

APPLICATION NO	PA/2023/1756
APPLICANT	Steven Ibbotson, Cyden Homes Ltd
DEVELOPMENT	Application to vary condition 1 of PA/2022/2136 dated 13/06/2023 to amend house types for plot 6 (show house and sale facility) and plots 70 and 71 (smaller two-bedroomed houses)
LOCATION	Land between 57–71 Brigg Road, Messingham, DN17 3QX
PARISH	MESSINGHAM
WARD	Messingham
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- H5 New housing development
- H8 Housing design and housing mix
- DS1 General requirements

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire
- CS2 Delivering more sustainable development
- CS3 Development limits
- CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

Housing and Employment Land Allocations DPD (2016)

PS1 Presumption in favour of sustainable development

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 early 2024.

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

DM1 General requirements

CONSULTATIONS

Highways: No objections.

Drainage (Lead Local Flood Authority): No objections or comments

Ecology: No objection.

PARISH COUNCIL

Objects to planning application PA/2023/1756 due to no sustainable plan in place to address the surface water run-off concerns and resolve the issue regarding the riparian watercourse on the western boundary.

PUBLICITY

Advertised by site and press notices. No responses have been received.

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 Section 73 application to vary condition 1 of the reserved matters approval PA/2022/1236 (granted on 13/06/2023) to amend the house type for plot 6 (show home and sale facility) and plots 70 and 71 (smaller two-bedroom houses).

PA/2022/2136 was a reserved matters application for 92 dwellings with the appearance, landscaping, scale and layout approved on 13/06/2022. This reserved matters application was pursuant to the earlier hybrid application (outline and full) PA/2020/554 allowed at appeal on 20/07/2022.

This section 73 application proposes a number of changes to the approved reserved matters application PA/2022/1236. The changes can be summarised as follows:

- Plot 6 is a different house type and will form the 'sales centre' (show house) for the site; afterwards it will revert to a dwelling.
- Plot 6 sales centre/show home is a two-storey building and will have two glazed entrance doors on the front elevation to serve a sales room within the building. The remainder of the building will be a four-bedroom dwelling. Once sales have been completed on the site the building will revert to a dwelling and the two glazed doors will be changed to garage doors to form a double garage.
- Under PA/2022/2136 plots 70 and 71 were originally three-bedroom, two-storey semi-detached hipped roof dwellings with detached garages. It is now proposed that the dwellings on these two plots will be two-bedroom semis, with a gable roof and no detached garages.
- Plots 70 and 71 will have two car parking spaces on their driveways.
- There are also minor changes to the size of plots 70 and 71.

Planning history

- PA/2020/554: Hybrid application comprising full planning permission to erect 5 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/2022/2136: Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/554 for 92 dwellings – approved 13/06/2023
- 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 and 19 of full planning permission) – approved
- 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) – approved

Principle and procedural matters

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The principle of residential development on this site has been established by extant hybrid approval reference PA/2020/554 which was granted on appeal. Following this appeal, the reserved matters (PA/2022/2136) pursuant to the outline part of PA/2020/554 was approved at planning committee in June 2023.

The applicant has now submitted a section 73 application to vary condition 1 (drawings condition) to allow three previously approved house types on plots 6, 70 and 71 to be amended.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started, nor to change the description of the development. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

Provisions relating to statutory consultation and publicity do not apply to s73 applications. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.

The key issue associated with this section 73 application are whether the proposed amendments to the house types on plots 6, 70 and 71 are acceptable in terms of impacts on the character and appearance of the area and on the overall approved development, and any potential impacts on the living conditions of future and existing residents.

Design and impact on the character and appearance of the area and on the overall development

Policy RD2 of the North Lincolnshire Local Plan is concerned with development in the open countryside and sets out a criteria-based approach to assessing proposals. It seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Amongst other things, paragraph 'c' of the policy sets out that development should '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 sets out that '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 H5 of the local plan provides a list of criteria against which new housing development should be judged. Policy H8 sets out similar criteria in respect of housing design and mix.

Paragraph 135 of the NPPF requires high quality design and 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.'

The layout is not dissimilar to that approved under the previous application. Plot 6 is located to the southern side of the application site close to the western boundary. Plot 6 will form the 'sales centre' (show house) for the site and afterwards will revert to a dwelling. The sales centre/show home is a two-storey building and will have two glazed entrance doors on the front elevation to serve a sales room within the building. The remainder of the building will be a four-bedroom dwelling. Once sales have been completed on the site the building will revert to a dwelling and the two glazed doors will be changed to garage doors to form a double garage. This is a typical arrangement on residential sites of this size where developers have a show house for selling purposes. There are the same house types on the wider site as plot 6 and it is not considered that the change of house type for plot 6 and its use as a show home would have any unacceptable impact on the character and appearance of the area. The changes to plot 6 will result in plot 7 being slightly smaller than previously approved, but it will still have a substantial garden area. The proposed changes would therefore not have an unacceptable impact on the character or appearance of the area, or the overall development.

