

## **Planning Statement**

### **High Street Barns Messingham**

#### **Introduction**

This Planning Statement has been prepared in support of an outline planning application for residential development for up to 20 dwellings (with all matters reserved) of 0.96 hectares (2.45 acres) on land within the settlement of Messingham. The site is **less** than 1-hectare in size.

A minimum of 0.29 ha of the site is proposed for public open space, it is proposed that this area will be landscaped and maintained by the applicant and the remaining 0.67 ha is proposed for housing.

#### **Site Location**

The application site is located on the western side of Scotter Road within the development boundary of Messingham towards the south of the village.

#### **Site Description**

The application site comprises 0.17 hectares (0.43 acre) brownfield area fronting Scotter Road that includes a derelict agricultural barn and cart shed and surrounding hard standing. The remaining 0.79 ha ((1.9 acres) to the rear of the barn is unused over-grown area of unmanaged scrubland.

The scrubland area (LC11 designation) is approximately 78 metres in length (north-west) and 110 metres east-west. The barn, cart shed, and hardstanding are approximately 25 metres fronting Scotter Road (north-south) increasing to 35 metres to the rear of the barn. This brownfield site area is some 45 metres from the barn to the entrance of the site at Scotter Road.

The site abuts the 'McLean residential estate' of some circa 200 dwellings completed in the late 1990's. The Willow Drive Estate Road directly accesses the site to the West. The rear gardens of the McLean estate bound the curtilage of the site to the south and west. The rear gardens at Calder Green border the site to the north. Access into the site is provided from Scotter Road to the east of the site (A159).





**Site entrance into the application site from Scotter Road & view of the derelict barn**





**Site access from Willow Drive- presently inaccessible and overgrown (proposed location of public open space)**

### **Landscape Designation**

The scrubland area of the site is designated as an 'area of amenity importance' under Policy LC11 of the adopted North Lincolnshire Local Plan. This designation was the result of inadequate open space provision within the McLean development. The deficit of open space resulted in the local planning authority subsequently identified as a 'green-buffer zone (that formed no part of the McLean site) as an afterthought. The LC11 area has no landscape, conservation, habitat, or any wildlife value.

It is a moot point for the landowner of this application site that his land (which was without any special character, quality, or importance) was designated as an 'Area of Amenity Importance' (Policy LC11) due to the failings of the local planning authority to ensure and enforce the provision of sufficient open space within the McLean development planning consent. The site owner was not consulted by the local planning authority when it proposed this designation.

## **Site Access**

The site has vehicular access directly from the frontage onto Scotter Road. The site also has the potential for further vehicular and pedestrian access from Willow Drive though all matters including access are reserved. The site entrance has unobstructed views north and south along Scotter Road which is restricted to 30mph.

A public footpath bounds the site along Scotter Road into the centre of the village a few hundred metres away.

## **Planning History**

The site was subject of a previous planning application PA/2020/672 refused by the council and dismissed on appeal by the Planning Inspectorate (APP/Y2003/W/20/3265136) for the following reasons:

***The appellant has provided insufficient evidence to demonstrate that the site would not result in harm to protected species,***

***The appellant did demonstrate that a sustainable drainage scheme could be achieved which would prevent flooding to the site and not increase flood risk elsewhere in the locality.***

***Failure to agree appropriate infrastructure provision via s106 agreements.***

The applicant has now remedied these three reasons for refusal and this application is a resubmission of planning application of PA/2020/672. The council received numerous other reasons for refusal, but these were dismissed by the Planning Inspectorate.

## **Reason for Refusal on failure to demonstrate the development would not harm Protected Species**

### **Ecology and Habitat**

The site is without any ecological or environmental importance and has no trees or flora and fauna. The greenfield part of the site is grassland comprising patches of overgrown scrubland. There are no recordings of rare or protected species. The site is bounded on three sides by rear gardens to the north, south and west. The absence of trees and fauna negate the requirement for any habitat or ecological assessment though this could be conditioned should the planning authority seek further evidence.



## **Preliminary Ecological Appraisal (Archer Ecology) – May 2021**

The refusal was based on the appellant not providing any professional assessment of the habitat or any wildlife potential of the site, despite the fact it being clear none existed. This is now rectified, and the appellant commissioned a Preliminary Ecological Appraisal (PEA) from Archer Ecology in May 2021 (Appendix 1). The survey shows that the site is predominantly grassland of low species diversity and 'did not identify any habitats of significant value to nature conservation on a county, regional or national scale'.

