

APPLICATION NO	PA/2023/145
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission for the change of use of land to erect three bungalows and three chalet bungalows
LOCATION	Land off Ferry Road East, Barrow upon Humber
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Barrow upon Humber Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment

North Lincolnshire Local Plan

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

New North Lincolnshire Local Plan Submission:

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

H1: Site Allocations: H1C-35: Land North of Ferry Road East (9 dwellings)

H2: Housing Mix and Density

RD1: Development in the Open Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE6: Sustainable Drainage System

DQE7: Climate Change and Low Carbon Living

DQE11: Green Infrastructure Network

DQE12: Protection of Trees, Woodland and Hedgerows

CSC3: Protection and Provision of Open Space, Sports and Recreation Facilities

ID1: Delivering Infrastructure

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements

CONSULTATIONS

Highways: No objections subject to conditions relating to access, highway safety and car parking.

Environment Agency: Does not wish to comment on the application.

LLFA Drainage: No objection subject to conditions.

Anglian Water: The applicant should check for any Anglian Water assets which cross or are within close proximity of the site. If diverting or crossing over any of our assets permission will be required.

Environmental Protection: No objection subject to a contamination condition and restrictions on construction, demolition and site clearance operations.

Archaeology: Archaeological evaluation on the adjacent development site did not identify any archaeological features. As such, no further archaeological work is recommended in connection with the development of this site. No further recommendations.

S106 Officer: Contributions are required towards education and leisure.

Ecology: If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1. A section 106 contribution is required for off-site habitat creation.

Waste & Recycling: General comments in relation to bin dimensions, refuse and recycling, vehicle access for refuse vehicles, highway construction, unadopted roads and pulling distance for occupiers and collection crew.

PARISH COUNCIL

Barrow upon Humber Parish Council wishes to object to this application. Once again, the dwellings are outside the building line for the village, although Barrow PC understands that North Lincolnshire Council's lack of a land supply plan will make it much more likely that this application will be approved. These six properties will bring the number up to 33 on this site, so in effect this is now a small estate, rather than the original nine that were acceptable infilling along Ferry Road. If this application is granted, 24 of them will be outside the building line.

Barrow's infrastructure is very overloaded as evidenced by the large tankers that were recently pumping out the drains for about two weeks at various points around the village, despite the fact that there was very little rain in February. In previous years, when there has been more rain, drains have been blocked and sewerage has come up through drain covers. At one stage, portable toilets had to be provided for residents of one road which indicates a system that already can't cope. Around 150 properties currently have planning permission in Barrow and these have yet to be connected to this already overstretched drainage system.

These properties will also add to already congested village roads with buses unable to drive down the High Street because of parked cars (the most recent occurrence was at 6.45pm on 8 March). Heavy traffic from industries in New Holland and Barton pass through the village all the time – much of it along the road where this development is planned – and the Barton by-pass, which is supposed to alleviate this, is unlikely to be fully completed for several years.

Finally, the developer's statement cannot be relied on as it is very out of date – the bus stop referred to is no longer on a bus route and the village has not had a newsagent for at least four years.

PUBLICITY

Advertised by site and press notices. Six responses have been received raising the following issues:

- The site is in the open countryside
- congestion
- other sites in Barrow are not being built out due to lack of demand
- close to areas which flood
- further development will be proposed
- Barrow has limited facilities/inadequate infrastructure
- drainage issues
- brownfield sites available in Barrow
- loss of habitat.

ASSESSMENT

The proposal

Permission is sought to erect three detached bungalows and three detached chalet bungalows. The three bungalows proposed are two-bedroom and will be for over 55s' accommodation. The chalet bungalows will be four-bedroom with an integral or detached garage, with two of the bedrooms on the ground floor. All the dwellings are suitable to provide accommodation for older people. Each dwelling will be served by its own driveway for car parking, with car parking also available in the proposed garages. Each dwelling has its own substantial area of private amenity space. The proposed dwellings are positioned in a linear arrangement across the site northwards from Ferry Road East. The site is accessed via Ferry Road East with the access also serving the previously approved development for 18 dwellings (PA/2021/970). This application site forms a cul-de-sac arrangement at the western end of the whole site. The proposed dwellings will be constructed from heritage blend bricks, Hampton rural bricks, dark grey Calderdale slate and terracotta pantiles.

