

APPLICATION NO	PA/2023/439
APPLICANT	Mr Paul Jessney
DEVELOPMENT	Planning permission to erect a new dwelling
LOCATION	Homelea, Sluice Road, South Ferriby, DN18 6JG
PARISH	SOUTH FERRIBY
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- DS1 General requirements
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- H5 New housing development
- H7 Backland and tandem development
- H8 Housing design and housing mix
- LC5 Species protection

T2 Access to development

T19 Car parking provision and standards

HE9 Archaeological evaluation

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

CS17 Biodiversity

CS19 Flood risk

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE6 Sustainable drainage systems

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objection, but recommend conditions.

LLFA Drainage: No objection, but recommend conditions.

Environmental Protection: No objection, but recommend a condition.

Environment Agency: Following receipt of an amended Flood Risk Assessment (FRA) the previous objection has been withdrawn. No objection, but recommend conditions.

PARISH COUNCIL

No response received.

PUBLICITY

A site notice has been displayed; no responses have been received.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

PA/2014/0471: Outline planning permission to erect a dwelling (access and siting not reserved for subsequent approval) – refused 24/06/2014.

PA/2014/0934: Outline planning permission to erect a dwelling (access and siting not reserved for subsequent approval) – refused 22/10/2014.

The application site consists of an area of garden land to the rear of the applicant's property. It is predominantly laid to lawn with a close-boarded fence along its western and eastern boundaries, a line of trees along the southern boundary and the dwelling located to the north. A separate vehicular access runs parallel to the western boundary of the site (adjacent to Weir Dyke) and the rear garden contains a number of outbuildings including a shed and caravan. The garden is outside, but adjacent to, the defined settlement boundary for South Ferriby. It is within flood zone 2/3a. Planning permission is sought to erect a detached two-storey dwelling with associated off-street parking and private amenity space.

The main issues associated with this planning application are the principle of development, impact on the rural landscape, impact on residential amenity and flood risk.

Principle

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Land Allocations DPD (HELAP).

The application site is outside the settlement framework set out in the Housing and Employment Land Allocations DPD; for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

Saved policy H5 covers new residential development, which requires development to be within settlements or to represent infill. Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

Policy CS3 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 wholly outside the defined development limit for South Ferriby.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (as in this case). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

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 for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy.

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). There is, therefore, a development plan presumption against housing development in this location.

No justification has been put forward to substantiate the development in terms of its countryside location. It is considered that the development does not constitute a dwelling or development which is for specific circumstances associated with this countryside location – it is for market housing. Based on the supporting information, the proposed development is contrary to policies RD2 and CS3 as it is for market housing not considered essential to the functioning of the countryside, or any rural business.

Despite its proximity to the settlement boundary, there is therefore a conflict with the development plan as the proposed development would conflict with saved policy RD2 of the local plan and policies CS2, CS3 and CS8 of the Core Strategy.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

In these circumstances, paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form

part of the development plan), permission should not usually be granted. In this case therefore, planning permission should be refused unless material considerations indicate that the development plan should not be followed in this case.

Based on the above, it is considered that the proposed development is not acceptable in principle as it is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.

Rural landscape

As noted in the previous section of this report, this proposal is for a dwelling outside the defined settlement boundary for South Ferriby, in the countryside. However, there is a requirement to consider the setting in which the dwelling is proposed, that being within the rear garden of the applicant's property a distance of 20.7 metres from the rear elevation of Homelea to the north. The piece of land in question is of adequate size to accommodate a detached dwelling and its associated garden space that would not be out of keeping with neighbouring properties in the area.

The Planning Inspector made the following observations in respect of the impact of development on the character of the area in relation to the appeal for a dwelling which was dismissed under PA/2014/0934:

'The Council's Officer Report on the application notes that the site is an adequate size for a dwelling, and it would be within a development pattern that is for the most part linear in this location. In addition, the appellant highlights that there are no other opportunities to develop land to the rear of properties on Sluice Road that would be served by its own access. Even so, the proposed siting and construction of the appeal proposal on the rear garden land at Homelea would introduce additional built development into the countryside that would erode the rural character of the locality.'

