

APPLICATION NO	PA/2019/1977
APPLICANT	Trustees of Lt Col R Sutton Nelthorpe's Will Trust
DEVELOPMENT	Outline planning permission to erect up to 48 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land south of St Martin's Road, Scawby, DN20 9BG
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework: The following policy extracts from the NPPF represent some of the key paragraphs for this assessment. Please note that this list is not exhaustive.

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34 – Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56 – Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H10, C1, T2, T19, HE9, LC4

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

CONSULTATIONS

Archaeology: Archaeological investigation has taken place via geophysical surveys of the site. The surveys did not identify any potentially significant archaeological features. No further archaeological work is recommended.

Anglian Water: No objections; make note that some assets may be affected.

Public Rights of Way: No objections.

Environment Agency: No comments to make.

Leisure: A contribution of £41,269 is required to mitigate the development, which would go towards the Ancholme Leisure Centre.

LLFA: No objections subject to the imposition of conditions relating to surface water drainage.

Section 106 Officer: The proposed development would trigger a requirement for affordable housing, recreation and education.

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

Highways: No objections, subject to the imposition of conditions.

Environmental Health: No objections, subject to the imposition of conditions.

Ecology: No objections, subject to conditions relating to biodiversity net gain.

Humberside Fire & Rescue: Make comments about access to water services and to the site.

PARISH COUNCIL

Objects to the application for the following reasons:

1. The site for this proposed development is outside the agreed current development boundary for the village of Scawby and should therefore not be considered for development.
2. The parish council objects to a path/pedestrian access through the playing field area – the land is currently leased by Scawby Parish Council and is used for recreational purposes, along with organised football matches, and therefore a pedestrian right of way through this area would be unsuitable. A recognised pathway would also damage the grass in this play area.

3. The parish council has concerns regarding traffic generation and highway safety issues, particularly in the St Martin's and St James's Road vicinity.
4. The size of the development will have a severe impact on the village of Scawby, increasing the size of the village considerably and therefore changing the character of the village.
5. Section 106 allocation: If North Lincolnshire Council are minded to approve this planning application, Scawby Parish Council wishes to state very clearly that any section 106 monies made available should initially be offered to the village of Scawby for recreational use – to serve the needs of the increased number of residents living in Scawby within this development. Scawby Parish Council does have plans to provide a MUGA (multi use games area) for the village and this section 106 money would be suitable to help provide this facility for the village of Scawby.

PUBLICITY

The application has been publicised in accordance with article 15 of the Development Management Procedure Order by site and press notice.

Comments have been received against the proposal, the material concerns of which are summarised below (this list is not exhaustive):

- outside the development boundary
- highway safety impacts
- strain on services
- impacts upon residential amenity
- character impacts
- ecology issues
- impacts upon residential amenity
- impact upon local nature reserve
- drainage issues
- loss of agricultural land
- lack of infrastructure and services.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has carried out a scheme of public consultation and this is evidenced within the design and access statement. The consultation involved a presentation at the village hall and feedback was invited by the applicant which has informed the process.

The results are displayed within Appendix 1 of the Design and Access Statement. The results show that the issue of greatest concern related to 'highway issues'.

ASSESSMENT

Site characteristics and allocations

The site lies wholly outside of, but directly adjacent to the adopted development boundary for Scawby as identified by the Housing and Employment Land Allocations DPD 2016. As such, the site is located within the open countryside. The site is existing arable land located to the east of the settlement. Views of the site are difficult to attain from within the village, the exception being at the head of St Martin's Road. The site can be better viewed from the south and east (from Sturton Lane and the A15).

St Martin's Road, which is to the north of the site, is characterised by bungalows fronting a sweeping road network, whilst Coach House Gardens, to the east of the site, has a mix of single- and two-storey properties. To the south and east are arable fields.

Proposal

The applicant seeks outline planning permission to erect up to 48 dwellings with means of access to be considered.

