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| APPLICATION NO | PA/2017/917 |
| APPLICANT | Dean Property Group |
| DEVELOPMENT | Outline planning application (all matters reserved except for means of access) for the erection of up to 62 dwellings |
| LOCATION | Land off Enterprise Way, Winterton |
| PARISH | Winterton |
| WARD | Burton upon Stather and Winterton |
| CASE OFFICER | Andrew Willerton |
| SUMMARY RECOMMENDATION | Subject to a Section 106 agreement, grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Winterton Town Council Member 'call in' (Cllrs Elaine Marper and Helen Rowson) Significant public interest |

POLICIES

National Planning Policy Framework:

Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

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)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS9 (Affordable Housing)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

CS22 (Community Facilities and Services)

CS23 (Sport, Recreation and Open Space)

CS24 (Health Care Provision)

CS25 (Promoting Sustainable Transport)

CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Inset Map for Winterton

PS1 (Presumption in Favour of Sustainable Development)

WINH-2 Land off Coates Avenue

North Lincolnshire Local Plan:

H5 (a-i only) (New Housing Development)

H8 (Housing Design and Housing Mix)

H10 (Public Open Space in New Housing Development)

T1 (Location of Development)

T2 (Access to Development)

T6 (Pedestrian Routes and Footpaths)

T19 (Car Parking Provision and Standards)

LC6 (Habitat Creation)

HE9 (Archaeological Evaluation)

DS1 (General Requirements)

DS13 (Groundwater Protection and Land Drainage)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

CONSULTATIONS

Highways: No objection, advises conditions. Notes that the site has been through due process for its allocation. Welcomes the pedestrian, cycle and emergency vehicle access only from Coates Avenue.

Drainage: Originally objected to the proposal which has been withdrawn subject to the imposition of conditions.

S106/Public Open Space Officer: States that consideration for a section 106 agreement should be made in respect of affordable housing, education provision, leisure facilities, sustainable urban drainage infrastructure, recreation and public open space contributions.

Spatial Planning: Notes the proposal is within the development limit, complies with policies CS7 and CS8 and is allocated for approximately 62 dwellings with the Housing and Employment Land Allocations DPD.

Strategic Housing: States a requirement to secure 20%, 12, of the total number of dwellings to be affordable in line with local policy to be secured through a section 106 agreement with the type and tenure to be determined at the reserved matters stage.

Education: Confirms the department is seeking section 106 contributions to fund primary places.

Environment Agency: No comments to make.

Internal Drainage Board: No comments received.

Environmental Health: No objection subject to conditions regarding noise mitigation, contaminated land, construction hours and a Construction Management Plan.

Ecology: No objection subject to conditions so secure a biodiversity management plan.

Archaeology: No objection subject to conditions to secure the implementation of an archaeological mitigation strategy.

Waste Services: No comments received.

Humberside Fire: Advises of Building Regulations.

Humberside Police: Provides detailed comments in relation to design principles to design out crime.

NHS North Lincolnshire: No comments received.

NHS: No comments received.

Leisure Services: States a requirement to secure section 106 contributions of £67,328 towards the re-carpeting of the Winterton synthetic playing pitch.

Street Lighting: No comments received.

Yorkshire Water: No comments received.

People, Prevention & Commissioning: No comments received.

Professional Standards (Early Years): No comments received.

Anglian Water: Provides comment in relation to assets on site and suggests alterations to layout. Advises a condition to secure a surface water management strategy.

TOWN COUNCIL

Objects to the proposal due to concerns regarding sewerage, drainage, flooding, and access and egress for the site.

PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to writing this report. 102 letters have been received in relation to the proposal from 96 individuals. 2 of the letters provide general comment to the proposal.

The first letter of general comment is from the tenant farmer who raises concerns with regard to how future access to remaining land will be derived given the current access from Coates Avenue will be lost. Further comments made relate to compensation required as a result of the loss of arable land. The second letter of general comment raises traffic issues at the junction of Enterprise Way and the A1077 and suggests that improvement works are required.