The site

The application site is a 0.3 hectare parcel of agricultural land located to the north of Ferry Road East, on the urban fringe of the village of Barrow upon Humber. The site is grassed and is not in agricultural production. The site is bounded by a cluster of dwellings to the west and south. To the east will be residential dwellings when planning permission PA/2021/970 is completed. Rolling agricultural fields are located to the north, which are separated from the site by hedging along its northern boundary. To the southern boundary are nine dwellings (PA/2020/803) completed by the same applicant as has submitted this application. The site is relatively flat and featureless with distant views to the north across slightly falling land towards the River Humber and Hull.

The site lies outside the development boundary of Barrow in the HELA DPD and is considered 'open countryside' for planning purposes. It must be noted that in the emerging new local plan for North Lincolnshire, the site lies adjacent to the nine approved dwellings under PA/2020/803. These approved nine dwellings form the housing site allocation under policy H1 of the new local plan H1C-35: Land at Ferry Road East, which does lie within the development boundary of Barrow in the new local plan. The site the subject of this application lies outside of but directly adjacent to the development boundary of Barrow in the new local plan. The site is not within any conservation area or special landscape designation. Barrow is defined as a 'Rural Settlement' in the Core Strategy. The site lies within an area designated in the council's Strategic Flood Risk Assessment (SFRA) as flood zone 1, indicating lower risk of flooding. It is classified as grade 2 agricultural land. The site gradually slopes down from Ferry Road East, northwards.

Planning history

- PA/2021/970: Planning permission to erect 18 dwellings with associated access road and garaging, and create a public footpath and open space – approved 31/03/2022
- PA/2020/803: Planning permission to erect nine dwellings, including associated access and garages – approved 29/09/2020
- PA/2021/161: Planning permission to vary condition 16 of PA/2020/803 to amend working hours – approved 27/11/2020.

The main issues for consideration are whether the principle of the development is acceptable, and if so, whether the proposal is acceptable in highway, drainage, flood risk, ecology, biodiversity, design, appearance and amenity terms.

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 saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply

of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, 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.

The overall strategy for North Lincolnshire, as set out by policy CS2, sets out a sequential approach for development: firstly in Scunthorpe, followed by the market towns and then rural settlements. The bulk of housing requirement for North Lincolnshire under this strategy is allocated for Scunthorpe at 82% of the total housing requirement with 18% in the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. There are no allocated housing sites within the rural settlements.

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 Barrow.

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, 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 Housing and Employment Land Allocations DPD. The application site is outside the defined development boundary of Barrow and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy, 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 were most important to determining the application should not be considered up to date.

North Lincolnshire does not currently have a five-year housing land supply of deliverable sites. As such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (iii) 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
- (iv) 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.

It should be noted that two other residential developments have been permitted adjacent to the application site by the same developer: PA/2020/803 (9 dwellings) and PA/2021/970 (18 dwellings). PA/2020/803 forms the housing site allocation under policy H1 of the new local plan H1C-35: Land at Ferry Road East and is located within the proposed new development boundary for Barrow in the new local plan for North Lincolnshire.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Economic

Investment in construction and related employment would represent a benefit whilst the dwellings and associated infrastructure were being constructed. The additional population would provide support to the local economy in terms of residents using the facilities, businesses and services located in Barrow. The proposed dwellings would also generate council tax revenue for the council.

Social

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site. The proposed dwellings are all bungalows and there is a very high demand for bungalows in our area to accommodate our growing elderly population. Three of the bungalows will be secured for over 55s to accommodate older people.

