considered to be backland development. NLLP policy H7 permits backland development where it would not adversely affect residential amenity, would be served by an appropriate access and would not create noise and disturbance to front dwellings. The proposed arrangement allows for the existing number 27 to be served by a rear garden measuring 10 metres in depth. The majority of the proposed dwelling is sited to the north-west of number 27 and predominantly would face onto the shared parking/driveway area.

First-floor windows are proposed to all elevations. However, windows to the northern and southern side elevations are to be high level windows or obscure glazed. Windows to the front elevation have the potential to overlook the garden of the existing number 27. However, the proposed dwelling has been carefully designed to minimise such impact with the majority of windows being high level to the front elevation and the single standard-sized window has been positioned to the northern end and overlooks the shared driveway/parking area. It is therefore not considered that the proposed dwelling would result in a significant loss of privacy.

The dwelling is to be sited to the south of the garden of the northern neighbour and is to be approximately 2 metres from the boundary. The dwelling is sited a sufficient distance away from the rear elevation so as not to result in a significant loss of light. Some overshadowing of the rear garden could occur as a result of development but this is mitigated through a hipped roof design and it is noted that the garden would likely receive some direct sunlight in the afternoon. The proposed dwelling is not considered to result in a loss of light to the existing number 27.

The existing number 27 features side-facing windows onto the shared driveway/parking area. However, this area is currently used by number 27 for vehicle parking and, due to the separation distance, is not considered to result in significant noise and disturbance as a result of the intensification of its use by a further dwelling. The property to the north of the site is also L-shaped and does not feature side-facing windows within the nearest side elevation. Other side-facing windows overlook its own driveway and parking area which abuts the shared parking area and driveway proposed by this application. It is not considered that the proposal would adversely affect neighbouring properties by virtue of noise and disturbance associated with the additional vehicular movements.

### **Other matters**

The new dwelling is to be accessed by a shared driveway to the north of the existing number 27 off Ferry Lane. Land due north of the existing number 27 will also form a parking area for three vehicles in addition to the remaining driveway and garage of the proposed dwelling. The Highways team has been consulted on the proposal and has raised no objection subject to a condition to prevent the occupation of the dwelling until the driveway, parking and turning area has been provided. On this basis it is considered that the level of off-road parking is acceptable with regard to the scale of development proposed and would not adversely affect the safe operation of the highway.

The Environmental Health team has advised of the need to secure further information with regard to the potential for land contamination on the basis that the residential use of the site has a sensitive end user. The team has not provided evidence to suggest that the site may be contaminated which is considered unlikely given it currently forms the rear garden of a residential property. The team has advised conditions should the local planning authority be minded to approve the application. The conditions proposed would secure a full ground intrusive investigation but this is considered onerous and it is advised instead that a condition be imposed only requiring remediation should unexpected contamination be discovered during the course of development.

The archaeologist has been consulted on the proposal and does not consider that it would adversely affect any heritage assets of archaeological interest or their setting. The site is outside the Winteringham conservation area although land further south on Ferry Lane, towards the historic core of the settlement, is within it. At this point there are also listed buildings and others of townscape merit. The conservation officer has been consulted and has not commented on the proposal. As the site is outside the conservation area and surrounding buildings are not listed or of townscape merit, the development is not considered to result in adverse impacts to the historic environment.

The parish council has been consulted on the proposal and has raised concerns with regard to the state of repair of the existing number 27 Ferry Lane to the front of the site. Whilst these comments are noted, number 27 is not listed nor does it form a building of townscape merit, although it is accepted that it is of traditional appearance. The existing property known as number 27 falls outside the application site and cannot be considered as part of the proposed development, which is for the erection of a detached dwelling to the rear of this property.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Plans (2)', 18/19/03 A, 18/19/04 A, 18/19/02 A and 18/19/01 A.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Finished floor levels of the proposed dwelling shall be raised to at least 300 millimetres above the existing ground level.

Reason

To reduce the risk of flooding to the dwelling and future users.

4.

The dwelling hereby permitted shall be constructed in accordance with flood resistance and resilience measures as set out within the submitted flood risk assessment, with the exception of the proposed finished floor levels.

Reason

To reduce the risk of flooding to the dwelling and future users.

5.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.



7.

The dwelling hereby permitted shall not be occupied until the sewage disposal/drainage works to serve that dwelling have been completed in accordance with the submitted plans.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

The dwelling hereby permitted shall not be occupied until the boundary treatment of at least 1.8 metres in height, as shown on drawing 18/19/04 A, has been completed in accordance with the approved details, and the boundary treatment shall be retained as such thereafter.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

