

<b>APPLICATION NO</b>	<b>PA/2017/392</b>
<b>APPLICANT</b>	A E & D M Swaby
<b>DEVELOPMENT</b>	Outline planning permission for six four-bedroomed detached dwellings and integral garages with all matters reserved for subsequent approval
<b>LOCATION</b>	Land north of Thistle Downe, Scotter Road, Messingham, DN17 3QE
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Emma Carrington
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest Objection by Messingham Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Paragraph 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development in to the natural, built and historic environment.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

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

Policy DS1 – General Requirements

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

LC5 – Species Protection

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

**North Lincolnshire Core Strategy:** Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy DS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS17- Biodiversity

## **CONSULTATIONS**

**Highways:** Recommends conditions in relation to the proposal to erect six dwellings, but comments that it should not be assumed that the access arrangements as shown would be acceptable to serve any further units and further supporting information would be required. Any subsequent application will be judged on its own merits.

**Severn Trent Water Ltd:** Recommends drainage conditions and an informative.

**Environmental Protection:** Recommends contaminated land conditions.

**Environment Team (Ecology):** Recommends refusal until a habitat survey has been carried out, and recommends conditions if permission is ultimately granted.

**LLFA Drainage Team:** Expresses concerns about the possible future development of the parcel of land to the rear of the application site and a full overarching flood risk and Suds strategy should be provided rather than piecemeal development. Notwithstanding this, there are no objections to the proposed development subject to the recommended conditions and informative.

## **PARISH COUNCIL**

Concerns regarding the protection of the development boundary. This has been defended by the parish council since 1984 and this stance was re-confirmed in May 2017.

- Concerns regarding the potential development being in keeping with the street scene – new properties face the A159.
- Highways concerns regarding road safety issues – proposed junction being at the site of the present traffic calming measures. Consideration of the users of the A159 and the access/egress of the proposed development would require addressing.
- Surface water – concerns that there is no mitigation to deal with the present ineffective overloaded system with current presence of foul water in the open drain.

- Sewerage – no proposals to deal with the increased pressure in an already overloaded system or to address the existing issues which are exacerbated during heavy rain, causing overflowing inspection covers and toilets. Messingham parish council would ask that the NLC drainage officer contact Severn Trent to ascertain their current position following their recent notification of urgent issues.

## **PUBLICITY**

Letters were sent to surrounding properties and 39 letters of objection have been received from 22 properties. One letter has been submitted in support.

The letter of support stresses a lack of housing in Messingham and that, being only six properties, this development would not affect anyone.

The letters of objection raise the following planning-related concerns:

- if approved, this development will adversely affect local residents' quality of life
- the proposal is contrary to policy due to its proximity to hazardous electrical installations, pipelines and natural watercourses
- the surface and foul water drainage system is at capacity
- noise and disturbance will increase
- light pollution will affect wildlife
- the village infrastructure cannot cope with any more housing
- will this proposal lead to more housing on the land to the rear of the site?
- the proximity of the access road to gardens will affect amenity and make gardens unusable
- lack of on-site parking will lead to parking in the road
- properties backing on to the A159 is out of character with the area
- the A159 narrows at this point making the road less suitable for additional traffic
- the development will have an adverse impact of the health and wellbeing of nearby neighbours
- the proposed new road is inappropriately large for the size of the proposed site – no justification for this
- the development should be confined to the village boundary
- highway safety, busy access, highway restrictions, fast-moving traffic and dangerous access
- increase in flooding, particularly as raw sewage has been seen in recent flood water

- part of the development encroaches over the settlement boundary
- the layout of the proposal is out of character with the area and the adjacent McLean homes estate
- the access road penetrates the greenfield beyond the development boundary setting a precedent for the future development of this land
- there is no mention of affordable housing
- the proposal will result in loss of privacy, overlooking and over-dominance
- the A159 street scene will be altered; this is a village not a town
- the development will reduce the views of the countryside and give an urbanised feel to the approach to the village
- the gap between Thistledown and the McLean homes site is an important element
- an alternative brownfield site should be found in Scunthorpe
- loss of wildlife habitat.

## **ASSESSMENT**

Outline planning permission is sought to erect six detached dwellings on a parcel of land that is mostly within the settlement boundary for Messingham as defined in the adopted Core Strategy. When originally submitted, the application asked for approval of the layout and means of vehicular access; however, following concerns about these details, the application has been amended to outline with all matters reserved for subsequent approval. The site is approximately 2508 square metres in area, which is just over one-fifth of a hectare. Although the means of vehicular access is not included for formal approval at this stage, the only direct access to the site would be onto the A159 Scotter Road. The site is currently part of a larger flat grass field, with no particular features. A ditch lies on the front boundary which is currently overgrown. No defined boundary currently separates the application site from the land to the rear. The site is located between existing residential properties.

