

<b>APPLICATION NO</b>	<b>PA/2018/503</b>
<b>APPLICANT</b>	Mr Christopher Paul Morley
<b>DEVELOPMENT</b>	Outline planning permission with all matters reserved to erect thirteen dwellings including access from Brigg Road and landscaping
<b>LOCATION</b>	Land adjacent to The Poplars, Brigg Road, Wressle, Broughton
<b>PARISH</b>	Broughton
<b>WARD</b>	Broughton and Appleby
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest

## **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 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

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 and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

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.

**North Lincolnshire Local Plan:** Policies DS1, RD2, T1, T2, T19, H5 and H8 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS7 and CS8 apply.

## CONSULTATIONS

**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.

**Highways:** Whilst no particular objections to the proposal in principle, some points need to be addressed. The speed limit on the road is 40mph, which equates to a visibility splay of 2 metres by 120 metres. Whilst it is not anticipated that there will be an issue with achieving this (subject to removal of the existing hedge and trees), it should be demonstrated on the plan as it may be necessary to amend the width of the frontage to achieve the splay.

The proposal looks to maximise the site rather and this presents a couple of issues. Firstly, the frontage dwellings are shown without any turning facility. Brigg Road is classified (B1208) and, as stated previously, is subject to a 40mph speed limit. The proposal as shown is not considered to be safe and turning should be included.

Secondly, the private drive is not of sufficient width (4 metres) at the junction with Brigg Road. It should be a minimum of 5 metres wide for a distance of 10 metres into the site and 4.1 metres minimum thereafter. This could be achieved with the removal of the proposed footway, which is not a requirement on private drives and would not connect with anything on the main road. The turning head would work as shown and would not accommodate a refuse vehicle. It will be necessary to amend the turning head and probably provide bin collection facilities adjacent to the highway.

The application is in outline form and as such the layout should be taken as indicative. However, providing suitable parking, turning and private drive geometry may have an impact on the number of dwellings that could be achieved and as such these points should be considered at this stage.

**LLFA Drainage:** Object on the grounds that no flood risk assessment or drainage strategy has been submitted.

**Section 106/CIL Officer:** There is a requirement for one affordable dwelling or the equivalent of an off-site financial contribution, no requirement for an education financial contribution and a contribution of £8,075.20 towards existing open space in Broughton.

**Spatial Planning:** The proposal is outside the development limit of Wressle; the proposal is therefore contrary to policy CS3 of the Core Strategy as development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. The proposal of housing is not essential to the functioning of the countryside.

The planning application is contrary to policy CS8 of the Core Strategy as the principle for development is Scunthorpe and the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. Wressle is a smaller rural settlement and in rural settlements in the countryside, and in the open countryside outside development limits, housing development will be strictly limited.

Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

Limited weight should be applied to the following housing policies due to North Lincolnshire's five year land supply shortage. In the light of a recent Inspector's decision on five year land supply in an appeal decision in Ealand the council updated the five year land supply statement and issue a new statement which showed a 3.9 years supply. Housing applications should also be considered in the context of the presumption in favour of sustainable development.

The site is in a smaller rural settlement in Wressle, which scored 9 points in the North Lincolnshire Settlement Survey (2016) and was 70th 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. Wressle is a Smaller Rural Settlement and has 1 of the 7 key facilities. It has an hourly bus service. Wressle has a population of approximately 106 with 44 dwellings. 13 dwellings would be a substantial amount of development when looking at the current settlement size.

**Access Officer (Capital and Buildings):** This development is below the threshold for a minimum growth area and therefore educational contributions are not sought.

**Environmental Health:** The application for residential development is a sensitive end use and this application seeks outline approval for thirteen dwellings. 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. Notwithstanding this, recommend conditions in respect of contaminated land investigation, Construction Environmental Management Plan, hours of construction works and securing electrical vehicle charging points.

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

**Public Health:** No objection.

**Severn Trent Water Ltd:** The foul drainage from this development is in the catchment of Broughton Water Recycling Centre that will have available capacity for these flows. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to 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 watercourse and then connection to a sewer. Recommend a condition for the submission of a surface water management strategy.

