

APPLICATION NO	PA/2021/479
APPLICANT	Mr Liam Dexter
DEVELOPMENT	Outline planning permission for residential development with all matters reserved for subsequent consideration
LOCATION	Land off Chesswick Crescent, Keadby, DN17 3DQ
PARISH	Keadby with Althorpe
WARD	Axholme North
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Departure from development plan Support by Keadby with Althorpe 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

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)

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 CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Highways: No objection; recommend conditions.

Environmental Protection: No objection, recommend conditions in respect of contaminated land investigation, a noise mitigation scheme and Construction Environmental Management Plan.

Historic Environment Record: The proposal does not adversely affect any heritage assets of archaeological interest or their settings, nor is it located within a sensitive historic landscape character area. No further recommendations for archaeology and heritage.

Ecology: Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

Environment Agency: No objection; recommend a condition in respect of the development taking place in accordance with the flood risk assessment and comments made in relation to the application of the sequential test, flood warning and evacuation.

Isle of Axholme and North Nottinghamshire Water Level Management Board: There are no board-maintained watercourses in close proximity to the site. Comments made in respect of surface water disposal, suitability of soakaways, drainage and the applicant is likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse.

Network Rail: No objection in principle to the proposed development subject to a list of requirements relating to drainage, wayleaves and/or easements for underline drainage assets, protection of existing railway drainage assets within a clearance area, fail safe use of crane and plat, excavations/earthworks, security of mutual boundary, fencing, method statements for working, scaffolding, encroachment, noise, trees and landscaping, lighting and access to the railway.

Drainage (Lead Local Flood Authority): No objection; recommend conditions.

Spatial Planning: *[Comments made as of 13 May 2021]* This proposal for residential development is in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or specific policies indicate development should be restricted. The applicant will need to demonstrate why the development meets the three dimensions of sustainable development.

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

Humberside Police (Community Safety): No objection; advisory points made in relation to the site layout, boundary treatments, secure cycle storage and landscaping to ensure it is Secure by Design.

PARISH COUNCIL

Support the proposal with the following conditions:

That the five houses are spread over the whole site, not just in one area, and that this is the maximum allowed on this site. The only access road is narrow and would not support any future development.

Due to the poor sewerage pump system, especially in this part of the village, the increased number of houses would put a strain on an already overburdened system. The parish council proposes that the new dwellings have their own septic tanks to prevent 'overloading' the existing system.

PUBLICITY

A site notice has been displayed. No comments have been received.

ASSESSMENT

The site is located adjacent to, but outside the defined settlement boundary for Keadby, in the open countryside within Housing and Employment Land Allocations DPD 2016. The site is also within flood zone 2/3a in accordance with the North Lincolnshire SFRA 2011. The site is located to the rear of Chesswick Crescent within a plot of land between the built form of Keadby and the Three Rivers. The closest dwellings within the settlement are made up rows of two-storey terraces, with many varying appearances. The proposed access point is off Chesswick Crescent at the point where the road becomes Queens Crescent. The railway line runs to the west of the site and an unmade track runs to the rear of properties along the eastern edge of the site.

Outline planning permission is sought for residential development 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), flood risk, impact on residential amenity and highway issues.

Principle

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the development 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 Keadby. There are no allocated housing sites within Keadby.

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). Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside.

Although some justification has been put forward to substantiate the development in terms of its countryside location, it is considered that the development does not constitute dwellings for specific circumstances associated with this countryside location; it is for market housing. Based on the supporting information, the proposed development is contrary to policies RD2 and CS3 as it is for market housing not considered essential to the functioning of the countryside, or any rural business. The applicant's case is set out in the design and access statement submitted with the planning application, this document states the site is in a sustainable location, the scale of new development will reflect local needs and will make the best use of existing land. In addition, it states the location would discourage residents using pollutant fuel vehicles and the proposal could support local services and amenities.

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 Keadby and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Recently North Lincolnshire Council has published an update statement on the five-year housing land supply. The document concludes that:

'...North Lincolnshire Council can demonstrate a 5.64-year supply between 1 April 2021 to the 31 March 2026...'

