APPLICATION NO	PA/2022/2136
APPLICANT	Mr Steven Ibbotson, Cyden Homes Ltd
DEVELOPMENT	Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/554 for 92 dwellings
LOCATION	Land between 57-71 Brigg Road, Messingham, DN17 3QX
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant approval subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest)
	Objection by Messingham Parish Council
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 HE9 (Archaeological Excavation)

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 T19 (Car Parking Provision and Standards)
- Policy T6 (Pedestrian Routes and Footpaths)
- Policy DS1 (General Requirements)
- Policy DS7 (Contaminated Land)
- Policy DS14 (Foul Sewage and Surface Water Drainage)
- Policy DS16 (Flood Risk)
- Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

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 CS7 (Overall Housing Provision)
- Policy CS8 (Spatial Distribution of Housing Sites)
- Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)
- Policy CS17 (Biodiversity)
- Policy CS18 (Sustainable Resource Use and Climate Change)
- Policy CS23 (Sport, Recreation and Open Space)

New North Lincolnshire Local Plan Submission:

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1: Presumption in Favour of Sustainable Development

- SS2: A Spatial Strategy for North Lincolnshire
- SS3: Development Principles
- SS5: Overall Housing Provision
- SS6: Spatial Distribution of Housing Sites
- SS11: Development Limits
- H2: Housing Mix and Density
- RD1: Development in the Open Countryside
- DQE1: Protection of Landscape, Townscape and Views
- DQE3: Biodiversity and Geodiversity
- DQE5: Managing Flood Risk
- DQE6: Sustainable Drainage System
- DQE7: Climate Change and Low Carbon Living
- DQE11: Green Infrastructure Network
- DQE12: Protection of Trees, Woodland and Hedgerows
- CSC3: Protection and Provision of Open Space, Sports and Recreation Facilities
- T1: Promoting Sustainable Transport
- T3: New Development and Transport
- T4: Parking

DM1: General Requirements

CONSULTATIONS

Highways: No objections.

Environment Agency: No comments to make.

LLFA Drainage: The LLFA accepts the reserved matters layout. They have received details of a compliant surface water drainage design; this is covered by the discharge of conditions applications.

Severn Trent Water: No response received.

Environmental Protection: No objections. Pre-commencement conditions on the planning permission will need to be discharged.

Archaeology: No comments to make.

Ecology: Further landscaping details have been provided which are acceptable when viewed in the context of biodiversity loss that was approved at appeal at the outline planning stage.

Trees and Landscape: A number of different tree and shrub species are proposed on the site and on the whole this appears to be a reasonable scheme.

NHS North Lincolnshire Health Care Partnership (City Care): Would like to request Section 106 funding be considered in relation to this application. The site has multiple surgeries in close proximity to the proposed dwellings including Cambridge Avenue in Messingham, and several surgeries in Scunthorpe including Cambridge Avenue Scunthorpe, Church Lane Medical Centre, Ashby Turn Primary Care Centre, The Birches Medical Practice, Cedar Medical Practice, Ancora Medical Practice and West Common Lane Teaching Practice. These surgeries are already under pressure due to space limitations, therefore any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

Humberside Police: No objections.

Humberside Fire and Rescue: General advice on access for the fire service and water supplies for fire-fighting.

PARISH COUNCIL

Objects to the application due to loss of privacy for neighbouring properties to the site and requests a 2 metre high fence be erected the full length of the western boundary. Also requests that all conditions applied to the planning application by North Lincolnshire Council are discharged by North Lincolnshire Council's Planning Committee.

Response to amended documents: Requests that no work takes place until the proposed watercourse has been agreed to a standard that will accommodate surface water drainage from all adjacent land including the inlet at the north-west end of the dyke from Saltergate Road and the Wendover development.

Requests that the proposed 1800 millimetre high timber fence on the western boundary be erected the complete length of the western boundary to prevent loss of privacy for neighbouring properties to the site and a gate erected at the southern end of the fence to prevent access to the new open land.

Requests that no work takes place until the outfall has been explored at the southern end of the site at the point where the water goes underneath Brigg Road, as there is clear evidence that the existing system is inadequate to disperse the current flow during the winter months.

