

<b>APPLICATION NO</b>	<b>PA/2019/339</b>
<b>APPLICANT</b>	Mr Philip Jackson, Jackson Philips Asset Solutions
<b>DEVELOPMENT</b>	Outline planning permission for residential development (up to 24 dwellings) with all matters reserved
<b>LOCATION</b>	Land east of Scotter Road, south of Eastfield Road, Messingham
<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

## **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 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:** Raise concerns over the creation of a vehicular access onto Scotter Road and the potential conflict with the position of a vehicular access proposed under planning

application PA/2019/164. There is a requirement for the existing speed limit into Messingham to be reduced at the access point and this would require a Traffic Regulation Order secured via a Section 106 Agreement. 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:** Further information is awaited. The previous objections dated 22 March and 16 April 2019 remain in place.

**Environment Agency:** This is a major development and intentions regarding foul sewage disposal have not been made clear. Private sewage treatment facilities should only be used where it is not reasonable to require a development to be connected to a public sewer; this is because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems.

We would therefore expect new development to connect to the main network. However, there are known issues relating to the capacity of the foul sewer that serves Messingham. 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. Therefore strongly recommend that the opinion of Severn Trent Water is sought and the intentions of the developer clarified.

**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.

**Waste Services:** Comments made relating to the site layout and that the roads are capable of accommodating refuse vehicles, highway construction, unadopted roads, and areas for bin collection and storage.

**Leisure:** A contribution of £19,000 is sought towards the improvement of leisure facilities in the catchment of the site, namely Riddings Leisure Centre.

**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. In addition, historical mapping provides reason to believe that contamination might be an issue due to the historic agricultural and equestrian uses of the site. This gives rise to the potential for contamination from the over-application of slurry and the illegal deposition of waste. 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.

**Severn Trent Water:** Recommend conditions in respect of drainage plans for the disposal of foul and surface water. 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.

**Public Health:** No objection.

**Trees Officer:** There are many large trees around the edge of the site and, although they are in third party ownership, they need to be considered in the development proposals. The land to the north of the site is within the 1955 Messingham Order and all older trees within this site are protected. An arboricultural report may be required.

**Spatial Planning:** The site is located within the open countryside, outside the development limit of Messingham. The application for residential development is contrary to policies CS7 (Overall Housing Provision) and policy CS8 (Spatial Distribution of Housing Sites) of the Core Strategy. 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 eighth overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability; these are primary school, secondary school, doctors and community facilities. Messingham is a 'larger service centre' and has seven of the seven key facilities – public house, village hall/church hall/community centre and primary school.

In terms of Section 106 requirements, this will include two affordable housing units, an off-site contribution of £7,392.60 towards existing open space, £7,152 per dwelling for education contributions and £19,000 towards Riddings Pool.

**Ecology:** The site has limited biodiversity value at present and negligible potential for protected species. 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.

## **PARISH COUNCIL**

Object on the following grounds:

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

## **PUBLICITY**

A site notice has been displayed. Forty-five letters of objection have been received (including six from the same address). 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
- 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 throughout the construction period
- a visually obtrusive form of development
- not an appropriate form of development
- not sustainable
- overlooking and overshadowing
- no further dwellings required in Messingham
- loss of hedgerows
- will exacerbate flooding/drainage issues
- highly visible site
- there is an unlit footpath access to the site.

A letter has also been received from Nic Dakin, former MP (dated 15 April 2019) raising the following issues:

- the land is greenfield as opposed to brownfield
- cumulative impact of residential applications being considered in Messingham
- increase in traffic through Messingham (A159)
- impact on local services, including the doctor's surgery and public transport.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **ASSESSMENT**

The application site comprises a field used for the grazing of horses located to the south of Messingham, which extends to 0.75 hectares in area. The site is bordered by residential properties along its northern boundary and by Scotter Road (A159) to the west. The site is defined by an existing field access along its southern boundary and by a field hedge to the far eastern boundary. The site lies outside of, but adjacent to, the defined settlement boundary for Messingham and is therefore located in the open countryside. A group Tree Preservation Order covers the area of trees and woodland to the north and there is a listed building to the north known as The Old Vicarage.

Outline planning permission is sought to erect 24 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 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.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2019 to 31 March 2024, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a five-year housing land supply of deliverable sites during the period April 2019 to March 2024.