The development pattern in the area is predominantly linear, frontage development with dwellings having long, spacious rear gardens; however, there are examples of buildings to the rear of the main building line close to the site and as such the erection of a dwelling in this location would not have an unacceptable impact on the character of the area. Notwithstanding the observations made by the Planning Inspector in respect of the impact on the character of the area, there are examples of dwellings located further into the countryside than the proposed dwelling (1-4 Riverside Cottages to the south-west and Sunnymead to the east) and a number of sizeable outbuildings which are located within the deep rear gardens of properties along the Sluice Road frontage, which extend well beyond the defined settlement boundary for South Ferriby.

In addition, the landscape is dominated by the Cement Works to the west of the site and any views of the proposed development would generally be of a dwelling viewed against the built form of the settlement directly to the north and north-east and not of an isolated dwelling in the countryside. The dwelling would be screened from view as a result of the retention of the line of mature trees to the rear of the site and the cluster of trees in the wider vicinity, and by its position set back from the public highway (Sluice Road) at a distance of approximately 45 metres.

Therefore, due to the position of the dwelling some distance to the rear of Homelea and existing screening around the boundaries of the site, the proposed development will, with careful design, have no unacceptable impact upon either the visual amenity of the area or the residential amenity of neighbouring properties, including Homelea.

The design of the detached dwelling is a modern house with a mono-pitch roof and a mix of materials, namely render to the ground floor, horizontal timber cladding to the first floor and metal profile sheeting to the roof; this adds visual interest and utilises lightweight materials to give a modern appearance. The dwelling is located away from the northern boundary, which gives further separation distance from the rear elevation and garden of Homelea and allows for the provision of an area of private amenity space to the north of the dwelling. The roof of the dwelling has been designed to have an overhang to all sides and the plans show each of the elevations is broken up by a combination of window and door openings with a number of longer profile windows proposed along all elevations. It is also proposed to provide a balcony along the southern elevation and along part of the front (western facing); this provides visual interest to the scheme and an area of sheltered amenity space at ground level. An integral garage, along with non-habitable rooms, are proposed at ground floor level (on account of flood risk) with all living accommodation proposed at first floor.

The dwelling is positioned 6 metres from the northern boundary with the garden of Homelea and its principal elevation faces west towards the proposed driveway and off-street parking area (with a minimum of two parking spaces); a garden area extending to 140 square metres is proposed to the south, which will be screened to the side of the dwelling.

It has been demonstrated that the development of this site would not be detrimental to the character and appearance of the open countryside, nor the nearby settlement, in terms of siting, scale, massing, design or use of materials. Overall, the design of the property is considered to be of high quality, in keeping with the existing property and properties within the wider street scene. It is therefore considered that the proposal is in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

Based on the above, it is considered that the detached house and garage can be successfully assimilated into the street scene without resulting in built development at odds with the character and appearance of the rural landscape.

Residential amenity

The plans show the provision of approximately 200 square metres of private amenity space to the north and south of the proposed dwelling; this is considered commensurate with the size of the dwelling to meet the needs of future occupants. The plans also show that Homelea will retain 238 square metres of private amenity space as a result of the development proposals; again this is considered sufficient to meet the future needs of the host dwelling. The plans also show the dwelling is proposed 6 metres from the northern boundary which gives sufficient separation distance from neighbouring properties to the east and west to ensure there is no loss of residential amenity through the effects of overshadowing or overbearing impact. There is space in which to provide a minimum of two off-street parking spaces, together with a bin storage area; however, it is acknowledged that bins will have to be wheeled to the public highway on the requisite collection day. A bedroom window is proposed in the first floor of the northern elevation of the dwelling, which would allow a direct outlook into the garden of Homelea to the north; therefore, a condition is recommended requiring this window to be fitted with obscure glazing to a minimum of Pilkington Obscuration

Level 3. (Additional windows are proposed to serve this bedroom in its western (principal) facing elevation.)

There will be some inevitable disruption to neighbouring properties through noise and general disturbance during the construction period; however, this will be short-term without harming the long-term amenity of the area.

