

APPLICATION NO	PA/2018/2305
APPLICANT	Trustees of the Elwes Children's 1989 Settlement
DEVELOPMENT	Outline planning permission to construct 10 dwellings, and associated roads and drainage works, with all matters reserved for subsequent approval
LOCATION	Land to the west of Old Hall Lane, Roxby
PARISH	Roxby cum Risby
WARD	Broughton and Appleby
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Holly Mumby-Croft – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy HE9 (Archaeological Evaluation)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)
Policy H10 (Public Open Space Provision in New Housing Development)
Policy LC5 (Species Protection)
Policy LC6 (Habitat Creation)
Policy LC7 (Landscape Protection)
Policy LC12 (Protection of Trees, Woodland and Hedgerows)
Policy T1 (Location of Development)
Policy T2 (Access to Development)
Policy T19 (Car Parking Provision and Standards)
Policy T6 (Pedestrian Routes and Footpaths)
Policy DS1 (General Requirements)
Policy DS14 (Foul Sewage and Surface Water Drainage)
Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)
Policy CS2 (Delivering More Sustainable Development)
Policy CS3 (Development Limits)
Policy CS5 (Delivering Quality Design in North Lincolnshire)
Policy CS6 (Historic Environment)
Policy CS7 (Overall Housing Provision)
Policy CS8 (Spatial Distribution of Housing Sites)
Policy CS17 (Biodiversity)
Policy CS19 (Flood Risk)
Policy CS25 (Promoting Sustainable Transport)
Policy CS27 (Planning Obligations)

CONSULTATIONS

Highways: No objection, but advise conditions.

Ecology: The proposal will not affect protected or priority species, other than hedgehogs and nesting birds. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Environmental Health: The application for residential development is a sensitive end use. Furthermore, the site's agricultural use has the potential to have introduced contaminants to the site such as hydrocarbons, heavy metals, and asbestos, which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Advise conditions in respect of contaminated land investigation, construction and site clearance working hours and the installation of electric vehicle charging points.

Spatial Planning: The site is in Roxby, which is a smaller rural settlement and scored 18 points in the North Lincolnshire Settlement Survey (2016) and was 36th overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability which are: primary school, secondary school, doctors and community facilities. Roxby is a Smaller Rural Settlement and has three of the seven key facilities (convenience store, hourly bus service and within 30 minutes of an employment centre).

This proposal for residential development is in the open countryside contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole, or specific policies indicate development should be restricted.

Trees Officer: The site has many trees and hedgerows and an arboricultural report should be submitted for consideration.

Leisure: A 'sports facility calculator' has been developed by Sport England for planning obligation purposes. A contribution of £10,000 is sought towards the improvement of leisure facilities in the catchment of the site.

LLFA Drainage: Following receipt of additional information, no objection but advise conditions requiring the submission and implementation of a surface water drainage scheme for the site.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings and extensions to buildings.

Anglian Water: The foul drainage from this development is in the catchment of Winteringham Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will

need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. A full assessment cannot be made due to lack of information: the applicant has not identified a foul connection point and discharge regime for an accurate capacity assessment to be completed. We therefore request a condition requiring an on-site drainage strategy.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to a sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to a watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. Recommend a condition in respect of a surface water management strategy.

Public Health: No objection providing the guidance recommended by Environmental Health is adhered to.

Historic Environment Record: Further to my previous advice dated 19 December 2018, the applicant has undertaken archaeological assessment and field evaluation in accordance with paragraph 189 of the National Planning Policy Framework (NPPF). The applicant has submitted a report incorporating desk-based research and the results of archaeological trial trenching. The results reveal that the site contains buried remains associated with Iron Age and Romano-British settlement that have regional significance.

The proposed development will destroy the remains resulting in substantial harm to the archaeological interest of the site; paragraph 197 of the NPPF should therefore inform the planning decision. The applicant has submitted an archaeological mitigation strategy (July 2019) for the excavation and recording of the remains in advance of development commencing; the strategy requires a detailed Written Scheme of Investigation (WSI) to be submitted with further details of the proposed development. This procedure is in accordance with paragraph 199 of the NPPF, and local planning policies CS6 of the Core Strategy and HE9 of the local plan; as such there is no further objection to the development.