100 letters have been received which object to the proposal for the following reasons:

- property devaluation, will compensation be given?
- loss of privacy, particularly to properties on Bennett Drive which are set to a lower land level
- dominance of the proposed properties to dwellings on Bennett Drive which are a lower land level and have small rear gardens
- increase in flooding, particularly to Bennett Drive which has previously flooded
- the site is prone to flooding due to an underground stream/springs (photographic and video evidence submitted)
- increase in surface water run-off and drainage concerns
- increase in noise and disturbance both during and post construction
- impact on wildlife
- lack of information on the types of dwellings as shown on the submitted layout plan
- pressure on health care services in Winterton through increased demand and current capacity issues
- pressure on local schools through increased demand and current capacity issues
- insufficient level of facilities in Winterton to support the development
- increase in vehicular traffic resulting in congestion streets within the town
- highway safety concerns at the junction of Enterprise Way and the A1077
- highway safety concerns regarding pedestrians and parked vehicles at the junction of Manlake Road and Coates Avenue
- congestion problems on Coates Avenue due to the doctor's surgery which is proposed to be used as an emergency vehicle access
- use of Coates Avenue for pedestrian and cycle access will turn a quiet cul-de-sac into a major thoroughfare
- use of Coates Avenue for pedestrian and cycle access to the site will lead to further vehicles using Coates Avenue for parking
- increase in antisocial behaviour on Coates Avenue as a result of the pedestrian access
- increase in litter
- over-development of the site
- insufficient vehicle parking

- incompatible use with the adjacent industrial estate
- loss of light
- loss of view
- visual impact on landscape
- the land is greenbelt and residents have previously been told it would not be developed
- additional pressure of sewerage infrastructure which is at capacity
- insufficient publicity
- social and private market housing do not mix
- recent housing developments are not in keeping with the historic character of Winterton
- additional homes are not needed and could be provided at Lincolnshire Lakes which is supported
- the proposal would not lead to any economic benefit to the town as residents of the dwellings would commute out of Winterton to work
- archaeological impacts
- legal challenge to Roxby Landfill and the potential impacts of this to the development
- loss of agricultural land.

A letter has been received from the residents of Bennett Drive who object to the proposal raising the following concerns:

- increase in flood risk as water regularly gathers in the field and has flooded Bennett Drive previously, of which a photograph has been submitted
- increase in traffic and congestion, particularly around the doctor's surgery which has an insufficient level of parking, and has the potential to cause accidents and major traffic disruption
- stress on local amenities such as local schools
- road access concerns from Enterprise Way as the junction is already busy and difficult to get out at peak times; the speed limit would require alteration to allow for deceleration, and a mini-roundabout would be impractical due to the HGV access required to the industrial estate
- increase in noise and disturbance, both short-term during construction and long-term when the development is occupied
- potential for Bennett Drive to be used for parking for construction workers and HGVs
- loss of privacy to residential properties on Bennett Drive which would reduce their value.

A letter has also been received from the residents of Coates Avenue who object to the proposal raising the following concerns:

- noise and disturbance, both in the short-term during construction and long-term following occupation of the dwellings
- use of Coates Avenue for parking for construction workers and HGVs
- use of Coates Avenue as a pedestrian/cycle thoroughfare from the application site to Winterton town centre and the noise and disturbance this would create, increasing the potential for antisocial behaviour and litter
- the use of the car park within the application site as parking for the doctor's surgery which would increase footfall on Coates Avenue
- devaluation of property.

A 427-signature petition has been received which objects to the proposal because of flood risk, lack of a flood risk assessment, traffic levels, vehicle movements, highway safety, drainage, stress on local amenities, road access, overlooking/loss of privacy, and noise and disturbance from the building and use of the site, along with concerns about any potential use of Coates Avenue for vehicular or pedestrian movements.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

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, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The application site is land off Enterprise Way, Winterton, which is within the HELA DPD defined development limit for the settlement. The site is an allocated housing site as 'Land off Coates Avenue' under policy WINH-2 within the HELA DPD. The site currently comprises agricultural land and is bound to the north and east by residential properties, to the south by the open countryside, and to the west by an industrial estate. Outline planning permission is sought for the erection of up to 62 dwellings with all matters reserved except for access which is to be achieved off Enterprise Way. Matters reserved for future determination include layout, scale, appearance and landscaping. The applicant has submitted an indicative masterplan for the site but this does not form a plan for which approval is sought as part of this application.

