

APPLICATION NO	PA/2020/1482
APPLICANT	Trustees of Lt Col R Sutton Nelthorpe's Will Trust 1 May 2002
DEVELOPMENT	Outline planning permission for 60 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land off Oak Avenue, Scawby
PARISH	SCAWBY
WARD	Broughton and Scawby
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Subject to completion of a section 106 agreement, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- H5 New housing development
- H8 Housing design and housing mix
- H10 Public open space provision in new housing development
- T1 Location of development

T2 Access to development

T6 Pedestrian routes and footpaths

T19 Car parking provision and standards

C1 Educational facilities

LC5 Species protection

LC6 Habitat creation

LC7 Landscape protection

LC11 Areas of amenity importance

LC12 Protection of trees, woodland and hedgerows

HE2 Development in conservation areas

HE9 Archaeological excavation

DS1 General requirements

DS7 Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS22 Community facilities and services

CS23 Sport, recreation and open space

CS25 Promoting sustainable transport

CS27 Planning obligations

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

Inset Map 35 – Scawby

SPG8 Developer contributions to schools

SPG10 Provision of open space in new housing developments

North Lincolnshire Local Plan Important Open Space Assessment – October 2022

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 early 2024.

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

HE1 Conserving and enhancing the historic environment

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

DQE10 Important open space

DQE11 Green infrastructure network

DM1 General requirements

Scawby Conservation Area Appraisal (adopted June 2005)

Scawby Conservation Area Supplementary Planning Guidance (adopted June 2005)

Scawby Village Design Statement

CONSULTATIONS

Place Planning: Notwithstanding the application site's existing designation as an area of amenity importance, the Place Planning Team would not, on balance, wish to raise any objection to the principle of residential development at this outline stage. This is subject to the decision maker's satisfaction that the application is of a suitable scale for its location in line with policy CS2, and the site's location adjacent to the conservation area is acceptable in line with policy CS6. Further issues, including suitable design, housing mix and tenure, and surface water drainage, should be considered at reserved matters stage.

Highways: No objections to the proposals in principle. Amended illustrative layout shows the primary access from Mill Croft as previously requested, although a small number of dwellings off Oak Avenue is acceptable as shown on the submitted layout. Recommend conditions, including one to limit the number of new dwellings accessed from Oak Avenue, and an advisory note relating to works on the highway.

LLFA Drainage: No objection subject to conditions in respect of the detailed design, proposed discharge points/rates, storage capacities/locations and full consideration to SuDS features for the development.

Environmental Protection: Further investigation is required into potential contaminants as recommended in the applicant's Phase 1 Survey. If the council is minded to grant permission without this further information, a condition is recommended. Further conditions also recommended in respect of noise, hours of construction and a requirement for a construction environmental management plan.

S106 Officer: Advises the following obligations should be secured via a section 106 agreement:

- six affordable dwellings
- £520,560 contribution towards primary and secondary education
- provision of 10 square metres of on-site informal open space
- £54,106 contribution towards the improvement of existing play facilities at Scawby playing field
- £57,286 contribution towards recreation facilities, including a contribution towards a new 3G artificial grass pitch at Brigg Recreational Ground; improvement of grass pitches at Scawby playing field; swimming facilities and sports hall improvements at Ancholme Leisure Centre; and improvements to Scunthorpe Indoor Bowls Club
- £846.03 per market dwelling health contribution towards improvements to surgeries in Brigg.

Ecology: The site has limited biodiversity value at present and low potential for protected species. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric.

Tree Officer: The arboricultural report and other tree related information submitted with the application appears to give accurate information on the location, species, condition and retention values of the trees, hedges and shrubs on or adjacent to the site, and this information has been used in order to determine the scheme for the site and the locations of dwellings.

Archaeology: No objections subject to planning conditions securing the implementation of the strategy in accordance with the agreed Written Scheme of Investigation.

Conservation: No objection in principle. It is important to conserve the character of the settlement as a whole which includes the conservation area at its core. Therefore, in order to preserve and enhance the character of the conservation area and the local character and distinctness of Scawby afforded protection by council policy HE2 and section 72 of the Planning (Listed Building and Conservation Areas Act) 1990, and council policy CS6 (see above), it is important that the scale, form and style of the proposed buildings is sympathetic to the settlement. This can be secured at reserved matters stage.

Education: Seek both primary and secondary education contributions in respect of this development.

Recycling and Waste: Provide information on the council's waste and recycling strategy.

Public Health: Support the comments made by other consultees. Note should be taken of Sport England's advice on active design. Electric vehicle charging points should be included. Houses should be energy efficient and affordable to run. Affordable housing should be secured.

NHS North Lincolnshire CCG: Contribution requested towards the Kirton Lindsey Practice.

Environment Agency: Objects to the application, owing to remaining uncertainty that the issues relating to a lack of capacity at the Hibaldstow Water Recycling Centre can be resolved satisfactorily within the timespan of the planning permission, if granted.

Anglian Water: The foul drainage from this development is in the catchment of Hibaldstow 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. No objection to the application subject to a condition requiring a scheme for on-site foul drainage works to be approved and delivered. A feasible drainage strategy will need to be agreed to avoid unacceptable flooding downstream.

Humberside Police: Advice provided on Secure by Design guidance.

Humberside Fire and Rescue: Advice provided on access for the Fire Service and water supplies for fire-fighting.

PARISH COUNCIL

Objects to the application for the following reasons:

1. The proposed development is situated on LC11 land with no obvious village amenity compensation for the development of this land.
2. The proposed site layout, design and density of housing is unacceptable.
3. The parish council supports the view of the Environment Agency in that they foresee surface water drainage problems leading to flooding. If North Lincolnshire Council is minded to approve planning on this proposed site the parish council wishes the following conditions be imposed on the permission granted:
 - (i) The land situated behind the village hall – known as Nutshell Paddock – should be handed to the parish as amenity land and be exempt from all future development.
 - (ii) Any S106 money associated with this development should be made in favour of Scawby parish with particular emphasis on education and recreational facilities.