Flooding and drainage

In terms of flood risk, the site is within flood zone 2/3a of the council's SFRA and is therefore at high risk of flooding. The proposal is for 'more vulnerable' development within a high flood risk zone (2/3a) and therefore both the sequential and exceptions test need to be applied and passed. There is one site available within the defined settlement boundary for South Ferriby at lower risk of flooding; however, it has planning permission for two dwellings and the site area is significantly larger than the proposed site and is not, therefore, proportionate in size. In addition, there is no land for sale in close proximity to or outside the settlement boundary which is available and at lower risk of flooding. On this basis the sequential test is therefore passed.

In terms of the exceptions test, the proposal would contribute to the council's five-year land supply, would deliver a new dwelling in a sustainable location, would provide jobs during the construction period, and would support local services/amenities within the settlement of South Ferriby. In addition, the updated Flood Risk Assessment submitted with the application states the development would provide the following wider sustainable benefits:

- (i) The construction of the new dwelling will provide employment for local tradesmen of all ages, thus local skills will be enhanced, [and] local employment created, [and] increased opportunities for the employment of apprentices thus improving chances of longer-term employability.
- (ii) The new dwelling will be within walking distance of local facilities; this will thus promote a healthier community.
- (iii) The dwelling will be designed in accordance with police guidelines to minimise possible burglaries and thus reduce crime in the area.
- (iv) The new dwelling will be carbon efficient and have lower than average emissions thus making a contribution to the improvement of air quality.
- (v) The site is within walking distance of local facilities and amenities plus local bus routes, thus will contribute to the reduction in private vehicle use and emissions.
- (vi) All additional housing within rural villages will contribute to the use of public transport and thus additional demand will enhance its long-term provision.
- (vii) All material used in construction of the building will be locally sourced, thus promoting sustainability in the construction process.
- (viii) The construction of the new building will also increase orders for building materials within the local area.

The updated FRA submitted is acceptable to the Environment Agency, subject to conditions which would be imposed on any planning permission, including that the development takes

place in accordance with the mitigation measures set out in the FRA, that ground floor uses are restricted to non-habitable, and removing permitted development rights for new extensions to the dwelling (to prevent potential for ground floor habitable rooms to be created). It is considered that sufficient justification has been demonstrated that the development would provide wider sustainability benefits sufficient to outweigh the risk of flooding. In addition, the plans comply with the mitigation measures set out in the FRA in that there is no habitable or sleeping accommodation at ground floor, together with the slight raising of existing ground levels by 0.15m. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

In terms of drainage, the supporting information states that surface water would be disposed of via soakaways if ground conditions are suitable (through percolation tests); otherwise, another option would be to discharge to a watercourse through Ordinary Watercourse Consent at an agreed discharge rate. A pre-commencement condition is recommended by LLFA Drainage requiring details of the method of surface water drainage disposal to be submitted for approval, with consideration given to the hierarchy of drainage disposal. The proposal therefore accords with the NPPF, policy CS18 and CS19 of the Core Strategy, and policy DS14 of the North Lincolnshire Local Plan.

Other issues

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known to be, or strongly suspected of being, contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. The previous use of the site is garden land located to the rear of the applicant's property, which is laid to grass and contains a number of outbuildings. Given the proposed development of a dwelling and associated parking and garden areas on this land will not introduce any sensitive receptors (it will stay in residential use), it is considered the condition for contaminated land investigation is neither reasonable nor necessary in this case.

Highway safety

The plans show the existing vehicular access which runs parallel to the western boundary would be utilised as a separate means of access to serve the proposed dwelling, and the host property would retain the driveway with off-street parking to the front. Upgrades would be required to the existing surface of the proposed access but it is considered to be of sufficient width to serve the new dwelling. The proposals have been considered by Highways and no objections have been received on grounds of pedestrian or highway safety; a condition is recommended to ensure the provision of the parking and turning areas prior to the dwelling coming into first use. Sufficient off-street parking is proposed to ensure vehicles would not be parked within the highway and there are connections to the main built framework of South Ferriby and its services via a lit highway footpath along Sluice Road, which is approximately 45 metres to the north of the site.

Given the scale of the proposed development, it is not considered that the scheme would result in a significant or unacceptable increase in vehicular movements in the locality. Adequate off-street parking would be provided within the site. With these factors in mind, and in the absence of an objection from the council's Highways section, it is considered that the proposal, with the recommended condition, would be acceptable in highway terms.