The main issues for consideration with regard to the determination of this application are whether the proposed development is acceptable in principle with

regard to the development plan, and whether the proposed method of access is acceptable with regard to the scale of development and its impact upon the highway.

Principle

The site is identified within the HELA DPD as 'Land off Coates Avenue' and is allocated for residential development under policy WINH-2. The HELA DPD was deemed to be 'sound' by an independent planning inspector subject to a series of main modifications to the plan. The main modifications proposed by the Inspector have been enacted upon within the adopted HELA DPD. The HELA DPD was adopted by Full Council on 7 March 2016 and forms part of the development plan for North Lincolnshire. 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.

Policy WINH-2 of the HELA DPD states that 1.65 hectares of land off Coates Avenue is allocated for 62 dwellings. The policy continues to set out other criteria for the residential development which is to be discussed later in this report. The proposed development is for up to 62 dwellings and is therefore fully in accordance with policy WINH-2.

Whilst a large volume of public objection has been received with regard to the principle of development on this site, it is nonetheless considered that the principle of development is acceptable given that the site is allocated for residential purposes within the HELA DPD, part of the council's own development plan.

Objection has been received in relation to the over-development of the site. Policy WINH-2 specifically states that the number of dwellings on the site should be 62 which is proposed by this application. As the site area is 1.65 hectares, policy WINH-2, in addition to NLCS policy CS7, requires a housing density of 40 dwellings per hectare to be achieved which would equate to 66 dwellings in this case. It is therefore not considered that the development of 62 dwelling on the site would constitute over-development.

Concern has been raised with regard to the level of services in Winterton and whether the volume of housing proposed for the town is sustainable or even required. The council has an adopted target within the NLCS to deliver 754 dwelling per annum up to 2026 which is based upon objectively assessed need. NLCS policy CS1 sets out the Spatial Strategy for North Lincolnshire where Winterton is described as a market town. Winterton is considered to be a sustainable settlement in the district which has good access to key facilities and services, employment opportunities and regular public transport. NLCS policy CS8 sets out a requirement for Winterton to deliver 277 dwellings which is 2.3% of the total requirement. The site the subject of this application forms part of the council's development plan to deliver this housing target.

It is noted that Winterton has recently had an application approved at appeal for the development of up to 135 dwellings on land to the rear of North Street and Cemetery Road. Comments have also been made that Lincolnshire Lakes will deliver the housing the council needs. However, it is highlighted that the council is unable to demonstrate it has a five-year land supply. Accordingly, paragraph 49 of the NPPF states that housing applications should be considered therefore in the context of the presumption in favour of sustainable development. It is under these provisions that the appeal was determined by an inspector and subsequently allowed as it was concluded that the site constitutes sustainable development.

Access and highways

Policy WINH-2 states that highway access is to be agreed with the highway authority, a transport statement should be provided, and good pedestrian and cycle access should be achieved to connect the site with Winterton town centre.

Whilst the HELA DPD refers to the site as 'Land off Coates Avenue', the proposed vehicular access to the site is off Enterprise Way to the west. Enterprise Way itself provides access off the A1077 to several dwellings and an industrial estate. The junction of the A1077 and Enterprise Way forms a 'T' junction which is just within the 30mph urban area restricted speed limit on the A1077.

A number of objections have been raised with regard to increased traffic, congestion and impact upon highway safety, particularly in relation to the junction of Enterprise Way and the A1077. It is noted that the town council also objects to the proposal on these grounds. The submitted Transport Statement indicates that the proposed development would not generate a detrimental impact on the local highway network. The Highways team has been consulted on the application and has raised no objection to the proposal. It welcomes the restrictions on vehicular access to Coates Avenue.

It also recommends a condition to secure further details and implementation of the method of preventing vehicular access to Coates Avenue and improvements, including the relocation of the existing speed limit and removal of vegetation, to the junction of Enterprise Way with the A1077. It is considered that, providing these works are carried out, the proposal would not be detrimental to highway safety. Additional conditions have been recommended by Highways to ensure the proposal is not detrimental to highway safety and that the scheme provides an appropriate level of vehicle parking.