The survey did not identify any evidence of nesting activity in relation to birds and the 'buildings occurring on the site did not present any observable features with a potential to support roosting bats. The survey concluded that the site did not contain any habitat or any wildlife that could prevent residential development of the site.

The provision of a Preliminary Ecological Survey vindicates the applicant's original assessment of the site that is of negligible habitat and wildlife value. This survey resolves the council's refusal and overcomes the Planning Inspectorates dismissal of the appeal that the applicant submitted insufficient evidence to demonstrate that the site would not result in harm to protected species. This matter is now resolved.

## **Infrastructure and Planning Obligations**

### **Affordable Housing**

This application is for up to 20 dwellings and the appellant agrees to the provision of up to 2 dwellings (10% of total provision) for affordable housing in accordance with NLLP Policy H10.

### **Open Space Provision**

NLLP Policy H10 requires provision for public open space in new housing developments where existing provision is insufficient to meet the needs of additional residents. However, the Planning Inspectorate in dismissing the appeal for the previous application for this site considered that the 'Council has not provided any information regarding any shortfall in local provision of open space, detail of the calculations, nor an indication of where any off-site contributions would be spent'.

The appellant does consider (despite the Inspectorates view, that the council have failed to evidence need) that the provision of a 0.28 ha of the site to be developed for an amenity area of public open space makes for 'good planning' and place making. The applicant commits to the provision and maintenance the open space via s106 or the imposition of planning conditions for 0.28 ha of open space.

## **Education Contributions – Primary School Contributions**

The Planning Inspectorate determined that there was ‘ample capacity’ at Messingham Primary School and considered that it was ‘unreasonable to require a contribution from the proposed development’ in relation to the previous application on this site refused as recently on 21 April 2021. Furthermore, since this decision dare a further application for 24 dwellings has been refused and this application is re-submitted with 10 fewer dwellings. This further reduces the pressure on the primary school role.

The Planning Inspectorate stated in respect of the previous application. *‘The Council has provided a detailed breakdown of their requirements for education contributions. This shows that Messingham Primary School currently has a capacity of 294 pupils, and as at January 2020 there were 253 pupils at the school. The pupil yield from 30 dwellings (27 minus the affordable units) would be 6 places. Presently, there is ample capacity. Projections are given for two scenarios, including pupils expected from a number of other proposed developments in the village and this, with an ‘operating allowance’ would result in a deficit of -28 places. However, the Council has given no explanation of the purpose of or justification for the operating allowance, and the other housing developments quoted are not yet committed or indeed have been refused. It would be unreasonable to require a contribution from the proposed development before me when there is no certainty that the other developments would go ahead’.*

*‘The second scenario includes a development for up to 25 dwellings recently allowed at appeal, however this is also an outline application where the final number of dwellings is unknown. Without the other developments, and with 20 dwellings as proposed by appellant instead of the maximum of 30, the expected pupil numbers would decrease such that no deficit would exist. In view of this, I cannot be certain if the primary education obligation would meet the tests in being necessary or reasonable’.*

The appellant will not provide planning obligation for primary school contributions unless the council provides new evidence that the supports such provision.

## **Education Contributions – Secondary School Contributions**

The Planning Inspectorate considered that the council did not provide sufficient evidence to justify secondary school contributions. The Planning Inspectorate considered that ‘no calculations have been provided nor any information given by the Council relating to any deficit in capacity of secondary education provision. Given the lack of evidence and justification I am unable to establish whether this obligation would meet the tests.

The applicant is willing to enter into s106 agreements with the council for the provision of secondary school places subject to the council providing the necessary evidence for such contributions. Policy C1 of the NLLP requires that the council can demonstrate a shortfall of school place in order to justify the contribution and it is not a right of the council to seek such payments without this being properly evidenced.

## **Flood Risk and Drainage**

This site is less than 1-hectare and is in a flood zone 1 area which is the lowest risk to flooding. This application does not therefore qualify as a major application requiring a flood risk assessment, nor the submission of a drainage and SuDS proposal as set out in the NPPF.