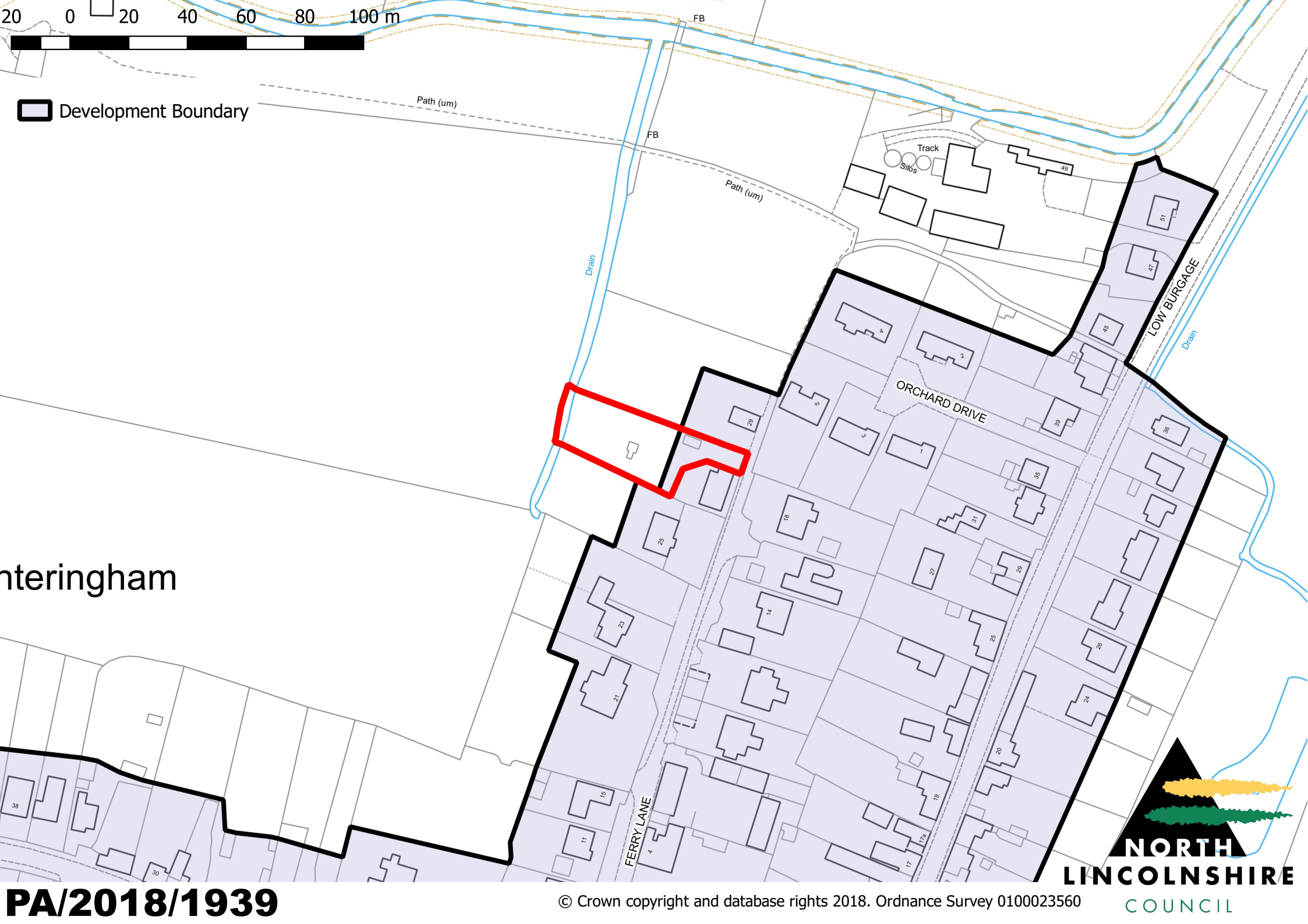
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Development Boundary