Environmental

In terms of the environmental dimension, the proposal would result in landscaping and biodiversity enhancements on the site. Pedestrian links can be provided from the site into the central area of Barrow and to the local primary school. SuDs would be incorporated into the development. These are all benefits of the scheme. However, the application would alter the character and appearance of the countryside in this area. The adjoining developments have been completed/are under construction and therefore the character of the countryside has already been changed on these sites.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Barrow itself is identified as a rural settlement by the Core Strategy and ranks 12th overall in the North Lincolnshire Sustainable Settlement Survey 2019. It contains five out of a maximum of seven key facilities, which include a primary school, convenience shops, a public house and a village hall/church hall/community centre. Barrow has public transport links, with a number of bus services providing access to the larger settlements of Barton, Ulceby and Scunthorpe, for example. It is a larger rural settlement and is considered to be a sustainable settlement due to the facilities and access to facilities it has. In addition, in the new local plan Barrow upon Humber is identified as a large service centre because it provides local employment opportunities, and key services and facilities to surrounding areas. Furthermore, PA/2020/803 is a housing allocation in the new local plan and this site is located within the development boundary of Barrow in the new local plan for North Lincolnshire. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. The access is from Ferry Road East. Car parking is provided on site, with each dwelling having its own car parking spaces. The speed limit on this section of Ferry Road East is 40mph. This speed limit is to be reduced to 30mph when the first dwelling approved under PA/2021/970 is occupied with the S106 for PA/2021/970 requiring the developer to pay £3,000 for the works associated with reducing the speed limit to 30mph.

Highways have no objection subject to the recommended conditions relating to access, car parking, a construction phased traffic management plan and wheel-cleaning facilities, which would be attached to any permission granted. The proposal therefore accords with policies T1, T2 and T19 of the North Lincolnshire Local Plan.

Comments from objectors about congestion in Barrow are noted. However, there is no evidence to suggest that the proposal (including the other planning permissions granted on the adjacent sites) will significantly increase congestion in Barrow. Highways have not raised objections and therefore the proposal is considered to be acceptable in highway terms.

Drainage and flood risk

Policy DS14 (Foul Sewage and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from new development by agreeing details before planning permission is granted, imposing conditions on planning permissions or completing planning agreements to achieve the same outcome. Policy DS16 (Flood Risk) requires that new development should not be at risk from flooding. The site lies within flood zone 1 according to the council's SFRA and is therefore at low risk of flooding.

Policy DS13 (Groundwater Protection and Land Drainage) seeks to ensure that all new development takes account of the need to secure effective land drainage measures and groundwater protection to control the level of water in the land drainage system. Policy DS15 (Water Resources) does not allow development to be permitted which would adversely affect the quality and quantity of water resources by means of pollution from the development or water abstraction unless adequate measures are undertaken to reduce the impact to an acceptable level.

In terms of flood risk, the site is located in flood zone 1 and is therefore at low risk of flooding and the optimum place for development in terms of flood risk. The Environment Agency does not wish to comment on the application. Therefore, in terms of flood risk, the proposal is acceptable and aligns with policies CS19 of the Core Strategy and DS16 of the North Lincolnshire Local Plan.

In terms of foul water, the proposal is for six dwellings and Anglian Water does not want to comment on this application. The application has to be considered against the existing planning approval on the site. In relation to the previous application, PA/2021/970, Anglian Water confirmed, 'The foul drainage from this development is in the catchment of North Ferry Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission' and in terms of the used waste water network, 'The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.'

It is reasonable to assume, as this response from Anglian Water was given in 2022, that the situation will not have changed and that Anglian Water will still have to ensure there is capacity in the system to accept flows from this development. The developer has submitted foul water drainage details for the site and Anglian Water have not wanted to comment on the proposals. The applicant will need to ensure that the necessary consents from Anglian Water are obtained. The proposal is acceptable in terms of foul drainage and would align with policy DS14 of the North Lincolnshire Local Plan.