The Planning Inspectorate in dismissing this site **incorrectly** assessed that the site was more than 1-hectare in size but the fact that the site is less than 1-hectare is now made clear in this re-submission. However, for the avoidance of any doubt this application is supported by an indicative SuDs and drainage scheme (Appendix 2). This fully resolves the reason for refusal by the council and Planning Inspectorates dismissal of the appeal. This matter is now fully addressed and resolved.

The appellant has overcome all the council's reasons for refusals that were confirmed in the Planning Inspectorates dismissal of the planning appeal for this site.



## **Land Quality and Contamination**

The barn and surrounding hard standing have been used for grain storage and arable use and has not been subject to any hazardous or controlled substances use. It has no evidence of contamination. The grassland area of the site was formerly pasture and arable land without contamination.

### **Landscape & Heritage Quality**

The site is not within proximity of any conservation areas, listed buildings, Scheduled Ancient Monuments, or heritage assets. The designation of the scrubland part of the site as an 'area of amenity importance' under policy LC11 for no other purpose than to provide a 'buffer' for the McLean residential site.

### **Archaeological Assessment**

There are no recorded finds of archaeological interest, and the site is of no recognised archaeological importance. No findings were recorded during the development of the surrounding McLean residential development.

### **Flood Risk**

The site is unaffected by flood risk issues and is located within an area classified the lowest risk to flooding 'very low risk' (Level 1) by the Environment Agency and has no history of flooding. Part of the site is proposed for formal open space and could accommodate a SUDS scheme as part of any reserved matters application. SUDS schemes and drainage assessments are not a requirement at outline planning application stage.

### **Walking and Cycling**

The site is within walking distance and less than 330 metres to the centre of the village that accommodates all services including supermarkets, hairdressers, village stores. Pharmacist & medical centre, library, petrol filling station, public houses, restaurants. Post office, farm shop, newsagents, primary school, take-aways, health & beauticians, ATM machines and numerous other types of shops.

### **Site Sustainability**

The site is located within close walking distance to the centre of Messingham and within the development limit of the village. It is readily accessible by walking, cycling and public transport and the village centre contains all major services.



## **Sustainability**

The North Lincolnshire Council Settlement 2019 Survey forms part of the council's planning policy evidence base. Its purpose is to 'provide a detailed assessment of the settlements in North Lincolnshire, providing evidence to support policies for future growth' (p7). The survey also aims to identify 'which settlements are best equipped in sustainability terms, to potentially accommodate additional development' (p.8).

The Settlement Survey classifies Messingham as a 'market town / large service centre' - the 2<sup>nd</sup> most sustainable settlement hierarchy after the major sub regional 'Scunthorpe Urban Area'. Such settlements are considered appropriate for substantial growth. Messingham is ranked the 9<sup>th</sup> highest out of 76 settlements within North Lincolnshire and contains all the 7 key facilities considered by the survey to comprise a sustainable settlement.

Messingham has a population of approximately 3,962 with 1,651 dwellings, and an average house price of £183,355. Messingham is a very popular place to live though its population has decreased since the 2011 Census because of the failure to allocate any housing sites within the current adopted local plan. This has led to a significant increase in Messingham house prices. The village is within the top 12 settlements with the highest house prices within North Lincolnshire.

## **North Lincolnshire Council – 5 Year Housing Land Supply**

*The council accepts that as of January 24<sup>th</sup> 2020 in response to an appealing planning appeal (PA/2017/1975) that it did not have a 5-year housing supply and this supply had reduced to 4.1 years as of January 2020. The council intended to bring forward a new supply to be published in April 2020, but this has not yet happened. The provisions of NPPF para 11d apply.*

## **National Planning Policy Framework & Sustainable Development**

North Lincolnshire Council does not have a 5-year supply of housing land supply and in these circumstances the provisions of National Planning Policy Framework apply. NPPF para 11d states:

*'d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (6); or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*

Cont.

The NPPF footnote 6 further states that: ‘6 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change’.

### **Assessment of Proposal against the NPPF**

This application complies with all Local Plan policies except for Policy LC11 ‘Areas of Amenity Importance’, The Local Plan supporting text to Policy 11 justifies designations in para 12.22 stating

*“In addition to Areas of High Landscape Value, there are numerous important amenity areas within North Lincolnshire. Such areas include not only public open space and recreational land, but also a multitude of areas in private ownership. Many areas are accessible for enjoyment by the public, but others are identified purely for landscape or nature conservation reasons”.*

None of the reasons outlined in the supporting text are applicable to the applications site. The application site is privately owned with no right of access. It serves no amenity or recreational purpose and cannot be enjoyed by the public.

