

<b>APPLICATION NO</b>	<b>PA/2019/164</b>
<b>APPLICANT</b>	Mr A E & D M Swaby
<b>DEVELOPMENT</b>	Outline planning permission to erect up to 25 dwellings with all matters reserved for subsequent approval
<b>LOCATION</b>	Land off Scotter Road, Messingham, DN17 3QE
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest  Member 'call in' (Cllr Neil Poole – outside the settlement boundary, impact on LC15 land, impact on drainage and 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 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 LC15 (Landscape Enhancement)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation)

**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:** Recommend 12 conditions and an informative relating to works within the highway.

**Historic Environment Record:** The applicant has undertaken an archaeological assessment and field evaluation in accordance with paragraph 189 of the National Planning Policy Framework (NPPF) and local planning policies CS6 and HE9. The HER has received final reports of a desk-based assessment and geophysical survey; the applicant should submit these reports with their application. The field evaluation comprised the geophysical survey of the site; the results suggest that the site does not contain archaeological features of significance.

As such, no further archaeological work is recommended in connection with the development of this site. These proposals will not adversely affect any heritage assets of archaeological interest or their settings. No further recommendations.

**LLFA Drainage:** With respect to the revised submitted drainage information there are still issues which are critical to the overall housing layout design. The development proposals have been amended to state 'up to 25 dwellings' which will invariably mean that property numbers may be reduced to satisfy previous concerns. The previous objection is removed and conditions are recommended in respect of the submission and implementation of a surface water drainage scheme and for an effective method of preventing surface water run-off from the site (hard paved areas) onto the public highway.

**Environment Agency:** There are known issues relating to the capacity of the foul sewer that serves this area. Our records show reports of recent incidences of sewage pollution in the catchment that appear to have been caused by, or at least exacerbated by, lack of capacity. In their consultation response Severn Trent have referred to surcharging and advised that 'a sewer modelling study would be required to determine the impact this development will have on the existing system and if flows can be accommodated'. They have requested a planning condition preventing commencement of development until drainage plans for disposal of surface water and foul sewage have been approved.

We agree that no development should take place until further studies have been completed and shown that the increase in sewage volume would not increase the risk of foul sewer flooding. This is to minimise the risk posed to the natural environment (particularly to surface waters), as well as to amenity, that would arise from more frequent and severe incidents of foul sewage surcharging. This could be achieved via a pre-commencement condition or by securing additional information prior to determining the application, at the discretion of your Authority.

**Health and Safety Executive:** There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details on record for these pipelines is as follows:

4432421\_ National Grid Gas PLC Bonby Lane Boimethane Offtake.

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

**Shire Group of IDBs:** The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site. Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

**Severn Trent Water:** Recommend conditions in respect of drainage plans for the disposal of foul and surface water drainage. A sewer modelling study is required to determine the impact the development would have on the existing system and whether the additional flows can be accommodated. There is a public sewer located within the application site; the applicant is advised to contact Severn Trent to discuss the proposals.

**Waste Services:** Comments made in relation to refuse bin provision and storage and that each property would be integrated into the alternate weekly collection scheme.

**Access Officer: Education contributions will be sought for both primary and secondary school places. The contribution would be £7,152 per dwelling.**

**Environmental Protection:** The application for residential development is a sensitive end use. 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. Recommend conditions in respect of contaminated land investigation, provision for electrical vehicle charging points, submission of a Construction Environmental Management Plan and construction and site clearance operations.

**Public Health:** No objection.

**Spatial Planning:** The site is located within the open countryside and outside the development limit of Messingham. The application for residential development is contrary to policy CS7 Overall Housing Provision and policy CS8 Spatial Distribution of Housing Sites. The principal focus for housing is within the development limits of Scunthorpe and the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. In rural settlements in the countryside and in the open countryside outside development limits housing development will be strictly limited. The proposed site is within in the open countryside where housing development should be strictly limited. The required density range for Rural Settlements is 30–35 dwellings per hectare. All proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs.

The site is in Messingham, which is a smaller rural settlement and scored 48 points in the North Lincolnshire Settlement Survey (2016) and was 8th 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. Messingham is a Larger Service Centre and has 7 of the 7 key facilities – public house; village hall/church hall/community centre; primary school.