The following issues are relevant to the proposal:

- **principle of development**
- **planning obligations**
- **flooding and drainage**
- **highways**
- **archaeology**
- **ecology**
- **environmental issues**
- **air quality/sustainable resource**
- **land quality**
- **character/landscape**
- **indicative plans.**

Principle of development

Outline planning permission is sought for a residential development of up to 48 dwellings with means of access to be considered (all other matters being reserved for subsequent consideration). The application site falls outside the existing development boundary for Scawby within the open countryside.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns and rural settlements to a lesser extent, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Scawby.

Local Plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELA DPD. The application site is entirely outside the defined development boundary for Scawby and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) 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.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council is preparing a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is still awaiting update; as such, any current decisions made by the planning authority should take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 11 of NPPF triggers a tilted balance 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 (Paragraph 11, b, ii).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. There are clear principle benefits emanating from a large residential scheme in relation to economic benefits from an increased number of people in the area supporting local services, as well as potential for local firms/trades people to be employed in the construction of the development. There are also social benefits associated with gaining affordable housing provision, creating additional dwellings for an aging population and also to offer opportunities for those growing up to remain with the village as well as improved recreational facilities. Clearly, the amount of built form would have negative impacts upon the environment. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also the technical elements of the proposal. Only at that point can it be established whether or not any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

That said, the settlement of Scawby itself is identified as a larger rural settlement by the Core Strategy and ranks 23rd in the Sustainability Survey. It contains 4 out the 7 key facilities, 13th in terms of conveniences and 39th in terms of transport and access to employment. These material factors, along with the holistic assessment, including technical analysis, allow us to make an assessment of the sustainability of this proposed development.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed to provide 10% of affordable housing on site; this is therefore policy compliant.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, "(i) ...New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents." This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has agreed to provide on-site public open space as well as providing a local area for play (LAP) on site. The applicant has also agreed that these will be cared for by a management company which will be made explicit within the section 106 agreement.

A leisure contribution has also been requested that would contribute to built leisure facilities at the Ancholme Leisure Centre. The site is located within Scawby, and whilst potential residents may well use the facilities, there is no clear correlation as to what additional demand the development would place upon that facility. Furthermore, there is an abundance of local recreational activities in the area and it is therefore considered, in this instance, that a contribution is not required to make the development acceptable in planning terms; this is also considered appropriate by the council's S106 officer.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.

The response from the education department to this application is that both primary and secondary contributions are required.

Therefore, if 5 of the units are affordable, 43 dwellings would be eligible for education contributions.

The current contribution per dwelling is £7,736 (updated 2020/21 financial year figure), giving a total education contribution of £332,648. The applicant has agreed this.

Obligations summary

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, C1 and HC10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

It should be noted that the application is flexible, citing 'up to' 48 dwellings and so the obligations set out above represent the highest figure; should the scheme be reduced, this has potential to impact upon the amounts for education and affordable dwellings.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk. It states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.

The site is located within Flood Zone 1 within the North Lincolnshire SFRA 2011. The applicant has submitted a flood risk and run-off assessment. The LLFA, Environment Agency and Anglian Water have all made comment as detailed below.

The LLFA has stated that, whilst they do not agree with some of the contents of the above document, and that further points need clarification, there is enough information to demonstrate that an acceptable drainage strategy can be found subject to the agreement of technical details. The LLFA has put forward a series of conditions which would require a detailed surface water drainage solution to be agreed and approved with the local planning authority before development commences. Anglian Water has stated that, potentially, there are assets within the site and that any connection to their network would be covered by separate legislation under the Water Industries Act 1981. This proposal has flexibility in that a scheme for 'up to' 48 dwellings is applied for; site constraints may reduce this final number, however it would not undermine the terms of the permission applied for here, which, in respect of Anglian Water's comments, is considered acceptable. The Environment Agency has also been consulted and has no comments to make. Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety, and is also relevant.

The applicant seeks to erect up to 48 dwellings with means of access to be considered. Both the council's Highways and Transport teams have been consulted. The applicant has submitted proposed drawings showing access points. Highways have no objections to the proposal given that the existing road network on St Martin's is sufficient to create an access into the proposal site. The Highways officer has recommended the imposition of conditions to mitigate highway safety, both during construction and operational to the development.

Public transport have also been consulted and have commented that the proposed development is below the threshold for any formal assessment, and that given the size of the proposed development, they would not anticipate the traffic generation resulting from this proposal would have an adverse impact on the surrounding highway network.

