

APPLICATION NO	PA/2022/1857
APPLICANT	Mr James Bourne (Somersby Homes)
DEVELOPMENT	Planning permission to erect 16 dwellings
LOCATION	11 Burnside, Broughton, DN20 0HT
PARISH	Broughton
WARD	Broughton and Scawby
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Broughton Town Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H10: Public Open Space Provision in New Housing Development

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

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 CS17: Biodiversity

Policy CS18: Sustainable Resource Use 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:

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

H2: Housing Mix and Density

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE6: Sustainable Drainage System

DQE7: Climate Change and Low Carbon Living

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements North Lincolnshire Local Plan Submission:

CONSULTATIONS

Humberside Police: No objections.

Anglian Water: No objections subject to a number of standard conditions.

Highways: No objections subject to a number of standard conditions, including (but not limited to) access, turning, parking and visibility splays.

Environment Agency: No comments to make.

Historic Environment Record: HER records show that an archaeological field evaluation was undertaken on the site in 2015, which found no remains of archaeological significance. As such, there are no objections to the proposed development and no further recommendations for archaeology.

Humberside Fire and Rescue: No objections subject to a number of standard informatives.

Environmental Protection: No objections to the proposed development subject to conditions relating to site investigation, remediation, verification and unexpected contamination; working hours; and the submission of a construction environmental management plan (CEMP).

Section 106 Officer: No objections in principle. In summary, confirms that an S106 agreement will be required to secure the necessary contributions relating to affordable housing, education provision, recreation and open space provision. No contributions are required in relation to health, public transport or on-site play area provision.

Drainage (Lead Local Flood Authority): There are fundamental detailed design issues to resolve moving forward and the applicant may wish to consider a high level outfall into the highway drainage system on Burnside. Notwithstanding this, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of a condition to secure a detailed surface water drainage scheme for the site, along with other conditions and informatives.

Spatial Planning: Support in principle; however, the proposals are contrary to policy CS7. In particular, concerns are raised in respect of the mix of properties on the development.

Education: No comments received.

TOWN COUNCIL

Objects due to:

- Highways – any development would lead to additional traffic on a narrow road, which enters/leaves the estate at a busy junction with Brooklands Avenue, where there is speeding traffic and even more traffic after the relocation of the Post Office.
- Drainage – worries about the drainage system being able to cope with additional development.
- Character – any development would change the character of the estate, which is mainly occupied by elderly residents.
- Access – insufficient account has been taken of the fact that the access road is an estate road with a great deal of on-street parking and the development will only add to the traffic congestion. Can an alternative access be considered?

PUBLICITY

A site notice was displayed on 21 November 2022 and a press notice on 3 November 2022 in accordance with Article 15 of the Development Management Procedure Order 2015. A total of 17 letters of objection have been received in response to this public consultation. A summary of the concerns raised by those objecting to the application are provided below:

- The development would prejudice highway safety. The access road from Burnside is not appropriate as it is narrow and has existing parking issues.
- Broughton is over-developed and the infrastructure is insufficient to accommodate new dwellings.
- There are existing problems with drainage and sewerage.
- The area is home to many elderly residents. The scheme is out of keeping with the area. A proposal involving bungalows would be more appropriate.
- The site is higher than nearby properties. Concerns are raised in relation to potential surface water and flooding issues for neighbouring properties.
- The development would lead to loss of natural habitat for wildlife. Clearing of the site has already resulted in a visible reduction in the number of hedgehogs in the area.

- Construction works and traffic will cause disturbance for local residents.
- The area has archaeological potential and a survey may need to be undertaken.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

PA/2014/1178: Outline planning permission for residential development and associated works – refused 20/11/2015 (dismissed at appeal 02/12/2016)

PA/2016/2009: Outline planning permission for a residential development of up to 26 dwellings, including 3 affordable homes (with all matters reserved except access) and associated works – approved 28/07/2017

PA/2018/2316: Outline planning permission for up to 10 dwellings with all matters reserved for subsequent approval – approved 02/12/2019.