Archaeology

The Historic Environment Record (HER) has highlighted in their consultation response that the site has potential for buried archaeology, owing to their records showing evidence of a Roman Settlement and Roman Pottery Industry being located adjacent to the Old River Ancholme. In light of this, conditions are recommended to secure the submission of a written scheme of investigation (WSI) to the local planning authority for consideration.

Conclusion

It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. The application is therefore recommended for refusal.

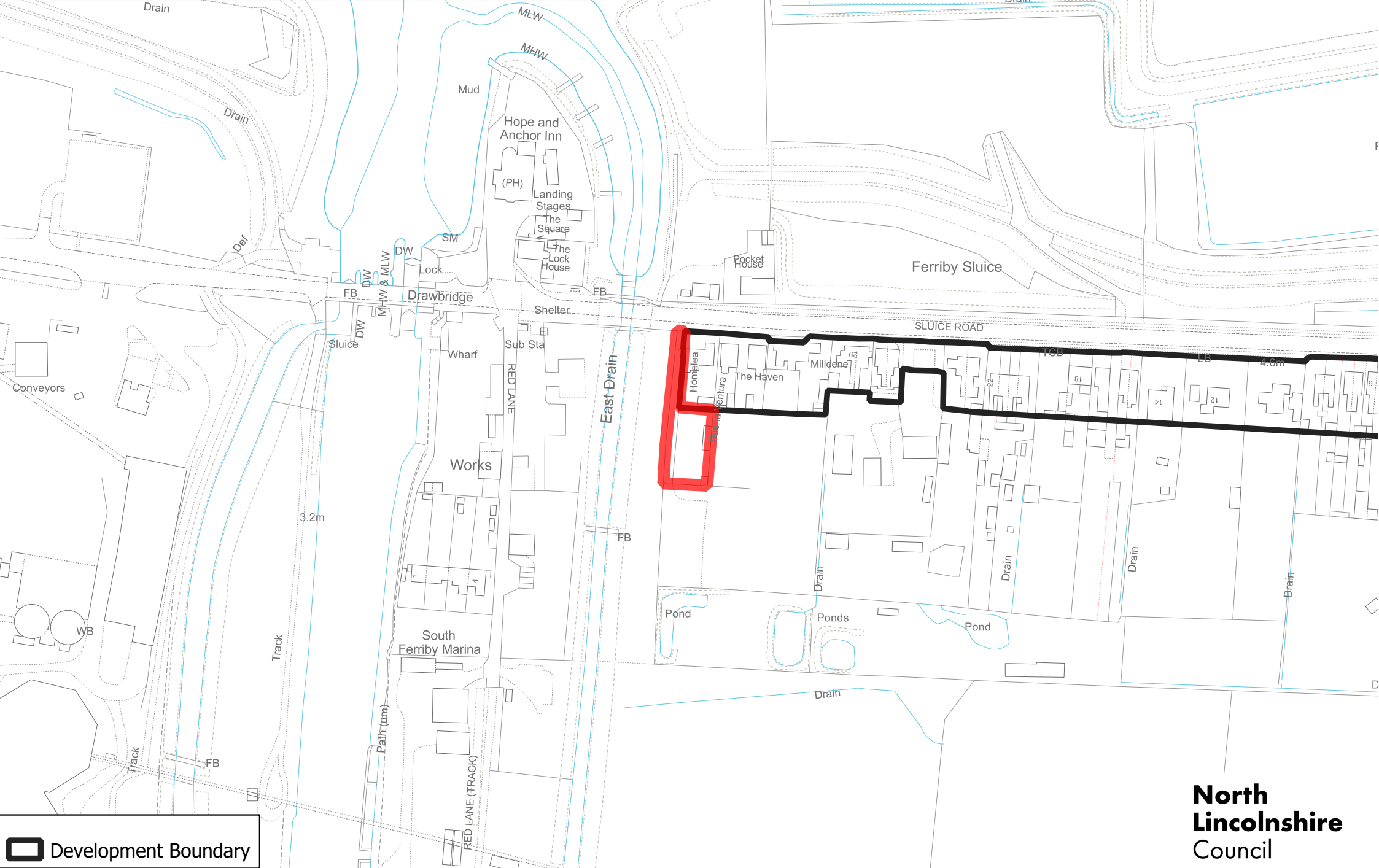
RECOMMENDATION Refuse permission for the following reason:

The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.