**Strategic Housing:** In line with the NPPG update May 2016, contributions are required in Market Towns and Rural Settlements where a proposed development of 11 or more dwellings must make a provision for an element of affordable housing, which is accessible to those unable to complete in the general housing market.

This outline application is outside the current development boundary and therefore the current policy requires 100% affordable housing. If the council were to approve this outline application as market housing then we would normally be looking for 1 affordable unit on site, which equates to 10% of the development; however, as this outline application is in Wressle and some distance from Broughton, and not a sustainable location, an off-site financial contribution would be sought instead. North Lincolnshire Council would therefore expect a commuted sum contribution of £55,120.40, to be agreed with the developer through a legal Section 106 agreement through this outline application rather than at a full planning application stage.

**Environment Agency:** No objection.

## **TOWN COUNCIL**

Object on the grounds that the development is outside the development limit for Wressle.

## **PUBLICITY**

The application was advertised by the display of a site notice and a press notice in the local newspaper. 27 letters of objection have been received raising the following issues:

- it is an application for personal profit;
- overlooking and loss of amenity
- it could result in further development in Wressle
- disturbance from construction noise and duration of works
- impact on wildlife and countryside
- loss of view
- increase in traffic
- impact on pedestrian safety
- devaluation of property prices

- small hamlet with no shops or services
- not a sustainable form of development
- impact on countryside character
- loss of a field hedge
- development should be focussed in Broughton
- a previous application for six dwellings opposite the site was recently refused
- development would be on agricultural land
- elevated ground levels will increase run-off to neighbouring properties
- local road conditions are poor
- roads not appropriate to accommodate HGVs
- impact on character and appearance of the street scene
- access point is dangerous
- it is not for affordable housing
- it is a green belt site
- town houses are not appropriate
- insufficient parking provision
- applicant has failed to demonstrate there are special circumstances for the development
- lack of highway footpaths in the village.

## **ASSESSMENT**

The application site consists of an agricultural field located on the western side of Brigg Road in Wressle. The site extends to 3859 square metres and is located outside the defined settlement boundary for Wressle, in the open countryside. It is bordered by a hedge along the boundary with Brigg Road and a line of mature trees to the southern and far western boundary. It is located opposite a line of dwellings which occupy the eastern side of Brigg Road and a post and rail fence to its northern field boundary. Outline planning permission is being sought to erect thirteen dwellings; all matters are reserved for subsequent consideration. There are two planning applications which are relevant to this planning application; these were proposed on land to the south-east of the site and consist of the following:

PA/2017/613: Outline planning permission to erect one dwelling with all matters reserved. This application was refused at planning committee and then dismissed at appeal.

PA/2017/1801: Outline planning permission for proposed residential development (six dwellings). This application was refused under delegated powers and is awaiting a decision from the Planning Inspector at appeal.

**The main issue in the determination of this planning application is the principle of development, taking into account housing supply and sustainability.**

### **Principle**

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. Residential development is being sought on land which is currently in agricultural use and grazing land on the western side of Brigg Road. For the purposes of clarification, this site does not constitute an infill plot: it is an existing agricultural field located outside the settlement boundary for Wressle, within the open countryside. This is not a brownfield site; it is an agricultural field.

Policy CS1 of the Core Strategy 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 Housing and Employment Land Allocations Plan, and the application site is located outside the designated development limit for Wressle. There are no allocated housing sites within Wressle.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is 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 focussing 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 Wressle 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 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with policy 47 of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly paragraph 49 of NPPF triggers the 'tilted balance' in paragraph 14 of the Framework whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development as set out in paragraph 7 of the Framework. These are: economic, social and environmental.

The design and access statement submitted with the planning application states that Wressle is on a main road with dwellings on both sides, it proposes a development reflecting the local vernacular, it will maximise sustainability potential within the construction of the dwellings (use of natural passive ventilation and heat recovery systems, rainwater harvesting, solar blocks and energy saving glass) and new tree/hedge planting will take place along the boundaries of the site. In addition it states that the development will increase the number of dwellings and the population, it will maximise this under-utilised site and will regenerate the area.