Plots 70 and 71 are within the main body of the overall development, close to the southern boundary of the site. Under PA/2022/2136 plots 70 and 71 were three-bedroom, semi-detached two-storey dwellings with detached garages. It is now proposed that the dwellings on these two plots will be two-bedroom semis, with no detached garages. Each plot will still have two car parking spaces. There are also minor changes to the size of these plots. The same house types now proposed for plots 70 and 71 can also be found elsewhere within the wider development. The proposed changes to plots 70 and 71 would therefore not have an unacceptable impact on the character or appearance of the area, or the overall development.

The proposal therefore accords with policies RD2, H5 and H8 of the NLLP, policy CS5 of the CS and paragraph 135 of the NPPF.

Amenity

Policy DS1 of the NLLP states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Policy CS5 of the CS provides general design guidance for all new development.

In terms of amenity, the amendments to plot 6 will have no adverse impacts on existing neighbouring properties to the west, nor on adjoining plots within the development. Plots 70 and 71 are not located adjacent to existing dwellings. In terms of the overall development, the new house types for plots 70 and 71 will not adversely affect the amenity of adjoining plots. WC and bathroom windows will be required by condition to be obscure glazed to protect privacy. The proposal will therefore align with policies DS1 of the NLLP and CS5 of the CS.

Other matters

The comments made by the parish council are noted. However, these relate to surface water details for the site which have previously been discharged under discharge of condition applications PA/2022/2138 and PA/2022/2174.

Conclusion

It is considered that the proposal would not have an unacceptable impact on the character or appearance of the area, or on the overall development, and would not result in undue impacts on the living conditions of nearby residential properties or occupiers of the development itself. It is therefore recommended that reserved matters approval is granted pursuant to this section 73 application.

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 dH402 Plots 8, 27, 33, 38, 39, 64, 67, 68, 73, 77 - 183/102 Rev B
- House Type dH402 Plot 6 Sales Centre Show House - 183/114
- 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, 70-71, 83-34, 85-86 Drg No. 183/108 Rev A
- House Type sH329-322 & House Type SH322-329 - 183/109 Rev A
- House Type tH201-201-302-205 Plots 58-61 and Garages as numbered - 184/112 Rev B
- House Type tH201-201-302-201 Plots 42-45 & House Type tH205-302-302 Plots 51-53 184/113
- House Type dH401 Plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 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 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
- House Type dH401 plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- House Type tH329-302-201-322 Plots 46-49, 90-93 Drg No. 183 / 110
- Construction Management Layout - 183/010 Rev B
- Landscape & Biodiversity Layout - 183/RM004 Rev D
- Materials Layout - 183/005 Rev B
- Proposed Site Layout - 183/002 Rev J

- Electric Sub Station Drg No. C1065234 Rev 0
- Proposed Play Space Drg No. 182/013
- Location Plan Drg No. 183/027.

Reason

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

2.

Before any dwelling is first occupied, all the WC and bathroom 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.