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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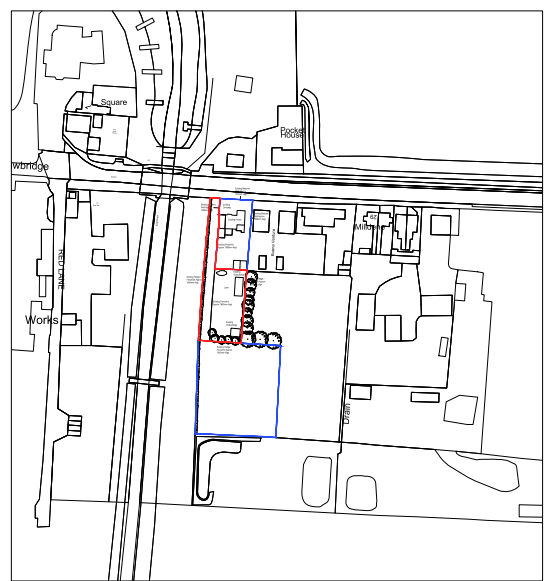


 Development Boundary

PA/2023/439

**North
Lincolnshire
Council**

PA/2023/439 Proposed layout (not to scale)

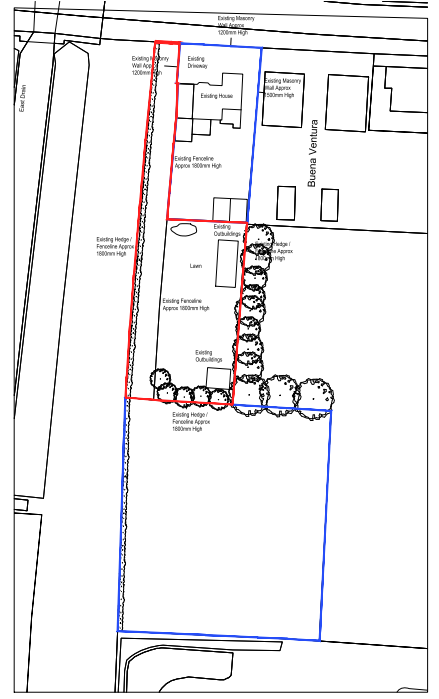


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Ordnance Survey 01.0003 | 673

0 10m 20m 50m

1:1250

Land under client ownership
Land to be separated and become separate dwelling / ownership