PUBLICITY

Advertised by site and press notice. Sixty-four responses have been received over the lifetime of the application. The planning-related comments are summarised as follows:

- The village is not a sustainable location for this scale of development and therefore the proposals conflict with local plan policies for housing which focus new development on larger settlements.
- There are insufficient public transport links and services to make the village sustainable.
- The proposals result in the unacceptable loss of important open space (LC11 land) which would conflict with the NPPF's social objective.
- The plans should be amended to have a significant number of bungalows near the existing bungalow on Oak Avenue.
- Houses should be no more than two storeys.
- The proposals would result in a 9% increase in the size of the village.
- The Scawby Conservation Area Appraisal highlights that the loss of important open spaces in the village would lead to the erosion of the spacious rural quality of historic Scawby.
- The Village Design Statement has been adopted by North Lincolnshire Council and says that any major building development, especially on the inner green area and at the rear of the village hall, will totally destroy the rural village character. This proposal conflicts with that statement.
- The proposed density, albeit lower than the local plan rate of 30–35 dwellings per hectare, is out of proportion for this rural village.

- The proposals would be detrimental to the natural and historic environment of the village.
- There are concerns about flood on site and further downstream.
- There will be a loss of high-quality agricultural land.
- The council can demonstrate a five-year supply and the 'tilted balance' should not therefore need to be engaged.
- Infill development can turn villages into small towns.
- Part of The Rookery has flooded in the recent past and extra houses would add pressure.
- Some years in the local school are full; the development will add more children.
- Whilst there is a case for more housing, expensive housing in rural areas will not address that problem.
- The surface of Oak Avenue is in poor condition and the extra traffic would worsen this.
- It is understood the site was bequeathed to the Scawby residents to be used for any amenities valuable to the village.
- Breeding hedgehogs on the site would be put at risk; deer and herons have also been seen on the site.
- Additional pressures will be placed on doctors' surgeries.
- With most of the new traffic being accessed via Mill Croft, it will become like a race track, making it impossible for residents in Meadow Vale or The Rookery to get out of their roads and cause danger for schoolchildren who congregate around the bus stop at the end of Mill Croft.
- There will be disruption during the construction phase.
- A development of this size would irreversibly alter the character of Scawby.
- The impact on wildlife would be significant.
- We moved to the village for the scenery and peace – 60 houses will crush that. We currently have views of the countryside behind us...we do not want houses overlooking us.

A petition, signed by 59 local residents (some of whom have also submitted individual objections) was submitted in November 2020. The petition raises the following planning-related issues:

- increased flood risk
- increased traffic flow, particularly in smaller streets, and danger to pedestrians
- the village school is very popular, and most year groups are at capacity and unable to take extra students

- close proximity and overlooking of properties will mean a loss of privacy for many people who purchased their houses many years ago.

STATEMENT OF COMMUNITY INVOLVEMENT

The council is not aware of any community consultation carried out in this case.

ASSESSMENT

The site and its location

This application relates to an area of land within the settlement boundary of Scawby. The site is made up of two agricultural fields: the first is a smaller field to the rear of the Co-op, between Ingram Gardens and Beechwood Drive; the second is a larger field which has clearly been used for arable farming, to the east of the site, which is backed onto by houses on The Rookery, Mill Croft, Meadow Vale, Cedar Close, Beechwood Drive, Ingram Gardens and Francis Gardens. A strip of land between the Co-op and 47 West Street is also included in the application site.

There is very limited vegetation within the site; this is largely limited to boundary hedgerows, including that which divides the two fields. To the north-west of the site is a small balancing pond which has been constructed following the development at the neighbouring Francis Gardens.

The site is in flood zone 1 although there is some history of flooding at properties in The Rookery to the east. There are no public footpaths crossing the site.

The site location plan also shows an area of land to the north as being within the applicant's ownership. This land falls within the Scawby conservation area, as are the neighbouring properties on Chapel Lane, Church Street and West Street. There are a number of listed buildings to the north (see Historic Environment section of this report, below).

Planning history

Planning application PA/1997/1523 was refused in June 1999. Whilst the application was in outline, the Traffic Impact Assessment indicated that the site could accommodate 78 dwellings. The single reason for refusal was the scale of development proposed and that the proposals would prejudice the outcome of the local plan process being carried out at the time (which led to the 2004 local plan).

It is understood the site was previously allocated in the West Glanford Local Plan prior to Local Government Reorganisation and was promoted through the 2004 local plan process. This is perhaps unsurprising given the layout of the surrounding estate roads which appear to terminate at the site's edge. However, the site was not included as it did not meet the strategy for the emerging plan at the time. The local plan inspector also noted the proposed allocation of the site as an 'important open space' (now protected under saved policy LC11 as discussed below).

The proposed development

The application is for outline planning permission for 60 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration. The application is supported by an illustrative masterplan which shows how a development of 60 houses could

be achieved on the site. An area of open space, including a SuDS pond, is proposed to the north of the larger agricultural field.

The means of access to the site is included in the application. The illustrative masterplan shows that the primary vehicular access would be via Mill Croft, with a secondary access, serving approximately nine dwellings, taken from Oak Drive. The restricted access via Oak Avenue has been incorporated following the response of the Highways Officer. Pedestrian accesses are shown in the strip of land to the south of the Co-op from West Street and from the north, via the parcel of land south of Chapel Lane.

The illustrative masterplan indicates single-storey dwellings adjacent to the rear gardens of properties in Ingram Gardens, Beechwood Drive and Cedar Close. The applicant advises that this has been shown to address concerns raised by residents.

Whilst the application was submitted on the basis that the council could not demonstrate a five-year supply of deliverable housing sites, the application stated, 'even in the circumstance where the council could demonstrate a five-year land supply, this is a minimum requirement and does not prevent them from approving applications for residential development in sustainable locations of which this is clearly one being within the settlement boundary of Scawby.'

In addition to the obvious social and economic benefits that would arise from a development of this nature, the applicant has suggested the following benefits would also arise:

- the provision of bungalows and smaller houses
- the provision of open space and securing the land to the north as open space into the future
- better access across the village, reducing traffic, especially vehicular trips to the school
- support for existing services
- education contributions
- recreational contributions to the village
- biodiversity net gain across the whole site, securing biodiversity in the centre of the village for the next generation.

The main issues in determining this application are:

- **principle of development**
- **accessibility**
- **highway safety**
- **area of amenity importance**
- **historic environment**
- **design and amenity**

- **flood risk and drainage**
- **ecology**
- **contaminated land**
- **planning obligations**
- **other matters.**

Material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

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), other material planning policy considerations included the National Planning Policy Framework (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents.

Scawby has been designated as a Neighbourhood Plan Area; however, the plan-making process is at a very early stage and can be given no weight in the decision-making process.