Site characteristics

The application site is comprises former garden land previously associated with properties fronting Appleby Lane, within the defined settlement boundary for Broughton. The site now appears overgrown, enclosed by temporary fencing at the proposed entrance from Burnside to the south edge of the site.

The site is bordered by the deep gardens of residential properties along Brooklands Avenue to the east, and by the boundaries of properties within Burnside and Sycamore Close. Newly constructed timber fences mark the boundaries with properties on Appleby Lane and 11 Burnside, with the previous boundary hedgerows still existing within the site. There are a range of trees and shrubs around the edge of the site, with many trees located close to the boundary within the gardens of existing properties.

An existing footpath connects Burnside with Beech Close and Appleby Lane, allowing pedestrians to access local shops and services on the High Street. The nearest bus stops are on Brooklands Avenue, approximately 500 metres from the site entrance, providing regular services to and from Scunthorpe and surrounding settlements.

Proposal

Planning permission is sought for the construction of 16 residential dwellings, comprising a mixture of three- and four-bedroom homes and mostly detached two-storey properties. Plots 10 and 11 are proposed to be semi-detached three-bedroom properties whilst plot 16, located close to the entrance into the proposed development, is proposed to be a three-bedroom bungalow.

Access into the site would be taken from Burnside, with the access road leading north-east. Properties would be arranged in a linear fashion fronting the access road, with each property having a private driveway with space for two vehicles. The internal road layout would provide turning space for vehicles between plots 7 and 8.

The material palette comprises 'Golden Purple' and 'Ivanhoe Westminster' bricks from Ibstock, with rustic red and anthracite pantile roof tiles providing contrast to the golden and red hues of the external materials. Render would be incorporated within plots 3, 8, 10, 11 and 14 to add visual interest. The proposed site layout depicts hedgerow and tree planting within the site to the front and sides of dwellings, with boundary enclosures to rear gardens providing secluded gardens and soft boundaries to front lawns.

Material considerations

Planning permission is sought to construct 16 dwellings. The site has planning history, with residential development both approved and refused on the site in previous years. The most recent application (PA/2018/2316) saw outline planning permission granted to construct 10 dwellings on the site. This permission has since lapsed and is no longer extant.

The main issues in determining this application are:

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highway safety**
- **flood risk and drainage**
- **contaminated land**
- **ecology**
- **affordable housing**
- **planning obligations.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development boundary for Broughton, where residential development is generally acceptable in principle, and is in a sustainable location within walking and

cycling distance of a range of local facilities, services and employment opportunities. The site is also close to a number of bus stops and public transport options, providing connectivity to nearby settlements, including Scunthorpe.

Policy CS1 of the Core Strategy identifies Broughton as a rural settlement, and indicates that the town will be supported as a thriving sustainable community with a strong focus on retaining and enhancing existing local services to meet local needs. Policy CS1 states that development will be limited and should take into account levels of local service provision, infrastructure and capacity and accessibility. It goes on to indicate that any development should be in keeping with the character and nature of the settlement.

Policy CS3 of the Core Strategy identifies development limits, which seek to direct new housing development to places which are sustainable and in areas which respect existing development patterns, capacity and character, taking account of existing planning consents and new development. Beyond these boundaries, the policy limits development to that which is essential to the functioning of the countryside.

Policy CS7 of the Core Strategy sets out the requirement for 12,063 new homes across the plan area during the plan period up to 2026. This is equivalent to a build out rate of 754 dwellings per year. The policy indicates that 3,482 of these will be provided from sites with pre-existing permissions in place or are under construction at the time of adoption of the plan. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the NPPF which seeks to significantly boost the supply of housing.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 16 dwellings results in a density of approximately 25 dwellings per hectare, which falls slightly below the aspirational minimum density, but is considered reflective of the pattern of existing development in the immediate vicinity of the site.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five-Year Housing Land Supply Position Statement is awaiting an update and 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:

- (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.