Aerial photo of site



Photo of site

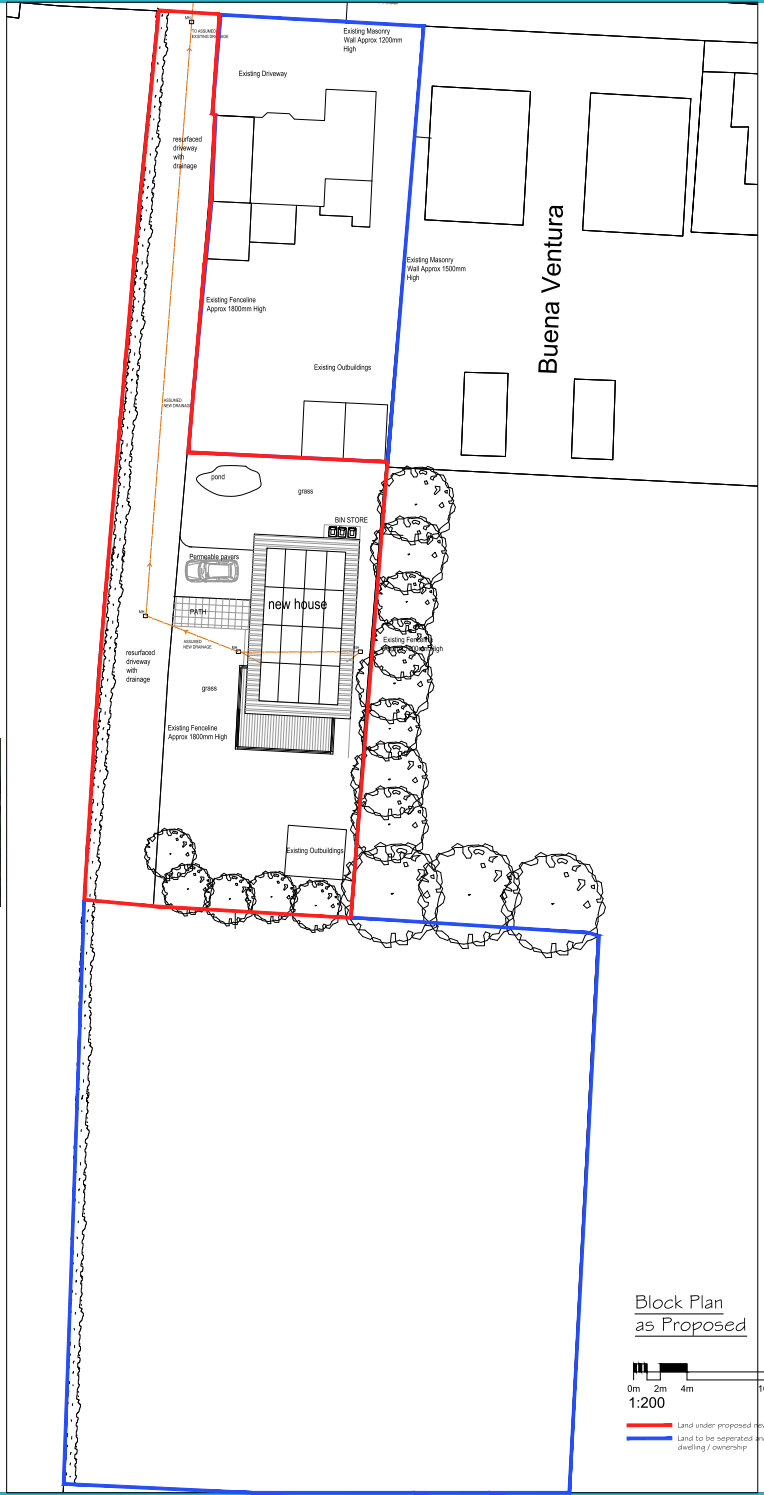


Photo of site

0 5m 10m 20m

1:500

Land under client ownership
Land to be separated and become separate dwelling / ownership



Block Plan as Proposed

0m 2m 4m 10m

1:200

Land under proposed new dwelling
Land to be separated and become separate dwelling / ownership