The Scawby Village Design Statement has been adopted as Supplementary Planning Guidance by North Lincolnshire Council. The Design Statement aims to influence building development in the village to help retain its rural character. The statement identifies the application site as a 'central green area' and that village residents consider developments on this and other 'inner green areas' would destroy the rural village character of Scawby.

Principle of development

The application site falls wholly within the development limits of Scawby as defined on inset map 35 of the Housing and Employment Land Allocations DPD (HELPA). Scawby is defined as a 'larger rural settlement' in the 2019 Settlement Survey. The Settlement Survey indicates that these villages are unsuitable for substantial growth but capable of accommodating an allocation either within or adjoining the settlement. This accords with the spatial strategy for housing growth in the district set out in the Core Strategy. Policy CS1 sets out that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Core Strategy policy CS2 sets out a sequential approach to the location of new development. Firstly, development should be focused on previously developed land in Scunthorpe, and then previously developed land in the district's market towns. Finally, development should be

focused on small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Core Strategy policy CS3 refers to development limits and explains the rationale as to how they are applied having regard to existing settlement patterns, capacity, existing permissions/development and character.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the local plan and local development framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

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

Whilst, given the stage it has reached, only limited weight is afforded to the emerging local plan, its strategy is similar to that of the Core Strategy. Nevertheless, in respect of larger rural settlements, including Scawby, policy SS2 states:

'Larger rural settlements will accommodate an appropriate level of development that supports their function. Sites of an appropriate scale and nature will be allocated in the plan. Non-allocated sites within the defined settlement development limit will also be supported. All development should take into account the nature and character of these settlements.'

The application site is not allocated for development in the emerging plan (and was not promoted through the plan-making process) which expects (policy SS6) 30 dwellings to be delivered in Scawby during the plan period. Of these, six are already committed on a site on West Street (which have now been completed at Francis Gardens) and a further 24 are proposed on an allocation south of Main Street. The current site is not allocated for development and the 'important open space' designation is carried forward from the local plan (discussed in more detail below).

Given the scale of development proposed in this case, there is a clear conflict with the development plan strategy which seeks to restrict the amount of development delivered in settlements such as Scawby. The presumption is, therefore, that permission should be refused unless material considerations indicate otherwise, in accordance with s38(6) of the 2004 Act and paragraph 12 of the NPPF.

Notwithstanding the conflict with policy, this is an unusual case. It is rare that such a large site in private ownership and with no public access would become available within a settlement of this size. It is clear from the history of the site (note comments regarding the West Glanford Local Plan allocation above), and from the nature of the surrounding estate roads, that the site has been expected to come forward for housing at some stage.

It is also noteworthy that the Place Planning Team do not, on balance, raise any objections to the application.

In light of the above, given the scale and nature of the site and the development proposals, and the benefits which would arise from the proposals, it is considered that there are material considerations in this case that indicate that a decision may be made contrary to the provisions of the development plan, subject to other policy considerations discussed below.

Accessibility

The council's adopted strategy for the location of new houses is heavily predicated on locating new houses in sustainable/accessible locations. This is a common thread running through the strategic policies in the Core Strategy (as discussed above) as well as the new local plan. Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Core Strategy policy CS2 sets out various sustainable development principles including:

- locating development so as to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport;
- making the best use of existing transport infrastructure and capacity;
- contributing towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities;
- ensuring that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives;
- ensuring the appropriate provision of services, facilities and infrastructure to meet the needs of the development.

Core Strategy policy CS25 seeks to support and promote sustainable transport that offers a choice of transport modes and reduces the need to travel, including by managing transport demand through reducing the need to travel, improving accessibility and reducing car-based travel.

The NPPF seeks to actively manage patterns of growth. Paragraph 105 advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

A number of concerns have been raised about the suitability of Scawby for a development of this size, given the lack of certain facilities/services in the village and the level of public transport provision.

Scawby is defined as a 'larger rural settlement' in the 2019 Settlement Survey. These settlements are termed 'local service centres'. Scawby ranks 20th overall in the survey with a total score of 32. It has four of the seven key facilities measured in the survey, including a primary school, public house and village hall, and is within 30 minutes' walking or cycling distance/public transport travel time to a major employment centre. Since the survey was

carried out, the Co-op food store has also opened meaning that Scawby now has five of the key facilities.

The services/facilities not present in Scawby are a doctor's/GP surgery or health centre, and an hourly bus service, although there are bus services which stop in the village. The 94 offers four services a day each way to Brigg and Kirton in Lindsey, and the x4 offers one service per day to and from Brigg. It is possible, for example, to arrive in Brigg at about 8.30am (with onward connections to Scunthorpe) and then travel back at 5.45pm, and to make other journeys to and from Brigg and Kirton in Lindsey during the day; however, it is recognised that this falls short of the hourly service expected in the Settlement Survey.

Notwithstanding this, the issue of accessibility was considered by an appeal inspector in respect of a proposal for up to 48 homes in May 2021, on land to the west of Scawby, south of St Martins Road, following refusal of planning application PA/2019/1977). The inspector concluded:

'Residents of the proposal would most likely rely on the private vehicle to access employment. However, Scawby is located near to Scunthorpe, and the length of journey to access employment opportunities there would be relatively short. The site would be near to bus stops and, whilst the evidence suggests that bus services are limited, this would reduce reliance on the private car. Mindful of the scale of development proposed and the relationship with employment opportunities, this matter carries only limited weight against the proposal.'

Whilst the current development plan does not anticipate the scale of development proposed in settlements such as Scawby, given the facilities and services in the village and its relative proximity to Brigg and Scunthorpe and the employment opportunities and higher order services in those settlements, the location of the site is not a matter which weighs significantly against the grant of proposals.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access; policy T19 is concerned with parking provision as well as general highway safety.

The NPPF (paragraph 100) similarly requires safe and suitable access to the site for all users, and, amongst other things, seeks to ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application seeks outline planning permission for a development with all matters reserved other than means of access. As mentioned above, the illustrative layout submitted with the application shows that the main vehicular access would enter the site via Mill Croft to the east, which itself is accessed from Mill Lane. A secondary access would serve up to nine dwellings from Oak Avenue to the south, whilst a pedestrian link would be provided on the strip of land to the south of the Co-op food store. Less formal pedestrian access is also indicated from the north.

For the purposes of this outline application, 'access' is taken to mean the roadways leading from Oak Avenue and Mill Croft shown on the indicative masterplan, from the site boundary

to a point 10m into the application site. The remainder of the roadways serving the proposed dwellings would be considered as part of the reserved matters (layout).

