

APPLICATION NO	PA/2020/332
APPLICANT	Mr & Mrs Whelpton
DEVELOPMENT	Planning permission to erect a dwelling including associated works
LOCATION	Land adjacent to 24 Main Street, Thornton Curtis, DN39 6XW
PARISH	Thornton Curtis
WARD	Ferry
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	The proposal would represent a departure from the North Lincolnshire Local Plan

POLICIES

National Planning Policy Framework:

Paragraph 8 – Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential dwelling; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

North Lincolnshire Local Plan: DS1, DS7, DS14, RD2, LC11, HE9, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection but recommend a compliance condition in that the dwelling shall not be occupied until vehicle access, parking and turning spaces have been completed.

Drainage: No objection but recommend two pre-commencement conditions in relation to details regarding surface water run-off from the highway onto the developed site and from hard paved areas onto the highway.

Environmental Protection: No objection, but recommend a condition which states, '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 by the local planning authority.'

PARISH COUNCIL

No objection.

PUBLICITY

The application has been advertised by a site notice and in the press as a departure from the local plan. No responses have been received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated regarding the proposal's principle of development, the impact on character and design, neighbouring amenity, drainage, land quality and highways.

The site

The application site is garden land situated north of the neighbouring dwelling known locally as The Vicarage (24 Main Street). The site and the neighbouring parcel of land are both in the ownership of the applicant. The boundaries of the application site are defined by existing wooden boundary treatments and vegetation. The host site is within Thornton Curtis, approximately 5 miles south-east of the larger town of Barton-upon-Humber. The dwellings surrounding the site comprise a mix of building sizes and designs bounded by walls and hedges.

The immediate dwellings are not listed; there are no tree preservation orders within the application site or any adjacent properties; the site is within flood zone 1 SFRA (low); it does not fall within a conservation area; it is set wholly outside the settlement boundary of Thornton Curtis; and is on land designated (under policy LC11 of the North Lincolnshire Local Plan) as an area of amenity importance. It is acknowledged that the application site does border the settlement boundary of Thornton Curtis.

Proposal

Permission is sought to erect a dwelling, including associated works. The proposed dwelling is a two-storey single-family dwelling house and would benefit from three bedrooms. It would have a main pitched roof with a dropped pitched roof along the west elevation; a modest porch extension; a single-storey rear extension; and two dormer features along the north and south elevations, both finished with pitched roofs. The principal elevation is considered the west elevation which would address Main Street and consists of a garage door, a residential access door by way of a porch; two first-floor windows with an additional vertical window feature; vertical timber weatherboarding and red facing brickwork. The dwelling would be served by Cassius clay grey roof tiles.

Principle

The application site is located outside the adjacent settlement boundary and the proposal would represent a departure from the North Lincolnshire Local Plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS3 of the CS provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Thornton Curtis.

Policy CS8 of the CS deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the defined settlement boundary for Thornton Curtis and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to be in conflict policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in determination planning applications, is relevant and states, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

The application site is within an Area of Amenity Importance (policy LC11 – an asset of particular importance). As such, a clear reason for refusing the development must be outlined. It is acknowledged that the immediate land to the north, which abuts the application site, benefits from a planning approval for a new dwelling (PA/2019/1726) which is also outside development limits. This application site is outlined on the submitted location plans. With reference to PA/2019/1726, the planning committee took the view that the designation of the policy LC11 'amenity area' was an historic one that should no longer carry weight and should not restrict development at this location, and that the proposal would have a limited impact. On this basis, the proposal was approved in January this year. Importantly, PA/2019/1726 has set a precedent for this type of development in this area. The proposed new dwelling being assessed under this application would be comparable to that already approved by the committee, albeit situated closer to the settlement boundary. It is also suggested that the previous planning approval has incidentally extended the northern edge of the Thornton Curtis settlement boundary and that the proposed dwelling would represent a form of infill-type development in the context of the previous planning approval.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would be in conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would provide the benefit of a modest dwelling contribution within a locality which generally consists of existing housing. In light of this, there is little evidence to suggest that the proposal would give rise to adverse impacts which would significantly and demonstrably outweigh the benefits.

On balance, it is considered that although the development plans would preclude such type of development, in the absence of a five-year housing land supply and in the presumption in favour of sustainable development stipulated within the NPPF, whilst considering the context of the previous planning approval on the adjacent land, the principle of development would be acceptable, subject to the considerations below.

Impact on character and design

The NPPF attaches great importance to the design of the built environment. Paragraph 130 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. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The pattern of residential development within the locality is characterised by a mix of large detached dwellings and smaller detached and terraced dwellings closer to the junction of Burnham Lane and Main Street. The character of development immediately adjacent to the proposed site is more informal with detached dwellings positioned at irregular intervals. The

appearance of the dwellings is interesting but mixed, with red brick the most prevalent external facing material. The surrounding dwellings range in a mix of building heights and frontage arrangements; however, they are generally two-storey structures. Based on the character and appearance of the existing street scene, the introduction of a two-storey dwelling of the appearance and scale proposed, constructed in facing brick and vertical weatherboarding, is considered to be in keeping with the character and appearance of the street scene and the immediate area.

