

APPLICATION NO	PA/2022/1852
APPLICANT	Mr Nick Hammond, Barnetby Developments Ltd
DEVELOPMENT	Outline planning permission for 9 dwellings with associated access and public open space (appearance, landscaping, layout and scale reserved for subsequent consideration)
LOCATION	Land off Braithwaites Close, Barnetby le Wold, DN38 6BF
PARISH	BARNETBY LE WOLD
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Rob Waltham MBE and Carl Sherwood – significant public interest) Objection by Barnetby le Wold Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 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
- H7 Backland and tandem development

H8 Housing design and housing mix
RD2 Development in the open countryside
LC7 Landscape protection
LC12 Protection of trees, woodland and hedgerows
DS1 General requirements
DS3 Planning out crime
DS11 Polluting activities
DS14 Foul sewage and surface water drainage
DS16 Flood risk
HE9 Archaeological evaluation
T2 Access to development
T19 Car parking provision and standards

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
CS16 North Lincolnshire's landscape, greenspace and waterscape
CS17 Biodiversity
CS18 Sustainable drainage use and climate change
CS19 Flood risk

Housing and Employment Land Allocations DPD

PS1 Presumption in favour of sustainable development

The site, apart from the access, is outside the development limit of Barnetby le Wold – Inset 05.

Supplementary planning guidance

Countryside Design Summary

Landscape Character Assessment and Guidelines

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 site, apart from the access, remains outside the development limit of Barnetby and 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

H11 Backland and tandem development

HE1 Conserving and enhancing the historic environment

DM1 General requirements

DM3 Environmental protection

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

CONSULTATIONS

Highways: Braithwaites Close is currently a private drive and we have previously been reluctant to accept any additional development, over and above that which has already been granted, as it was not possible to construct (geometrically) a road to a standard that would be acceptable for adoption by the highway authority. The revised site access layout proposed as part of this application, means that it is possible to construct a suitable access arrangement, which would allow Braithwaites Close to be offered up for adoption. This would be subject to the required works being completed, to the highway authority's satisfaction, to bring Braithwaites Close up to an adoptable standard. The proposals are for 9 dwellings, which will only generate a small number of additional vehicle movements on the highway network. As the applicant has demonstrated that an adoptable access can be achieved, conditions are proposed in relation to access, visibility, car parking and construction traffic plans

Drainage (Lead Local Flood Authority): No objections subject to conditions in relation to the submission of a surface water strategy.

Anglian Water: The applicant should check whether any Anglian Water assets cross or are within close proximity to the site. Any encroachment should be reflected in the site layout.

Environmental Protection:

Noise: No objection subject to the submission of a noise attenuation scheme, a technical specification of an acoustic barrier and restrictions on site clearance operations and construction hours.

Contamination: The site is predominantly covered by open grassland and is within a residential area. The report identifies the land as undeveloped with a rail line immediately south within 1887 historical mapping. There are no changes noted on the site between 1907 and 1951. Maps from 1970 highlight a circular-mounded feature within the northern section of the site, along with two small structures. No further changes were noted from 1970 to 2003. However, a pollution incident occurred 111m southwest of the site, relating to firefighting runoff. A historical ground investigation concluded elevated levels of PAHs or fuel/oils were present at a former public house which fronts onto Kings Road. A sight walkover was conducted on 26 September 2019, identifying a caravan and outbuilding with suspected asbestos in the far northwest corner. The mound noted in the historical maps was witnessed but was too overgrown to inspect, and an empty structure was adjacent to the mound. The site walkover concluded that there are no significant sources of contamination. The submitted report has failed to assess the risk imposed due to the potential asbestos on site and the risk from the adjacent railway and to assess the elevated levels of PAHs that have been historically reported within close proximity of the site. Recommends the submission of a Phase 1 assessment or a full contamination condition.

Historic Environment Record: The application site contains the remains of a WWII military site and has potential for buried archaeology of prehistoric and Romano-British date. Further archaeological field evaluation is required comprising excavation of trial trenches to identify and describe the significance of the heritage assets and any archaeological evidence within the site. This report has now been submitted to the council. The evaluation comprised the excavation of eight trial trenches across the application site. The results confirm the presence of upstanding and below-ground features associated with a probable WWII anti-aircraft gun emplacement. Middle Bronze Age pottery indicates the potential for further archaeology.