In terms of surface water drainage, the LLFA have no objections to the development subject to conditions to secure a surface water strategy for the site and to ensure surface

water does not discharge onto the highway from the site. Therefore, subject to conditions, the proposal will align with policies DS14, DS16 and T2 of the North Lincolnshire Local Plan, and CS18 and CS19 of the Core Strategy.

Ecology/biodiversity

Policies LC5 to LC7 of the local plan deal with species, habitat and landscape matters. Given the existing open field nature of the site and surrounding hedgerows, the preservation and enhancement of important ecological features is necessary. Ecology have been consulted on this proposal and have no objections subject to a S106 and planning conditions.

The applicant has submitted a Biodiversity Metric 3.1 with the application. This reveals a projected net loss of 0/14 biodiversity units (-22.73%) and a projected net loss of 4.85 hedgerow units (-38.87%). Given the loss of biodiversity value on site, there is little prospect of on-site delivery and therefore an off-site financial contribution is required to secure habitat delivery off site. The baseline value of the site is 0.62 habitat units; an additional 0.01 habitat units will be required, on top of the 0.14 unit net loss, to give a total off 0.15 habitat units off site. This will be obtained via a S106 agreement.

Planning conditions have been proposed to ensure that works and biodiversity enhancements are carried out strictly in accordance the submitted Extended Phase 1 Habitat Survey and Biodiversity Management Plan and the submitted ecology plan. Conditions will also be used to ensure full details of the proposed new hedgerow planting is submitted to the council for approval, should permission be granted.

These conditions, together with the financial S106 contribution for biodiversity, are considered reasonable to ensure that the proposal aligns with the NPPF, and policies CS5 and CS17 of the Core Strategy, and to ensure a net benefit in terms of ecology and biodiversity.

Trees

No response has been received from the council's Arboricultural Officer. Five trees adjacent to the western boundary are shown to be retained and one tree located on the northern boundary is shown to be removed. A landscaping plan has been submitted showing 16 trees to be planted on the application site and new hedging. Various shrubs are also proposed. The landscaping scheme is acceptable and will be conditioned. Further conditions will secure details of the species for the new hedgerow planting on the western boundary and ensure the existing trees are protected during construction. Subject to these conditions, the proposal will align with policies CS5 and CS16 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan

Design, appearance, visual impact and amenity

Paragraph 2 of the NPPF (2021) states, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 130 of the NPPF expresses the importance of good design, high quality buildings and improving the character and quality of an area.'

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) 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. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. 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 LC7 of the local plan states, 'where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.' Policy H5 of the local plan relates to new housing development and seeks to ensure the size and scale is commensurate with the settlement.

Six dwellings are proposed that are a mix of dormer chalet-type bungalows and single-storey bungalows. They are all detached dwellings and are similar house types to those approved on the adjoining sites. The proposed development will create a cohesive and integrated development across the adjoining sites creating an attractive, spacious residential development that is in keeping with the rural area. The scheme comprises bungalows and dormer bungalows which are relatively low in height, which reduces their impact on the wider landscape. Further, these proposed dwellings are set behind and down from existing properties along Ferry Road East which will provide fairly substantial screening of the development. Boundary treatments will be conditioned to secure privacy to each dwelling. Being bungalows, the dwellings will not result in overlooking between the proposed dwellings or of adjoining existing dwellings. The separation distances between the proposed dwellings and existing dwellings are acceptable and will not result in an overbearing impact.

The proposals accord with policies DS1, LC7 and H5 of the local plan, and CS5 of the Core Strategy, in terms of design, appearance, visual impacts and amenity.

Loss of agricultural land

The proposal would result in the loss of 0.3 hectares of agricultural land. The loss of this small area of land is not considered to have a substantial impact on the overall viability of farming or availability of quality agricultural land in the area. Barrow is surrounded by swathes of agricultural land comprising grade 2 (very good). The site is not currently in agricultural production.

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 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below, all of which the applicant has agreed to.