Policy WINH-2 requires good connectivity from the site to Winterton town centre. It is proposed that pedestrian, cycle and emergency vehicle access only be provided to Coates Avenue to the eastern end of the northern boundary of the site. Objections have been received from residents of Coates Avenue with regard to this aspect of the proposal due to the additional footfall passing through the cul-de-sac. Matters relating to crime, antisocial behaviour, and significant noise and disturbance could occur on the public highway currently. Whilst it is acknowledged that the development will increase footfall on Coates Avenue, it is not considered that the proposed residential development would significantly increase the likelihood of such incidents occurring or harm residential amenity. Accordingly, should any issues occur in future, other legislation can be utilised to deal with these issues.

Concerns have been raised in relation to existing traffic issues around the doctor's surgery on Manlake Road which is near to the junction of Coates Avenue with Manlake Road. It is not considered that the proposed development would exacerbate any existing issues although it is noted that an increase in pedestrian footfall is likely to occur in this area. However, given that no objection has been raised by Highways, it is not considered to be detrimental to highway safety. It is not considered that the proposal would lead to additional parking issues on existing highways given that the dwellings will be required to be served by an appropriate level of parking.

Whilst it is acknowledged that the submitted masterplan illustrates a car park in the development site at the end of Coates Avenue, which has resulted in concerns being raised by local residents, this matter cannot be considered as part of this application as it relates to the layout of the site which is to be considered at reserved matters stage. The

masterplan provided is indicative and does not form a plan for which approval is currently being sought.

Flood risk and drainage

The application site is within Flood Zone 1 of the Northern Lincolnshire Strategic Flood Risk Assessment (2011) (SFRA). Flood Zone 1 is identified as land that is of least probability of flooding. Land within Flood Zone 1 is therefore the most appropriate land, in principle, for residential development.

Policy WINH-2, in addition to national planning policy, requires an assessment of flood risk to be submitted with the application given the size of the application site. Furthermore, it is known that surrounding areas have suffered surface water flooding which has been highlighted by local residents and the town council during consultation. Photographic evidence of surface water flooding has been provided illustrating the situation previously faced by residents on Bennett Drive. It is paramount that flood risk issues are adequately addressed.

The application as originally submitted contained little information with regard to flood risk. This resulted in an objection from the Drainage Team. Anglian Water also raised issue with this assessment insofar as no evidence was provided to show the surface water hierarchy had been followed. Anglian Water did not object to the proposal but suggested a condition to secure a surface water drainage strategy to enable a proper assessment to take place.

The applicant has since submitted a full flood risk assessment (FRA) which has been considered by the Drainage Team. It is considered that the submitted FRA provides sufficient assessment of flood risk issues and proposed broad principles to deal with surface water drainage. However, given the application is outline in nature, a detailed strategy cannot be secured as the layout of the site is not yet determined and thus is subject to change. The Drainage Team acknowledges this in its response and considers it appropriate to condition the submission of a surface water drainage strategy. It is considered that the proposed development, and the subsequent implementation of a surface water strategy, has the potential to reduce the risk of flooding to third parties through the provision of attenuation infrastructure on the site which is not currently present.

Objections have been received from local residents and the town council with regard to foul water issues from the development. Anglian Water has confirmed that there is capacity within the current foul sewerage network to cater for the development.

It is noted within the response from Anglian Water that there is a pumping station within 15 metres of the development site which will need to be factored into the site layout. It is recommended that this be highlighted to the applicant in an informative given that layout is a matter reserved for subsequent approval by the council.

Ecology

The council's Ecologist has been consulted on the proposal and has considered the submitted ecological assessment which is required as part of policy WINH-2. The Ecologist considers that the site has limited biodiversity value at present and that there is negligible potential for protected species. It is noted that a number of objections to the proposal have been received on ecological grounds. The Ecologist has recommended conditions to secure a biodiversity management plan which will lead to biodiversity enhancement at the

site. The plan will secure measures to avoid harm to nesting birds during vegetation clearance and construction works, and details of new habitat to be created in addition to prescriptions for planting of species of high biodiversity value. It is not considered, subject to the imposition of planning conditions, that the proposal would result in significant negative effects on ecological grounds and would ultimately lead to enhancement.