In response to the issue of this five-year housing land supply statement the applicant's agent has submitted no additional information in support of the application.

Given this update to the housing land supply figure and that the site is within the open countryside, it is considered that the proposal, when considered in its entirety, is unacceptable in principle and contrary to planning policies CS2, CS3 and CS8 of the Core Strategy and RD2, H5 and DS1 of the local plan.

Given the position of the application site outside the defined settlement boundary for Keadby (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, 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.

In terms of the impact of the development on the rural landscape, the proposal, whilst in outline form, would alter the character and appearance of the countryside, particularly given the size of the site (0.38 hectares/3800 square metres) and its potential to be developed for more than the five dwellings shown indicatively on the site plan. In addition, the applicant owns a more substantial piece of land to the south which is shown to be indicatively linked to this site (via a road access) and which has previously been refused planning permission (PA/2019/981) and dismissed at appeal (PA/2018/1307).

An important consideration is that the site is located within flood zone 2/3a and how this constraint dictates the design of the future scheme. Given that only a layout plan has been submitted as indicative, the character impacts cannot be assessed without knowing the scale of the proposed dwellings. It is considered, however, that the proposed layout does not reflect the existing settlement pattern in this part of Keadby and would result in dwelling types that are not in keeping with the immediate built environment. Any future application should consider how the development would be absorbed into the locality without it being either dominating or unsympathetic to the existing built environment. For example, one consideration is scale and how this impacts upon the height of dwellings, especially given the finished floor levels at ground that any application would have to conform to (see conditions proposed by the Environment Agency). It is considered that the scale of the dwellings would therefore likely be three storeys, which is considered out of keeping, resulting in a visually prominent form of built development in the rural landscape.

Policy CS5 of the adopted CS seeks a contextual approach to every design solution and the applicant has submitted a design and access statement. Though subjective, it is difficult to see how the indicative layout (as well as the pressure to build three storeys) would relate to the existing urban environment, and this site could easily accommodate more than five dwellings. Furthermore, the proposal is on land in the open countryside, to the rear of existing modest properties, and it is considered that the applicant has not demonstrated how the proposal would be sympathetic and unchallenging to its environment.

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. As the detail associated with a full planning application is absent (this being an outline with all matters reserved) the character impacts of the proposal cannot be fully assessed, therefore the proposal is considered harmful to the character and appearance of the open countryside in this case.

Flood risk

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment; this is the highest level of flood risk. The proposal is for 'more vulnerable' development, and as such there is a requirement for the sequential and exceptions tests to be applied and passed. A flood risk assessment (FRA) has been submitted with the application, together with an assessment of the sequential and exceptions tests. The FRA has been reviewed by the Environment Agency and no objections have been raised, subject to the development taking place in strict accordance with the mitigation measures contained therein and subject to the sequential test being appropriately applied by the local planning authority.

As noted in the paragraph above, the applicant has submitted a supporting document which assesses the sequential and exceptions tests. In respect of the sequential test the applicant has put forward 31 sites in North Lincolnshire which are either within or outside the development boundary of several settlements. These sites have been individually discounted; however, it is contended by the local planning authority that a number of these sites (for example the sites in Goxhill (Site 23) and Crowle (Sites 11 and 29)) are comparative in size to the application site, are available and are at lower risk of flooding. The sequential test is therefore not considered to be passed in this case.

Regarding drainage matters, LLFA Drainage has been consulted on the application and has no objections to the proposal subject to the imposition of conditions. The proposal is for a residential scheme and SuDS is proposed to be achieved on site. It is considered that sufficient information has been submitted for the LLFA to consider the use of conditions as appropriate mitigation. The proposal therefore aligns with policies CS19 and DS14.

Residential amenity

The proposal seeks outline planning permission with all matters reserved for subsequent consideration through the submission of a reserved matters 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. In addition, it is considered that a number of dwellings could reasonably be accommodated on a site extending to 0.38 hectares/3800 square metres with associated gardens and parking areas, allowing for sufficient separation distances from existing properties to the east to be achieved.