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

A planning statement has been submitted with the application, which states that the site is located less than 245 metres to the nearest bus stop with a highway footpath providing access to Messingham and its services. The statement also highlights that planning permission was granted at appeal for six dwellings (PA/2017/392) on the opposite side of the A159 and the development will not be visually obtrusive. The document sets out the range of services available in Messingham, which include three convenience shops, three public houses, a post office, doctor's surgery and primary school. In terms of the three dimensions of sustainable development, at page 5 the planning statement states the development is considered to be acceptable for the following reasons:

*Social – The application will bring forward much needed high-quality homes suited to a range of types in a large, popular village that has been restricted from any meaningful growth for many years. The household types are reserved for future applications, but the applicant is willing to discuss household types with the local authority in future applications. The new housing will underpin the viability of existing services within the village. The site*

*will be subject to local plan affordable housing policy and be required to make a contribution to affordable housing.*

*Economic – The proposal conforms with the NPPF in promoting growth in a rural settlement that will help to retain local services and stimulate demand for the many services that exist within the village. The proposal will create construction jobs during the development phase and generate council tax revenue.*

*Environmental – The proposal is well located within the existing form of the village and will have no adverse impact upon the character of the settlement. The proposal is located within a sustainable location directly adjacent to the existing village and close to all essential nearby services. The proposal will deliver a high-quality residential development that will enhance the village of Messingham. The site is not within an area of flood risk.*

In conclusion, the planning statement makes the following observations:

*The council does not have a five-year land supply and will not be able to provide one for some time. The council are therefore required to approve applications that are sustainable. The application site is unquestionably sustainable being located close to the centre of Messingham that contains the full range of services and facilities within walking distance.*

*The provision of up to 24 new dwellings will have a positive economic benefit for Messingham and help sustain local services. Indeed, Messingham has undergone little new development for more than a decade because of restrictive development limits that are contiguous with the built area of Messingham. The settlement is very compact and there are very few opportunities for brownfield redevelopment for housing. Messingham has limited greenfield spaces and no opportunity for greenfield development within the current development limit. Messingham is a very popular residential area and house prices are above the North Lincolnshire average.*

*The proposal provides a major social benefit as it will sustain local services and be required to make a contribution towards the provision of social housing in accordance with local plan policy. The site is of low environmental sensitivity and is sustainable as there are no opportunities for either brownfield or greenfield development other than single or very small infill plots. There will be no harm to the character and appearance of the area. The proposal has scope to provide improved landscaping to screen and minimise the visual impact from neighbouring properties.*

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.

Given the position of the application site outside the defined settlement boundary for Messingham (in the open countryside), that the local planning authority can demonstrate a five-year housing supply of deliverable sites, and that policies relating to a sequential approach to development are considered up-to-date in the context of this application, then it is considered that the proposal is contrary to policies CS2 and CS8 of the adopted Core Strategy in that development is not focused in Scunthorpe or the market towns in North Lincolnshire and does not represent small-scale infill development.

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 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 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 (24 dwellings across a site with dimensions of 33 metres by 136 metres) and with open views of the site from Scotter Road (A159) to the west. 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 southern edge Messingham. It is accepted, with the introduction of landscaping, 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 24 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 southern edge of Messingham, to the detriment of the open character of the rural landscape and therefore the landscape impact would be significant.

Based on the above, it is considered that the proposed development is not acceptable in principle as it is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location which include agriculture, forestry or to meet a special need associated with the countryside.

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 (24 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.

### **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 the application. It is considered that within the site parameters a development of 24 dwellings could reasonably be accommodated, with associated gardens and parking areas, and sufficient separation distances from existing properties to the north and the TPO trees. 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.

### **Other issues**

An objection has been received from the LLFA on the grounds that no flood risk assessment or drainage strategy has been submitted with the application. In response, an email from the planning agent dated 23 September 2019 states that the site is located within flood zone 1 and that matters relating to surface water drainage disposal could be addressed through the imposition of a condition. This is consistent with the consultation response from Severn Trent. The site is located within flood zone 1 as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) and extends to 0.75 hectares in area. It is not located in an area identified as being at risk from surface water flooding issues. Therefore, by applying the flood risk advice in the National Planning Policy Guidance (NPPG), it is considered that there is no statutory requirement for either a flood risk assessment or drainage strategy to be submitted for consideration.

The potential of the development to result in loss of wildlife habitat has been considered by the council's ecologist, who has raised no objections but recommends conditions requiring the submission and implementation of a biodiversity management plan; this would ensure potential biodiversity enhancements from the development.