Therefore, subject to the aforementioned mitigation, the proposal will accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Archaeology

Core Strategy policy CS6 (Historic Environment) states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'development proposals should provide archaeological assessments where appropriate.'

Policy HE9 states, 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment, to be submitted prior to the determination of a planning application, will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

The applicant has submitted an archaeological desk-based assessment, as well as information following the field work carried out. The works conclude that the potential for findings is limited. The council's archaeologist has reviewed the submission and concurs with its finding stating that there are no further recommendations for archaeological work.

Therefore, the proposal is considered to accord with policies CS6 of the North Lincolnshire Core Strategy and HE9 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF, relates to biodiversity. Paragraph 170 states, in part, that a net gain for biodiversity should be achieved.

The council's ecologist has reviewed the proposal and has stated that there is limited biodiversity value at present and limited potential for protected species. However, given the policy requirements to achieve a net gain for biodiversity, conditions relating to a scheme of management and habitat creation, as well as information upon the species of planting (where native species would be appropriate), will be requested and controlled through conditions which include the submission of a biodiversity management plan.

The proposal is therefore in accordance with policies CS17 of the Core Strategy and paragraph 170 of the NPPF.

Environmental issues

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity and is considered relevant.

The council's Environmental Health Department have assessed the application and have stated that there is a requirement for a construction environmental management plan in order to mitigate neighbouring amenity during construction; the plan should include how issues surrounding noise and vibration, dust suppression and impacts from lighting will be mitigated. Furthermore, an additional condition to manage construction working hours is considered necessary to mitigate unacceptable impacts upon neighbouring amenity, and will be attached to any permission granted.

Given the above mitigation, it is considered that the proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Air quality/sustainable resource

Policy CS18 is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.
- (12) Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The council's Environmental Health Department have made an assessment of the proposal and have proposed a condition that, prior to development, a scheme for electric charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Land quality

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The applicant has submitted a site appraisal by GRM and the council's Environmental Health Officer has reviewed the submission. The report states that a site investigation should take place despite there being no obvious evidence of contamination on site; this

relates also to its relatively inert planning history. The officer has recommended a phase 1 site investigation, including remediation and verification reports, be submitted to and agreed with the local planning authority, the remediation strategy being prior to works commencing. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Character impacts

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy H5 of the local plan, which is concerned with new housing development, and paragraph 127 of the NPPF, are also relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters.

The proposal, in scale terms, would clearly represent a substantial addition to the existing settlement. However, its position to the west of the settlement means that views of the proposal from within the settlement will be limited; the site lies west of the Sutton Arms public house and Coach House Gardens, and south of a 1960/70s residential estate that attaches to Messingham Lane, and this built form would visually shield the site, enclosing it on two sides. From the east and south the site can be viewed, and what is currently an open arable field would become built form. That said, the views from both Sturton Lane and the A15 also experience the backdrop of the settlement and the additional impact this would have could be mitigated by appropriate density and scale of the dwellings, as well as planting and appropriate boundary treatments, all of which can be secured at the reserved matters stage. This last point is important and a scheme softened and tapered into the countryside would be more appropriate, rather than a hard interface, and whilst this is alluded to in the indicative plan, it would be expected at the detailed design stage.

It is considered that a scheme could be achieved that would retain the sense of place of this part of Scawby, whilst also not giving rise to any unacceptable impingement upon future and existing amenity rights, or any negative impact upon the historic environment. The applicant has demonstrated that the proposal has the potential to accord with part of policy RD2 of the local plan, as well as CS5 of the Core Strategy.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant and therefore accord with the requirements set out by the Planning Pre-commencement Regulations 2018.

Conclusion

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees. The applicant has also agreed to the heads of terms set out below, which are required to make the development acceptable in planning terms, as well as meeting the other tests for obligations. There has been local opposition to the proposal and the material points have been considered under the sections within this report, whilst other issues raised may be more pertinent to the reserved matters stage. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location.

