

APPLICATION NO	PA/2013/1591
APPLICANT	Mr D Bradley
DEVELOPMENT	Outline planning permission to erect six dwellings (all matters reserved for subsequent approval)
LOCATION	Land off Dudley Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Frodingham
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Ellerby – significant public interest)

POLICIES

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

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

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 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 109 states that the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from

individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy IN2 (Alternative Uses of Industrial and Commercial Sites in the Urban Area and Principal Growth Settlements)

Policy IN3 (Industrial and Commercial Development in the Urban Area, Principal Growth Settlements, South Humber Bank Area (including North Killingholme Airfield) and Humber International Airport)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

CONSULTATIONS

Highways: Raise no objection to residential development of the site in principle, but do have some concerns with the indicative layout provided with the application.

Historic Environment Record: No objection.

Environmental Protection: Recommend refusal of planning permission due to concerns relating to air quality, noise, odours and contamination in the area and the complete lack of environmental information provided by the applicant.

Public Health: Recommend refusal of planning permission due to concerns over air quality and the precedent that the granting of planning permission would set for other vacant sites in the area.

Strategic Housing: The proposed development is below the threshold for affordable housing contributions.

Public Open Space: Request a commuted sum to be spent on improving the local Healey Road playing fields.

Environment Agency: Support the council's Environmental Protection department's recommendation for refusal due to known issues with air quality in the area.

PUBLICITY

Neighbouring properties have been notified and a site notice posted.

One letter of objection has been received on behalf of Tata Steel raising the following concerns:

- lack of information with regard to environmental issues
- impact on existing and future operations of adjacent industrial businesses
- loss of employment land
- proposed small-scale residential scheme, as a stand-alone development, would be out of character with its surroundings.

ASSESSMENT

The application site is a brownfield site within the development boundary of the Scunthorpe urban area. The site is currently vacant and was formerly used for industrial/commercial purposes. All structures and built development associated with the previous use have been removed from the site. The site is located in an area with a mix of uses, with land to the north and east being in industrial/commercial use and land to the south and west being predominantly residential in nature. However this residential development is some distance from the application site, being located across a dual carriageway (Queensway) to the south and beyond a large area of open grassland to the west. Land immediately to the east of the application site is also vacant brownfield land previously used by industry and is shown as in the control of the applicant. The land immediately to the south of the application site is similarly a vacant industrial site but is in separate ownership. To the north of the site is a large retail development (Go Outdoors) and its car park. The site is bounded by Dudley Road to the west, which provides access into the site from the Queensway to the south. This application seeks outline planning permission with all matters reserved for the erection of six dwellings on the site.

The application site formed part of a larger site, along with land to the west, upon which planning permission was sought for residential development in 2004. That application (PA/2004/1262) was withdrawn and no decision made. The adjacent site to the south has been the subject of recent planning applications for residential development, the most recent application being PA/2011/0236, which was refused permission by the planning committee in October 2012 on environmental health grounds, including air quality, land contamination, noise and odour.

The main issue to consider in the determination of this application is whether the application site is suitable for residential development, particularly with regard to environmental issues.

It is a core principle of the National Planning Policy Framework (NPPF) that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 of the NPPF is specific in stating that the planning system should contribute to ‘...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution...’ Whilst paragraph 120

states that 'the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account, the area around the application site has a range of industrial and commercial land uses that are known sources of air emissions, noise and odour. Furthermore, the application site itself, as a result of previous industrial use, is suspected to suffer from land contamination. The environmental issues, along with other relevant issues relating to the application site and its surrounds, have been broken down and considered individually below.

Air quality

The application site is located within the Scunthorpe 2005 Air Quality Management Area (AQMA), which has been declared due to levels of PM₁₀ exceeding the PM₁₀ Daily Mean Objective with concentrations significantly above permitted levels. PM₁₀ is a non-threshold pollutant meaning that it is not possible to determine a level below which there are no health effects. Both short-term and long-term exposure to ambient levels of PM₁₀ is consistently associated with respiratory and cardiovascular illness and mortality as well as other ill-health effects.

Paragraph 124 of the NPPF states that 'planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local Air Quality Action Plan.' Within the Scunthorpe Air Quality Action Plan the council has identified geographical zones within the AQMA where it would be appropriate to restrict residential development. The Air Quality Action Plan recommends that no residential development should take place within AQMA zone 1. Also, any residential development proposed for zone 2 should be supported by further air quality investigations that would inform decisions on the suitability of residential development in that location. The application site is located within AQMA zone 1.