### **Conclusion**

In conclusion, it is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. In addition, given the scale of development proposed (24 dwellings and the rural location of the proposal), it is considered to 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.

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

1.

The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.

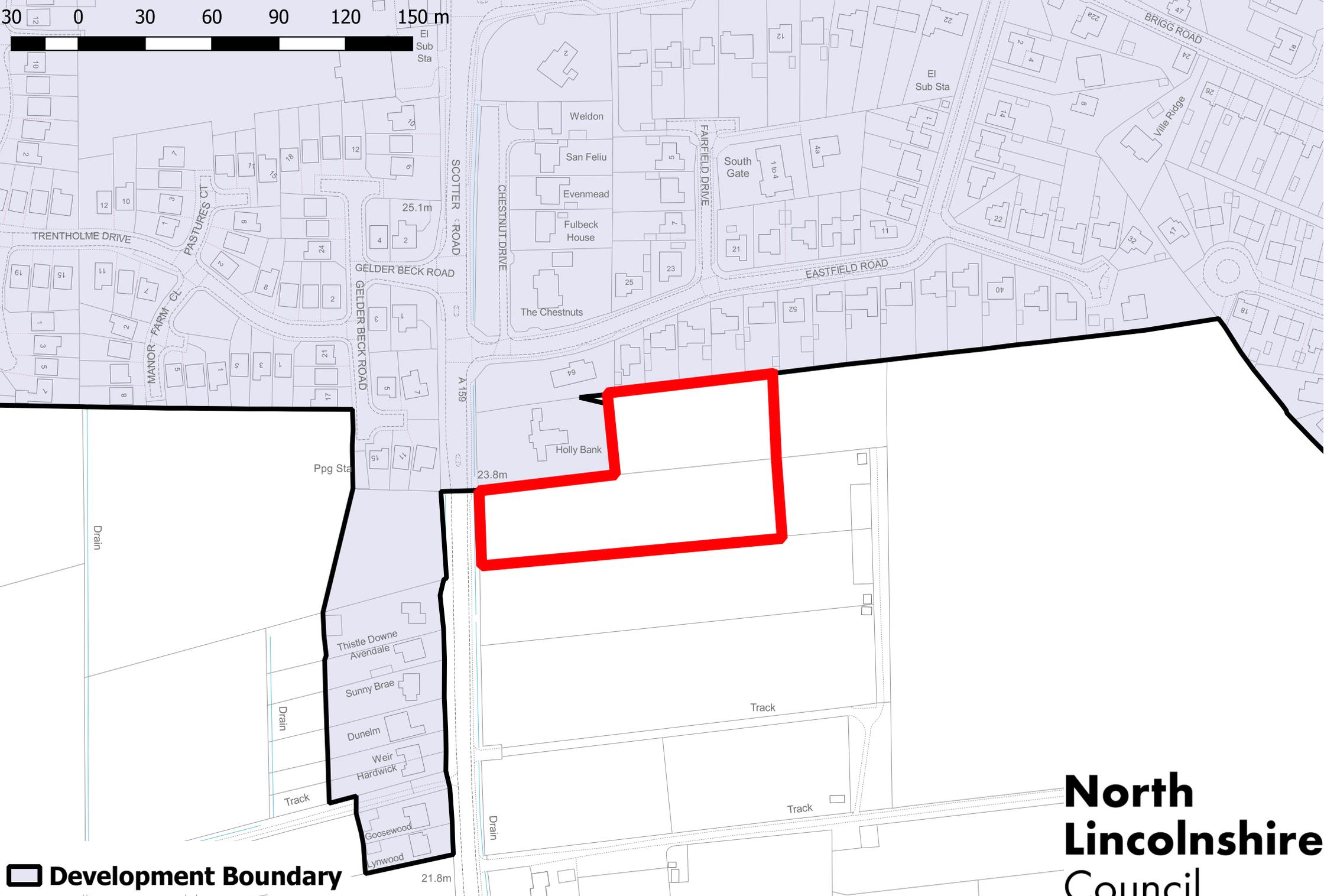
2.

The proposed development, by virtue of its location outside the defined settlement boundary for Messingham and the scale of development proposed (24 dwellings), is considered to 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. 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.

**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/2019/339**

**North  
Lincolnshire  
Council**

© Crown copyright and database rights 2019. Ordnance Survey 0100023560