Where the planning authority is minded to grant permission for this application, conditions to secure the implementation of the archaeological mitigation strategy are recommended.

Capital and Buildings: No education contributions will be sought as the development falls under the threshold of 15 dwellings in a medium/minimum growth area.

Environment Agency: No comments to make.

PARISH COUNCIL

Objects on the following grounds:

- the site is located outside the settlement boundary
- unsustainable form of development
- potential increase in flooding

- it could result in further development in the countryside.

PUBLICITY

The application has been advertised by site and press notice; 17 letters of objection have been received raising similar issues to the parish council, together with the following issues:

- contrary to policy CS3
- this area is already prone to flooding
- it should be relocated within the settlement boundary for Roxby
- it is located on green belt land and should only be used for farming
- further investigations should take place in relation to the drainage capacity of the land
- impact on wildlife
- out of keeping with the settlement character
- no facilities within Roxby
- impact on the character and appearance of the countryside
- soakaways are not an appropriate means of surface water disposal
- 10 houses is an 8% growth in the number of properties in Roxby
- impact on services in Winterton
- not sustainable – the nearest bus stop is 0.5 miles from the site
- increase in traffic along Old Hall Lane
- the land is known locally as the 'Flood Meadow'
- the area is protected from development.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

The application site is an area of meadow land and part of an agricultural field which extends to 0.61 hectares in area and is located to the south of North Street and to the west of Old Hall Lane. The site lies outside of, but adjacent to, the defined settlement boundary for Roxby and is therefore located in the open countryside. It is bordered by the Ironstone Gulleys to the south and there is an existing pond on the site. The site is accessed via Old Hall Lane to the west and there are residential properties located to the north and west of the site. Outline planning permission is being sought to erect 25 dwellings with associated gardens and off-street parking with all matters reserved for subsequent consideration.

The main issues in the determination of this planning application are the principle of residential development and impact on residential amenity.

Principle

The application site is located outside of any defined 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 considered 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 CS8 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.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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 located outside the designated development limit for Roxby. There are no allocated housing sites within Roxby.

LP 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 entirely outside the defined development boundary for Roxby and is therefore considered

to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

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 site and that housing applications should be considered in the context of the presumption in favour of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The North Lincolnshire Sustainable Survey 2016 ranks the settlement of Roxby-cum-Risby as 36th out of the 79 settlements scored within the survey and is classified as a Smaller Rural Settlement having three of the seven key facilities including an hourly bus service and within 30 minutes of an employment centre.

The design and access statement submitted with the planning application states that the proximity of Winterton less than a mile to the north makes the development site suitably sustainable. It goes on to state that the dwellings can be constructed using environmentally sound design and lower impact materials and that the design/appearance of the barns in the vicinity of the site will be replicated. In addition, it states that Roxby is an accessible location for bus services and the proposal will add a small quality of residential development to the very attractive village of Roxby.

Whilst the proposal would increase the local population, there would be a reliance on the private car to access facilities in Winterton, particularly given the number of dwellings being proposed in this case (10). The proposal is not for affordable housing and does not constitute dwellings for the specific circumstances associated with this countryside location; it will be for up to 10 market houses. There are no public services or amenities within Roxby and therefore there is a reliance on the settlement of Winterton (1.28 kilometres away) for day-to-day needs. Whilst it is recognised that there is a regular bus service available between Roxby and Winterton (which is accessible from a bus stop in Roxby, 643 metres from the site), and to the wider area, including Scunthorpe, it is considered that, given the lack of facilities within Roxby, the development will necessitate the use of a private motor vehicle.

Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking and making sure that people have access to community and cultural facilities that they need for their daily lives. Due to the relatively remote nature of the site, together with its distance from local facilities and the number of dwellings

proposed, the proposed development would not minimise the need to travel and would promote reliance on the private car to access everyday facilities. The development would therefore be contrary to policy CS2. It is worth noting the overall travel distance on foot to the nearest bus stop in Roxby is 643 metres from the site.

