

<b>APPLICATION NO</b>	<b>PA/2017/1513</b>
<b>APPLICANT</b>	Roger Burnett Promotions, Retirement & Death Benefit Scheme
<b>DEVELOPMENT</b>	Outline planning permission to erect 27 dwellings with access and layout to be determined and all other matters reserved for subsequent approval
<b>LOCATION</b>	Land off the A18, Althorpe
<b>PARISH</b>	Keadby with Althorpe
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Keadby with Althorpe Parish Council

## **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 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 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

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 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Paragraph 101 explains that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Developments should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

Paragraph 102 states that, if following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

Paragraph 103 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider

development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test.

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.

Paragraph 120 states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 125 states that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## **National Planning Practice Guidance**

### **North Lincolnshire Local Plan:**

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy HE5 (Development Affecting Listed Buildings)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy D14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Food Risk)

## **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**Housing and Employment Land Allocations DPD:** Inset 02 – Althorpe, Burringham and Derrythorpe

Policy PS1 (Presumption in Favour of Sustainable Development)

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Spatial Planning:** The application conforms with Core Strategy policy CS3 (Development Limits), CS7 (Overall Housing Provision) and CS8 (Overall Housing Provision). However, the proposal does not meet the density targets (30-35 dwellings per hectare) set out in policy CS7.

The application is supported by a Flood Risk Assessment, incorporating Sequential and Exceptions Tests, which meets the requirements of the council's Development and Flood Risk Guidance.

**Environmental Health:** No objection subject to conditions relating to contaminated land and construction hours/operations.

**Ecology:** No objection subject to conditions to secure biodiversity enhancements.

**Trees and Landscape:** No objection subject to satisfactory tree protection measures and a landscaping scheme.

**Drainage:** Recommend conditions to secure a detailed surface water drainage scheme prior to development commencing.

**Strategic Housing:** 10% (3 units) affordable housing is required to be provided in accordance with policy CS9 of the Core Strategy and North Lincolnshire Council's current Interim Position Statement on affordable housing.

**Education:** Educational contributions are sought in respect of secondary places only.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings.

**Environment Agency:** Raise concerns that this application has the potential to increase flood risk elsewhere. However, the EA has not raised an objection on the grounds that they have fully explained their concerns, which allows the local planning authority to have due regard to flood risk when deciding whether it is appropriate to grant planning permission. Suggest conditions should planning permission be approved.

**Severn Trent Water:** No objection.

**Yorkshire Water:** No objection subject to a condition relating to the diversion or closure of the existing water main traversing the site.

**Isle of Axholme and North Nottinghamshire Water Level management Board:** No objection subject to a condition to secure an acceptable surface water drainage system.

**Canal and River Trust:** No comments.

**Humberside Fire & Rescue:** Make informative comments.

## **PARISH COUNCIL**

Object to the proposal on the following grounds:

- Any new dwellings should not be more than two storeys high to be in keeping with existing dwellings.
- Established boundary trees should not be removed.
- The proposed dwellings could create a drainage problem.
- There is no waste water report with the application details.

## **PUBLICITY**

The application has been advertised by way of site and press notices. Two letters of objection have been received on the following grounds:

- Insufficient public consultation has been undertaken.
- If this proposal is granted the speed limit should be reduced on the A18 to take account of having to have a footpath on this side of the road and extra traffic coming onto the site.
- The proposed plans are not in keeping with the village or its surrounding houses, three-storey town houses will not be in keeping with the existing site, and the houses will be very intrusive on the houses on this site with complete lack of privacy.
- The dwellings will impact on light into neighbouring properties.
- All clearance and construction activity should be done via the A18, not from Kelsey Lane or Hawthorne Way. Building times and delivery times should be strictly adhered to.
- The contribution towards public open space should be used for new play equipment and maintenance of the park.
- The new houses are to be built higher than the current houses and this will result in more potential for flooding in the future.
- This area has been a conservation area for quite some time, with a strong presence of bats.
- There is no need for affordable housing in Althorpe, Keadby and Gunness.
- The village struggles with electricity supply and internet service and an additional 27 dwellings will put further pressure on an already weakened system.

A further letter has been received making general observations on the proposal. This letter states that the development should be restricted to two storeys in height to be in keeping with the rest of the village and that the trees along the eastern boundary of the site should remain as they form an essential visual impact and screen.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been provided.