Highway safety

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 safety and is also considered relevant.

The indicative plan shows the site to be developed for five dwellings and Highways have considered the proposal on that basis. However, the description of development states the proposal is for residential development and the site extends to 0.38 hectares in area, which means a number of additional dwellings could feasibly be accommodated on the site. In addition, it is considered the proposal constitutes piecemeal development in that the site location plan clearly shows a larger site to the south within the same ownership of the applicant, and which has already been subject to two refusals of planning permission for 13 dwellings (PA/2019/981) and 15 dwellings respectively (PA/2018/1307 which was dismissed at appeal). In terms of the adequacy of the site access the planning inspector, in considering PA/2018/1307, made the following observations:

'Notwithstanding this, by reason of the constrained width of the access which prohibits two vehicles from passing simultaneously, together with an absence of any passing place and pedestrian footway, it is far from clear that safe and suitable access to the appeal site would be achieved.'

and,

'The appellant suggests that the proposal could be amended to suit the requirements of the Highway Authority, however, no detailed amendments are before me to consider and more

particularly, given that the access is constrained by neighbouring dwellings, I cannot conclude that an acceptable access can be achieved. Thus, I conclude that there would be significant harm to highway safety.'

It is therefore considered reasonable by the local planning authority that this access point could be used by a greater number of vehicles serving the five dwellings stated on the application form and the intensification of the use of this access, without any improvements and visible constraints in the shape of existing built form to its northern and southern sides, would result in harm to highway safety. In addition, the proposal, by virtue of the access arrangement and its proximity to existing dwellings, would have an unacceptable impact upon the residential amenity of those dwellings by the intensification of the use of the access and nuisance caused by vehicular movements.

Other issues

Environmental Health has stated that there are no objections to the proposal subject to conditions relating to construction hours and the submission of a construction environmental management plan. The site is located close to the railway line and Environmental Health considers that an acoustic survey is required in terms of mitigation. The applicant has submitted a sound measurement report and Environmental Health is satisfied that noise affecting the development site can be adequately mitigated. Therefore, subject to condition, this is considered acceptable. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

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 location and size of the site and the likely flood risk mitigation which will raise the height of the proposed dwellings, the proposed development would be detrimental the character and appearance of the open countryside. It has not been satisfactorily demonstrated that there are sites at lower risk of flooding than the application site (therefore the sequential test has not been passed) and the intensification of the use of the vehicular access would give rise to loss of residential amenity. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposal is located within the open countryside and is unacceptable in principle. The proposed development would therefore be harmful to the character, appearance and intrinsic value of the open countryside by the introduction of urban form as well as representing a departure from the strategic policies of the council's local development framework and local plan. The proposal is contrary to Core Strategy policies CS1, CS2, CS3 and CS8, and H5 and RD2 of the North Lincolnshire Local Plan.

2.

The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is located in flood zones 2/3a as defined in the North

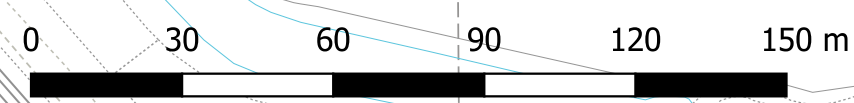
Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions test. The applicant has not provided satisfactory evidence to demonstrate whether there are any sites that are available and which are at lower risk of flooding; the proposal therefore fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and the guidance within the National Planning Policy Framework.

3.