Historic environment

Policy WINH-2, in addition to policies within the NLLP, NLCS and the NPPF, requires assessment of the impact of the proposal on heritage assets. Objections have been received on grounds of the impact of the proposal on the historic environment. There are no listed buildings adjacent to the application site; however, Winterton is known to be an archaeologically sensitive area. No objection has been received from the Conservation Officer to the proposal. The applicant had originally carried out a desk-based assessment in addition to a geo-physical survey of the site to examine its archaeological potential. The Historic Environment Record (HER) did not consider that the information provided was conclusive to ascertain an appropriate method of archaeological mitigation. The applicant has since carried out trial-trenching at the site and has produced an interim archaeological evaluation report of the findings. The HER has considered this report and removed the objection. Conditions are recommended to secure the full report and implementation of the archaeological mitigation strategy.

Planning obligations

Planning policy permits the council to ask the developer to enter into a section 106 agreement to obtain financial or other obligations to be secured that are proportionate, justified and necessary as a result of the development. Responses have been received from a number of consultees who have requested a number of obligations, which have been sought. It is considered that these requests are acceptable and meet the tests, with the exception of leisure services. It is not considered that the contribution £67,328 towards the re-carpeting of the Winterton synthetic playing pitch has been sufficiently justified or robustly calculated. The applicant has therefore agreed to the Heads of Terms in the table below.

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| <p>Affordable Housing Contribution:</p> | <p>On site provision of 20% of dwellings as affordable units</p> <p>12 units</p> |
| <p>Education Contribution:</p> <p>Amount per dwelling (split primary and secondary):</p> <p>Total contribution:</p> | <p>Primary school need only @ £3011.00 per dwelling</p> <p>50 dwellings (62 total – 12 affordable) x £3011.00 = £150,550.00</p> |
| <p>Open Space & Play Area Provision/ Contribution:</p> <p>POS provision:</p> | <p>Under current council policy there is a requirement to provide 10m² per dwelling of</p> |

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|---------------------------|--|
| | casual open space (620m ² for this development). |
| | The current indicative layout shows a centralised area of open space well in excess of the policy requirement of approximately 2000m ² . |
| POS Commuted sum amount: | £2,767.97 x 10 years' maintenance = £27,679.75 |
| LEAP Provision: | With regard to the provision of a play area, there is a requirement to provide an on-site play area of at least 400m ² . |
| LEAP Commuted sum amount: | Again, if the developer required the local authority to adopt and maintain the area of play, a recreation contribution would be required in addition to the open space contribution of £2,213.71 per year x 10 years = £22,137.12 |

A number of objections have been received from local residents with regard to the impact of the proposed development on existing education and health infrastructure within Winterton. The purpose of planning obligations within a section 106 agreement is to offset these issues. The local education authority has considered the proposal and its request for monies to go towards infrastructure provision have been included within the agreed Heads of Terms. The education authority has not considered it necessary to require contributions to be sought towards secondary education. It is appreciated that concerns have been raised in respect of the impact of the proposal on the doctor's surgery but no comments have been received from the NHS who have been consulted on the proposal.

Other matters

The Environmental Health team has been consulted on the application and states that it would not ordinarily support residential development adjacent to an industrial estate but it is noted that the proposal would bring housing no nearer to the industrial estate than existing dwellings and therefore does not object to the proposal. Objections are noted in relation to comments made regarding the incompatibility of residential and commercial uses on the industrial estate.

The application is supported by a Noise Impact Assessment. The Environmental Health team has reviewed the assessment which is required by policy WINH-2. The assessment recommends mitigation measures to prevent adverse impact from the adjacent industrial estate on future occupants of dwellings proposed by this proposal. The Environmental Health team has recommended a condition to secure a noise mitigation plan to secure noise mitigation measures to protect residential amenity. It is not considered that, following completion of the development, the residential development would result in a significant increase in noise that would be to the detriment of residential amenity afforded to other residential properties abutting the site. If any adverse noise impact were to be generated by future occupants of the dwellings, this matter could be dealt with under separate Environmental Health legislation.