## **ASSESSMENT**

### **Site**

The application site is currently a piece of vacant grassland measuring 1.204 hectares in area, which is enclosed by sporadic trees and hedges along the north, east and western boundaries, with close-boarded timber fencing enclosing the southern boundary where it adjoins the neighbouring housing estate. The site is located wholly within the development boundary of Althorpe and is bound by the A18 along the western boundary, to the north, south and eastern boundaries of the site. Access to the site is currently via Hawthorne Way.

## Constraints

The application site is located within a development boundary as defined by the Housing and Employment Land Allocations Development Plan Document (HELADPD).

The site is not designated as being of special ecological or landscape importance and is not located immediately adjacent to any such designated area.

With regard to flood risk, the application site is located entirely within Flood Zone 2/3a of the Strategic Flood Risk Assessment for North and North East Lincolnshire.

The application site does not fall within a conservation area, nor does it house any listed structures. The nearest listed building is 3 Main Street, which lies to the east of the site.

## Planning history

Planning permission has previously been granted for residential development at the application site under reference 2/96/189, in March 1996; this was a renewal of previous planning permission 2/911/89.

A planning application (PA/2016/2014) was submitted in 2016 for a similar development of 27 dwellings, which was accessed via Hawthorne Way. This application was withdrawn prior to any decision being reached.

## Proposal

This application seeks outline planning permission for the construction of 27 dwellings including layout and means of vehicular access, which is to be via the A18. All other matters (scale, appearance and landscaping) are reserved for subsequent approval.

As the application is in outline, the housing mix is not known at this stage and will be agreed at the reserved matters stage. However, the applicants anticipate that the properties would predominantly be four-bedroom and above, as shown on the submitted layout plan.

**The main issues to consider in the determination of this outline application, with access and layout considered, are whether the principle of residential development is acceptable and whether the development would have unacceptable impacts with regard to flood risk and highway safety.**

## Principle

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).



Paragraph 14 of the NPPF states that developments which accord with the development plan should be approved without delay, and where a development plan is absent or out-of-date, it should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits.

Policy CS3 of the NLCS states that rural settlements will have development limits applied through the Housing and Employment Land Allocations DPD. It also states that in defining these development limits, the council will consider the capacity of the settlement and its ability to accommodate future development, which would take account of existing infrastructure, services, facilities and public transport. Policy CS8 of the NLCS confirms that new housing within rural settlements would be acceptable and that these should represent small-scale infill that maintains the viability of the settlement and meets identified needs without increasing the need to travel. The Housing and Employment Land Allocations DPD was adopted in March 2016 and the development limits for rural settlements are designated within this document.

The site is located wholly within the defined development limit for Althorpe, where residential development is considered to be acceptable in principle, subject to material considerations. Furthermore, whilst Althorpe is a small rural settlement with limited facilities, it lies in close proximity to the larger settlement of Keadby and there are public transport links, including Althorpe railway station, which provide access to larger settlements such as Scunthorpe and Doncaster.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30-35 dwellings per hectare on sites within rural settlements. The proposed development of 27 dwellings would give a density closer to 23 dwellings per hectare. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. Althorpe is a rural settlement comprising predominantly detached and semi-detached properties and the residential area surrounding the site is not densely developed. The submitted layout plan shows that the density of the site is proportionate to the adjacent residential development on Hawthorne Way. Therefore, it is considered that the proposed development of 27 dwellings with a lesser density than that sought by policy CS7 is appropriate in this instance and will be in keeping with the character of the area.

It is concluded that the proposed development accords with the Development Plan for North Lincolnshire and, subject to material considerations, is acceptable in principle.

Notwithstanding the above, it should also be noted that the NPPF is a material consideration when determining planning applications. Paragraph 49 of the NPPF 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 the supply of housing should not be considered up-to-date.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021. This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. Accordingly the operation of paragraph 49 of NPPF triggers the 'tilted balance' in paragraph 14 of the Framework

whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. The impacts of the proposed development are considered in detail below.

### **Flood risk and drainage**

The application site is located within Flood Zone 3 of the Environment Agency (EA) indicative flood map and Flood Zone 2/3a of the Strategic Flood Risk Assessment (SFRA) for North Lincolnshire. As such the site is considered to be at risk of flooding. A Flood Risk and Surface Water Assessment, including a Sequential and Exceptions Test, has been submitted in support of the planning application.