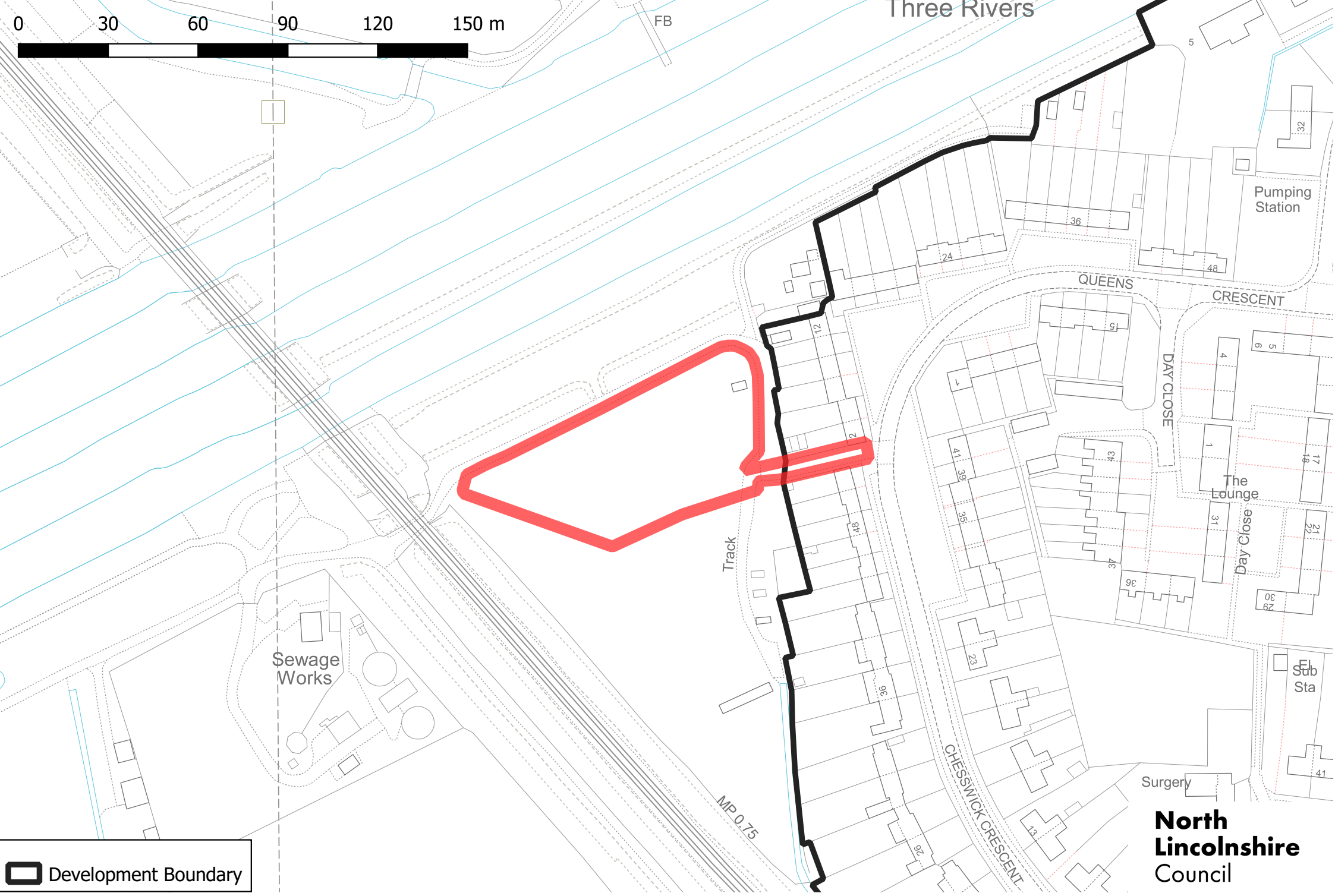
The proposal, by virtue of the access arrangement and its proximity to existing dwellings, and the unspecified number of dwellings to be erected on the site, would have an unacceptable impact upon the residential amenity of those dwellings by the intensification of the access and nuisance caused by vehicular movements. The proposal is therefore contrary to policies H7 and H5 of the North Lincolnshire Local Plan. In addition, the proposal constitutes piecemeal development (with the applicant owning the adjacent site) and the use of the proposed vehicular access could intensify to an extent whereby the improvements to it cannot be undertaken (due to the existing constraints) and the potential for loss of residential amenity would increase still further.

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.