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

Whilst the restrictive elements of policies of the development plan (specifically Core Strategy policies CS2, CS3, CS7 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. 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.

The proposed development within this application seeks to construct 16 dwellings on land within the settlement boundary for Broughton. The settlement scored highly within the North Lincolnshire Settlement Survey 2019, ranking 7th across all settlements and receiving a total settlement score of 52. The settlement scores highly for access to conveniences and community services, with a large number of key services. Notwithstanding the lack of a five-year supply of deliverable sites, Broughton is therefore considered an appropriate location in which to provide new housing.

Having regard to the above, given the site is sustainably located within the settlement of Broughton, the principle of the development is considered to be acceptable in accordance with policies CS1, CS3, CS7 and CS8 of the Core Strategy. New housing development in this location would contribute towards addressing the shortfall in housing across North Lincolnshire, with 16 new homes offering a meaningful contribution towards meeting identified need across the plan area.

Design and impact on the character and form of the 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.'

The proposal would involve the erection of mostly two-storey buildings consisting of semi-detached family homes. Two units are proposed to be semi-detached, with one unit proposed as a bungalow. The surrounding area mainly consists of residential development

of one and two storeys in height. Overall, the surrounding area consists of a variety of buildings of different massing, materials, and design, with older properties within Burnside and secondary roads predominantly bungalows.

The materials to be used in the proposed development would include red and buff facing bricks, with red and anthracite grey roof tiles, with render used in a small number of plots. The proposed palette of materials is modern but in keeping with the prevailing character of the surrounding streets. On this basis, the appearance of the development is considered acceptable.

In terms of scale, siting and design, the layout makes effective use of the available space, providing well-proportioned homes within appropriately-sized plots. The layout maintains adequate separation from existing development, and would enable a smooth transition between the existing properties on Burnside and those within the site. Soft landscaping proposals would help soften the appearance of the development, with more precise details for boundary treatments and planting capable of being secured by an appropriately worded condition.

On balance, it is considered that the proposal would be acceptable in terms of its impacts on the character and appearance of the area and would present a well-designed scheme which complies with the aims of policies CS5 of the Core Strategy and H5 of the local plan.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Due to the massing, separation distances and orientation of the proposed building. The proposals are not considered to have any impacts on surrounding properties in respect of overlooking, and given their siting to the north of properties in Sycamore Close and Burnside, there are no concerns in relation to loss of sunlight, daylight or overshadowing.

It is noted that the proposals may introduce more people and movement to the area, including additional vehicles which would navigate through the estate to access the wider road network. However, as the site has previously been considered suitable for the construction of up to 26 dwellings it is not considered sufficient justification to withhold planning permission.

It is inevitable that the construction period will result in some level of disruption to nearby residential properties through noise and other disturbance; however, this will be relatively short-term without harming the long-term amenity of local residents. Conditions can be imposed to control the short-term effects caused by construction work, which would help minimise avoidable disruption during this time.

Fundamentally, upon completion, the impact of the development would not be considered to result in harm to the amenity of local residents. The increase in vehicular traffic associated with the site would be modest, and as the site is close to local services and facilities it is highly likely that a large proportion of trips will be made on foot, or by cycle or public transport.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties. The development is considered acceptable in accordance with policies DS1 and H5 of the local plan in this respect.

Highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's highways department has been consulted and does not object to the proposed development subject to a number of conditions. The proposals are within the settlement limits and close to existing services and facilities, many of which are within convenient walking distance of the site. Broughton is regarded as a highly sustainable location and the highway authority has raised no concerns in terms of the capacity of the surrounding road network. Similarly, whilst the concerns of residents are noted, no concerns have been raised by the highway authority in respect of highway safety.

Overall, it is considered that the site is sustainably located. Sufficient parking is provided within the site for vehicles, and the development can be accommodated on the road network without compromising safety. The proposal is in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, and policy CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered relevant in respect of flood risk and drainage.