In terms of the environmental dimension, the proposal, whilst in outline form, would significantly alter the character and appearance of the countryside, particularly given the scale of development proposed (up to 10 dwellings across a site width of 76 metres). The proposal has the potential to destroy the open and greened appearance of the site and result in built development (residential) in the gap between the houses located on South Street and the edge of the fields to the south. The proposal would extend residential development beyond the defined settlement boundary into the open countryside to the south of Roxby. The area to the south of dwellings on South Street comprises residential gardens with a mature tree belt along the southern edge of the settlement with a network of fields beyond the site. This gives an open appearance to the countryside when viewing Roxby to the north from a southerly direction. In this case, it is considered that the landscape impact would be significant.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. No justification has been put forward to substantiate the specific need for market dwellings in this countryside location; it is considered that the development (i.e. the market dwellings) does not constitute dwellings for specific circumstances associated with this countryside location; it will be for market dwellings. Based on the supporting information, the proposed development is contrary to these policies as it is predominantly for market housing not essential to the functioning of the countryside, or any rural business.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. However, it is considered that the proposal does not represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development. The adverse impact of granting planning permission would, on a social and environmental dimension, significantly and demonstrably outweigh the benefits of the proposal with regard to the provision of housing, when assessed against the policies in the Framework taken as a whole. For this reason the principle of development is not considered to be acceptable in this case.

Residential amenity

The proposal seeks outline planning permission with all matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwellings, external appearance and scale of the dwellings, and the landscaping of the site, would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning

process. Notwithstanding this, a site plan has been submitted with the planning application which shows that there will be sufficient land to serve as private amenity space for the proposed properties and there is sufficient land within the site to provide a number of off-street parking spaces together with an area of open space.

In terms of the impact of built development upon the character and appearance of the open countryside, it is considered that any scale of residential development on this site would have a visual impact. Whilst the site is afforded some screening along its southern boundary in particular, it is considered that, because the principle of residential development on this site is considered contrary to planning policy, the subsequent development of any scale of any housing on this open countryside site would be detrimental to its character and appearance.

Impact on view is not a material planning issue and will not be assessed in this case.

Other issues

A number of objectors have referred to this land as the 'Flood Meadow' and raised concern in relation to the development resulting in an increase in surface water flooding. The applicant has submitted additional drainage modelling and the previous objection from LLFA Drainage has been removed following its receipt. Conditions are recommended by LLFA Drainage for the submission and implementation of a method of surface water drainage disposal, which considers the incorporation of SuDS measures. These conditions are considered both necessary and reasonable to ensure the development is acceptable in flood risk and drainage terms.

The letters of objection have also raised the issue of the impact of development upon the ecology of the area. A Habitat Suitability Appraisal has been submitted with the planning application, which concludes the following:

Whilst the site does provide potentially good foraging habitat for amphibians, the HSI assessments of the ponds suggest that they are unlikely to provide conditions suitable to allow breeding Great Crested Newts to be present.

This report has been considered by the council's ecologist and the findings of the report have been noted. Conditions are recommended by the council's ecologist which will secure biodiversity enhancement across the site and the indicative plan shows the retention of two ponds and a stream on the site.