The Highways Officer has raised no objection to the principle of the development on highway safety grounds. They initially raised concerns about the suitability of Oak Avenue to cater for the number of vehicles which could access the development as per the original illustrative layout. Following those comments, an amended illustrative layout plan was submitted which limits the number of dwellings on the proposed development accessed via Oak Avenue to nine. The Highways Officer is now satisfied with this, subject to a planning condition restricting the use of Oak Avenue as shown on the amended plan.

Concerns have been raised regarding the impact of the proposals on the operation of existing junctions, including those at Meadow Vale or The Rookery. The applicant has provided updated vehicle trip generation rates for the development which show that in the weekday 'am peak hour' there would be expected to be 13 arrivals and 44 departures to/from site. In the 'pm peak hour' there would be expected to be 31 arrivals and 17 departures. Based on these figures, bearing in mind that these trips would be distributed between the Oak Avenue and Mill Croft junctions (the latter serving The Rookery and Meadow Vale), it is not considered that the proposals would lead to a severe impact on the operation of the road network; nor any consequent impacts on highway safety.

Overall, the Highways Officer has no objection subject to conditions, and it is not considered that the proposal would result in unacceptable impacts on the highway network.

Area of amenity importance

The site is designated in the current and emerging local plans as an 'area of amenity importance' and 'important open space' respectively. Saved policy LC11 of the local plan provides that development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas. This is reflected in policy DQE10 of the emerging plan.

In this instance the area of amenity importance is essentially divided into two separate areas. To the north, the area to the south of Chapel Lane is outside the application site. As described above, the second area, which forms the application site, is divided into two distinct parcels: an arable field with narrow grassland margins, and a small, fallow arable field to the rear of the Co-op store.

The emerging local plan has assessed each of the areas of amenity importance designated in the 2004 plan and the results are contained in the Important Open Space Assessment prepared as part of the local plan evidence base. Each site has been assessed in terms of whether its status has changed since adoption of the 2004 local plan and whether it has been considered for an alternative allocation in the emerging plan. It then considers the following factors in respect of each open space:

- Does it contribute to the open character or appearance of a settlement?
- Is it open to public view?
- Does it have ecological or landscape value?

- Does it have a recreational or social function?

The application site as a whole has been assessed, having regard to the above factors, as meeting the criteria for designation.

In light of the above, the application conflicts with local plan policy LC11.

The Scawby Village Design Statement also identifies the application site as part of the 'inner green space' (which is essentially the area of amenity importance) and that development on it would 'totally destroy the rural village character'. In terms of the village design statement, because of its age, it should be afforded limited weight in the decision-making process. It is useful in providing a reference for the historic development of the village in particular.

Whilst the contribution of the wider area of amenity importance is recognised, it is considered that the southern parcel of land (the application site) makes a limited contribution to the importance of the open space as a whole. It is open to public view and does create separation between the housing on its boundaries; however, the contribution this makes to the character of the place is limited when compared to the northern parcel which forms part of the setting of the conservation area and the listed buildings/structures on Church Street and Chapel Lane. There is no public access to the land and as such it has no recreational or public function and has limited ecological value. It has no connections with the wider landscape other than the parcel of land to the north.

On balance, therefore, it is considered that whilst the designation of the site as a whole performs a function as important open space, it is not considered that the loss of the agricultural fields forming the application site would cause significant harm to the character of the village. The part of the open space between Chapel Lane and the edge of the proposed built development as shown on the illustrative layout, which meets the criteria set out in the Important Open Space Assessment, would be safeguarded and would continue to exist as an important open space in the village, with an appropriate level of public access. An s106 obligation is included in the agreed Heads of Terms of a legal agreement which would secure this.

For these reasons, whilst there would be conflict with the development plan, and in particular policy LC11, given the proposed benefits of the development, this is not considered to be a matter which weighs significantly against the proposals in the overall planning balance.

Historic environment

The parcel of land to the north of the application site is within the Scawby conservation area, as are the neighbouring properties on Chapel Lane, Church Street and West Street. There are a number of listed buildings to the north, including The Old Almshouses on Chapel Lane/Church Street, and an old K6 type telephone kiosk and pump, and surrounding railed enclosure on Chapel Lane, all of which are grade II listed. There are also a number of grade II listed buildings along Church Street, including Church Cottage, whilst there are also glimpsed views of the grade II* St Hybald's Church which is set back from the road. To the west is the grade II listed The Grove, a large detached house set back from West Street in mature grounds

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of

the Act requires the local planning authority to have special regard to the desirability of preserving listed buildings or their setting, or any features of special architectural or historic interest which they possess. These requirements are reflected in Core Strategy policy CS6 and saved policies HE2 and HE5 of the local plan.

Paragraph 199 of the NPPF advises that great weight should be given to the conservation of heritage assets (and the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.

The Conservation Officer has advised that, importantly, the housing would not impinge upon the greenspace that encompasses the southern aspect of the conservation area south of Church Street and Chapel Lane. This is the original open green space that is the setting for the historic buildings on Church Street and Chapel Lane. Furthermore, they note that an additional piece of green infrastructure, in the form of the proposed SuDS pond, would lie on the northern edge of the built development.

On the basis that the proposed built development would therefore be separated from the built development within the conservation area and the listed buildings within it, it is not considered that the proposed development would result in harm to those heritage assets. Because of the distance to and intervening features between the site and The Grove, it is similarly concluded that there would be no harm to the setting of that listed building. As with any development within the setting of heritage assets, some care will need to be taken with the final design and a condition is recommended requiring a detailed design statement, taking full account of the nearby heritage assets, to accompany reserved matters applications relating to appearance.

In light of the above there is no objection to the scheme on conservation grounds and, subject to detailed design at reserved matters stage, there would be no harm to the conservation area in accordance with the requirements of the 1990 Listed Buildings and Conservation Areas Act, local plan policies HE2 and HE5, Core Strategy policy C6 and guidance at section 16 of the NPPF.

Design and amenity

Local plan policy DS1 and Core Strategy policy CS5 require a high standard of design for new development, as do, by implication, the heritage policies referred to above. Section 12 of the NPPF (Achieving well-designed places) similarly requires high quality design, saying this is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Objections have been received raising concerns that the proposals would not be sympathetic to the character and appearance of the area.