Archaeological mitigation will be required to preserve in situ or by record any prehistoric remains and the 20th century military site, and to include provision of on-site interpretation within the public open space. Recommend planning conditions to secure the implementation of a prior approved archaeological mitigation strategy.

Ecology: Any reserved matters design will need to comply with the Landscape Assessment Guidelines. The site has potential for nesting birds, reptiles, badgers, hedgehogs and foraging bats. The Biodiversity Metric Assessment has been carried out fairly and reveals biodiversity enhancements of >10% which is acceptable. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the NPPF and the Biodiversity Metric.

Network Rail: No objection in principle but some requirements must be met. These include a recommendation for conditions requiring details of construction methodology to be submitted to the council for approval, details of surface water drainage, the submission of trespass-proof fencing adjacent to the railway, landscaping to be submitted for approval to the council, and adequate soundproofing for the dwellings.

PARISH COUNCIL

Objects on grounds of surface water flooding, sewerage and highway entrance and exit safety concerns.

PUBLICITY

Original and amended plans have been advertised by site notices. Four responses have been received objecting to the application and raising the following planning issues:

- increased flooding of Skeggar Beck
- soakaways not shown on the plans
- increased traffic and congestion
- the new junction arrangement would reduce the road width
- increased on-street parking
- the noise assessment shows an inaccurate boundary
- future development
- loss of privacy/overlooking
- retention of trees and hedgerows
- contamination
- HGV deliveries should not use Windsor Way to access the site
- buses are limited
- pressure on existing infrastructure.

ASSESSMENT

Proposal

The proposal has been amended during its process to include access to be considered at this outline stage. The application pending consideration is an outline application for 9 dwellings with associated access and public open space (with appearance, landscaping, layout and scale reserved for subsequent consideration).

Site and planning history

The site is primarily outside the development limit of Barnetby. Only part of the access to the site lies within the development limit. The site gently slopes from north to south and from west to east. It is surrounded by residential development to the north and west, To the south is the railway line and Skegger Beck and to the east is open countryside. Various bushes, hedgerows and small trees surround the site boundaries. The site is accessed from Kings Road. This access also forms access for the residential developments listed below. These approved residential developments have been built out on the site and the dwellings occupied. There is a housing allocation in the new local plan – (H1P-19) Land at Kings Road, Barnetby – for 43 dwellings, which is in close proximity to this application site.

PA/2017/1989: Planning permission to erect three pairs of semi-detached houses – approved 07/06/2018

PA/2019/752: Planning permission to erect four pairs of semi-detached dwellings – approved 27.09.2019

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if 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, the North Lincolnshire Core Strategy and the Housing and Employment Land Allocations DPD. Other material planning policy considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents.

It should also 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, adopted 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 in this case.

The application site is primarily outside the development limit for Barnetby, apart from the access, as defined in the Housing and Employment Land Allocations DPD Inset 05. For policy purposes this would constitute development within the countryside.

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

Policies CS2 and CS3 of the Core Strategy also need to be considered. Policy CS2 states that any development that takes places outside defined development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed, with a sequential approach applied to ensure that the development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside development limits to that which is essential to the functioning of the countryside, including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 sets out the spatial distribution of housing sites and confirms that the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy RD2 of the local plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, and the replacement, alteration or extension of an existing dwelling amongst others. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is exclusively in the open countryside, outside of any designated development boundary and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and policy RD2 of the local plan.

Notwithstanding the above, paragraph 7 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. These objectives are independent and need to be pursued in mutually supportive ways.

The proposed development would have the social and economic benefits contributing to the supply of housing land by the provision of market housing and there are local facilities within easy reach of the site on foot and a wide range of further services, accessible by bicycle and public transport, including the railway station, readily available. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

In terms of environmental impacts, the proposed development would not significantly alter or harm the character or appearance of the countryside or the landscape. Given that the site is

comparatively enclosed, and lies directly adjacent to existing new residential development and close to the defined development boundary, it is considered that any impact would be limited in this instance. Biodiversity net gain and biodiversity enhancements can be provided on the site.