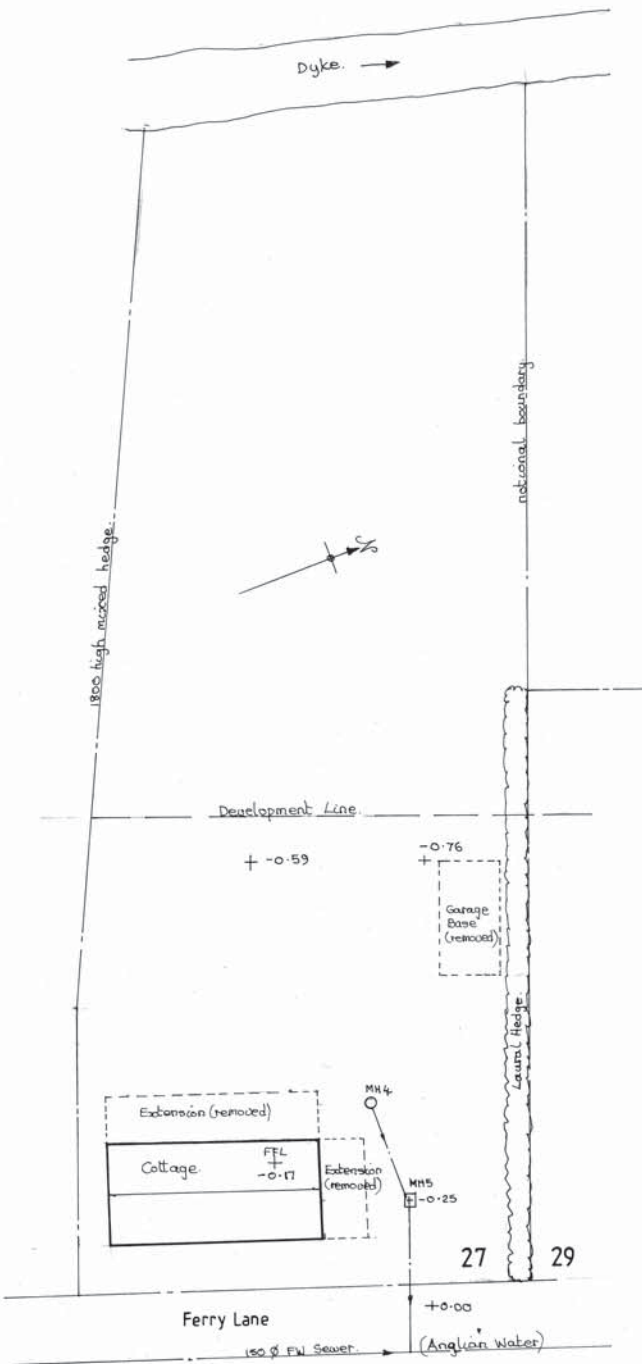
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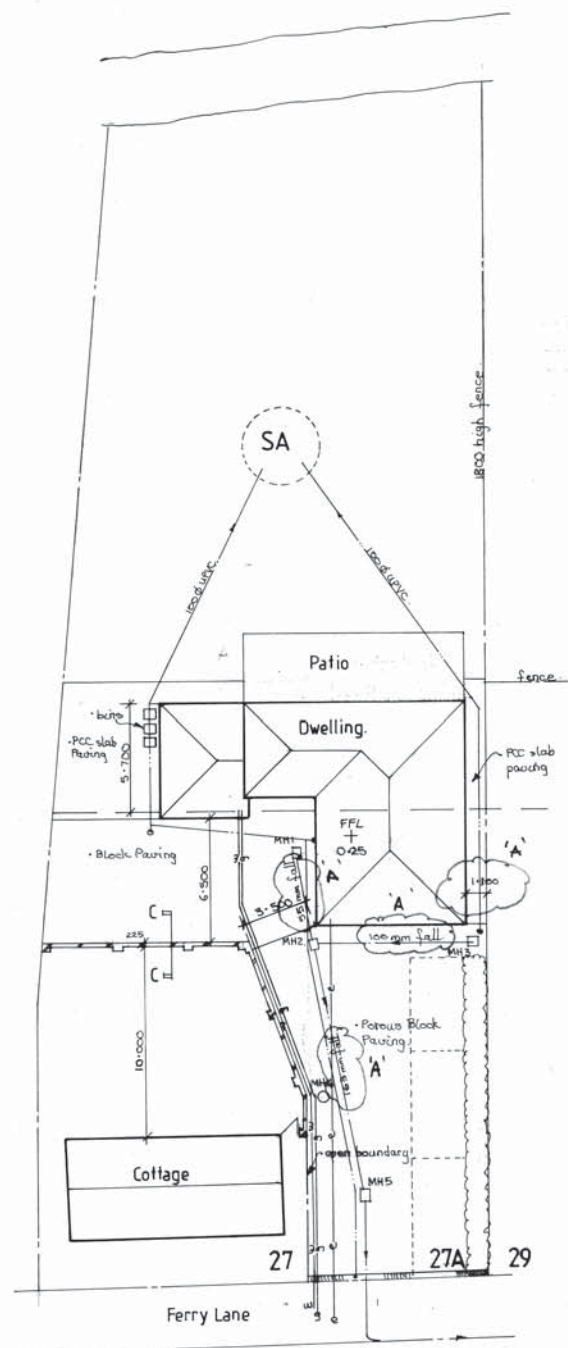
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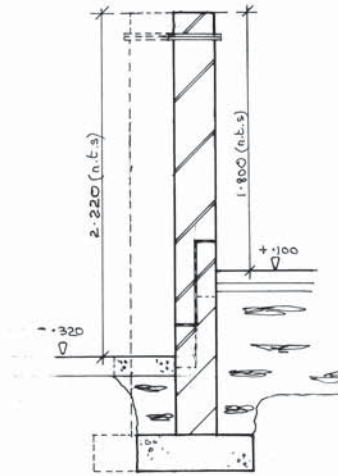
# PA/2018/1939 Existing and proposed block plans (not to scale)



Existing Site Plan 1:200 @ A2



Proposed Site Plan.



Section C 1:20 @ A2.

Rev A-3.8.18 - To comply with BCO letter dated 31.7.18

PROPOSED TWO STOREY HOUSE WITH ATTACHED GARAGE at 27A, FERRY LANE, WINTERINGHAM, N. Lincs., DN15 9NT for Mr & Mrs I Weaver. Project Ref : 18-19.

SITE PLANS

Date : June 2018

Drwg. No. 18/19/04 A