The Environmental Health team has requested further information with regard to the presence of ground contamination at the site. Policy WINH-2 refers to the need to carry out

such an assessment. The applicant has commented on such issues briefly within the submitted planning statement and refers to historic mapping which illustrates that the site has not previously been developed. Environmental Health has not provided any evidence to suggest that the site has previously been contaminated to warrant the imposition of a condition to require a Phase 1 Land Contamination Survey. It is considered that such a requirement would be unnecessary and unreasonable and fails the tests for the imposition of planning conditions. It is considered that the applicant's suggestion of a condition that would require development to be halted if any unexpected contaminated land is discovered adequately addresses the contaminated land issue.

Objections have been received with regard to noise and disturbance associated with construction of the dwellings. It has been recommended by the Environmental Health team that a condition is imposed requiring the submission and subsequent compliance of a construction environmental management plan to ensure that there is no adverse effect on residential amenity during the construction period. Furthermore, the team has proposed a condition restricting the hours that construction can take place to ensure that this process does not result in significant harm to residential amenity.

Concerns have been raised, particularly from residents of Coates Avenue and Bennett Drive, in relation to construction traffic movements and parking on local roads. The Highways team has recommended a condition to secure the submission and subsequent implementation of a construction phase traffic management plan to address such concerns.

A number of objections have been received in relation to a loss of privacy and light to residential properties abutting the site to the north and east, in addition to a lack of information regarding the design of the proposed dwellings. Whilst these matters form a material consideration for the planning authority, it is highlighted that this application seeks outline permission only. Matters relating to the appearance, layout, landscaping and scale of the dwellings on the site are reserved for subsequent determination by the planning authority. The concerns made by local residents in this regard are noted but cannot be considered at this stage of the planning process. Any subsequent application for reserved matters will be subject to public consultation and it is to be advised to the applicant that pre-application advice should be sought prior to submission to address the concerns made by local residents.

Objections have been received in relation to the devaluation of property, compensation, loss of view and promises made to property owners that the land would not be built upon. These matters do not form material considerations for the purposes of planning and cannot be considered as part of the determination process. The tenant farmer has commented on the proposal with regard to the retention of a field access in addition to compensation. This matter is a private civil matter between the tenant farmer and the current landowner. This issue cannot be considered by the local planning authority.

Issue has been raised with regard to the level of advertisement the application has been given by the local planning authority as residents have not been personally notified. The authority previously wrote to those adjoining any application site but no longer does so as it is not legally obliged to do so. Section 15(4) of the Town and Country Planning (Development Management Procedure) Order (2015) states that for major development the authority is to either serve notice on adjoining owners/occupiers or display at least one site notice on or near to the application site in addition to advertisement in the local press. The authority has met the statutory requirements as three site notices have been placed

adjacent to the application site in addition to an advertisement within the Scunthorpe Telegraph.

Conclusion

This application seeks outline permission for the development of up to 62 dwellings with access not reserved for subsequent determination. The land the subject of this application is allocated for the development of 62 dwellings within the HELA DPD under policy WINH-2. The principle of development is therefore acceptable under planning policy. Highways has raised no objection to the proposed vehicular access subject to conditions, thus the proposed access is deemed acceptable and will not be detrimental to the safe running of the highway. It is therefore recommended that outline planning permission be granted subject to conditions and the completion of a satisfactory section 106 agreement.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act (1990) to secure 12 affordable housing units on the site, £150,550 to fund education infrastructure at Winterton Primary School, at least 620 square metres of casual open space, including provisions for its future management and maintenance, and at least 400 square metres of children's play, including provisions for its future management and maintenance, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 15 May 2018 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1567-01-001 Revision A and 1567-01-003.

Reason

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

6.

The development hereby permitted shall not exceed 62 dwellings.

Reason

To define the terms of the permission.

7.