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within Flood Zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development; however, given the proposals are within Flood Zone 1, no sequential test is required. Therefore, the proposals are acceptable in respect of flood risk.

The applicant intends to use mains drainage for the disposal of foul and surface water, which is considered acceptable, with no objections raised by the Lead Local Flood Authority or Anglian Water subject to a number of conditions. The proposals seek to dispose of surface water by means of soakaway, which has attracted some objection from residents owing to the higher land levels of the application site.

The application has been supported by a drainage layout and additional supporting information, which has been assessed by the LLFA. The LLFA have indicated that there are fundamental detailed design issues to resolve moving forward, and indicates that the applicant may wish to consider a high level outfall into the highway drainage system on Burnside. However, notwithstanding the shortfalls in the proposed drainage layout the LLFA are satisfied that a suitable scheme can be brought forward at the site to dispose of surface water, precise details of which can be secured by appropriately worded conditions as recommended by the LLFA.

Subject to accordance with such conditions, the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Contaminated land

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.

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions. The site is former garden land associated with properties on Appleby Lane. As such, there is little reason to suspect that land contamination will pose a risk to new development.

Conditions recommended by the Environmental Protection Team seek to secure desk-based survey and intrusive site investigations to ascertain the potential for land contamination and ensure that any potential contaminants are mitigated. Previous permissions for residential development at the site have been subject to conditions requiring the developer to submit details for remediation in the event that unsuspected land contamination is found during construction work. In the interests of consistency, and owing to the lack of objection from Environmental Protection to this application and previous proposals at the site, it is considered appropriate to impose a condition requiring any unexpected contamination found during construction works to be fully investigated, rather than requiring further survey work up front.

Affordable housing

Core Strategy policy CS9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for North Lincolnshire.

Policy CS9 outlines that schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in the Scunthorpe urban area and market towns and 10% affordable housing in rural settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 16 dwellings within the defined development limits of Broughton, a rural settlement. As such 10% affordable housing is required on site, equivalent to 2 dwellings.

The accompanying statement provided with the application indicates that discussions with Housing Associations prior to submission of the application established that there was no desire to adopt two dwellings within the development. This is often the case where it is not financially viable or operationally suitable for such a small number of units to be taken by registered providers of affordable housing, as ongoing management can be unviable.

In this instance, the applicant is seeking to provide an off-site contribution towards affordable housing in the form of a financial contribution to be secured by a legal agreement pursuant to Section 106 of the Town and Country Planning Act. Subject to this agreement, the proposed development would provide for an appropriate level of affordable housing in accordance with policy CS9 of the Core Strategy.

Ecology

The application has not been supported by any ecological survey work, however the council's ecologist has indicated that past survey work recorded only common and widespread habitats and plant species. No evidence of past or present use by roosting bats was recorded in any of the structures on the site, and that potential for further protected species was limited. Whilst these surveys are now dated, given the low potential for harm to protected species, the council's ecologist has indicated that no further protected or priority species surveys are required. On this basis, it is concluded that the development of the site would not impact upon protected species of wildlife in accordance with policy LC5 of the local plan.

The NPPF indicates that planning policies and decisions should contribute to and enhance the local environment by securing net gains for biodiversity. This requirement is echoed within policy CS17 of the Core Strategy, which seeks to ensure development retains, protects and enhances features of biological and geological interest.

No background ecological survey work has been undertaken to inform the proposed development; however, as noted previously, past data indicates that only common and widespread habitats are found on site. Development of the site would result in a loss of these habitats, resulting in net losses for biodiversity overall. The council's ecologist has indicated that the proposed development should not be approved unless it can deliver at least as many habitat units as the previous permission did (which would still have resulted in net losses for biodiversity), which would need to be supported by biodiversity metric assessments.