Taking each of the three dimensions of sustainable development (as defined in paragraph 7 of the NPPF as economic, social and environmental roles) into consideration, the proposed development would have the economic benefits of delivering housing outside the settlement boundary in Wressle; this would contribute to the under supply of housing in North Lincolnshire and would provide construction jobs in the short term. Whilst the proposal would increase the local population, there would continue to be a reliance on the private car to access facilities in either Brigg or Broughton and no access to any facilities within Wressle, particularly given the number of dwellings being proposed in this case (13). The proposal is not for affordable housing and doesn't constitute dwellings for the specific circumstances associated with this countryside location; it will be for up to 13 market houses.

With the exception of a children's play area, there are no public services or amenities within Wressle and therefore there is a reliance on the settlements of Broughton (0.5 miles away) and Brigg (2.8 miles away) for day-to-day needs. Whilst it is recognised there is a regular bus service available between Broughton and Brigg (which is accessible in Wressle), and to the wider area, including Scunthorpe, it is considered that, given the lack of facilities within Wressle, the development will necessitate the requirement for a private motor vehicle to be utilised. 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 there is no highway footpath access from the site to the nearest bus stop on Brigg Road and no highway footpath along the western side of Brigg Road.

The proposed development, including the provision of a vehicular access, whilst in outline form, would alter the character and appearance of the countryside, particularly given the scale of development proposed (13 dwellings across a site frontage of 76 metres) and the open and greened appearance of the site. Given the fact that the site is relatively open and lies outside the settlement boundary on the western side of Brigg Road (which is relatively devoid of built development), it is considered that the landscape impact could be significant in this instance. No information has been submitted to demonstrate whether the site and its boundary vegetation has biodiversity value and therefore, in the absence of this information, the local planning authority cannot determine whether the impact of development would be significant upon the biodiversity of the site. Due to the absence of this information, the local planning authority cannot accurately assess whether the environmental dimension of sustainable development is achieved. It is worth noting that in the Planning Inspector's report for a single dwelling on the opposite side of Brigg Road (which was dismissed at appeal for PA/2017613) the report stated the following in respect of landscape character:

'Nonetheless, the dwelling would not only be outside of the defined settlement boundary and in the open countryside, it would also be positioned in an area of open and rural character. This would have an adverse impact on the overall pattern of development and the surrounding area, particularly in terms of the setting of, and southern approach to, Wressle'.

Given the Planning Inspector determined that a single dwelling would have an adverse impact on landscape character then it is considered that 13 dwellings would have a more significant and adverse impact on the open and rural character of the countryside.

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 doesn't 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, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is not considered to be acceptable in this case.

## **Other issues**

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 of the dwelling and scale, together with the means of vehicular access 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. Whilst the means of access to the site would be considered at reserved matters stage, Highways have raised issues in respect of visibility splays, lack of turning provision, width of the access drive and turning and would require these matters to be resolved at this outline stage; without this additional information the local planning authority cannot determine whether the proposed development is acceptable on highway safety grounds.

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.

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

**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 14 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 55 of the National Planning Policy Framework in that the site lies outside of a defined settlement boundary, in the open countryside, and is located in an unsustainable location, remote from local services. In addition, no evidence has been provided to justify a special need for new dwellings in this location.

2.