Prior to, or concurrent with, the submission of the reserved matters, a detailed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and on the outline Flood Risk Assessment, prepared by KRS Environmental, reference KRS.0310.001.R.B dated August 2017, and shall include details of:

- (i) how surface water run-off will be safely conveyed and attenuated during storms up to and inclusive of the 1 in 100 year critical storm event, with allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse without exceeding the surface water run-off rate for the undeveloped site and without increasing the risk of flooding off-site;
- (ii) detailed designs (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of the surface water drainage scheme, including details of any attenuation system and its discharge rate, and investigation into the condition of the existing outfall and any proposed new arrangements;

- (iii) how the scheme shall be maintained and managed over the lifetime of the development including any arrangements for adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system for its lifetime; and
- (iv) the timetable for implementation of the drainage scheme.

Reason

To prevent an increase in flood risk to the development and elsewhere, to protect and improve water quality, and to ensure the implementation and future adoption and maintenance of the sustainable drainage system in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

8.

The surface water drainage scheme, approved pursuant to condition 6, shall be implemented in accordance with the approved details and timings and be completed for each phase of development prior to any dwellings within that phase being first occupied. The surface water drainage scheme shall thereafter be retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent an increase in flood risk to the development and elsewhere, to protect and improve water quality, and to ensure the implementation and future adoption and maintenance of the sustainable drainage system in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

9.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

10.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted to each dwelling before that dwelling is first occupied.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

11.

No development shall take place until details of:

- (i) the method of preventing vehicular access between Coates Avenue and the site;
- (ii) the relocation of the existing speed limit and introduction of gateway features on Top Road;
- (iii) the removal of vegetation on the western end of Enterprise Way; and
- (iv) timescales for the completion of the above works;

have been submitted to and approved in writing by the local planning authority. Once approved, the works shall be carried out in accordance with the approved details and timings for their implementation.

Reason

In the interests of highway safety and to comply with policy T2 of the North Lincolnshire Local Plan.

12.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

14.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

15.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

16.

No development shall begin until details of the private driveway, including construction, drainage, lighting and, where appropriate, signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

17.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

18.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

19.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

20.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

21.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

22.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

23.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

24.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

25.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

26.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

27.

No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution including noise, vibration, dust and light. All construction work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the relevant planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

28.

Construction and site clearance operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

29.

No development shall take place until a Noise Mitigation Scheme has been submitted to and approved in writing by the local planning authority. As a minimum this Noise Mitigation Scheme shall include:

- details of noise mitigation measures;
- predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- details of how the noise mitigation scheme will be maintained for the lifetime of the development;
- timescales for the implementation of the noise mitigation measures.

The noise mitigation scheme shall be implemented in accordance with the approved details and timings unless otherwise agreed in writing by the local planning authority.

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with policy DS1(ix) of the North Lincolnshire Local Plan.

30.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

31.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to nesting birds during vegetation clearance and construction works;
- (b) details of at least 10 bat roosting features to be installed in new buildings;
- (c) details of nesting sites to be installed to support a variety of garden birds;

- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

32.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 30th and 60th dwellings, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

33.

The details submitted in pursuance of the outline permission shall be accompanied or preceded by the submission to the local planning authority of an archaeological mitigation strategy as defined in a written scheme of investigation which shall be approved by the local planning authority in writing before any development authorised by this permission shall commence. The scheme shall provide for:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area to be set out in the final evaluation report;
- (ii) measures to ensure the preservation by record, of archaeological features of identified importance;
- (iii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;
- (iv) post-fieldwork methodologies for assessment and analyses;
- (v) report content and arrangements for dissemination, and publication proposals;
- (vi) archive preparation and deposition with recognised repositories including the Archaeological Data Service;

- (vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (viii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record, of the commencement of archaeological works and the opportunity to monitor such works;
- (ix) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains.

34.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the approved archaeological mitigation strategy that shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains.

35.

The final dwelling hereby approved by this permission shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 32 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains.

36.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan

because development would otherwise harm and destroy archaeologically significant remains.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

The applicant is advised to discuss the indicative layout with the local planning authority prior to the submission of reserved matters.

Informative 3

The applicant is advised to take note of comments made by Anglian Water in respect of its apparatus at the site and requirements for foul water drainage.