In considering the principle of development, the site represents a suitable and logical infill development site. This is because the site is well related to the existing settlement pattern of Barnetby with the site surrounded by dwellings to the north and west. To the south is the railway line with dwellings beyond. The site is relatively enclosed by these features and the existing boundary hedging and trees provide a degree of separation between the site and agricultural land beyond. The site is also not in agricultural production. Eight dwellings have recently been constructed and occupied under PA/2019/752 – the access for this development is also the proposed access for this pending application. PA/2019/752 was also outside the development limit of Barnetby. PA/2017/1989 also approved 6 dwellings on the site frontage adjacent to Kings Road and alongside the access road for Braithwaites Close. The application site is located centrally within the village, in a sustainable location, with residential development surrounding the site and the railway line. The earlier planning permissions (which have been built out) confirm that the site is in a sustainable location and residential development was considered acceptable in sustainability terms despite the conflict with the development plan.

Therefore, whilst there is a conflict with policies CS2, CS3 and CS8 and RD2 of the development plan, this policy conflict is considered to result in limited harm in this particular case. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELA DPD policy PS1, which sets a presumption in favour of sustainable development. An assessment of the technical merits of the proposal will now be undertaken to establish if the application is acceptable in all other aspects.

Highways

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. Both are considered relevant. The site is within the existing settlement boundary and benefits from access to public transport links and local services. It is therefore considered that the scheme is within a sustainable location.

Highways have been consulted on the proposals and have stated, 'the revised site access layout proposed as part of this application, means that it is possible to construct a suitable access arrangement, which would allow Braithwaites Close to be offered up for adoption. This would be subject to the required works being completed, to the highway authority's satisfaction, to bring Braithwaites Close up to an adoptable standard. The proposals are for 9 dwellings, which will only generate a small number of additional vehicle movements on the highway network.' A Stage 1 Road Safety audit has also been submitted with the application. Concerns from the parish council and objectors are noted in relation to the access arrangements and congestion on Kings Road. However, Highways have no objections and are recommending planning conditions. These conditions include access, parking, visibility and a construction traffic management plan, and are recommended below. The cost of the works within the highway, relocation of the bus stop, reinstatement of the bus layby and provision of the footway connections will be paid by the developer through the appropriate S278/S38 highway agreement. Subject to the aforementioned conditions, the proposal will align with policies T2, T19 and DS1 of the NLLP.

Flood risk and drainage

The site is within flood zone 1 of the council's SFRA 2011 and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. Flood zone 1 is the optimum place for development in terms of flood risk. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Objections have been raised in relation to drainage matters. The LLFA and Anglian Water have been consulted on the proposals. The applicant has submitted a soakaway report with the application and referred to drainage principles in the submitted Design and Access Statement with reference to proposals to discharge into the downstream Skeggar Beck watercourse. There are well known groundwater issues within the locality so soakaway proposals require detailed analysis and evaluation. The LLFA are therefore recommending planning conditions to ensure a detailed surface water strategy is submitted to the council for approval before development commences on the site. Anglian Water have raised no objections to the proposals. It is also considered that details of the foul water for the development can be secured by planning conditions. In terms of Network Rail, the surface drainage condition will need to demonstrate that the drainage scheme for the site will not impact on the railway. Subject to the aforementioned conditions, the proposal will align with policies DS14 and DS16 of the NLLP, and CS18 and CS19 of the CS.

Impact on the character and appearance of the area and on the landscape

In terms of character, appearance and impact on the landscape, these matters will be assessed at reserved matters stage when details of layout, appearance, scale and landscaping will need to be submitted to the council for approval.

The site is well screened and enclosed by boundary hedgerows, trees and bushes. Details of the retention of these features can be secured by planning conditions. Due to the relatively enclosed nature of the site and surrounding development, the site is more akin to an infill development within existing residential development to the majority of the site boundaries and the railway to the southern boundary. The site will be viewed in context with existing development, including the existing planning permissions on the adjacent sites that have now been built out.