Owing to the above, the proposed development would result in the loss of habitats and in its current form would fail to provide or secure net gains for biodiversity. Development of the site is unlikely to be capable of achieving biodiversity net gain, and as a result the proposed development is contrary to policy CS17 of the Core Strategy and conflicts with the aims of the NPPF in this respect.

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.

Public open space

Public open space and leisure 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 0.5ha 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 CS23 of the North Lincolnshire Core Strategy.

Due to the overall size of the site, there are limited options available to provide meaningful open space on site to benefit local residents. As with previous applications it is proposed to secure an off-site contribution in the form of a financial contribution towards the delivery of open spaces in the local area. This is considered acceptable in accordance with policy CS23 of the Core Strategy, and can be secured by an S106 agreement.

Education and health

The council's Section 106 Officer has confirmed that no contributions are required in relation to health. A contribution towards education is considered to be likely to be required, though at the time of writing this has yet to be confirmed. In the event that primary and secondary contributions are required, it is anticipated that a sum of £8,944 per market dwelling would be sought, totalling £125,216.

Recreation

A total contribution of £14,224 has been indicated as being necessary to contribute towards anticipated costs associated with recreational facilities likely to be used by the development upon completion. The figure is broken down in more detail in the Section 106 Officer's response, but includes provision towards developing new playing pitch provision, swimming facilities and existing sport facilities improvement.

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 CS23 of the North Lincolnshire Core Strategy, and policy H10 of the North Lincolnshire Local Plan.

Conclusion

Planning permission is sought to erect 16 residential dwellings, comprising a mixture of two-storey detached and semi-detached properties and one bungalow. The application is acceptable in principle, consistent with the requirements of development plan policies in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land.

The proposed development would result in the loss of biodiversity and would fail to secure biodiversity net gain. The redevelopment of the site would result in the loss of common and widespread habitat features, and would not impact upon protected species of wildlife. The development would therefore conflict with the aims of policy CS17 of the Core Strategy.

The council is unable to demonstrate a five-year supply of deliverable housing sites. The policies which are most important for determining the application should therefore be regarded as being out of date, and a presumption in favour of sustainable development should be applied in accordance with paragraph 11 of the NPPF.

This states that for decision-making, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against policies in the Framework taken as a whole. Members therefore need to balance the inability of the development to secure biodiversity net gain against the meaningful contribution the development would provide to address the current shortfall in housing across North Lincolnshire.

For reasons set out within this report, it is recommended that the benefits of the development generated through the construction of 16 new homes would significantly outweigh the conflict with policy CS17 of the Core Strategy and loss of common and widespread habitat features from within the site.

Financial contributions are required to offset other impacts of the proposed development, which can be secured via a Section 106 Agreement. Education provision is still to be determined and as no agreement has been formally entered into the local planning authority recommends that members be minded to approve planning permission subject to resolution of these outstanding matters and subject to completion of the Section 106 Agreement.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed with the agent/applicant.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for financial contributions towards affordable housing, education provision, recreation and open space contributions, 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 legal agreement;**
- (iii) if the legal agreement is not completed by 4 January 2024 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing contribution, no education contribution, and no recreation or open space contributions; 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:

8821-101 Site Location Plan

8821-103 Proposed Block Plan & Materials

8821-104 Proposed Block Plan & House Types

8821-105 Proposed Site Plan & Landscaping

8821-106 Type 3BB1

8821-107 Type 3B1

8821-108 Type 3B2

8821-109 Type 3B3

8821-110 Type 3B4

8821-111 Type 3B5

8821-112 Type 4B1

8821-113 Type 4B2

8821-114 Type 4B3

8821-115 Type 4B4

Reason

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

3.

Notwithstanding the detail contained within the application, no development shall commence until a detailed surface water drainage scheme for the site has first 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 geological context of the development. The drainage scheme shall be based upon the submitted Soakaway calculations report prepared by Hall Infrastructure Design Ltd, version 1, dated 29/06/2022.