Policy LC 11 states:

### **LC11 - Areas of Amenity Importance**

‘Within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas’.

Introducing further residential development within an area of existing housing does not introduce a conflicting land use. The site is overgrown scrubland and has no visual amenity value and it has no wildlife value.



## Cont.

Policy LC11 carries little weight given the council cannot demonstrate a 5-year housing land supply and the only relevant aspect of policy LC11 is that proposals should not 'adversely affect their open character'. Whilst this policy has little weight given the provisions of NPPF 11d it is proposed that more than one third of the LC11 designation is improved and developed as open space for the benefit of all local residents use and pleasure, and transfer this to the Messingham Parish or North Lincolnshire Council to be maintained in perpetuity. The proposed development would therefore remove an unsightly derelict barn and inaccessible area of land and create a significant area of much needed open space for the residents whilst bringing forward much needed new housing for the village.

Sustainable development has three strands, social, economic, and environmental. This application must be considered sustainable within the definition set out in the NPPF 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 contribute 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 within the settlement boundary of the 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.

The development will improve the character of the area by removing an unsightly derelict building in a prominent location within the village and redevelop unused scrubland into an attractive amenity of open space for residents.

## **Sequential Test - Messingham Village**

A sequential test has been undertaken to identify brownfield and greenfield sites within the existing village. There are no available sites within the village development limit that could accommodate 24 dwellings and no brownfield sites adjacent to the village. This site is therefore the most sequentially preferred site in sustainable terms.

### **Design**

All design matters are reserved for future consideration.

### **Site History**

The site has no planning history.

### **Local Plan Policies:**

CS2 Delivering More Sustainable Development.

Messingham is classed as a Rural Settlement in the Core Strategy document, as such development opportunities will be limited but should be in keeping with the character and nature of the settlement.

A strong emphasis is placed on supporting thriving rural communities in such a location.

The proposed site is within the Messingham development limit within the Local Plan. The councils Sustainable Settlement Survey of 2019 that shows the village to be a highly suitable location for new development.

The absence of housing development opportunities within the development limits and the fact that they have been so restrictively drawn the proposed site require that this site should be approved given the council does not have an update 5-year housing land supply.

The site meets the requirements of Policy CS2 to 'be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport' and is 'located where it can make the best use of existing transport infrastructure and capacity'.

The proposal also complies with Policy CS2 and the need to 'Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives'.

## **Provision of Public Open Space for the Benefit of Local residents.**

This application proposes that a minimum of 0.26 ha (0.66 acres) is developed for public open space for the enjoyment and use of the existing residents of the McLean Estate and for new residents from this development. The McLean estate provides no meaningful open space with only a small SLOPE (space left over after planning) areas in the southwestern part of the development. The applicant is willing to provide quality landscaping and informal seating area (via detailed landscaping scheme to be submitted at detailed application to be delivered via planning condition or s106) and dedicate this part of the site to an elected local body. Additional landscaping would be proposed as a buffer to the neighbouring properties.

## **Summary**

The council does not have a 5-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 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 20 new dwellings will have a positive economic benefit for Messingham and help sustain local services. 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 infill development opportunities, and this is a mixed brownfield greenfield site. Partial development of the greenfield area is necessary to make the brownfield reclamation economically viable.

The proposal provides a major social benefit as it will sustain local services and be required to contribute towards the provision of social housing in accordance with local plan policy.

The site is of low environmental sensitivity and is sustainable. The brownfield (barn) area of the site is a blot on the local landscape and in a prominent location within the village. The scrubland area of the site is overgrown and unattractive, and the proposed development will create a new attractive area of open space with access for the enjoyment of residents.

This application fully overcomes the council's previous reasons for refusal that were substantiated by the Planning Inspector in the dismissal of the appeal for the previous application on this site. The appellant has demonstrated that the site has no habitat, or any wildlife importance, has provided a SuDs proposal even though none is required by the NPPF and is committed to providing s106 contributions in accordance with the Planning Inspectorates direction.