As set out above, the detailed design of the scheme is reserved for future consideration and there is, in principle, no barrier to achieving the high quality required by policy and guidance. Whilst the submitted layout plan is for illustrative purposes only, it does fall to be considered as part of the outline application. The illustrative layout has been amended, as referred to above, to limit the number of properties served by vehicular access from Oak Avenue. The illustrative layout shows proposed dwellings backing on to existing dwellings, or where appropriate being side on, particularly in locations where the existing road network feeds into

the site, at Mill Croft and Oak Avenue, to continue the existing street scene. The broad arrangement of dwellings and road network appears logical and is broadly acceptable in urban design terms.

The development would clearly result in a change in outlook for existing residents of dwellings adjoining the application site, given that the site is currently open fields. Where there are back-to-back relationships with adjoining dwellings indicated on the illustrative masterplan, there appears to be sufficient distance to avoid any undue impacts. Nevertheless, these are matters which can be properly addressed at reserved matters stage. It is therefore considered that the illustrative plan indicates that 60 dwellings could be achieved on the site without resulting in undue impacts on the living conditions of neighbouring residents.

Overall, it is considered that the site is capable of delivering 60 dwellings in an environmentally acceptable way, and without undue harm to the living conditions of future or existing residents, in accordance with the development plan policies and NPPF guidance which require high quality design.

Flood risk and drainage

Policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are relevant to the proposal.

Foul sewage is proposed to be discharged into the public sewer network, with surface water run-off from the dwellings discharged to individual soakaways.

The application site is within SFRA flood zone 1, the area at lowest risk of flooding, where housing is considered acceptable in terms of flood risk compatibility.

The application is supported by a Flood Risk and Drainage Assessment which considers all potential sources of flooding. The assessment concludes that whilst there is a potential of flooding from overland surface water, this can be addressed in the design of the new external levels and elevated floor construction levels for the development. Conditions are suggested to secure this. The assessment also concludes that there would be no risk to third parties as a result of the development subject to the installation of surface water drainage for the site, which again is proposed to be secured by condition. Overall, the Flood Risk and Drainage Assessment concludes that the flood risk to the site is 'very low to low' and therefore acceptable.

The LLFA has been consulted and advises the provision of source control features for the development will require full consideration at reserved matters stage to provide the level of water treatment in line with SuDS and the Environment Agency's requirements. The Environment Agency similarly encourages the use of SuDS.

Overall, the LLFA has no objection, subject to conditions requiring a scheme of surface water drainage for the site to be approved and implemented, setting out the criteria which need to be considered in designing the scheme, and that it should be based on the submitted Flood Risk and Drainage Assessment, and effective surface water mitigation from hard-paved areas onto the highway.

In terms of foul sewage, it is clear that there is an existing issue in the locality and the Environment Agency objects to the application on the grounds of risk to surface water quality, due to lack of capacity at the Hibaldstow Water Recycling Centre. There is an identified need to update the water recycling centre.

The applicant has provided a 'Foul Drainage Technical Supplement' which notes:

'...it is a legal requirement in the Water Industry Act 1991 for Water Companies to provide pervasion for the removal of waste flows from all developments, and it is anticipated in this case that AW [Anglian Water] will fulfil its legal duties as the incumbent Water Company in this case.'

Notwithstanding this, as a fallback position, the Foul Drainage Technical Supplement proposes the use of package treatment plants as an alternative to mains connection, should a solution to provide capacity not be identified in time to accommodate the development. It suggests that the final means of treating foul sewage could be approved at a later stage via a pre-commencement condition.

However, the Environment Agency maintains its objection owing to remaining uncertainty that the issues can be resolved satisfactorily within the timespan of the planning permission, if granted. They suggest that paragraph 174 of the National Planning Policy Framework supports refusal of the application in stating that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Without certainty in respect of foul water disposal, the Environment Agency's position is that the application is also contrary to policies CS2 and CS18(10) of the North Lincolnshire Core Strategy, which seeks to deliver sustainable development and protect the water environment.

Notwithstanding the Environment Agency's view, Anglian Water raises no objection to the proposals subject to a condition requiring a foul water drainage scheme to be agreed and implemented. More recently, as the relevant statutory undertaker, Anglian Water has confirmed that, whilst works to establish exactly what improvements are required to be made to the Hibaldstow Water Recycling Centre, the improvement works required, taking into account future growth (including the current application), have been scheduled in, and it is anticipated they will be completed by mid-2026.

Whilst there is no absolute certainty as to when any required improvements to the water recycling centre may be completed, it is possible to impose a planning condition prohibiting any of the dwellings from being occupied until such time as the need for improvement works to the facility have been investigated, and any such improvements fully implemented and completed. The Environment Agency has queried whether such an approach is suitable, given the possible timescales for improvements to the water recycling centre; however, the condition proposed has been used elsewhere, suitably restricts the development to avoid harm to the environment, and the applicant is satisfied with such a condition being applied.

Overall, whilst it is clear that there are issues to be resolved, it is not considered that this should be a bar to the grant of permission. Grampian-style conditions are recommended to ensure the necessary foul sewerage improvements are identified and fully implemented, and a drainage scheme for the site implemented prior to the occupation of any dwelling. This is an approach which has been used by planning inspectors elsewhere.

Ecology

Policy CS17 of the Core Strategy seeks to promote effective stewardship of North Lincolnshire's wildlife.

Paragraph 170(d) of the NPPF seeks to minimise impacts on, and provide net gains for, biodiversity. Paragraph 175(a) of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The presence of protected species, including those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017, is a material planning consideration.

The application is accompanied by an Ecology and Protected Species Survey carried out in 2020. That survey concluded that there are no protected species constraints on site, and the proposed development site would not meet the Local Wildlife Site criteria. Some precautionary measures and ecological enhancements are required to ensure legal compliance and no net loss of biodiversity. The survey was supplemented by a Biodiversity Assessment in August 2023 that confirms the site has changed very little since the original assessment was carried out in 2020.

The council's ecologist has been consulted and agrees with the conclusions of the applicant's survey work. He is satisfied that the site has limited biodiversity value at present and low potential for protected species. Planning conditions are proposed to minimise harm to protected and priority species and habitats, and to seek biodiversity enhancement in accordance with policy CS17 and the National Planning Policy Framework. It is likely that the required biodiversity enhancements will be achieved on site and/or on the land within the applicant's ownership to the north.

Overall, in terms of ecology/biodiversity, the proposals are considered acceptable.