The EA has reviewed the submitted information and considers that there is potential for the development to increase flood risk elsewhere. However, the EA has decided not to pursue an objection to the development in this instance on the basis that they have explained their concerns in their consultation response, allowing the local planning authority to have due regard to flood risk when deciding whether or not it is appropriate to grant planning permission.

The EA has confirmed that the site is not shown to flood during 1 in 100 annual probability plus 20% climate change flood modelling (fluvial or tidal flooding), or in the 1 in 1000 flood modelling (fluvial or tidal flooding), because the village of Althorpe is protected by the flood defences on the River Trent. However, the site will be at risk flooding should the defences be breached.

Modelling has shown that, should the flood defences on the River Trent be breached, it is highly unlikely that they would be breached adjacent to the site. Nonetheless, the 'Hydraulic Modelling Summary Report' by Fairhurst, submitted with this application, assesses the impact of a potential breach of the flood defences immediately adjacent to the site, which would be the worst case scenario for this development. The report also shows the impact of developing the site on flood risk elsewhere, compared to the current situation.

The modelling report shows that, following the construction of the proposed development, were there to be a breach of the flood defences during a severe flood event, no additional properties would be flooded as compared to the pre-development scenario. It does, however, indicate that, following construction of the proposed development, in the 1 in 200 tidal plus 20% climate change breach scenario, around 12 neighbouring properties would be flooded by around an extra 5-15 centimetres of water. Around 20 further properties would be flooded by an extra 1-5 centimetres of water. These properties would already be flooded by around 65-80 centimetres in this scenario. During a present day (not accounting for predicted climate change) 1 in 200 annual probability breach of defences flood, the report states that the depths of flooding in the neighbouring area are largely unchanged by the proposed development.

The National Planning Policy Framework, along with policies DS16 of the NLLP and CS19 of the NLCS, states that new development should not increase flood risk elsewhere. In this case it has been shown that there will be an increase in flood risk to the neighbouring properties, during an extreme flood event in the unlikely event that the flood defences were breached immediately adjacent to the site. However, the increase in flood risk is very small in relation to the existing risk, as the properties that could potentially experience increased flooding would already be flooded in such circumstances. The submitted information

demonstrates that the proposed dwellings will be safe from flooding and that the development will not increase the number of people or buildings at risk of flooding.

Therefore, it is acknowledged that the proposed development does not fully accord with policies DS16, CS19 and the NPPF due to the increased risk of flooding elsewhere. However, it is considered that the increased risk of flooding is very minor as it only affects properties which would already be flooded and it would only apply in very specific and unlikely circumstances (1 in 200 year event plus climate change should the flood defences breach immediately adjacent to the site). The EA has advised that the local planning authority must judge whether this increase in flood risk is acceptable when weighed alongside other material planning considerations. They have not objected to the proposed development on flood risk grounds.

In respect of other considerations, the proposed development would ensure the delivery of much needed new housing, in accordance with the council's spatial strategy, in a sustainable location within the defined development boundary. This is a material consideration which should be given significant weight in the planning balance, particularly in light of the council's lack of a five-year supply of deliverable housing sites. In addition, the proposed development will deliver affordable housing to meet an identified local need in accordance with policy requirements. The provision of new housing will provide employment during the construction period and will support local services. On balance, it is considered that the economic and social benefits of the proposed development would outweigh the small increase in flood risk in this instance.

In addition to the above, the NPPF requires new residential development that is located within Flood Zone 3 to satisfy the sequential test, which seeks to ensure that new development is directed towards areas with the lowest risk of flooding. In accordance with the council's Development and Flood Risk Guidance, the Sequential Test is limited to the settlement (Althorpe) only. A review of the EA flood map and the council's SFRA confirm that the entirety of the settlement of Althorpe is located within Flood Zone 3 and as such there is no sequentially preferable location for residential development within the settlement. It is noted that the same would apply if the extent of the sequential search was widened to include neighbouring settlements such as Keadby, Derrythorpe and West Butterwick.

Therefore, it is considered that the proposed development satisfies the sequential test as there is no land available within Althorpe (or neighbouring settlements) which is at lower risk of flooding. The settlement is identified within the development plan as being suitable to accommodate a small level of growth over the plan period and the application site is located within the defined development limit for the settlement. On this basis, from a planning perspective, the site is considered to represent the most sequentially preferable site for development.