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 at the time the applicant seeks to discharge this condition) 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. Reference must be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Thereafter, the development shall be constructed in accordance with the approved details.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

4.

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, and from the highway onto the developed site, have first been submitted to and approved in writing by the local planning authority. Thereafter, surface water drainage shall be provided in accordance with the approved scheme prior to the parking areas being constructed and brought into use.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

5.

Tree and hedgerow planting shall be carried out in accordance with the approved specification for each residential dwelling prior to occupation of each individual property.

Reason

In the interests of the character and appearance of the development, and to ensure landscaping is provided in accordance with the approved plans for each property, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

If, within a period of five years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree within two months of being requested to do so by the local planning authority.

Reason

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

7.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out

until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure land contamination does not pose a risk to future occupants of the development, in accordance with policy DS11 of the North Lincolnshire Local Plan.

8.

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

- 8am to 6pm Monday to Friday

- 8am 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 protect residential amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

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. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of –

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits;
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of –

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;

- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of –

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

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

10.

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 policies T2 and T19 of the North Lincolnshire Local Plan.

11.

The proposed new dwellings shall not be occupied until the vehicle access to the development, and the vehicle parking and turning areas, have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

12.

No development shall commence until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming

arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

13.

No development shall 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

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

14.

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.

15.

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.

16.

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.

17.

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.

18.

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

Reason

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

19.

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

Reason

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

20.

No development shall take place above damp proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has first been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that property must have been carried out in complete accordance with the approved details.

Reason

To prevent environment and amenity problems arising from flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

Informatives

1.

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

2.

Access for the Fire Service:

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for firefighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high

reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water supplies for fire-fighting:

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate, it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building which has a compartment of 280m² or more in area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

3.

The developer needs to provide a detailed surface water drainage drawing, pulling together all drawings included in this application. The developer needs to fully consider a high level outfall option into the adjacent highway drain on Burnside and/or oversizing of the proposed surface water drainage design given the site investigation results (perched groundwater).

4.

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

- (i) 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; and
- (ii) 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.

5.

Feasible drainage strategy needs to be agreed with Anglian Water prior to the commencement of development. The strategy needs to include:

- development size
- proposed discharge rate (should you require a pumped connection, please note that Anglian Water's minimum pumped discharge rate is 3.8l/s)
- connecting manhole discharge location (no connections can be made into a public rising main)
- notification of intention to connect to the public sewer under S106 of the Water Industry Act (more information can be found on Anglian Water's website)
- feasible mitigation strategy in agreement with Anglian Water (if required).

6.

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/2022/1857

**North
Lincolnshire
Council**

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PA/2022/1857 Proposed layout (not to scale)



PLOT	TYPE	FFL	MATERIALS	
			WALLS	ROOF
1	483	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
2	484	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
3	481	40 250	Itstock Bradgate Golden Purple & part render	Crest Planum Concrete Flat Tile (Anthracite)
4	381	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
5	382	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
6	381	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
7	482	40 550	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
8	481	41 000	Itstock Bradgate Golden Purple & part render	Crest Planum Concrete Flat Tile (Anthracite)
9	482	41 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
10	385	40 950	Itstock Bradgate Golden Purple & part render	Crest Planum Concrete Flat Tile (Anthracite)
11	385	40 950	Itstock Bradgate Golden Purple & part render	Crest Planum Concrete Flat Tile (Anthracite)
12	483	40 750	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
13	384	40 500	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
14	383	40 300	Itstock Bradgate Golden Purple & part render	Crest Planum Concrete Flat Tile (Anthracite)
15	384	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red
16	3681	40 250	Itstock Ivanhoe Westminster	Concrete Double Pantile Rustic Red



Project	Proposed Residential Development	
Location	Land off Burnside, Broughton	
Drawing Title	Proposed Block Plan & Materials	
Status	Planning	
Date	12.09.2022	
Scale	1:500 @ A1	
Drawing No.	8821-103	Rev

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