Overall, due to specific nature of the site and its surroundings, residential development comprising 9 dwellings with the open space associated with the proposal will not result in any significant harm to the landscape, character and appearance of the open countryside. Any reserved matters scheme will need to include the open space area and significant landscaping to allow the development site to soften into the open countryside beyond the application site. The proposal will therefore align with policies LC7, H8 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

Ecology and biodiversity

A preliminary ecological appraisal has been submitted by the applicant: the site supports nesting birds and has the potential to support reptiles, badgers, hedgehogs and foraging bats. The council's ecologist has not requested any further protect/priority species reports and has recommended conditions that are included below to protect wildlife on the site in accordance with policy LC5 of the NLLP.

In terms of biodiversity, the site comprises neutral grassland in poor-moderate condition, ruderal and ephemeral species, hedgerows and bramble scrub. The applicant has submitted a BNG (biodiversity net gain) report which demonstrates that a biodiversity net gain on the site can be achieved. Planning conditions will be used to ensure net gain is provided on the site before any subsequent reserved matters are approved. Subject to conditions, the proposal will align with policies CS5 and CS17 of the CS and paragraphs 174 and 180 of the NPPF in terms of BNG and biodiversity enhancements.

Archaeology

In terms of archaeology, archaeological evaluation has now taken place on the site in the form of trial trenching. The results of this evaluation have revealed the presence of upstanding and below-ground features associated with a probable WWII anti-aircraft gun emplacement and middle Bronze Age pottery indicates the potential for further archaeology. The majority of the military features appear to lie within the public open space across the eastern half of the application site. The current outline application indicates that the open space will be managed as a proposed meadow to remain in private ownership. This plan is only indicative though as the layout of the development is a reserved matter. Preservation in situ is therefore feasible for the above- and below-ground archaeological features but will require careful management during and after construction to ensure that the archaeology is not damaged.

In addition, the trial trenches revealed a series of linear ditches across the southwest part of the site. These features have been interpreted as a probable 19th century field system. A small assemblage of Middle Bronze Age pottery was recovered from the fill of one of these ditches which the excavator considered to be residual, but is likely derived from nearby prehistoric activity of this early date. Construction of the proposed dwellings in this part of the site, such as foundations, drainage, flood alleviation schemes and storage, therefore has the potential to disturb and/or destroy archaeological evidence of early date within the site, including below the later 20th century levelling layers.

These archaeological matters can be dealt with by appropriate mitigation measures to conserve the archaeological evidence of the site. Where preservation in situ, such as in the area of public open space retaining the accessibility of the remains for future study, is not feasible, a programme of archaeological preservation by record would be necessary. Such measures will need to comprise a programme of observation, excavation and recording in advance of or during groundworks associated with the proposals. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. These matters can be dealt with by planning conditions that are recommended below. Subject to these conditions the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and Chapter 15 of the NPPF.

Noise

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

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust,

steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 'a' of the NPPF states, '...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

It is not considered that the proposed 9 dwellings utilising the existing access along Braithwaites Close will result in any significant noise disturbance to adjoining residents. Vehicular movements will be small and staggered throughout the day. The site boundary abuts the railway line which causes noise from trains. A noise assessment has been submitted with the application. This noise assessment was re-submitted to refer to the correct application site boundaries. Environmental Protection have been consulted on this report and propose planning conditions to mitigate noise from the railway. These conditions relate to the submission of a noise attenuation scheme, a technical specification of an acoustic barrier and restrictions on site. Further conditions are also proposed to control site clearance and construction working times to reduce noise and disturbance to existing neighbours. Subject to these conditions to reduce noise impacts on potential occupiers of the development from railway noise and to safeguard existing residential amenity, the proposal would align with the NPPF, and policies DS1 and DS11 of the NLLP.

Contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case, the submitted site investigation is not considered sufficiently robust and therefore a planning condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place.

Residential amenity

Policies H5 and DS1 of the NLLP state that any new developments should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties. Policy CS5 seeks to deliver quality design in North Lincolnshire. The proposal is in outline form to establish the principle of residential development on this site. Due to the overall size, location and shape of the land, a scheme could be designed on the site for 9 dwellings without causing demonstrable harm to the amenity of adjoining neighbours. It is more pertinent to assess these impacts at reserved matters stage when the final design and layout is submitted. That said, it is considered that an acceptable scheme could be designed to avoid loss of residential amenity to adjoining residents and therefore the proposal would align with policies H5 and DS1 of the NLLP, and CS5 of the CS.