Furthermore, as the site is located within Flood Zone 3 and residential development represents 'more vulnerable' development in the flood risk vulnerability classification, the Exception Test must also be passed. Policy CS19 of the NLCS states that in order for developments in high flood risk areas to be approved, it must be demonstrated that the development provides wider sustainability benefits to the community; the development should be on previously developed land and if not, there must be no reasonably alternative developable sites on previously developed land; and it must be demonstrated that the development will be safe, without increasing flood risk elsewhere. However, this policy pre-dates the NPPF and does not accord with paragraph 102, which makes no requirement for

development in areas of high flood risk to be on previously developed land. Paragraph 102 of the NPPF is considered to be the most up-to-date and correct policy basis upon which the Exception Test should be considered.

As stated above, the proposed development would ensure the delivery of much needed new housing in a sustainable location and will have economic and social benefits for the local area. The site is surrounded by residential development and the existing infrastructure within the area can cater for the level of development proposed, without demonstrable adverse impact. Given the lack of objection from the EA it is considered that, subject to the mitigation measures set out within the Flood Risk Assessment, the proposed development will not pose an unacceptable flood risk to proposed residents and those living in close proximity of the site. It is considered that the identified benefits of the scheme outweigh the flood risk posed by the development and as such the Exceptions Test is considered to be passed.

No objections have been raised by statutory consultees with regard to drainage. However, conditions have been recommended to secure acceptable foul and surface water drainage schemes. It is considered that the conditions recommended by the drainage bodies will adequately address the impact of the development in respect of drainage and prevent unacceptable impact on local drainage infrastructure.

### **Highway safety**

The proposal seeks outline permission, with access being considered. It is proposed that the residential development will be served via a new access from the A18 to the north-west of the site. This is a main road which links to the strategic highway network. There is currently a 40mph speed restriction in force along the stretch of the A18 which passes through Althorpe. The majority of the settlement sits to the south of the A18, with a relatively small number of dwellings and a disused pub sitting to the north of the road. No access is proposed, during either the construction or operational phases, from Hawthorne Way.

It is proposed to construct a new access from the A18, which will cross the existing drainage ditch running along the site frontage and will incorporate visibility splays in excess of 200 metres in either direction. It is also proposed, as part of the access works, to incorporate a new pedestrian footpath and crossing to link to the existing floodlit footpath on the northern side of the A18.

The council's Highways team has been consulted on the proposed development and has raised no objection on highway safety grounds subject to a number of conditions. One of these conditions requires the access point, including visibility splays, to be established prior to any other works taking place on site. This will ensure that there is an acceptable access into the site prior to construction works and associated traffic taking place. It is considered that the recommended conditions will protect highway safety and, taking into account the lack of objection from the specialist Highways consultees, the proposed development is deemed to result in no unacceptable impact on the local highway network.

### **Design**

The scale and appearance of the dwellings are reserved for subsequent approval and as such it is not known at this point how big they will be or what they will look like. Notwithstanding this, the applicants envision that the dwellings will be no more than three

storeys high and will be constructed of materials to match the local vernacular, which is predominantly red brick. The layout of the development is being considered at this stage and a detailed layout plan has been submitted with the application.

The layout of the development has been designed to respect the local vernacular, and in particular pays attention to the layout and design of the adjacent residential development at Hawthorne Way. The layout and orientation of the dwellings accords with this adjacent development. It is noted that the frontage of the development, when viewed from the A18, will comprise the rear gardens and their boundary treatments, which is not ideal. However, this mirrors the adjacent residential development on Hawthorne Way and will visually assimilate with this existing development. As such the proposed layout is considered to be appropriate for its location and will not be at odds with, nor detrimental to, the character of the area.

### **Amenity**

Concerns have been raised by local residents relating to the potential impact of the development on the privacy and light currently afforded to neighbouring dwellings; these concerns make specific reference to the dwellings being three storeys high. It is noted that the current application seeks outline permission only and the scale and appearance of the dwellings is not known at this time. Therefore, specifics such as the height of the dwellings and positions of windows will be provided, and assessed, at a later date should this application be approved. However, the layout of the development affords good separation distances between the proposed dwellings and neighbouring dwellings and the dwellings have been orientated to avoid overlooking of one another. On this basis it is considered that the proposed layout is acceptable and that the proposed dwellings could be designed to avoid any unacceptable overlooking or loss of light. Therefore, subject to an acceptable design being presented at the reserved matters stage, where impact on amenity will be assessed, it is considered that the proposed development of 27 dwellings could be delivered without unacceptable impact on residential amenity.