**The main issues in the determination of this application are whether the principle of development is acceptable and whether the proposal will have an adverse impact on residential amenity, highway safety, the character of the area, drainage and flooding or wildlife habitat.**

In relation to the principle of the development, a large section of the application site is located within the adopted settlement boundary for Messingham. A small triangular section to the rear has been included in the site, which is outside the settlement boundary. This makes the rear boundary of the site straight, rather than oblique as shown on the settlement inset map. The originally submitted layout plan indicated that this area would be part of the residential curtilage of the plots on this part of the site. However, the layout has now been omitted, and would be the subject of a reserved matters application. Although this land is not in the settlement boundary, it is not considered that the area is so large that its inclusion in the development would have an adverse impact on the character or appearance of the open countryside, particularly as this is to the rear of the site, and is

likely to be screened from view. In addition, the rear boundary of the site is in line with other properties to the south on Scotter Road, and the majority of the McLean estate to the north projects even further beyond the rear of the current application site. It is considered, therefore, that the principle of developing this land is acceptable, and complies with the policies referred to above, as it is a sustainable site, the majority of which is in the adopted settlement boundary.

The site is large enough to accommodate six dwellings, and is within the density guidelines of 30-35 dwellings per hectare as set out in the adopted Core Strategy; therefore, although the layout is no longer included, the number of dwellings suggested is acceptable in planning terms.

Concern has been expressed by residents and the parish council that this encroachment beyond the adopted settlement boundary will lead to the rest of the land to the rear being developed. However, that would be the subject of a separate planning application, which would have to be scrutinised against the policies in the adopted local plan and Core Strategy. The possible future development of the land to the rear is not, therefore, considered to be a material consideration in relation to the determination of this current application.

Concern has also been expressed about the impact of the proposal on the amenities of residents who share a boundary with the site. However, the layout has now been omitted from the application and will be the subject of a reserved matters application. Similarly, concern has been expressed about the access to the site, which originally included an area that was considered to be disproportionately large for the six dwellings as proposed. Whilst the highways department did not object to the original layout, it was considered, from a planning point of view, that this was an unnecessary design, and did not relate to the scale of the proposal. The access is now also a matter for subsequent approval. Concern was also raised by residents and the parish council that the access was designed to serve the land to the rear; however, as discussed above, the development of the field to the rear of the application site is not the subject of this current proposal, and is not a material consideration at this time.

A significant level of concern has been raised about the drainage system in the area. Evidence has been submitted, and many letters received, indicating that the drainage system regularly overflows, and foul and surface water merge in to the same system. Members of the public have complained to the relevant water authorities and Environmental Health team. However, in response to consultations on this application, both Severn Trent and the LLFA drainage team have no objections to this proposal, subject to conditions requiring detailed drainage proposals to be submitted for approval prior to the commencement of any development on the site.

Other issues raised relate to the layout of the site, noise and disturbance, impact on the character of the area, loss of the gap between existing properties and that the development would be better located in Scunthorpe. However, the majority of the site is included in the settlement boundary and, in principle, development on this site is acceptable in policy terms. The layout and design is subject to further approval, and these matters will be assessed if and when they are submitted. Concern has also been raised about the impact on wildlife and wildlife habitats. The council's ecologist has raised a holding objection to the application, subject to a habitat survey being carried out. However, as this is an outline application with all matters reserved, it is considered that this matter can be dealt with by condition.

The issue of a Section 106 agreement and affordable housing has been raised but, as the development is only for a maximum of six dwellings, there are no policy requirements to provide affordable housing or public open space; a Section 106 agreement is therefore not necessary.

It is considered, therefore, that the principle of developing this site for up to six dwellings is acceptable and complies with the requirements of the policies in the adopted local plan and core strategy. The layout and design will be the subject of a further reserved matters application, and any issues in relation to direct impact on neighbours and the character and appearance of the area will be addressed if when these matters are submitted. The application is, subject to conditions, recommended for approval.

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

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

**Reason**

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

**Reason**

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**Reason**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason**

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: SW/17/01.

#### Reason

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

6.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

#### Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

#### Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

## Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

## Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

### 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.

8.

No development shall commence until a Phase 1 habitat survey has been submitted to the local planning authority and approved in writing.

### Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

9.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid nesting birds and hedgehogs during vegetation clearance and construction works;
- (b) details of bat roosting features and bird nesting sites to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats; (
- (d) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees, shrubs and hedgerows of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

10.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

**Reason**

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

11.

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 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.

**Reason**

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

12.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

13.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

14.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

15.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

16.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

17.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

18.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority.

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 adoption and maintenance of the sustainable drainage structures, in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 above, shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

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 adoption and maintenance of the sustainable drainage structures, in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

20.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any of the dwellings is first occupied, and once built/planted it shall be retained.

Reason

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

**Informative 1**

Severn Trent Water advises that although their statutory sewer records do not show any public sewers within the area, there may be sewers that have recently been adopted under the transfer of Sewer Regulations 2011. Public sewers have statutory protections and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the development.

**Informative 2**

The LLFA Drainage Team still has concerns about the possible future development of the large parcel of land to the west and north of the development site which the developer

owns (?). A full overarching flood risk and SuDS strategy should be provided rather than piecemeal development.