Requests that no work takes place until a contingency plan is in place in the event that the attenuation pond overflows, in order to prevent flooding of nearby properties on Ashgrove and the proposed development.

PUBLICITY

The original and amended plans have been advertised by site notices and in the local press. Nineteen letters of objection have been received raising the following issues:

- increase in traffic
- unsafe access
- flooding
- inadequate drainage
- dyke management not specified
- inadequate infrastructure
- loss of countryside
- loss of wildlife
- overdevelopment
- loss of privacy
- adequate fencing should be provided along the whole of the western boundary
- insufficient school places
- design out of character.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The site

The site is approximately 3.83 hectares in area and is grade 3 agricultural land that is not currently in active production. Only a small part of the reserved matters aspect of the application site (the access) is within the development boundary for Messingham; the majority lies outside it. The site will be accessed off Brigg Road. The reserved matters application site is bounded by residential properties on the southern (Brigg Road and Ash Grove) and western (East Green) boundaries. The northern and eastern boundaries are bounded by some hedgerows and ditches with agricultural fields beyond. The site is not level – it slopes down from the northern boundary to the southern and eastern boundaries. The level change is approximately 32.5 metres above Ordnance datum (AOD) to 30.5 metres AOD. The site lies in Flood Zone 1 in the council's Strategic Flood Risk Assessment and is therefore at low risk of flooding.

The proposal

This is a reserved matters application comprising 92 dwellings. The reserved matters are appearance, layout, scale and landscaping. The access, which is not a reserved matter (this was determined at appeal at outline stage), is from Brigg Road. The 92 dwellings comprise a mix of housing types and designs. The dwellings comprise 21 two-bedroom dwellings, 30 three-bedroom dwellings and 41 four-bedroom dwellings. The dwellings are detached, semi-detached and terraces and are all two-storey. A variety of brick and tiles are to be used. Each dwelling has its own private and amenity space, and car parking. The site comprises a main access with cul-de-sacs leading off the main access road. Within the layout is an attenuation pond, a LEAP (local equipped area for play) and an electricity substation. Landscaping in the form of tree, shrub and wildflower meadow mix planting is also proposed. Existing trees on and adjacent to the site are proposed to be retained.

Planning history

- PA/2020/554: Hybrid application comprising full planning permission to erect five dwellings and outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration allowed on appeal 20/07/2022.
- PA/2022/2138: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 6, 8, 10, 11, 13, 18 & 19 of full planning permission) – pending consideration
- PA/2022/2174: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 5, 9, 11, 14-15, 17, 21-24 of outline planning permission) pending consideration.

Principle and procedural matters

The principle of the development in this location is established by the extant hybrid approval reference PA/2020/554 which was granted on appeal (see appeal decision notice appended to this report). The outline part of the hybrid application was approved with all matters reserved apart from access. As such <u>only</u> details of the appearance, landscaping, layout and scale of the proposed development are for consideration under this reserved matters application.

Layout, appearance and scale

Layout relates to the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The layout also relates to access roads, footways and car parking within the application site.

Appearance relates to aspects of a building or place which affect the way it looks, including the exterior of the development.

Scale relates to the size of the development, including the height, width and length of each building proposed within the development in relation to its surroundings.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development.

Paragraph 'c' of the policy states:

"...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;"

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy CS7 of the Core Strategy seeks to ensure that housing developments make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.

Policy H5 of the local plan, which is concerned with new housing development, is also considered relevant (although parts 'i' & 'ii' are superseded by CS1 of the Core Strategy, the remainder of the policy is intact).

Policy H8 of the local plan is concerned with housing design and mix. Through policy H8 new residential development will be permitted provided it;

- (i) respects and reflects the form, scale, massing, design and detailing, materials and nature of the local environment;
- (ii) incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area;
- (iii) protects existing natural and built features, landmarks or views that contribute to the amenity of the area;
- (iv) prioritises the needs of pedestrian movement and takes into account the safety, health and security of residents, neighbours and the community;
- (v) provides for residents a sense of identity and variety; and
- (vi) creates an appropriate mix of dwelling size and type.