Conditions are proposed which would restrict hours of construction operations and secure a Construction Environmental Management Plan (CEMP), which will set out methods for the mitigation of noise, vibration, dust and light during construction. These conditions will adequately mitigate the temporary impacts of the development during the construction period.

### **Heritage**

Given the separation distance between the proposed dwellings and the nearest listed building to the east, and the fact that the site (and the listed building) is located in a residential area surrounded by domestic properties, it is considered that there will be no unacceptable impact on the setting or appearance of this listed building. The site is not located within, or adjacent to, any conservation area and the council's archaeologist has confirmed that the proposal does not adversely affect any heritage assets of archaeological interest or their settings. It is therefore considered that the proposed development will not have an unacceptable impact on cultural heritage.

### **Ecology**

The planning application has been supported by a preliminary ecological appraisal and the council's ecologist has confirmed that the survey methods used and the survey effort

deployed are appropriate for the site in question. The surveys undertaken found no evidence of protected or priority species on the site. However, the ecologist has confirmed that the habitats on site have the potential to support hedgehogs and nesting birds, whilst some of the boundary trees exhibit limited potential to support roosting bats within ivy. The main habitats on site are bramble scrub, tall ruderal (weedy) species and poor semi-improved grassland. None of these are priority habitats.

The council's ecologist has raised no objection to the development of the application and has no concerns with regard to protected or priority species or habitats. Notwithstanding this, the NPPF states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, providing net gains in biodiversity where possible. Specifically, "*opportunities to incorporate biodiversity in and around developments should be encouraged*". In this context the council's ecologist has recommended conditions to secure biodiversity enhancements. It is considered that the proposed conditions will adequately mitigate the ecological harm of developing this site and will result in net biodiversity gain.

### **Contamination**

Conditions have been recommended by the council's Environmental Health department to secure appropriate investigation and assessment of contaminated land. These conditions will ensure that the development is safe from the risks of contamination.

### **Trees and landscaping**

Landscaping has been reserved for subsequent approval and as such no detailed landscaping scheme has been provided at this stage. Notwithstanding this, the submitted layout plan shows that the existing trees along the site boundaries are intended to be retained and that additional planting along the boundaries, and within the site, is envisioned. It is considered that the existing trees along the east and western site boundaries play an important role in screening the site and contributing towards the character and amenity of the area. Therefore, these trees should be retained, as shown on the layout plan. A condition has been recommended by the council's tree officer to secure details of protection measures to be employed to ensure that these trees are not damaged during construction. In addition to this, a detailed landscaping scheme will have to be provided and approved by the local planning authority at the reserved matters stage.

### **Contributions**

In line with adopted policies, a response has been received from the council's section 106 officer requesting obligations with regard to affordable housing, education and public open space. The council's Affordable Housing Policy Interim Position Statement seeks to achieve 10% affordable housing provision on developments of 11 dwellings or more within rural settlements, such as Althorpe. The applicants have confirmed that they intend to provide three affordable units on site in accordance with this policy.

In addition to the aforementioned affordable units to be provided on site, the following contributions have been requested by the relevant consultees and agreed with the applicants:

- £103,176 to be paid towards the improvement of education infrastructure; and

- £30,802.49 to be paid towards the improvement and maintenance of the existing play area in Althorpe (off Vermuyden Court).

These contributions, and the affordable units, will be secured by a Section 106 agreement, which will be produced and sealed prior to planning permission being issued.

## **Conclusion**

This application seeks outline planning permission, with all matters except for access and layout reserved for subsequent approval, for the erection of 27 dwellings. The site is located within the defined development limit for Althorpe and its development would make a significant contribution towards meeting housing delivery targets. Furthermore, the proposed development will make efficient use of a vacant site within the body of the settlement. As outlined above, there will be no unacceptable impact with regard to highway safety, amenity, drainage, heritage, ecology or contamination.

The proposal will potentially result in a very minor increase in flood risk to adjacent land. However, for the reasons set out above, it is considered that the significant benefits that will be generated by the development would outweigh this harm.

Therefore, subject to the recommended conditions and a section 106 agreement to secure necessary obligations, it is considered that the proposal is acceptable and this application should be supported.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act (1990) to secure £103,176 to fund the provision of education infrastructure, £30,802.49 to be paid towards the provision of public open space and the provision of three affordable dwellings on site, 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 1 February 2019 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 by subject to the following conditions:**

1.