Data from the PM₁₀ dust monitor on East Common Lane, for 2013, shows that the area is in breach of the EU 24-hour air quality standard for PM₁₀. The applicant has submitted no air quality monitoring data to contest this fact. By providing additional residential accommodation in this location the proposed development introduces new receptors into an area that is known to experience elevated levels of PM₁₀ and that is close (within 500 metres) to the Integrated Steelworks site, which is the main source of such emissions. This could have serious health implications for the occupiers of the proposed dwellings.

There are no viable options in terms of design, layout etc for residential developments that would significantly reduce exposure to PM₁₀. The only options are to prevent the introduction of additional residential receptors within the AQMA and to continue to tackle the sources of PM₁₀ to achieve improvements in air quality. On this basis it is considered that the application site is not suitable for residential development at present.

Additionally, residential development within zone 1 of the AQMA could also result in unnecessary constraints and increasing compliance costs which would impact on the future of the Integrated Steelworks site to the north.

Noise

The proposed development would position dwellings and their gardens close to the large retail site to the north and its car parking area, which sits adjacent to the northern boundary of the site. This has the potential to result in noise and disturbance to the occupiers of the

new dwellings. Furthermore, the site has the potential to be affected by operations at the steelworks site and industrial premises on Dunlop Way. Environmental Protection have confirmed that, whilst it may be possible to soundproof the dwellings themselves, the outdoor living areas are likely to be seriously affected by noise and disturbance and the site would also likely exceed the sleep disturbance criteria. The site is close to established industrial/commercial activities which have the ability to produce noise and disturbance that would reasonably be expected to fail to provide the standard of amenity for residential development sought by local and national planning policy. No evidence has been provided by the applicant to demonstrate that noise and disturbance have been adequately considered, nor to demonstrate that any suitable mitigation measures may be employed. The potential harm to the living conditions of occupiers of the proposed development conflicts with local plan policies DS1 and DS11 and paragraphs 109, 120 and 124 of the NPPF.

Odour

In 2004 an application was received for residential development on the larger area of land on Dudley Road (PA/2004/1262). Supporting information in the form of odour modelling was submitted by the applicant at that time, which demonstrated that this current application site (and the larger area) would be impacted by odour from the adjacent Sauce Company site. It was unclear whether or not the modelling represented a worst case scenario and therefore it is possible that the impacts may be significantly in excess of those predicted in the model. For the site to be made suitable for residential development in terms of odour, abatement works would need to be carried out to The Sauce Company (TSC) process and these works would need to be based upon further robust assessment of the company's odour emissions. For abatement proposals to be progressed the cooperation of TSC would be integral. Previously TSC and prospective developers have not provided a solution to this issue and the applicant has provided no evidence to suggest that this issue has been resolved.

The existing information held by the council demonstrates that the site is currently unsuitable for residential development without further odour assessment and abatement works being carried out to the TSC process. This action requires the cooperation of TSC and as such is out of the applicant's control. Therefore it is difficult to see how this issue can be overcome at the present time. The current application contains no information to suggest how these difficulties might be overcome and planning conditions/legal agreements would not be likely to be achieved in this instance as the issue relates to land outside the ownership of the applicant. On this basis the site is considered to be unsuitable for residential development at the current time and will remain so until the issue of odour from the TSC process has been resolved.

Land contamination

Taking into account the proposed sensitive end use of the development (residential dwellings with gardens) and the historical industrial nature of the area, the application would be expected to be supported by a contaminated land risk assessment. This assessment is necessary to identify whether or not the site is suitable for residential development and to identify the risks from contamination. However the applicant has submitted no risk assessment or any supporting information or evidence with regard to land contamination. On this basis it is not possible to fully assess the potential for contamination on the site, nor how this would impact on the principle of residential development in this location.

Loss of employment land

There is an increasing trend to develop and convert sites previously occupied by industrial and commercial employment for other uses, particularly residential. In certain areas such sites may be a limited resource and it is important that, where industrial and commercial employment sites are in short supply within the urban area and principal growth settlements, they are retained. The loss of employment sites, currently in industrial and commercial use, to housing development may have an adverse impact on local economic activity, especially in areas where the creation of local employment is a priority. For these reasons local plan policy IN2 (Alternative Uses of Industrial and Commercial Sites in the Urban Area and Principal Growth Settlements) requires applicants to demonstrate that former industrial/commercial sites are no longer required before they will be considered for alternative uses. In this regard policy IN2 requires evidence that the site has been actively marketed for industrial or other commercial uses for 12 months prior to the planning application being made. The applicant has provided no evidence of attempts to market the site and as such the proposal is contrary to the provisions of policy IN2.