Paragraph 130 of the National Planning Policy Framework (NPPF) states, '...Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Turning first to the layout, the development comprises 92 dwellings with the main access to the site from Brigg Road which was approved under outline planning permission PA/2020/554. The access route leads from Brigg Road and wraps around the whole site with cul-de-sacs formed within the site. An attenuation pond is proposed to the north of properties along Brigg Road and a LEAP. An electricity sub-station is also to be provided adjacent to the attenuation pond to provide infrastructure to serve the development. The houses proposed are all two-storey and are a mix of housing types and designs. The dwellings are two-, three- and four-bedroom properties. The layout essentially comprises dwellings is staggered throughout the site and dwelling types are mixed across the site. This has created a vibrant, interesting development that respects the rural character of the area.

The dwellings each have their own private amenity space secured by boundary treatment to safeguard privacy. The private amenity spaces proposed are fairly spacious and commensurate with the size of the dwelling. There are significant separation distances between dwellings within the application site and those outside. Therefore, the proposed development would not result in any impacts from overlooking or overshadowing. Furthermore, there are sufficient separation distances between the proposed dwellings due to the various positions and orientations. The proposed dwellings are acceptable in respect of overlooking and overshadowing. Internally the proposed separation distances are sufficient, and the positioning of openings (house types next to compatible house types) is also designed in a sensitive manner. Comments about better boundary treatment along the western boundary are noted. However, each proposed dwelling adjacent to the western boundary will have a 1.8 metre close-boarded fence which will secure privacy between the proposed dwellings and adjoining properties along Ash Grove and East Green. In addition, there is a distance of well over 40 metres between the proposed dwellings adjacent to the western boundary and those properties on Ash Grove and East Green. Therefore, no demonstrable harm to privacy will be caused to adjoining dwellings, and due to the separation distances the proposed development will not be overbearing on adjoining properties.

The attenuation pond and LEAP are well integrated into the site with the LEAP within walking distance of all the proposed properties. The LEAP provides a play area with a range of play equipment and open space. The attenuation pond will also provide wetland

habitat. This area of the site provides significant blue and green infrastructure on the site, softening the residential development to the north of the attenuation pond and LEAP. This creates a cohesive development, respecting the character of the rural area and the open countryside.

In terms of the road and footway layout within the development, policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Highways have not objected to the proposal and therefore the proposed layout is not considered to raise any adverse impacts in terms of the proposed road and footway layout, or the car parking arrangements to be provided on the site. In this regard the proposal aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

In terms of appearance, 92 dwellings are proposed of a mix of housing types and designs. A materials layout has been submitted with the application. The dwellings will be constructed from five different brick types and four different roof tiles. The dwellings vary in terms of appearance with hipped roofs, porches over doors, casement windows, sash windows, gable roofs, canopies on the front elevation, differing fenestration details and gable ends on the front elevation. Each dwelling has its own unique detailing, adding interest to the scheme. Some of these features can be seen on adjoining dwellings. There are en-suite/bathroom/en-suite windows in the elevations of the dwellings. These will be conditioned to be obscure-glazed to ensure the privacy of occupiers of the dwellings is safeguarded. Overall, in terms of appearance, a good quality residential scheme is proposed that is in character with the rural area it adjoins.

In terms of scale, the proposed scheme comprises 92 two-storey dwellings of a mix of semi-detached, detached and terraced properties. The proposed dwellings are of differing heights and sizes depending on the house type. The 92 dwellings do not create a 'cramped' appearance on the site and the scheme has been designed in such a way that the scale of the development would not be out of character with the surrounding area. The 92 dwellings proposed are all two-storey. No rooms are proposed in the roof spaces. The dwellings surrounding the site are primarily two-storey, although it is accepted there are some bungalows and adjoining dormer bungalows adjoining the site on the western boundary. The dwellings adjoining and in the vicinity of the site are a mix of housing types and designs, and sizes. In terms of scale, the proposal complements this part of Messingham and would therefore not have an adverse impact on the amenity of the locality or the amenity of residents. It should also be noted that the overall size of the development has been dictated by the number of dwellings approved on the site through outline planning permission PA/2020/554.

Therefore, the proposed residential development the subject of this application is considered to align with policies RD2, LC7, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the Core Strategy, as well as the aforementioned paragraphs of the NPPF.