Approval of the details of the scale and appearance of the buildings, 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, the means of access to 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: 201405-01 Rev A, 201405-02 Rev A, 201405-05 Rev A and 201405-06 Rev A.

Reason

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

6.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

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 the vehicle parking space(s) 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.

8.

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.

9.

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.

10.

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.

11.

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.

12.

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.

13.

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.

14.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays and proposed section of footway, 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.

15.

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.

16.

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.

17.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (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.

18.

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.

19.

The development hereby approved shall be carried out in accordance with the submitted Flood Risk & Surface Water (SuDS) Assessment Revision A, dated 12 April 2018, including the setting of finished floor levels no lower than 4.55 metres above Ordnance Datum (AOD).

Reason

To protect the occupiers of the dwellings from flood risk in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy.

20.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;

- property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### 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.

21.

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

- 8am to 7pm Monday to Friday
- 8am 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

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

22.

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 the amenity of neighbouring properties in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

23.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. The rate of discharge from the development site must not exceed 5 litres/second.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

24.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 23 above, completed prior to the occupation of any dwelling or building within each phase or sub phase of the development on site, and thereafter 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 the increased risk of flooding to themselves and others, to improve and protect water quality and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

25.

No development shall commence until details of the diversion or closure of the water main that is laid within the site boundary have been submitted to and approved in writing by the local planning authority. The submitted details shall include evidence that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

To protect the local aquatic environment and Yorkshire Water infrastructure.

26.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To protect the character and amenity of the area in accordance with policy DS1 of the North Lincolnshire Local Plan.

27.

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 bats, hedgehogs and nesting birds during vegetation clearance and construction works;
- (b) details of bat roosting features to be installed in at least seven new dwellings;
- (c) details of at least eight bird nesting features to be installed to support a variety of species, including swift and house sparrow;

- (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 and wildflowers of high biodiversity value;
- (g) prescriptions for biodiversity enhancement in drainage features;
- (h) a commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;
- (i) proposed timings for the above works in relation to the completion of the dwellings.

**Reason**

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

28.

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 twentieth dwelling hereby approved, 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 Core Strategy.

**Informative 1**

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

**Informative 2**

The council's Drainage team has made a number of informative comments in their consultation response dated 31 October 2017 which should be noted prior to a detailed drainage scheme being designed. These comments are available on the council's website at [www.northlincs.gov.uk](http://www.northlincs.gov.uk).