Three Rivers



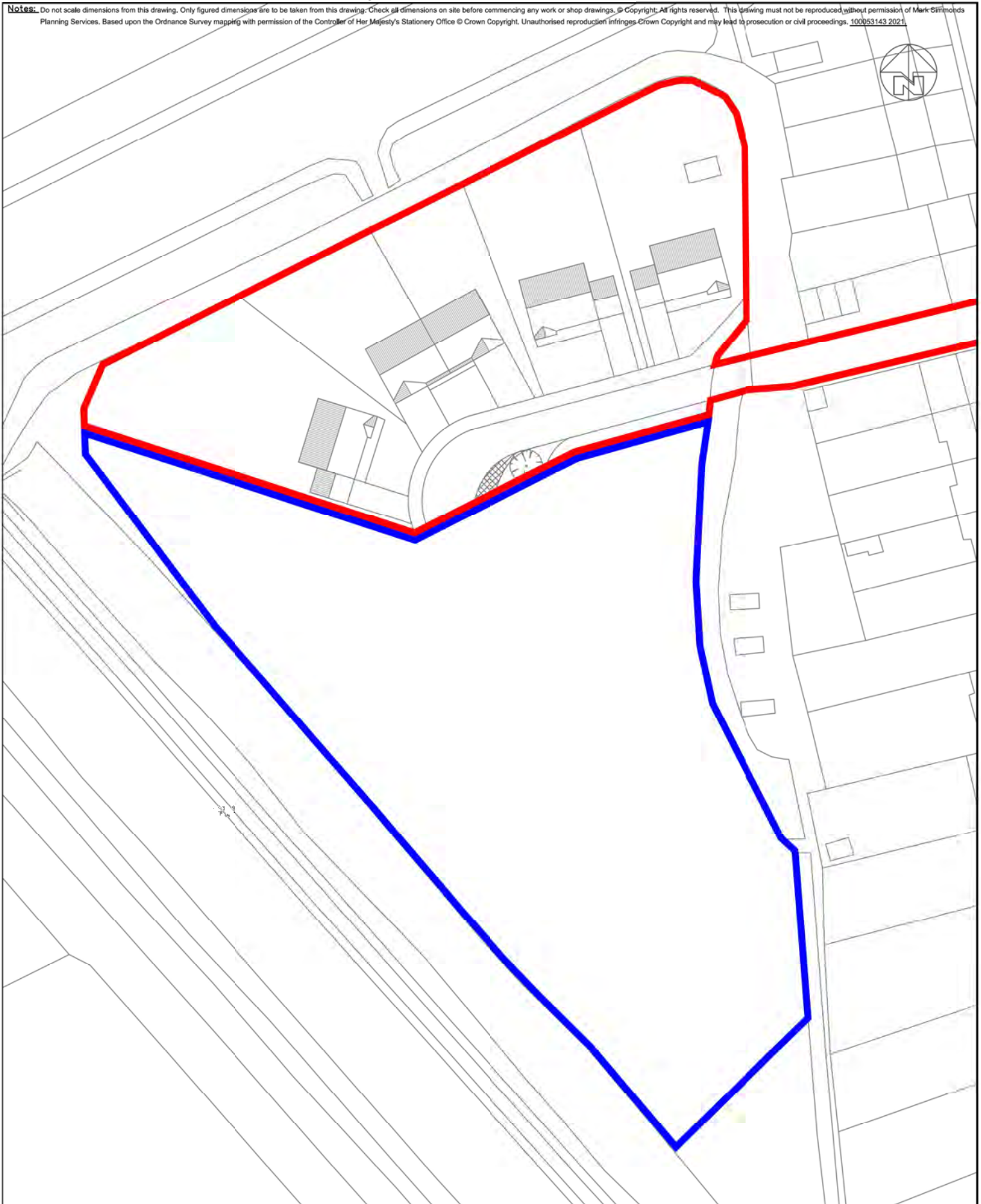
 Development Boundary

PA/2021/479

**North
Lincolnshire
Council**

PA/2021/479 Indicative layout (not to scale)

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Drawing Title

PROPOSED SITE PLAN
CHESSWICK CRESENT
KEADBY

Ref:

LIKC 010

Scale @ A3

1:500

Date

JAN/21

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