In terms of Section 106 requirements, this will include three affordable housing units, an off-site contribution of £7,392.60 towards existing open space, £7,865 per dwelling for education contributions and £26,000 towards Riddings Pool.

## **PARISH COUNCIL**

Object on the following grounds:

- outside the settlement boundary
- impact on LC15 landscape buffer zone
- highway concerns about access/egress onto the A159
- impact on drainage.

## **PUBLICITY**

A site notice has been displayed; 39 letters of objection (including 7 from the same address) have been received. These raise the same issues as the parish council together with the following issues:

- impact on road safety
- increase in traffic
- impact on local services and transport routes
- limited bus service
- impact and loss of wildlife and wildlife habitat
- impact on view
- impact on the open countryside
- loss of light
- depreciation of property prices
- precedent for further development
- increase in accidents
- noise and disturbance from construction period
- visually obtrusive form of development
- not an appropriate form of development
- not sustainable
- overlooking and overshadowing
- no further dwellings required in Messingham

- will exacerbate flooding/drainage issues
- it should be considered cumulatively with the application approved at appeal on the adjacent site (PA/2017/392)
- impact on LC15 land
- needs to be considered cumulatively with PA/2019/339 on the opposite side of the A159
- not complaint with planning policy.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **ASSESSMENT**

The application site comprises a field located to the south of Messingham which extends to 1.17 hectares in area. The site is bordered by residential properties along its northern boundary and to the north east and by Scotter Road (A159) to the east. The site is defined by existing field hedges and trees along its western and southern boundaries and an existing gated field access exists from Manor Farm Road to the north. The site lies outside, but adjacent to, the defined settlement boundary for Messingham and is therefore located in the open countryside. Planning permission was granted at appeal for the erection of six dwellings on land to the east of the site (PA/2017/392).

Outline planning permission is sought to erect up to 25 dwellings with all matters reserved for subsequent consideration.

**The main issues in the determination of this application are the principle of residential development (incorporating landscape impact) and impact on residential amenity.**

### **Principle**

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

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

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

Policy 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 Messingham. There are no allocated housing sites within Messingham.

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 Messingham 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 National Planning Policy Framework (NPPF) is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF state 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 sites and that housing applications should be considered in the context of the presumption in favour of sustainable development.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement will be published in April 2020, and any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

Planning policy guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Paragraph 11d states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

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

A design and access statement has been submitted with the planning application. This document states the site is in a sustainable location and close to the heart of the village of Messingham with a wide range of services and facilities available within a short distance. In respect of the site and the principle of development, the design and access statement submits the following:

*This location would help discourage the future residents of the dwellings of using pollutant fuel vehicles in favour of environmental-friendly means of transport such as walking and cycling for many trips. Economic and community benefits would be accrued as the local shops, services and community buildings would be likely to be used by the occupiers of the new dwellings.*

The site in its entirety falls within the lowest flood risk probability Flood Zone 1. The intended occupiers of the dwelling would not be exposed to the risk of flood events and the proposed works would not increase the flood risk in the location or nearby.

In conclusion, the planning statement makes the following observations:

*...the site falls just outside of the development boundary however the North Lincolnshire Council provided their 5-year housing land supply statement recently and this confirmed that North Lincolnshire has a 3.9-year housing land supply of deliverable sites during the period April 2016 to March 2012. This confirms that the council, based on current identified supply, is unable to meet its short-term housing needs. As a consequence, there is clear expectation that unless material considerations imply otherwise sites that offer the opportunity to deliver additional housing should be considered in the context of the presumption in favour of sustainable development within NPPF Paragraph 7. In such circumstances the council will have to balance carefully the effects of proposals against the significant need for new homes.*

*Therefore, it is considered that this be a suitable site for a major development which would include the provision of affordable housing and that the principle of development for the residential scheme as described is considered to be acceptable.*

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 Messingham as 8<sup>th</sup> out of the 79 settlements scored within the survey and is classified as a Large Service Centre having all of the seven key facilities. It is therefore noted that Messingham is a sustainable

settlement in respect of its number of key facilities and the application site is within walking and cycling distance of these facilities/services via a highway footpath from the site.

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 (as in the case of Messingham), 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. In the open countryside, outside development limits, development will be strictly limited and only permitted for development which relates to agriculture, forestry or to meet a special need associated with the countryside. Policy CS2 of the Core Strategy echoes a similar sequential approach to development in that it seeks to focus development in the Scunthorpe urban area followed by the defined development limits of North Lincolnshire's market towns.