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan sets out 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.

The application is supported by a Desk Study with Walkover Survey carried out in May 2021. The report concludes that a further intrusive investigation is required to assess the ground conditions and to obtain soil and water samples for contamination analysis. It further concludes that ground gases might be present on the site due to nearby historic quarries, as well as an infilled reservoir on the site. It is therefore recommended that monitoring is carried out over a period of time to allow an assessment to be made.

Overall, the report concludes that, based on the findings of the site walkover, history of the site, conceptual site model and preliminary risk assessment, the site has been assessed as moderate to low risk. This means that there is potential for mild harm arising from contamination that requires further assessment and possibly some remedial works.

The Environmental Protection officer has been consulted and is satisfied with the desk study, agreeing that a robust intrusive ground investigation will need to be submitted and approved by the department. Subject to conditions requiring the submission and implementation of a scheme of remediation for the site, they have no objections in respect of land contamination.

S106 contributions

Policy CS27 sets out that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations, seek obligations that are necessary to make proposals acceptable in planning terms. The council's SPG8 and SPG10 and Regulation 122 of the CIL Regulations are also material. Regulation 122 requires obligations to be:

- (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.

Core Strategy policy CS9 requires that new residential housing development of three or more dwellings in rural settlements must make provision for 10% of proposed dwellings to be affordable housing which is accessible to those unable to compete in the general housing market.

Following discussions with the Section 106 Officer, the following heads of terms of an s106 agreement have been agreed:

- six affordable dwellings
- £520,560 contribution towards primary and secondary education
- the provision of 10 square metres of on-site informal open space
- £54,106 contribution towards the improvement of existing play facilities at Scawby playing field
- £57,286 contribution towards recreation facilities, including a contribution towards a new 3G artificial grass pitch at Brigg Recreational Ground; improvement of grass pitches at Scawby playing field; swimming facilities and sports hall improvements at Ancholme Leisure Centre; and improvements to Scunthorpe Indoor Bowls Club
- £846.03 per market dwelling health contribution towards improvements to surgeries in Brigg
- securing the land to the north as public open space.

Whilst the concerns of the local community regarding the social impacts of the proposals are noted, it is considered these obligations would satisfactorily address the impacts on local infrastructure in accordance with the relevant development plan policies. The obligations also meet the requirements of Regulation 122.

Other matters

In respect of air quality, the Environmental Protection officer had suggested a condition requiring the approval and implementation of a scheme for the provision of electric vehicle charging points on the site; however, this matter is now addressed by Building Regulations and it is no longer Environmental Protection's practice to require such conditions, which are unnecessary.

In terms of potential noise and disturbance during the construction phase, Environmental Protection recommend a condition requiring a construction environmental management plan to be secured before commencement of development. This will help manage potential pollution from noise and vibration, light and dust, to protect the living conditions of nearby residents.

The Natural England Agricultural Land Classification map indicates that the site comprises grade 2 (very good) agricultural land, albeit the applicant advises caution over the use of the maps which are not definitive, noting that the whole of Scawby village is covered by that classification.

Whilst it is clear that the development would result in the permanent loss of this land, the applicant has advised that the field to the rear of the Co-op is not farmed at all. The larger field is separate to any other land parcel owned by the applicant and is farmed in a way to minimise conflict with residents (as the field is bounded by housing on three sides), rather than one of increased productivity. The applicant thus advises that the loss of the site from farming will therefore have no adverse impact on the farming business or productivity as the site cannot be farmed effectively now due to the above limitations. Therefore, whilst the proposal would result in the loss of some best and most versatile agricultural land, given the scale and nature of the site, and the negligible impact on the farm business, this does not weigh against the proposals in the overall planning balance.

All pre-commencement conditions recommended below have been agreed by the applicant.

Overall planning balance and conclusions

Section 38(6) of the 2004 Act and paragraph 12 of the NPPF, make it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

In this case, given the scale of development proposed in this case, there is a clear conflict with the development plan strategy which seeks to restrict the amount of development delivered in settlements such as Scawby. The presumption therefore is that permission should be refused unless material considerations indicate otherwise. Other material considerations are considered below.

Benefits

The provision of up to 60 dwellings on the site is an obvious benefit which would contribute to housing supply. The provision of six affordable dwellings, which would be secured by an s106 obligation, is an additional benefit. The applicant indicates the provision of bungalows and smaller houses is an additional benefit; however, there is no specific detail of this in the application and these matters would be considered at reserved matters stage.

Economic benefits would arise during both the construction phase and post development with residents spending money in the local economy, helping support local services and facilities. The s106 obligation towards the local doctor's surgery is required to meet the needs of new patients arising from the development, but any infrastructure improvements are likely to be experienced by other patients.

The proposals would deliver additional open space which could be used by the existing community, including the public use of the land to the north of the site which would be secured by an s106 obligation.

As a result of the proposed road/footpath network, there would be improved access across the village, which could result in reduced traffic, especially vehicular trips to the school.

Whilst the contributions to healthcare, recreation, open space and education are policy requirements based on the number of houses proposed, the improvements in infrastructure are likely to have a beneficial impact on the wider community.

The applicant indicates that biodiversity net gain would also be provided, securing biodiversity in the centre of the village for the next generation.

Harm

Harm arises from the proposal as a result of the conflict with the development plan as referred to above. Nevertheless, this is an unusual site which does not result in the extension of the village into the open countryside. Whilst this site has not been allocated (it was not promoted through the local plan process), Scawby has been identified as a village which can accommodate more growth, and in this case, no significant planning harms have been identified through the application process to justify refusal of the application.

The proposal would also see development within a large part of the protected area of amenity importance; however, the application site comprises two agricultural fields which are not considered to contribute significantly to the character and appearance of the area. The northern part of the area of amenity importance, which plays an important role in the setting of the conservation area and various listed buildings, would be unaffected by built development. Indeed, the proposed s106 obligations would safeguard this land and enhance it by providing community access to it, which is currently not in place.

Neutral considerations

The proposals would not harm the setting of the Scawby conservation area or nearby listed buildings.

Whilst the detailed design of the proposal is reserved for future consideration, there are no identifiable reasons why an appropriate design could not be achieved at reserved matters stage.

Comments from local residents have indicated that there would be harm arising from, amongst other things, additional traffic, loss of wildlife, school capacity and flood risk. However, as demonstrated in this report, those matters can be satisfactorily addressed through planning conditions and section 106 obligations as recommended.