### **Informative 3**

The existing ditch located on the southern boundary is not shown on the proposals. There are current misconnection/pollution issues into this ditch that require resolving. Two plots would take on riparian responsibilities for the future maintenance of this ditch. Please refer to the Environment Agency's 'Living on the edge - riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

### **Informative 4**

New accesses/entrances over the eastern watercourse (adjacent to the existing road) must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent. Please contact the LLFA Drainage Team on 01724 297522 or via email to [llfdrainageteam@northlincs.gov.uk](mailto:llfdrainageteam@northlincs.gov.uk) for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

### **Informative 5**

With regard to all new connections into the adjacent watercourses, discharge from the site must be restricted to greenfield run-off rate. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent. Please contact the LLFA Drainage Team on 01724 297522 or via email to [llfdrainageteam@northlincs.gov.uk](mailto:llfdrainageteam@northlincs.gov.uk) for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

### **Informative 6**

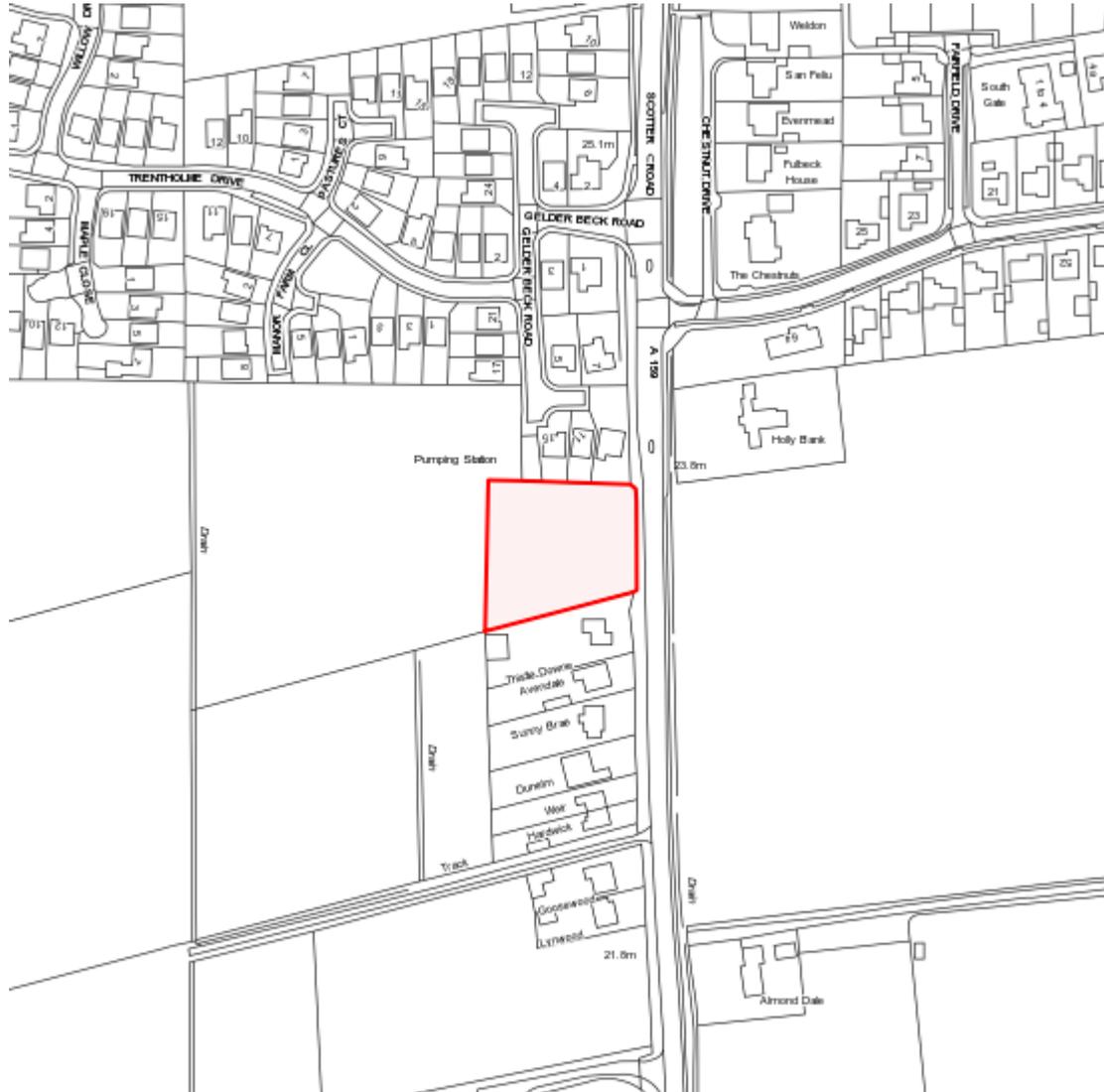
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 7**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

PA/2017/392 – Site Location



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PA/2017/392 SETTLEMENT BOUNDARY PLAN

Holly B.

Ppg Sta

NOT TO SCALE 23.8m

development boundary

Thistle Downe  
Avenida