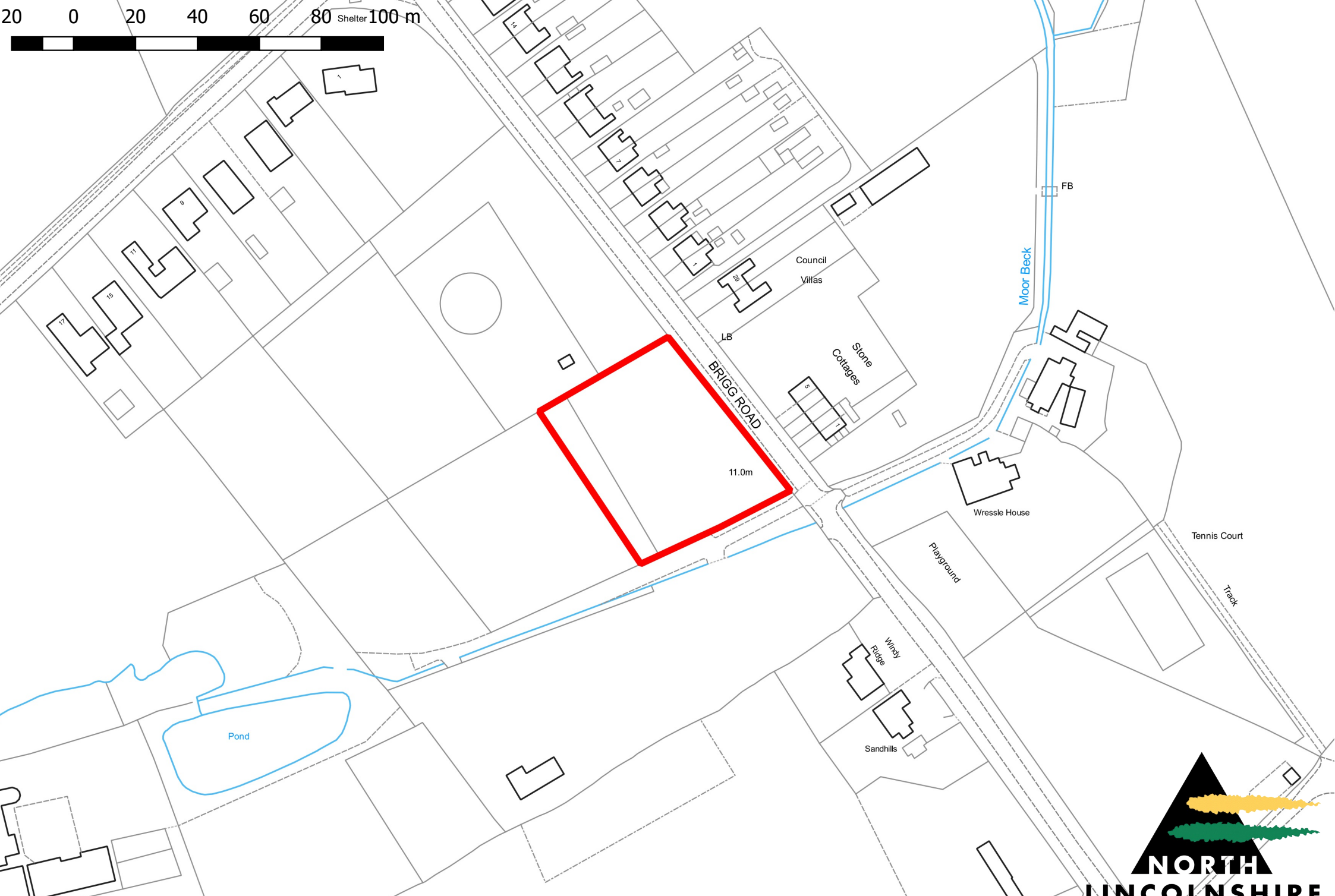
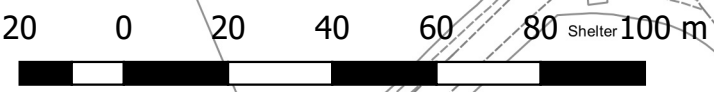
No biodiversity or ecological appraisal has been submitted with the planning application. Due to the absence of this information the local planning authority cannot assess whether the proposal will have an adverse impact upon habitats and the biodiversity value of the land. The proposal is considered 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.

3.

Due to a lack of information in respect of vehicle parking spaces, the width of the proposed access drive, visibility splays, and the provision of a turning facility, the local planning authority cannot accurately assess whether the proposed development would be detrimental to highway and pedestrian safety. Consequently the proposed development is considered to be contrary to policies T2 and T19 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.



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