Whilst the proposals would result in the loss of some grade 2 agricultural land, given the circumstances of the site, this is not considered to weigh against the proposals.

Conclusion

The conflict with the development plan is not underestimated. Nevertheless, it is considered that the benefits of the proposals weigh significantly in favour of the development.

These benefits are considered to comprise material considerations which outweigh the policy conflict and indicate that a decision can be made other than in accordance with the development plan policies which seek to restrict the scale of new housing development in this location.

On the converse, no significant technical objections have been identified to warrant refusal of the application.

For these reasons, the application is recommended for approval.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, education, health, and open space, play and recreational facilities, the committee resolves:

- (i) it is minded to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the agreement;**
- (iii) if the agreement is not completed by 6 June 2024, the Development Management Lead be authorised to refuse the application on grounds that, in the absence of a completed planning agreement, the proposed development does not adequately provide for affordable housing, education, health, and open space, play and recreational facilities; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

- Drawing number 20/360-0 (site location plan)
- Drawing number 20/360-03A (Illustrative layout) only insofar as it relates to the first 10 metres of the access roads connected to Mill Croft and Oak Avenue from the site boundary.

Reason

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

6.

No more than 9 dwellings shall be accessed from Oak Avenue.

Reason

In the interests of highway safety and because Oak Avenue is not designed to cater for larger numbers of dwellings.

7.

All reserved matters applications for layout submitted pursuant to condition 1 above shall include details of:

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

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are included with any approval of reserved matters granted pursuant to condition 1 above to prevent the material from spilling onto the highway. Any such approved measures shall be implemented before the dwelling(s) served by the driveway or parking area in question is/are first occupied and thereafter retained for the lifetime of the development.

Reason

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

9.

No dwelling served by a private driveway shall be occupied until that driveway has been constructed in accordance with details which shall be included with any reserved matters applications for layout submitted pursuant to condition 1 above. The details shall include:

- (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'.

Once constructed, the private driveway shall be retained in accordance with the approved details for the lifetime of the development.

Reason

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

10.

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 site, and these facilities shall be retained for the duration of the works.

Reason

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

11.

All reserved matters applications for layout submitted pursuant to condition 1 above shall include details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway;
- (ii) the number and location of vehicle parking spaces on the site;
- (iii) footway connections throughout the site, including to West Street.

Reason

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

12.

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.

13.

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.

14.

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.

15.

The penultimate dwelling on site shall not be occupied until all proposed access roads and footways, including connections to West Street, have been completed in accordance with the approved plans.

Reason

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

16.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (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 approved in writing by 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.

17.

No development shall take place until a construction phase traffic management plan, including the following details, has been submitted to and approved in writing by the local planning authority:

- (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.

Development shall be carried out in strict accordance with the construction phase management plan so approved.

Reason

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

18.

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 based upon the submitted Flood Risk and Runoff Assessment prepared by Neo Flood Ltd dated July 2020, ref: R01A. 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) 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 so that flood risk, both on and off the site, is not increased. SuDS must be considered. 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 155, 157, 163 and 165 of the National Planning Policy Framework.

19.

The drainage scheme approved under condition 18 above shall be 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 lifetime of the development.

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 155, 157, 163 and 165 of the National Planning Policy Framework.

20.

All reserved matters applications for layout submitted pursuant to condition 1 above shall include details of an effective method for preventing surface water run-off from hard paved areas within the site onto the highway and for preventing surface water run-off from the highway onto the developed site. The approved details shall be implemented prior to the access and parking facilities being brought into use and shall be retained thereafter for the lifetime of the development.

Reason

In the interests of highway safety and to prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS16 and T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

21.

Prior to construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to occupation of any phase of development, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding.

22.

None of the dwellings hereby permitted shall be first occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements fully implemented, completed and confirmed in writing as such by Anglian Water Limited to the local planning authority.

Reason

To ensure adequate infrastructure is in place to cater for the development.

23.

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. 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 Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

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, 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 the site is safe for future users and construction workers.

24.

All reserved matters applications for layout and appearance shall be accompanied by a noise impact assessment to assess the impact of activities generated by the Co-op food store adjoining the site on proposed dwellings within the site. The noise impact assessment shall be carried out with reference to:

- the National Planning Policy Framework
- National Planning Practice Guidance
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise, Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods/measures to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the

affected dwellings identified in the noise impact assessment are first occupied and shall be retained thereafter for the lifetime of the development.

Reason

To protect the living conditions of future residents.

25.

Construction 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 holidays.

HGV movements shall not be permitted outside these hours during the construction phase.

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

Reason

To minimise the impact of construction work on the occupiers of nearby dwellings.

26.

No 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; and
- (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) the location of potential temporary floodlights;
- (d) the 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.

The development shall be carried out in strict accordance with the construction environmental management plan so approved.

Reason

To minimise the impact of construction works on nearby residents and site workers.

27.

Development shall take place in accordance with the archaeological mitigation strategy 'Land off Oak Avenue, Scawby, North Lincolnshire, Written Scheme of Investigation for Strip Map and Sample, Archaeological Research Services Ltd, March 2021', and the approved details and timings.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site contains archaeologically significant remains that the development would otherwise destroy. The archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

28.

The applicant, or their agents or successors in title, shall submit the following details to the local planning authority for their written approval at least six weeks prior to the commencement of archaeological work:

- (i) evidence that a contract has been entered into with an archaeological contractor to undertake all stages of the archaeological mitigation programme
- (ii) a timetable that provides sufficient notification and allowance of time to ensure the completion of the archaeological site work ahead of construction commencing

- (iii) details of the archaeological organisation proposed to implement the approved mitigation strategy
- (iv) a list of all staff involved, including sub-contractors and specialists, their responsibilities and qualifications
- (v) arrangements to notify the North Lincolnshire Historic Environment Officer of the commencement of archaeological works at least 10 working days before commencement and a schedule of visits to monitor such works.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because details pursuant to the approved archaeological mitigation strategy are required prior to implementation to ensure a competent archaeological organisation undertake the works in accordance with the strategy without unnecessary delay to the commencement of development.

29.

The development shall not be occupied until the site investigation and post excavation assessment has been completed in accordance with the programme set out in the approved archaeological mitigation strategy, and provision secured for the subsequent analysis, publication and dissemination of results and archive deposition, to be approved by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because details pursuant to the post-excavation assessment are required to ensure satisfactory provision and the timely undertaking of the final stages of the approved archaeological mitigation strategy.