Housing for over 55s

In this case three of the bungalows are proposed to be for 'over 55s'. There is a need for accommodation in North Lincolnshire to provide housing for our increasing elderly population as set out in the council's Housing Needs Assessment (HENA). As a result, a S106 is required to ensure that these dwellings remain as housing for over 55s in perpetuity. The proposal therefore aligns with policies CS7 and CS8 of the Core strategy and paragraph 62 of the NPPF.

Public open space and leisure

No public open space is sought for the six dwellings as sufficient open space has been provided through the previously approved developments, with all planning permissions being built out by one developer.

A leisure contribution has also been requested in the form of an off-site financial contribution of £8,385 for the following sports facilities to accord with policy CS23 of the Core Strategy towards improvements to the natural grass pitches that serve Sub area 7, for outdoor changing room facilities, for swimming facilities, for sports hall and fitness improvements and for improvements to indoor bowling facilities.

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, to secure the provision of, or contribution towards, new or extended facilities. The response from the education department to this application is that £8,944 per dwelling for three of the additional bungalows is required. These monies would be used towards primary and secondary school places which are directly affected by the planning permission. The other three bungalows will be for over 55s; an education contribution on the over 55s' accommodation is not sought.

Biodiversity

Biodiversity net gain (BNG) cannot be provided on site due to the layout of the scheme and the fairly low biodiversity currently on the site. There is a projected loss of only 0.14 biodiversity on the site. As a result, it is considered in this case that it is acceptable to seek an off-site contribution for BNG. This off-site contribution has been calculated as £3,300. An additional 0.01 units will be required, on top of the 0.14 unit net loss, to give a total value of 0.15 units required off site. Subject to this contribution, the proposal would align with the NPPF and policy CS17 of the Core Strategy.

Other matters

Comments about other brownfield sites available in Barrow are noted, but are not material to this application, given the shortfall in the council's five-year housing land supply. Comments about the Millfields site not being built out are noted, but again are not material to this application. The developer for Millfields is currently completing the ground works and infrastructure for the whole site so this development is proceeding. Environmental Protection have requested construction, demolition and site clearance operations to commence from 8am. Under PA/2021/161, these works could commence from 7.30am. It is therefore reasonable and consistent to allow works to commence from 7.30am to align with the existing planning permissions on the adjoining sites.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant.

Planning balance

In conclusion, the development is for full planning permission for six dwellings that lie outside the development limits of Barrow as defined in the local development plan. The site itself is not identified as a housing allocation in the North Lincolnshire Local Development Plan or in the new local plan.

The council cannot currently demonstrate a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement. In accordance with NPPF paragraph 11(d), the local plan's relevant policies for the supply of housing carry reduced weight and the tilted balance set out in paragraph 11d applies to this case. It is clear that, due to the council's lack of a five-year housing land supply, there is a need for housing in North Lincolnshire. Not only will this application address some of this shortfall but there are significant benefits associated with this well-designed residential development, including the provision of accommodation for our elderly population. Furthermore, two previous applications have been approved on adjoining sites, and it has already been identified that the site is a sustainable location for residential development. This application will essentially 'round off' the development, creating a mixed and cohesive development across all the sites. It is considered, given the assessment above, that no adverse impacts will result from the development that would significantly and demonstrably outweigh the benefits that would follow from this well-executed and designed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

Conclusion

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. On balance, the proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions and planning obligations set out below.

Heads of terms

Education

Education contribution	£8,944 per dwelling for the additional three bungalows to be used towards primary and secondary school places which are directly affected by the planning permission; contribution excludes the three over 55s' products
Trigger point	On occupation of the 3 rd dwelling
How long the council has to spend the contribution	10 years

Recreation

Off-site contribution	A total contribution of £8,385 is required if this application is successful towards the anticipated costs of improvements to existing recreational facilities within the area
Trigger point	On occupation of the 4 th dwelling
How long the council has to spend the contribution	10 years

Biodiversity

Off-site contribution	0.15 habitat unit loss equivalent as an off-site contribution of £3,300 towards biodiversity net gain in North Lincolnshire
Trigger point	On occupation of the 4 th dwelling
How long the council has to spend the contribution	10 years