Informative 4

The applicant is advised to review comments made by Highways prior to the preparation of the residential travel plan.

Informative 5

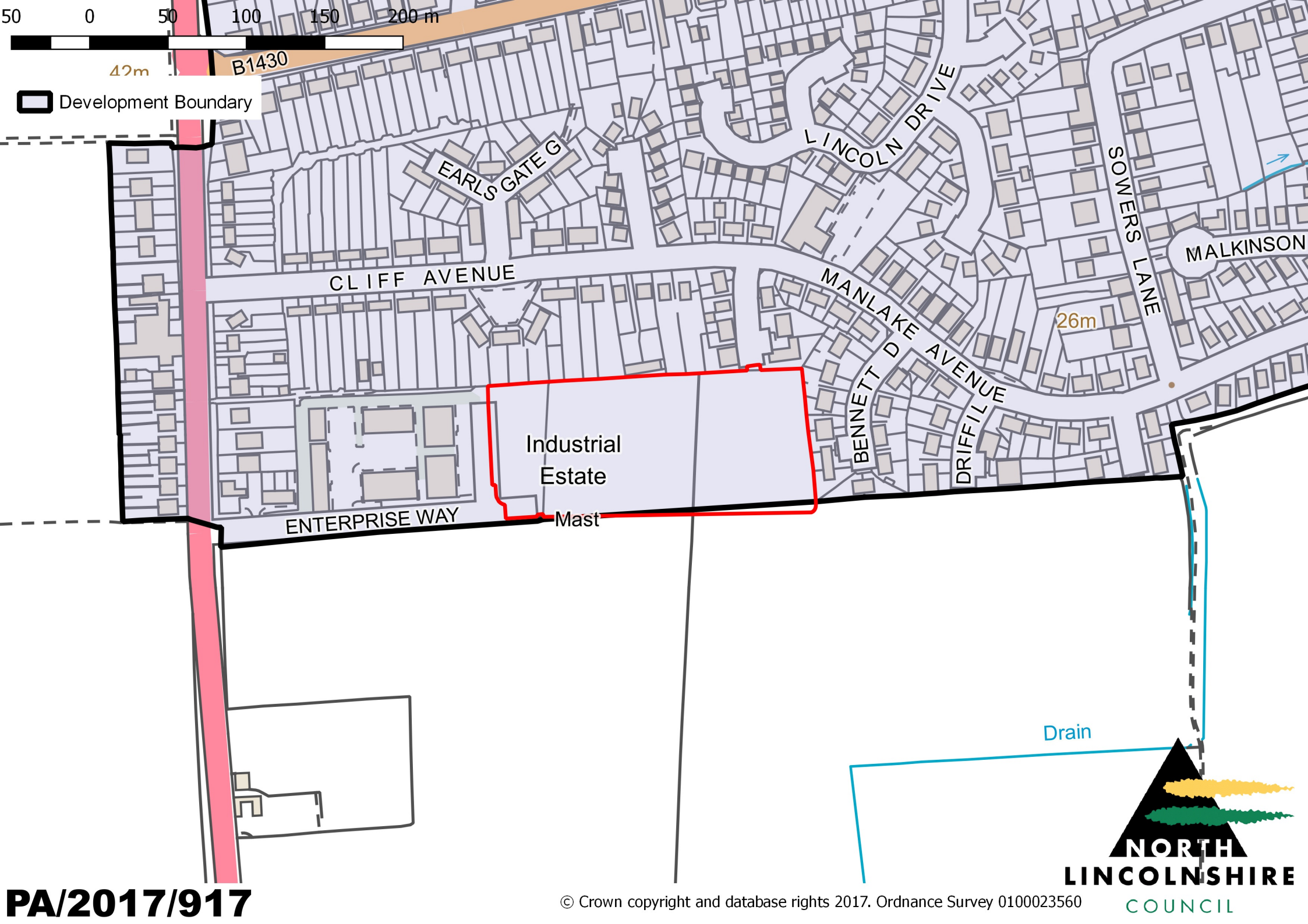
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

50 0 50 100 150 200 m

42m

B1430

Development Boundary



26m

Industrial Estate

Mast

Drain

PA/2017/917

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