In terms of its design, the plans show that the proposed dwelling would feature a sloped roof to reflect a rural architectural style set perpendicular to the principal elevation. The dwelling has been designed with a balanced appearance to its principal elevation by way of the pitched dormers to either side elevation. The proposed stepped roof design with a setback to the principal elevation would reduce the visual impact the dwelling would have on the street scene, whilst incorporating the proposed garage within the footprint of the dwelling. The design and appearance of the proposed dwelling incorporates features and materials which are similar to the immediate vicinity, whilst preserving the rural context of the site. The proposed fenestrations, detailing and doors are considered appropriate in scale and position and do not appear overly dominant. In all, the proposed dwelling design and composition would be sympathetic to the local area.

The plans show that the dwelling will be set in 1.9 metres from the north boundary and 2.3 metres from the south boundary, which allows for an area of pedestrian circulation around the dwelling and into the private rear garden. The proposed position of the dwelling would rest comfortably within the plot and would retain a sense of openness between both adjacent properties, which is considered an important characteristic within the rural setting. It is acknowledged that the proposed low planting to the front would provide a degree of screening, which would positively contribute to the development and the street scene. The dwelling would be set back from the public highway by approximately 15 metres; this allows for an area of privacy space to the front of the dwelling and reflects the surrounding sites. The proposed amenity space to the front, along the side elevations and to the rear is considered to be sufficient to meet the needs of the occupants of the proposed dwelling. The driveway is of adequate size and depth to accommodate the movement and manoeuvring of vehicles within the site and to the proposed garage. Based on the amount of parking and private amenity space available to the occupants of the proposed dwelling, and the fact that the dwelling will be set in from the site curtilages, the proposal is not considered to result in a contrived or cramped form of residential development in the street scene, and the host dwelling will retain adequate space for amenity and parking purposes. It is considered that the proposed new dwelling would reflect the character, appearance and setting of the immediate Main Street area. As such, the proposal would be in accordance with policy DS1 of the local plan.

Impact on the amenity of neighbours

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The Vicarage is situated to the south and would be set back from the proposed dwelling by 18 metres. The Old Vicarage is situated to the north and would be set back from the proposed dwelling by 27 metres. Furthermore, the approved dwelling under PA/2019/1726

situated to the north will also form part of the assessment. This dwelling would be situated 6 metres from the proposed dwelling. Considering these set-backs, impacts from the proposal such as massing and scale would be negligible on neighbouring amenity, and the surrounding dwellings would still benefit from early morning and late evening sunshine. It is also noted that the proposed dwelling would not front an existing dwelling directly to the front and the proposal would back onto open green space; it would therefore not cause an adverse impact to the front and rear of the application site.

It is acknowledged that the proposed dwelling would have a first-floor window in both side elevations (north and south), which are proposed to serve an en-suite and a study room. These windows will be conditioned to be obscure-glazed, although it is noted the study window has been outlined to be obscure-glazed on the submitted plans. The north elevation would also include two first-floor rooflights leading to the family bathroom and master bedroom, and the south elevation would include a first-floor rooflight which would serve a landing, all of which would be diagonally sloped as set along the pitched roof. Given the positions and design, the proposed rooflights are not considered to cause a harmful level of overlooking or loss of privacy. In all, the proposed dwelling would maintain an acceptable and predominantly front and rearward outlook.

It is considered that the proposed new dwelling would not prejudice neighbouring amenities. As such the proposal would be in accordance with policies CS5 and DS1.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk. The council's drainage team have been consulted and have no objections subject to pre-commencement conditions relating to surface water run-off from the highway onto the developed site and from hard paved areas. These conditions have been agreed with the applicant/agent and will be attached to any planning approval.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The council's environmental health officer has not provided a comment (or objection); however, given the vulnerable use, a phase 1 desk top study, remediation report and verification report will be required. The host site is currently in domestic use; however, given that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination will be attached to any planning approval.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. The applicant seeks to create access from Main Street. The council's highways department have made an assessment and have no objection to the proposal subject to a compliance condition. This condition will be attached to any planning approval.

Conclusion

Whilst the proposal is within the open countryside and in an area of amenity importance, which would potentially harm the existing site context, this does not outweigh the benefit of providing a family dwelling house, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

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 Location Plan; Proposed Site Layout; Proposed Block Plan TC/WH/MF/03; Existing Site Layout; Existing Block Plan TC/WH/MF/04; Proposed Floor Layouts; Proposed Roof Plan TC/WH/MF/01; Proposed Elevations TC/WH/MF/02; Design & Access Statement Prepared by Mr M Flynn MCIAT.

Reason

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

3.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

4.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

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.

Before the dwelling is occupied, the en-suite window at first-floor level in the north elevation and the study room window at first-floor level in the south elevation shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

8.

The dwelling hereby approved shall be made up of the materials described within section 7 of the planning application form unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of visual amenity and to accord with policy CS5 of the North Lincolnshire Core Strategy.

Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

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.