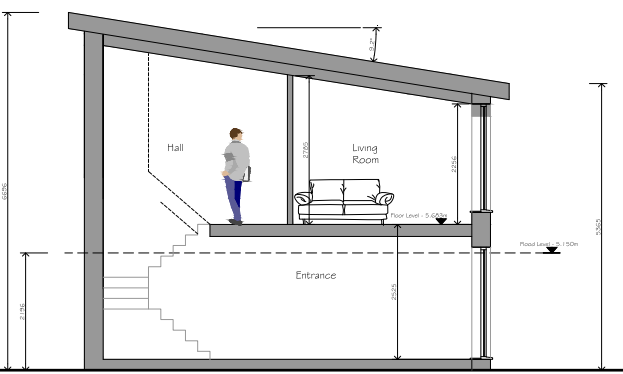
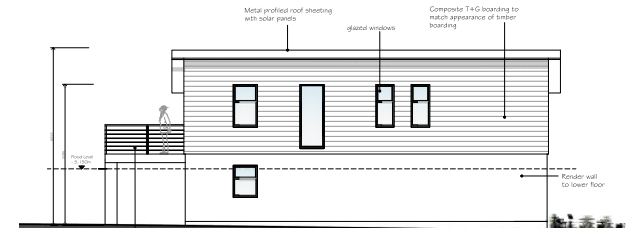
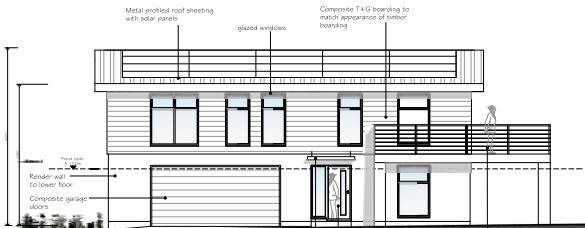
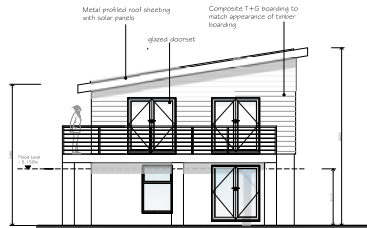
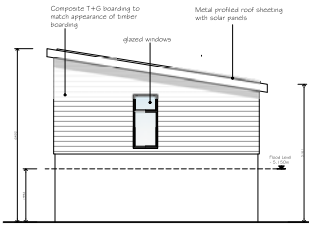
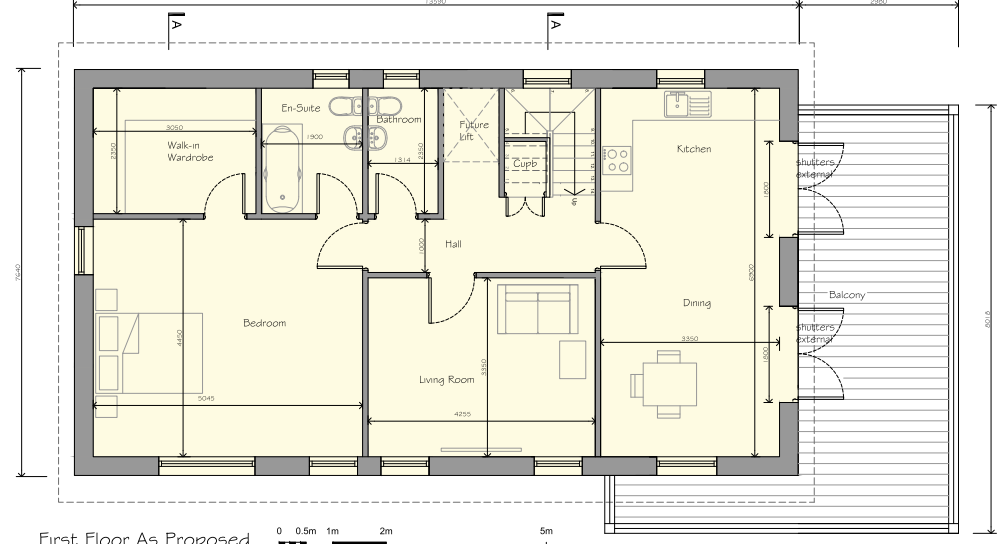
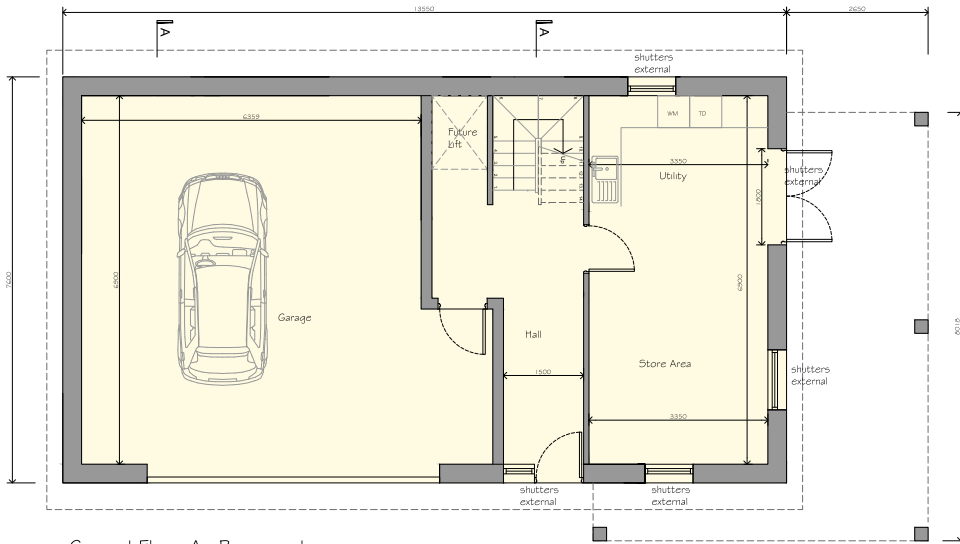
- SYMBOLS, HATCH & LEVELTYPE KEY**
- WARNING SIGNIFICANT HAZARD OR INFORMATION WHICH IS URGENT
 - ACTION (DD)
 - AVOID OR REFRAIN FROM (DON'T)
 - ON-SITE MEASUREMENTS REQUIRED
 - RELEVANT INFORMATION
 - STRUCTURAL ENGINEER ITEM
 - BUILDING CONTROL ITEM
 - BRICK
 - CONCRETE
 - BLOCK
 - PAVED
 - WARDROBE
 - PROPOSED
 - WALLING
 - RESURFCE SLABS
 - BOUNDARY
 - POLE DRAINAGE
 - NO DRAINAGE
 - REGULATED
 - DUAL USE / VCL PLANNING
 - PROTECTIVE BOARD
 - PROTECTIVE BOARD