In addition to the loss of the application site for employment purposes, the proposed development also has the potential to impact on the development of new and expansion of existing industrial/commercial sites in the area. The proposed scheme would increase the number and proximity of residential receptors to the surrounding industrial/commercial land uses, including the Integrated Steelworks to the north. This would increase the potential for complaints in relation to air quality, noise and disturbance and odour. With reference to policy IN3 (Industrial and Commercial Development in the Urban Area, Principal Growth Settlements, South Humber Bank Area (including North Killingholme Airfield) and Humberside International Airport) of the North Lincolnshire Local Plan, this would reasonably be expected to restrict potential commercial and industrial uses of the land around the site. In this respect the proposed dwellings would conflict with the objectives of local plan policies DS1, DS11 and IN3 and core strategy policy CS7. The proposed development would also conflict with the objectives of the National Planning Policy Framework, which seek to guide development to sustainable locations, where economic growth secures higher social and environmental standards, and improves the lives of people and communities.

Relevant decisions

As mentioned above, the adjacent site to the south was the subject of a recent planning application for residential development which was considered by members of the planning committee in October 2012. The planning committee determined that residential development of the site was unacceptable due to environmental concerns relating to air quality, noise, odour and contamination. The application site, due to its proximity, is subject to the same environmental issues. Furthermore, the applicant has provided no supporting information or evidence to demonstrate that these environmental issues can be solved or adequately mitigated. There has been no significant change in planning policy since the decision in October 2012 and as such, in the interest of consistent decision-making, this application should be refused.

It should also be noted that another site within the Air Quality Management Area was recently refused planning permission (PA/2012/0525) based on environmental concerns and the impact that the development would have on surrounding employment uses in the area. This refusal was upheld by a planning inspector when the subsequent appeal was dismissed. This appeal decision was issued in June 2013.

RECOMMENDATION Refuse planning permission on the following grounds:

1.

The site is considered to be unsuitable for residential development due to environmental health issues linked to past and present industrial activity and its location within zone 1 of the 2005 Scunthorpe Air Quality Management Area (AQMA). In particular it is considered that poor air quality, odour and noise from nearby industrial processes would create unacceptable living conditions for future occupiers of the dwellings. No evidence has been provided to demonstrate that future residents can be adequately protected from noise, odour and/or undesirable concentrations of PM10 pollutants known to exist within the AQMA. Due to these environmental concerns the proposed development would be contrary to policies DS1, DS11 and IN3 of the North Lincolnshire Local Plan and policy and guidance set out in paragraphs 109, 120 and 124 of the National Planning Policy Framework.

2.

The application site is located in an industrial area where land contamination is known to exist. No assessment of land contamination on the site has been presented with the application, nor has any evidence been provided to demonstrate that land contamination can be adequately mitigated. Therefore the proposed development is contrary to policies DS1 and DS7 of the North Lincolnshire Local Plan and guidance set out in paragraphs 109 and 120 of the National Planning Policy Framework.

3.