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. Although some justification has been put forward to substantiate the development in terms of its countryside location, it is considered that the development does not constitute dwellings 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 predominantly for market housing not essential to the functioning of the countryside, or any rural business.

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 25 dwellings across a site with dimensions of 121 metres by 120 metres). The proposal has the potential to substantially destroy the open and greened appearance of the site and result in an urbanised built form on the south western edge of Messingham. With the introduction of landscaping, including that which is necessary under policy LC15 of the North Lincolnshire Local Plan, it is accepted that the landscape visual impact of the proposal would be reduced after a period of 15 years post development (once the landscaping had become established within the landscape). However, given the introduction of up to 25 new dwellings on a site which is located outside the development boundary for Messingham, it is considered that the development, with dwellings at a potential height of two storeys, would have a significant urbanising effect on the south western edge of Messingham, to the detriment of the open character of the rural landscape and therefore the landscape impact would be significant. In addition, no information has been submitted to demonstrate whether the site and its boundary vegetation has biodiversity value and, in the absence of this information, the local planning authority cannot determine whether the impact of development would be significant upon biodiversity. Due to the absence of this information, the local planning authority cannot accurately assess whether the environmental dimension of sustainable development is achieved.

In addition, it is considered that the proposed development, by virtue of its location outside the defined settlement boundary for Messingham and the scale of development proposed (up to 25 dwellings), would have a significant urbanising effect on the southern edge of the

settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open character and appearance.

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. Overall 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 environmental dimension, significantly and demonstrably outweigh the benefits of the proposal, 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 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. Impact on view and depreciation of property prices are not material planning issues and will not be assessed in this case.

Notwithstanding this, a site location plan has been submitted with this application. It is considered that within the site parameters a development of up to 25 dwellings could reasonably be accommodated with associated gardens and parking areas, and sufficient separation distances from existing properties to the north. Given the outline nature of the planning application (with all matters reserved), it is considered that the proposal would not impact on residential amenity in this case. There is a requirement for a landscaping buffer of 25 metres deep to be provided along the entire northern boundary of the site under policy LC15-5 of the North Lincolnshire Local Plan. This may reduce the developable site area and would provide some degree of separation from existing houses on Manor Farm Road and Trentholme Drive to the north.

### **Other issues**

Concerns have been raised by a number of objectors on grounds of flooding and localised drainage issues. In the absence of an objection from either the Environment Agency or LLFA Drainage it is considered that conditions requiring the submission and implementation of a surface water drainage scheme would be sufficient to ensure a satisfactory means of surface water drainage disposal could be provided. The site is located within flood zone 1 as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) and extends to 1.17 hectares in area. It is not located in an area identified as being at risk from surface water flooding issues, and a flood risk assessment and drainage strategy has been submitted with the planning application; this has been considered by the Environment Agency and no objections are raised on flood risk grounds.

This is an outline application with all matters reserved for future consideration, including the means of vehicular access to the site. The proposals have been considered by Highways and no objections have been received on highway or pedestrian safety grounds, or in

relation to the potential increase in traffic along the local highway network and onto the A159. Conditions are recommended by Highways and these are considered sufficient to ensure the development is acceptable on highway safety grounds.

## **Conclusion**

In conclusion, it is considered that, given the scale of development proposed (up to 25 dwellings and the rural location of the proposal), the proposed development would have a significant urbanising effect on the southern edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open character and appearance.

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 and impact on the potential biodiversity quality of the land. Whilst the site is afforded some limited screening along its southern and western boundaries, 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.

## **RECOMMENDATION      Refuse permission for the following reasons:**

1.

In respect of sustainable development, it is considered that the adverse social and environmental impacts 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.

2.

The proposed development, by virtue of its location outside the defined settlement boundary for Messingham and the scale of development proposed (up to 25 dwellings), is considered to have a significant urbanising effect on the south western edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open character and appearance. Therefore, the development is considered contrary to policies RD2, H5 and DS1 of the North Lincolnshire Local Plan, and CS5 and CS8 of the adopted Core Strategy.