Heads of terms

S106 contributions	
Affordable housing	10% (5 dwellings if 48 dwellings are built)
On-site recreation	Detailed scheme for open space and play areas to be subject to reserved matters and planning conditions which will provide one LAP. Management of the on-site open space, including LAP, will be maintained by a management company.
Education	The current contribution per dwelling is £7,736 (updated 20/21 financial year figure). 43 x £7,736 = £332,648 education contribution

RECOMMENDATION

Subject to the above ‘heads of terms’ under Section 106 of the Town and Country Planning Act (1990) and suitable mitigation achieved for future residential amenity relating to noise, 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 satisfactory obligation;**
- (iii) if the obligation is not completed by 29 December 2020, 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.

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.

6.

A scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework (NPPF).

7.

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 existing amenity levels and to accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

8.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority.

Reason

To protect existing amenity levels and to accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk and Run-off Assessment, prepared by A Precious, NeoFlood Ltd, reference R01A, dated November 2019.

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 maintenance of the sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

10.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 9 above, shall be completed prior to the occupation of any dwelling, 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 maintenance of the sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

11.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policies T19 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

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 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.

13.

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.

14.

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.

15.

No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words "Private Drive";

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

16.

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.

17.

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.

18.

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.

19.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

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

20.

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.

21.

No development shall take place until a construction phase traffic management plan showing details of:

- the proposed routing of construction vehicles to the site that shall consider alternative points of access to alleviate pressure where possible on the established residential estate;
- an undertaking to carry out pre and post construction condition surveys of the St Martin's Road estate with an agreement to carry out remedial works to any damage caused;
- 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, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required;

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 existing amenity to comply with policies T2, DS1 and T19 of the North Lincolnshire Local Plan.

22.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to be taken to avoid harm to badgers, hedgehogs and nesting birds during demolition and construction.

Reason

To conserve and enhance biodiversity in accordance with policy CS17 of the Core Strategy and saved policy LC5 of the North Lincolnshire Local Plan.

23.

Within three months of the commencement of development, the applicant, or their successor in title, shall submit a biodiversity management plan for approval by the local planning authority. The plan shall cover the land bounded by red and blue lines on the submitted Ownership Plan, drawing number 19/297-02, and shall include:

- (a) details of at least eight bat roosting features to be installed in the new dwellings and at least four bat boxes to be installed in retained trees;

- (b) details of nesting sites to be installed to support swifts, starlings, tree sparrows and house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (f) details of a wildlife gardening leaflet to be provided to each new resident;
- (g) details of wetland habitat to be created as part of sustainable drainage;
- (h) 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.

24.

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 last dwelling, 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.

25.

As well as on site recreational open space, the reserved matters for layout shall show the position and equipment of the local area for play (LAP). The LAP shall be retained thereafter.

Reason

To mitigate the development in planning terms by creating an appropriate level of recreational activities to serve the development and to accord with policies H10 of the North Lincolnshire Local Plan, and CS22 and CS23 of the North Lincolnshire Core Strategy.

Informative 1

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

Informative 2

Records indicate that the proposed development site is bounded by, or has running through it, a watercourse on the eastern boundary (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or

diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

The proposals indicate a connection into the above watercourse. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