30.

A copy of any analysis, reporting, publication or archiving required as part of the archaeological mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within one year of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan and place the results of the archaeological mitigation strategy in the public domain in a timely fashion within an agreed timetable.

31.

No development shall take place until the applicant or their successor in title has submitted a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 4.0 compared to the baseline assessment described in 'Ecology and Protected Species Survey: Oak Avenue Field, Scawby, Lincolnshire' dated April 2020;
- details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;
- details of bat boxes and bat bricks to be installed on at least 15% of houses;
- details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
- details of nesting sites to be installed to support a variety of other species, including house martin and starling;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- details of wetland habitat to be created and managed as part of sustainable drainage;
- appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- procedures for monitoring and ongoing management of created habitats;
- measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue line boundaries shown on submitted location plan number 20/360/01. Those that cannot viably be delivered on site should be delivered locally on land controlled by the applicant or successor in title, according to a local plan or strategy. The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter.

Reason

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

32.

Prior to the occupation of the 55th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan approved pursuant to condition 31 above.

Reason

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

Informatives

1.

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

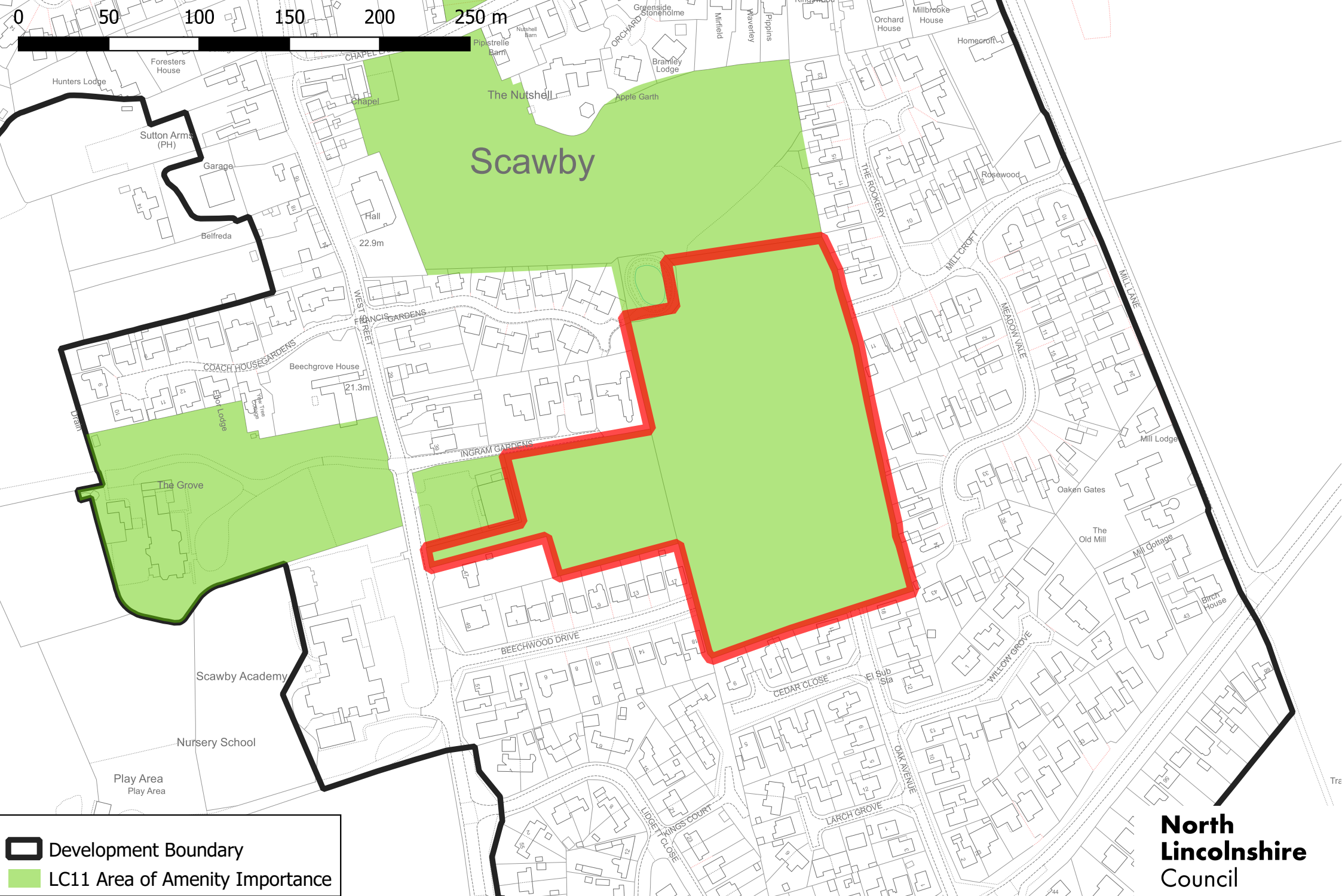
2.



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.

3.

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

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.



 Development Boundary
 LC11 Area of Amenity Importance

**North
Lincolnshire
Council**

PA/2020/1482

PA/2020/1482 Illustrative layout (not to scale)

REV A. RESTRICTED VEHICULAR ACCESS FROM OAK AVENUE. 07/01/21
 REV B. SCALEBAR REPOSITIONED 14/11/23

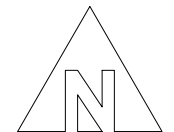
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THIS PLAN SHOULD BE READ IN CONJUNCTION WITH OTHER REPORTS AND DETAILS BY ALL OTHER ASSOCIATE CONSULTANTS.



- A** Primary Vehicular Access Taken from Mill Croft with Limited Plots Served from Oak Avenue
 - B** Pedestrian Route to Local Amenities for Existing and New Residents
 - C** Public Amenity Space Containing LAP Activity Zone
 - D** Amenity Space Containing SuDS Feature (as defined by Neoflood Ltd)
 - E** Possible Pedestrian-only Link into Applicant's Retained Land
 - F** Retained Trees and Hedges to be Supplemented by New Planting
- Single Storey Dwellings
 - Dwellings Above Single Storey



JVH TOWN PLANNING CONSULTANTS LTD

Residential Development Proposal
 on Land North of
 Oak Avenue, SCAWBY
 for The Scawby Estate

ILLUSTRATIVE
 LAYOUT