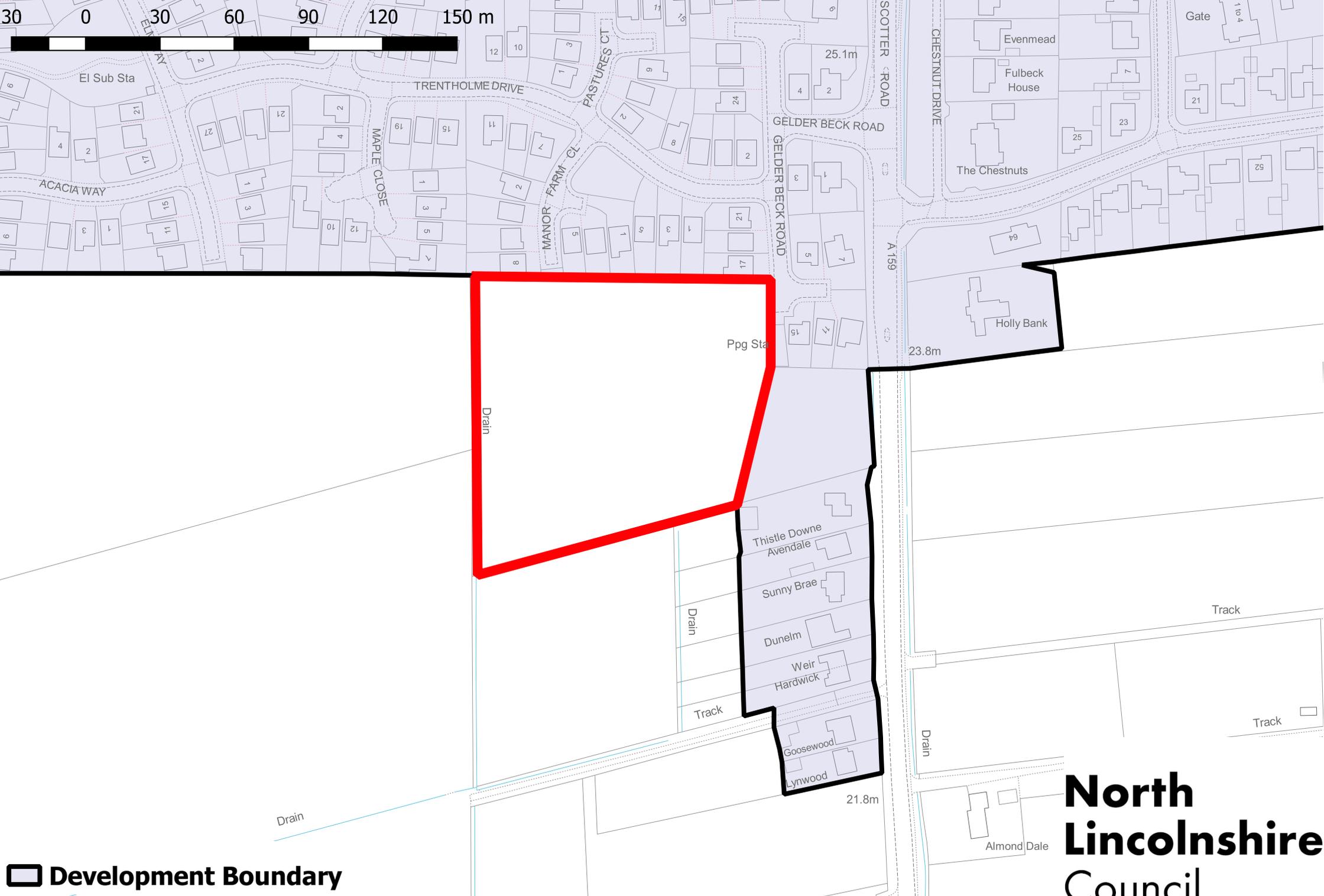
3.

No biodiversity or ecological appraisal has been submitted with the planning application. Due to the absence of this information, the local planning authority cannot assess whether the proposal will have an adverse impact upon habitats and the biodiversity value of the land. The proposal is considered contrary to policies LC5 of the North Lincolnshire Local Plan and CS17 of the North Lincolnshire Core Strategy, and guidance within the National Planning Policy Framework.

## **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.

30 0 30 60 90 120 150 m



 Development Boundary

**PA/2019/164**

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**North  
Lincolnshire  
Council**