**Informative 3**

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

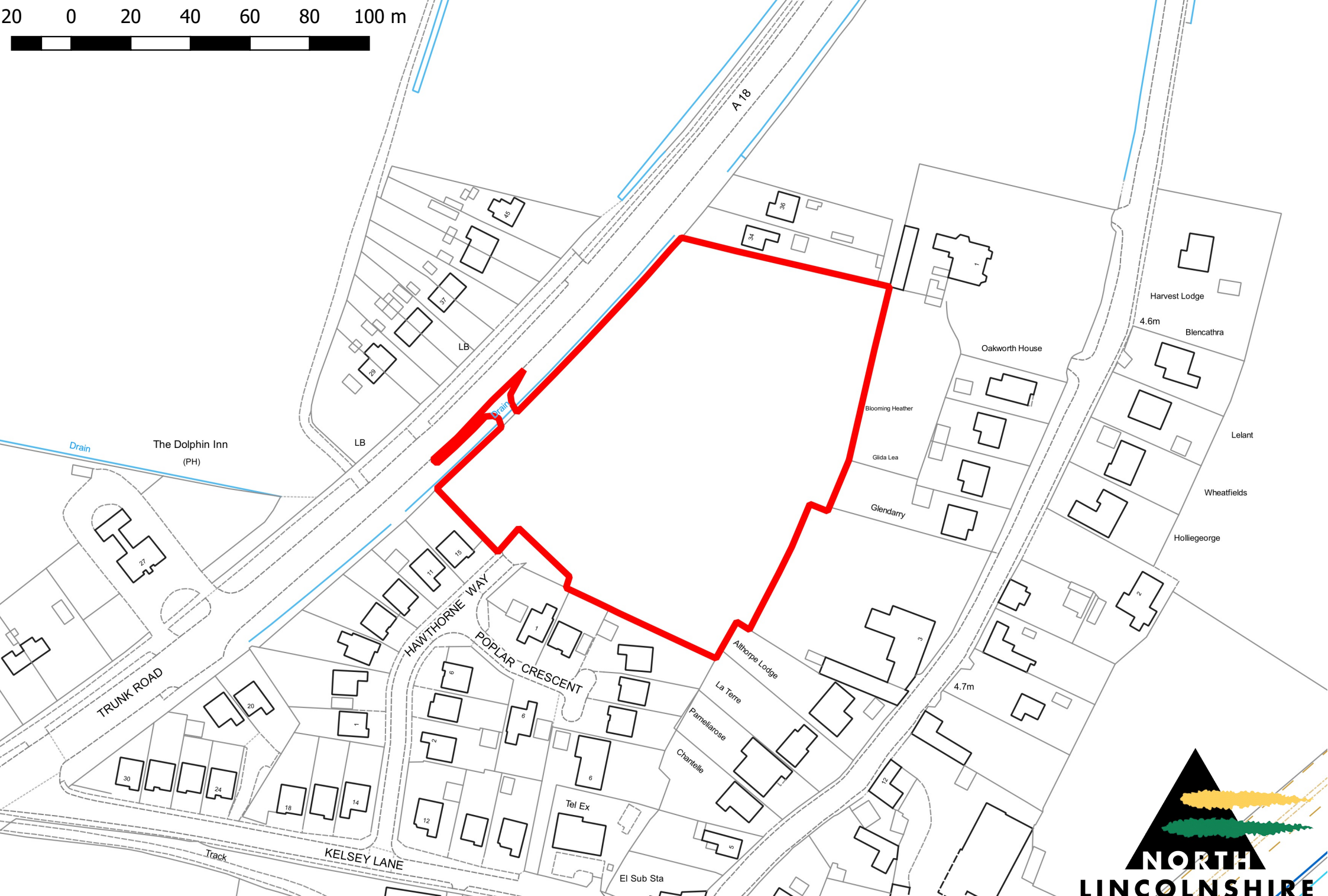
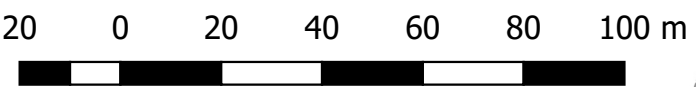
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 4**

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.





**PA/2017/1513**

© Crown copyright and database rights 2018. Ordnance Survey 0100023560



# PA/2017/1513 Proposed site layout (not to scale)

## Key:-



- New 4 Bed Dwelling houses c/w integral garages  
 Note - All new dwellings are to be raised above existing grade levels to ensure ground floors are above flood risk levels for site.  
 Note - All rear dwellings, are to be lowered below existing grade levels to create flood water storage to compensate for raising dwellings above site flood levels.



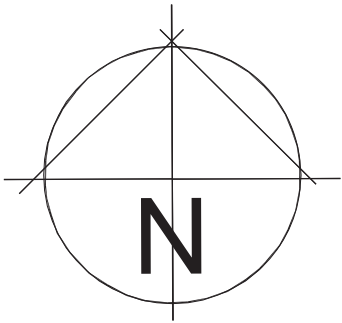
- Green hatching indicates front "Rain Gardens" to all new dwellings.



- New Trees to be planted ( Species TBA with LPA ).

Note - All front driveways are ramped from back of footpath up to 300mm below DPC on dwellings

- New 1.8M high "hit and miss" vertical panel timber fencing.
- Note - "hit & miss" vertical panel timber fencing is proposed as this will allow water permeability and flow through it in a flood event, should it occur.
- Extent of tree protection zone.
- Dwelling property boundary line in front gardens.
- Note - there are no fences or walls on front garden boundaries i.e front gardens are to be open aspect frontages.
- New 0.9M high brick wall.
- New 1.8M high brick wall.



Althorpe



G		
F		
E		
D		
C		
B		
A	12.09.17	KJT DESIGN DEVELOPMENT
	Date	Drawn
		Revision

**Keir**  
 Architecture

10A, Abbey Road, Ulceby, N.Lincs, DN39 6TJ.

Tel: 07813 006079

This drawing & design is the property of Keir Architecture Ltd and must not be copied or reproduced in whole or in part without written permission.

Proposed Housing at:-  
 Land Off Hawthorne Way, Althorpe, N.Lincs

**PROPOSED SITE LAYOUT PLAN.**

Drawn: Keir Taylor	Date: 03.10.16	Scale: 1:1000 @ A3
Checked:	Drawing No: 201405 -05	Revision: A
Approved:		