Over 55s' housing

Over 55s' housing	Three bungalows to be secured for over 55s only (plots 28, 32 and 33) Secured in the Section 106 Agreement to ensure perpetuity
--------------------------	--

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for the contributions set out in the heads of terms above, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**

(iii) if the obligation is not completed by 1 December 2023 the Development Management Lead be authorised to refuse the application on grounds of inadequate provision of essential community benefits, lack of provision for biodiversity net gain and inadequate provision to meet educational needs and requirements; and

(iv) the permission so granted be subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site location plan: FE/145/302 Rev A
- Site layout: FE/145/303
- Landscaping: FE/145/305
- Levels: FE/145/313
- Foul Water Drainage Plan: FE/145/310
- Materials Plan: FE/145/304
- Ecology Features: FE/145/306
- Maxstoke 2 Storey build style 2 Single Garage normal hand: M.sg.AS/19/102
- Teal with sunroom Build style 2 normal hand: Te.sr/AS/19/102
- Teal with sunroom and garage Build style 2 normal hand: Te.sr/OP/19/102
- Maxstoke 2 Storey build style 3 Double Garage opposite hand: M.dg/OP./19/101
- Teal with sun room build style 3 opposite hand: TE.sr/OP/19/103
- Maxstoke 2 storey build style 3 single garage opposite hand: M.sg/OP/19/101
- Garage Plot 28: GA/FE/P28.

Reason

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

3.

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.

4.

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

Reason

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

5.

No dwelling served by the private driveway 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 to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

7.

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.

8.

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.

9.

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.

10.

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

Reason

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

11.

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.

12.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;

- (v) storage of materials; and
- (vi) 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.

Reason

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

13.

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 Surface water Drainage Plan, Drawing No: FE/145/309, Dated: 24/01/2023.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change, which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

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 policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

14.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 13 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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

15.

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 policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

16.

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.

17.

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

- 7.30am to 6pm Monday to Friday

- 7.30am to 1pm on Saturdays.

No construction, demolition 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 reduce the potential impact on residential amenity from noise, dust and light generated during the development phase in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

18.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 6 of the submitted document 'Ferry Road East - Phase 3 Site, Barrow Upon Humber: Extended Phase 1 Habitat Survey, Biodiversity Management Plan and Biodiversity Net Gain' dated March 2023 and the submitted drawings numbered FE/145/305 and FE/145/306. The management prescriptions set out in the management section 6 shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the fifth 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. All biodiversity features shall be retained thereafter.

Reason

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

19.

The scheme of landscaping and tree planting shown on drawing number FE/145/305 shall be carried out in its entirety within a period of 24 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority has given written consent to any variation.

Reason

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

20.

Before the approved landscaping scheme (drawing number FE/145/205) is carried out on the site, details of the location and species of the planting for the infilling and the new hedgerows shall be submitted to and approved in writing by the local planning authority and only the approved scheme shall be implemented on the site.

Reason

In the interests of the amenity of the locality, in accordance with policies CS5 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan.

21.

Before any above-ground works take place on the site, 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 any above-ground works take place on the site 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 safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

22.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained.

Reason

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

Informative 1

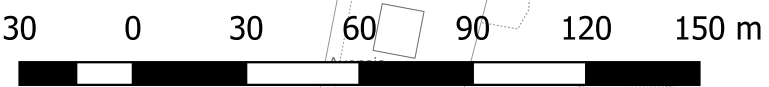
This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