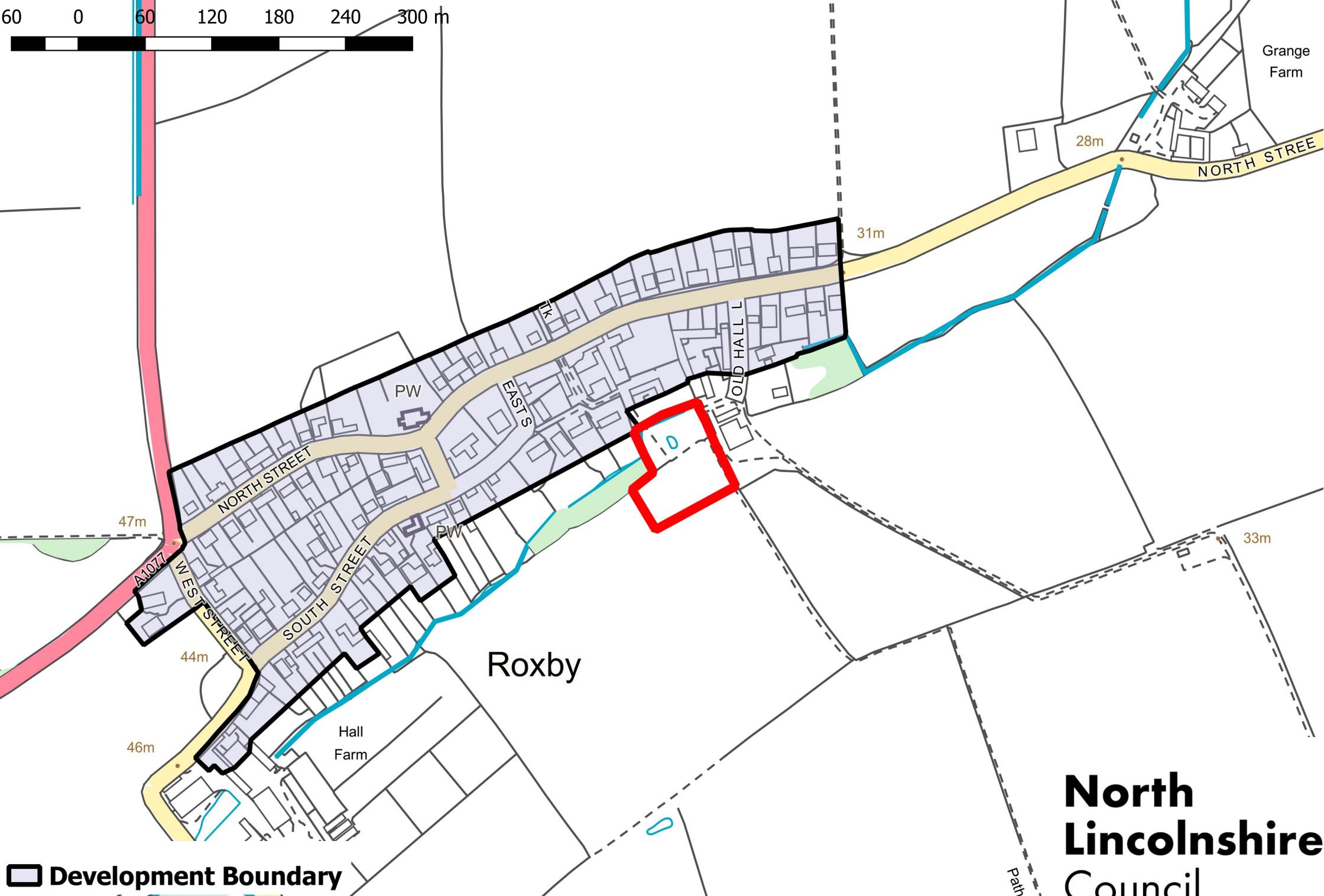
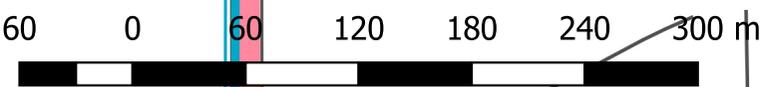
RECOMMENDATION Refuse permission for the following reasons:

1.

In respect of sustainable development, it is considered that the adverse social and environmental impacts significantly and demonstrably outweigh the benefits of the proposal and therefore the presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework has not been met. The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the North Lincolnshire Core Strategy, and paragraph 79 of the National Planning Policy Framework, in that the site lies outside of a defined settlement boundary, in an unsustainable location, remote from local services. In addition, no evidence has been provided to justify a special need for market dwellings in this location.

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.



Development Boundary

PA/2018/2305

North
Lincolnshire
Council