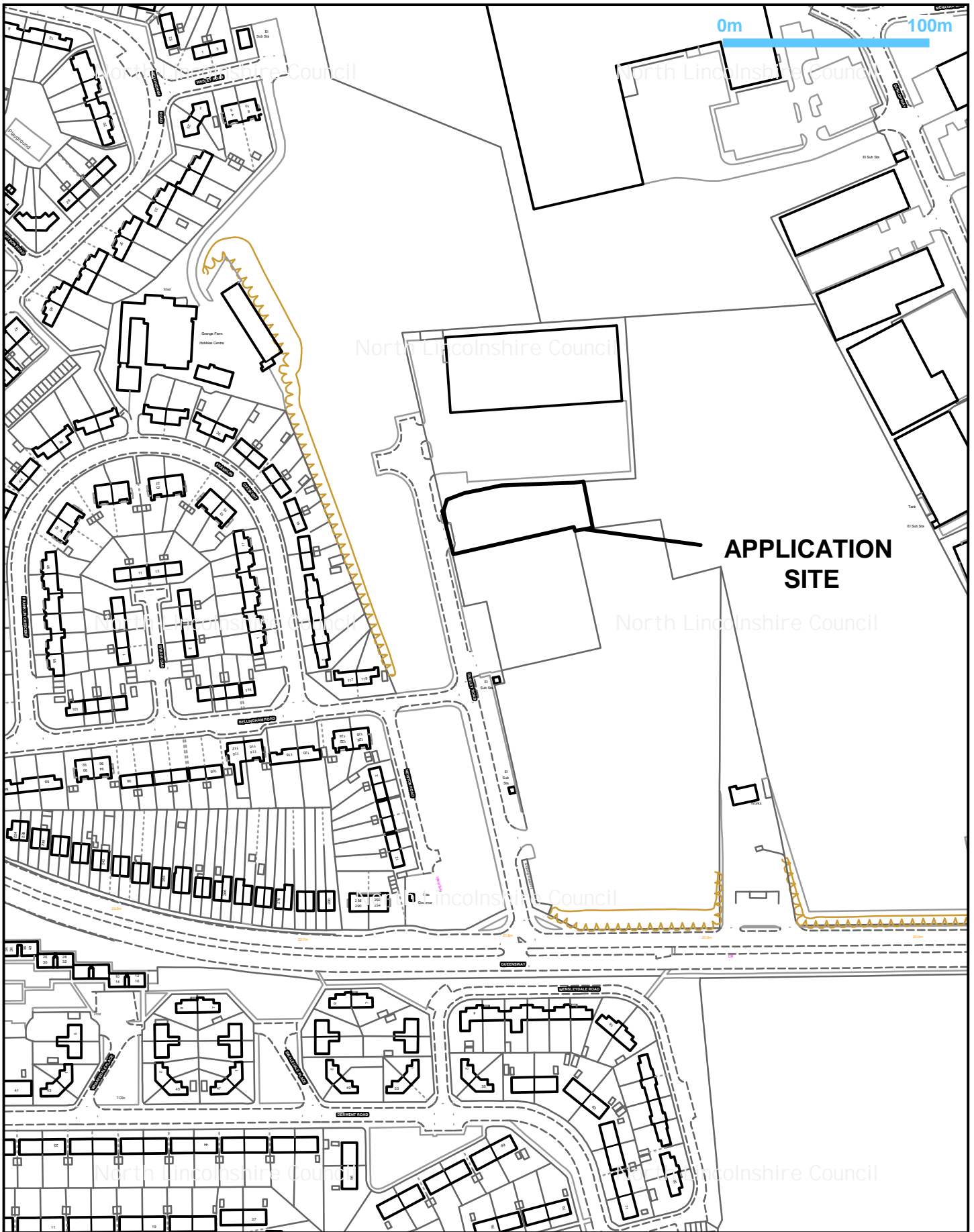
The site is located in an area surrounded by established industrial and commercial uses. The proposed development would place unnecessary constraints upon existing employment sites in the area and restrict potential commercial and industrial development of the land around the site. Therefore the proposed development is contrary to policies DS1, DS11 and IN3 of the North Lincolnshire Local Plan and policy CS7 of the North Lincolnshire Core Strategy.

4.

No evidence has been provided to demonstrate that the site has been actively marketed for industrial or other commercial purposes to demonstrate that the development would not result in unacceptable loss of employment land. Therefore the proposed development is contrary to policy IN2 of the North Lincolnshire Local Plan.

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. However in this case, for the reasons given, housing on this site is not acceptable based on current circumstances and evidence available.



0m 100m

APPLICATION SITE

Title: PA/2013/1591

Drawn by: Sue Barden

Date: 28/01/2014

Scale 1:2500



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Ordnance Survey 0100023560

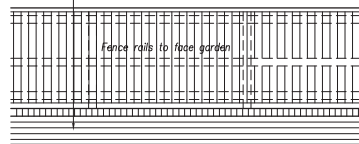


Director of Places
Peter Williams
BSc,DMS,CEng,MEI,MCMI,AMIMechE

PA/2013/1591 Proposed Layout - Not to scale

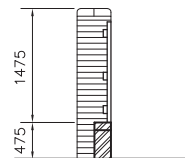


Facing brickwork to be in a red multi (reclaimed in appearance) brick to the approval of the Local Planning Authority



Finished in a light oak stain

Suggested Boundary Wall & Fence



Section of Wall & Fence