Landscaping

Landscaping relates to the improvement or protection of the amenities of the site and area, and the surrounding area; this could include planting trees or hedges as screening.

Policy CS5 is in part concerned with landscaping and states, '...Incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment.'

Policy LC12 of the North Lincolnshire Local Plan seeks to ensure that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

Paragraph 131 of the NPPF states, '...Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Paragraph 174 (b) of the NNPF states that (decisions should contribute by) '...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

The landscaping for the site comprises the retention of some existing trees and hedges and the planting of a high number of different species of trees, hedging and ground cover planting. Significant wildflower meadow mix planting is also proposed along part of the western and southern boundaries of the site. Green areas are shown within the LEAP, adjacent to the main access from Brigg Road, and the attenuation pond will be a wetland area. The council's tree officer considers that the scheme is a reasonable scheme for the area. The landscaping, once mature, will soften the residential development and will work well in assimilating the scheme into its rural setting. The landscaping scheme overall will allow the development to be more easily absorbed into the locality. The landscaping is therefore considered to be acceptable and aligns with the relevant paragraphs in the NPPF mentioned above, policies CS5 of the Core Strategy and policies RD2, LC7, H5 and LC12 of the North Lincolnshire Local Plan.

Other matters raised

It is noted that the NHS have requested contributions with this application. However, the appropriate contributions have already been agreed at outline stage within the appeal decision. Therefore, further contributions cannot reasonably be sought at this reserved matters stage.

Concerns over drainage, access and maintenance of the dykes are noted. However, these matters are not pertinent to this reserved matters application. Surface water is a matter to be dealt with through the discharge of conditions applications that are currently pending consideration. It should be noted that the LLFA have not objected to this reserved matters application.

A number of other issues have been raised which do not directly relate to the reserved matters and therefore cannot be considered as part of this application. These matters were considered in the appeal decision for PA/2020/554.

Planning balance and conclusion

Overall, the proposed reserved matters scheme, pursuant to outline planning permission PA/2020/554, is considered to be acceptable.

RECOMMENDATION Grant approval subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- House Type dH401 Plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- Proposed Layout Drg No. 183 / 002 Rev H
- Materials Layout Drg No. 183 / 005 Rev A
- Landscape and biodiversity Layout Drg No. 183 / RM004 Rev B
- House Type tH201-201-302-205 Plots 58-61 Garages as numbered Drg No. 184 / 112 Rev A
- House Type dH408 Plots 25, 72 Drg No. 183 / 105 rev A
- House Type dH404 Plots 10, 20, 22, 50, 89 Drg No. 183 / 104 Rev A
- House Type dH402 Plots 06, 08, 27, 33, 38, 39, 64, 67, 68, 73, 77 Drg No. 183 / 102 Rev A
- House Type dH401 plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- Location Plan Drg No. 183 / 027
- House Type tH329-302-201-322 Plots 46-49, 90-93 Drg No. 183 / 110
- House Type sH329-322 Plots 71-70, 94-95 & House Type sH322-329 Plots 81-82, 96-97 Drg No. 183 / 109
- House Type sH303 Plots 29-30, 31-32, 40-41, 54-55, 56-57, 87-88 & House Type sH201 Plots 11-12, 13-14, 15-16, 17-18, 83-84, 85-86 Drg No. 183 / 108
- House Type dH420 Plots 21, 78, 80 Drg No. 183 / 107
- House Type dH417 Plots 09, 35, 74 & House Type dH418 Plots 19, 24 Drg No. 183 / 106
- House Type dH403 Plots 23 & House Type dH421 Plots 07, 79 Drg No. 183 / 103

- Electric Sub Station Drg No. C1065234 Rev 0
- House Type tH201-201-302-201 Plots 42-45 & House Type tH205-302-302 Plots 51-53 Drg No. 183 / 113
- Proposed Play Space Drg No. 182 / 013.

Reason

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

2.

Before any dwelling is first occupied, any bathroom, en-suite or WC windows shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions of the occupants of the approved development in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

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.

PA/2022/2136 Proposed layout (not to scale)

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PA/2022/2136

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