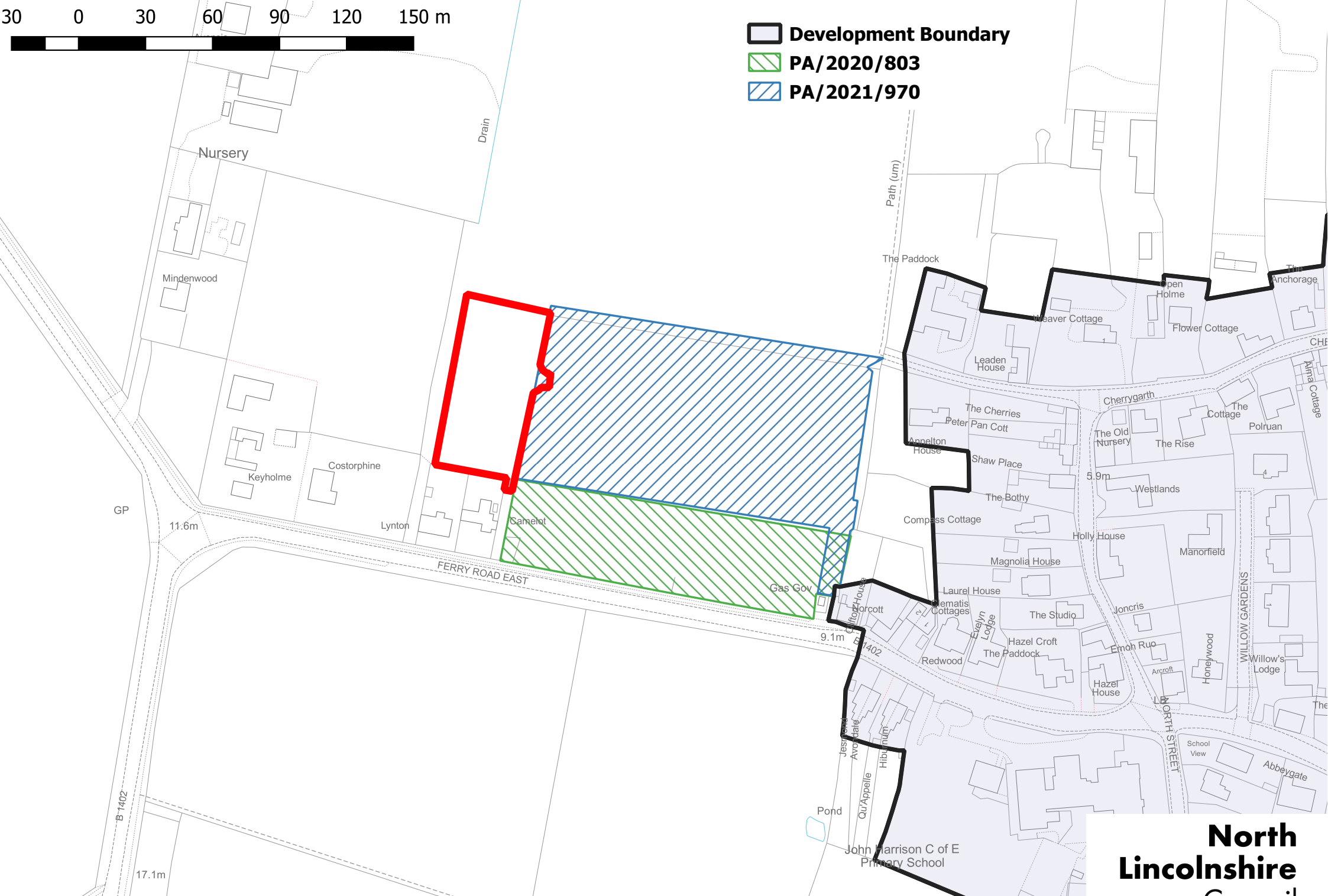
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 3

The applicant's attention is drawn to the comments made by the LLFA on 17/05/2023.



- Development Boundary
- PA/2020/803
- PA/2021/970



PA/2023/145

PA/2023/145 Proposed layout (not to scale)



Rev: Details		Drawn by: Date Approved	
KEIGAR HOMES LTD KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938			
Project Title: Residential development land off FERRY ROAD EAST BARROW UPON HUMBER			
Drawing Title: SITE LAYOUT			
Drawn by: Mds	Date: 29.10.22	Scale: 1/500 @ A3	Rev/BOR:
FE / 145 / 303			