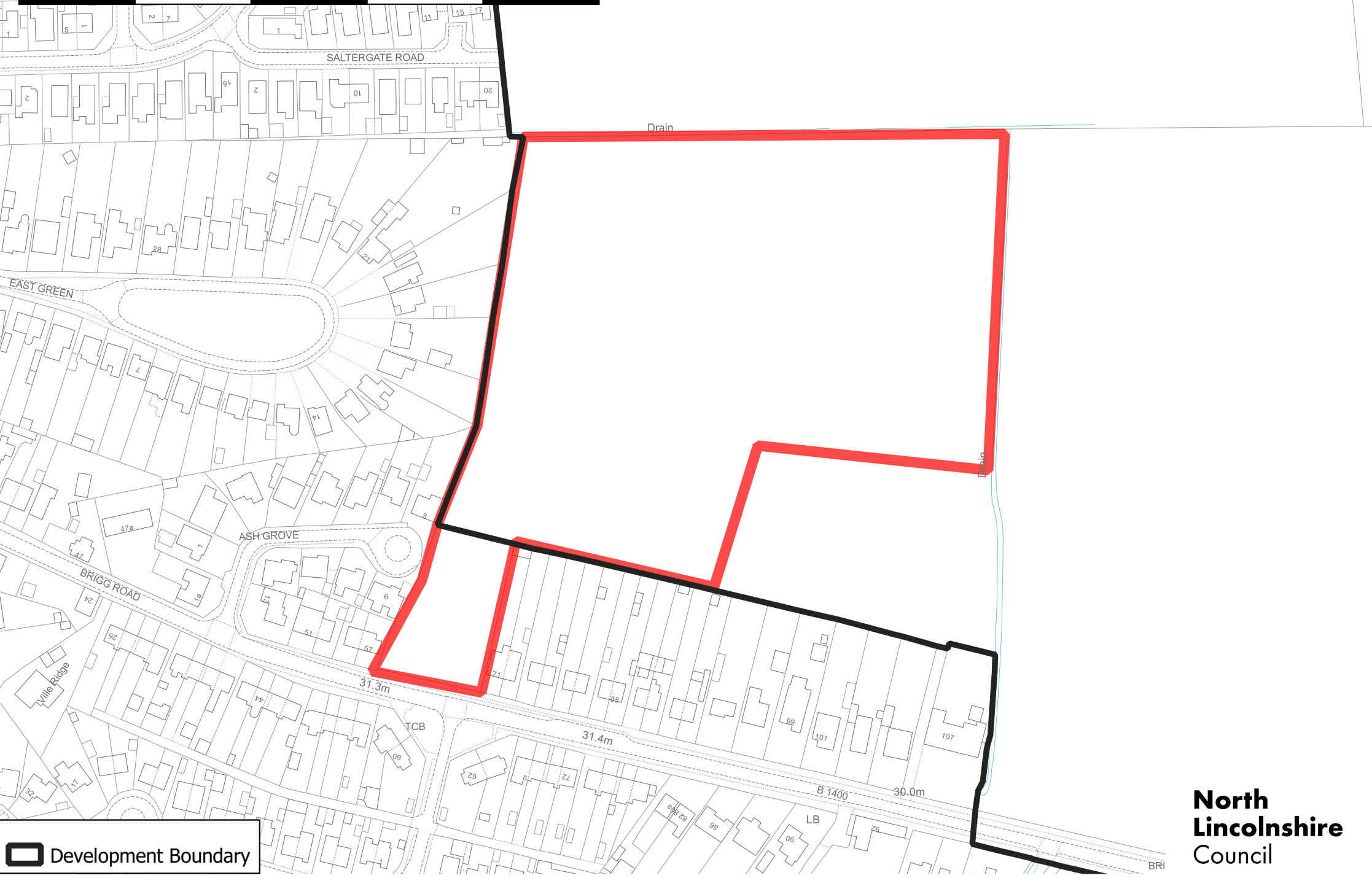
Reason

To protect the living conditions of adjoining properties on the development in accordance with policy 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.

0 50 100 150 200 250 m



 Development Boundary

PA/2023/1756

**North
Lincolnshire
Council**

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PA/2023/1756 Proposed layout (not to scale)

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Legend

- 1800mm high brick wall (colour to match house plot)
- 1800mm high timber fence
- 1000mm high timber post and rail fence
- 300mm deep grassed swale 3000mm wide
- Proposed Tree Planting
- 100% FAGUS sylvatica Common Beech Hedge

Housing Mix

2 Bed	21no		12no
SH 201	2 bed semi detached house		
SH 201	2 bed terraced house		7no
SH 205	2 bed terraced house		2no
3 Bed	30no		6no
SH 302	3 bed terraced house		
SH 303	3 bed semi detached house		12no
SH 322	3 bed semi detached house		4no
SH 322	3 bed terraced house		2no
SH 329	3 bed semi detached house		4no
SH 329	3 bed terraced house		2no
4 Bed	41no		12no
SH 401	4 bed detached house		
SH 402	4 bed detached house		11no
SH 403	4 bed detached house		1no
SH 404	4 bed detached house		5no
SH 406	4 bed detached house		2no
SH 417	4 bed detached house		3no
SH 418	4 bed detached house		2no
SH 420	4 bed detached house		3no
SH 421	4 bed detached house		2no
Reserved Matters number of dwellings			52no
Approved Dwellings plots 1 to 5			
SH 303	3 bed semi detached house		2no
SH 402	4 bed detached house		1no
SH 403	4 bed detached house		1no
SH 414	4 bed detached house		1no
Total number of dwellings			97no

- Rev J - Sales Centre plot 6 shown 11.10.23
- Rev H - Plot 33, 34, 62 and 63 house types amended with other minor amendments 06.02.23
- Rev G - New Building Regulation Revised layout with Sub Station 11.11.22
- Rev F - Landscaping Layout Revised 31.10.22
- Rev E - Layout Revised 17.10.22
- Rev D - Layout scheme in Cad 12.10.22
- Rev C - Drainage easement shown 19.05.20
- Rev B - RPA shown 30.04.20
- Rev A - Plot Numbers Revised 28.02.20

Proposed Residential Development at Land at Brigg Road Messingham Lincolnshire

Proposed Site Layout Scale 1:500 - A1

August 2019

Dwg No. 183 / 002 Rev J



Cyden Homes Limited
Unit 1 Lacey Business Park
Grimby Road, Lacey
N.E. Lincolnshire, DN37 7ZP
Tel: 01472 278002
email: sales@cydenhomes.co.uk

Proposed Layout