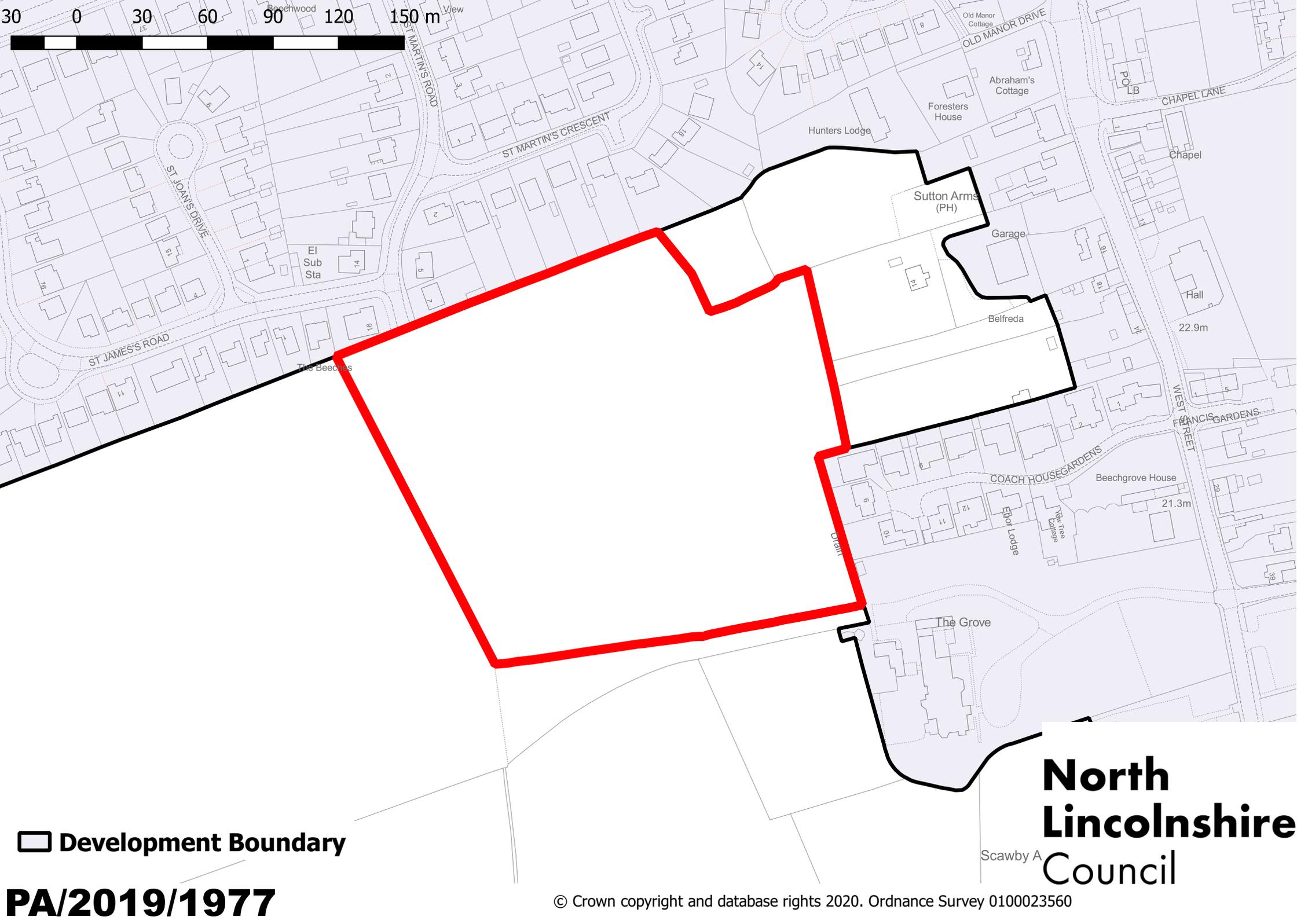
Informative 4

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 5

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

PA/2019/1977

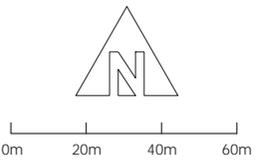
**North
Lincolnshire
Council**

PA/2019/1977 Illustrative layout (not to scale)

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- KEY**
- (A)** ACCESS TO BE TAKEN FROM AN EXTENSION OF ST. MARTIN'S ROAD.
 - (B)** HEDGEROWS AND WOODLAND AREAS TO BE RETAINED.
 - (C)** PUBLIC AMENITY SPACE
 - (D)** SURFACE WATER ATTENUATION FEATURE (as defined by Mott MacDonald)
 - (E)** PEDESTRIAN/CYCLE LINK THROUGH TO ADJACENT FACILITIES
 - (F)** NATIVE STRUCTURE PLANTING ALONG WESTERN BOUNDARY TO SCREEN/ENCLOSE SITE
 - DWELLINGS RESTRICTED TO BEING SINGLE STOREY
 - DWELLINGS HIGHER THAN SINGLE STOREY



JVH TOWN PLANNING CONSULTANTS LTD
 Residential Development Proposal
 on Land South of
 St Martin's Road, SCAWBY
 for The Scawby Estate

Illustrative Layout