DATE	NOTES	BY	REV
23/02/23	PRELIMINARY APPROVAL	MSD	0
05/03/23	FOR NEW APPROVAL	MSD	1
13/03/23	FOR NEW APPROVAL	MSD	2
21/03/23	FOR NEW APPROVAL	MSD	3
03/03/23	APPROVED FOR PRELIMINARY APPROVAL	MSD	4



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PROJECT TITLE Proposed New Dwelling	CLIENT Mr & Mrs Jessamy (Helen Lee, Stacey Road, South Ferry, DN18 6JD)
DRAWING STAGE Planning	SCALE varies @ A1
SHEET TITLE Site Plans	PROJECT NUMBER DN18-3338
	DATE JUN 23
	STAGE PLN
	REV 3
	SHT 001
	DRAWN BY SWG



- Proposed Materials**
- Proposed Walls - Timber effect composite cladding (1st floor)
 - Render (Ground floor)
 - Proposed Roof - Profiled sheet cladding with solar panels
 - Proposed External Windows - Double glazed windows
 - Proposed External Doors - Double glazed in-fold doors
 - Proposed External Front Door - Composite doorset
 - Proposed Rainwater Goods - Plastic
 - Proposed Fascias - Powder coated metal to match roof
 - Proposed Balcony - Timber and metal with matching balustrading

SYMBOLS, HATCH & LEVELTY KEY

- WARNING SIGNIFICANT HAZARD OR INFORMATION WHICH IS USEFUL
- ACTION (DD)
- AVOID OR REFRAIN FROM (DON'T)
- ON-SITE MEASUREMENTS REQUIRED
- RELEVANT INFORMATION
- STRUCTURAL ENGINEER ITEM
- BUILDING CONTROL ITEM
- CONCRETE
- PAVED
- ASPHALT
- PROPPOSED GLAZING
- PROPPOSED GLASS
- BOUNDARY
- POOL FINISH
- GLASS FINISH
- DRY POOL VGL FINISH
- FUNCTIONAL AREA
- FUNCTIONAL AREA

DATE	NOTES	BY	REV
01/03/23	Pre-Draw for Planning Approval	SWG	0
01/03/23	Pre-Draw for Planning Approval	SWG	1
01/03/23	Pre-Draw for Planning Approval	SWG	2
01/03/23	Pre-Draw for Planning Approval	SWG	3
01/03/23	Pre-Draw for Planning Approval	SWG	4

Architectural

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PROJECT TITLE	CLIENT			
Proposed New Dwelling	Mr & Mrs Jessemey (Helm Lane, Stone Road, South Ferris, DN18 6JH)			
DRAWING STAGE	SCALE	CW	DNW	BY
Planning	varies @ A1	JD	SWG	SWG
SHEET TITLE	PROJECT NUMBER	STAGE	REV	SHT
Plans and Elevations as Proposed	DN18-3338	PLN	3	002