Other matters

Concerns about future development are noted, but are not material to this application as there are no further pending applications on adjacent sites. Concerns about pressure on existing infrastructure are noted, but there is no evidence to suggest this is the case. It should be noted that the new local plan contains a proposed housing allocation – (H1P-19) Land at

Kings Road, Barnetby – for 43 dwellings; Barnetby is therefore able to accommodate some growth. Comments from Network Rail are also noted with regard to the adjacent railway. Network Rail have requested planning conditions to safeguard the railway which are recommended below.

Pre-commencement conditions

All pre-commencement planning conditions have been agreed with the applicant.

Planning balance and conclusion

The development falls primarily outside the development limit for Barnetby and is therefore in conflict with the strategic policies of the development plan. However, in this particular case, after carefully assessing the location, size and setting of the application site and proposal, together with the surrounding developments, the proposal is considered to have a limited impact on the character and appearance of the open countryside and on the landscape. The proposed site is fairly enclosed and resembles infill development, and will not result in any significant harm or impacts on the character of the area, on the landscape, on heritage assets, highway safety, residential amenity, or flood risk and drainage. Where impacts have been identified, these can be mitigated by planning conditions,

The benefits of this proposed development are the provision of nine market dwellings, which will be a positive contribution to the council's housing land supply. The proposed dwellings are in a very sustainable location with public transport links very close to the application site. The occupiers of the dwellings will support the existing services and facilities that Barnetby has to offer. The proposed dwellings will be constructed with energy efficient methods such as insulation, lighting, solar control film glazing and only materials that achieve an A+, A or B rating only on the BRE Green Guide for materials will be used on the development. The proposal, due to its location and layout, has a limited impact on the landscape and open countryside. These impacts can be largely mitigated by appropriate landscaping on the site which is a reserved matter. The benefits of providing market dwellings in this very sustainable location are considered to significantly and demonstrably outweigh the limited harm accruing from the identified conflict with the development plan and on the landscape and open countryside. As such, the proposed development is considered to be acceptable and is recommended for approval.

RECOMMENDATION Grant permission 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:

- Site location plan RD:4735-03A
- Indicative Proposed Layout (access details only) Drawing no RD:4735-04D
- Section 278 General Arrangement 1115-1143-CIV-100 Rev P1.

Reason

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

6.

No development shall start on site until details of the proposed works to bring Braithwaites Close up to an adoptable standard, including the access alterations, drainage, construction, services and lighting, have been submitted to and approved in writing by the local planning authority.

Reason

To ensure satisfactory access arrangements and highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

7.

Prior to the occupation of the first dwelling, the works approved under condition 6 shall be completed in accordance with the approved details and Braithwaites Close offered up for adoption.

Reason

To ensure satisfactory access arrangements and highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

8.

Prior to the occupation of the first dwelling, the within-highway improvements at the junction of Kings Road, the Kings Road Service Road and Braithwaites Close, including the reinstatement of the bus layby, relocated bus stop and provision of a footway connection to the bus stop, shall have been completed in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety.

9.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

13.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

14.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

15.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

16.

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

Reason

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

17.

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

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

- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

Reason

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

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.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, to ensure the implementation and future maintenance of the sustainable drainage structures and to ensure safety of the railway in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, and to the railway line, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

20.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

21.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

22.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

23.

The landscaping details required by condition 2 shall include details of all existing trees and hedgerows on the site to be retained and set out measures for their protection throughout the course of development.

Reason

In the interests of visual amenity and to protect existing trees and hedgerows on the site.

24.

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

Part 1: Site Characteristics

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

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

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.

25.

Before development commences on the site, a construction methodology shall be submitted to and approved in writing by the local planning authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development thereafter shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the local planning authority.

Reason

To ensure the development is carried out safely and will not impact on the operational railway safety.

26.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

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

Reason

To protect residential amenity.

27.

Prior to the occupation of the development hereby permitted, a scheme of noise attenuation, including windows and ventilation as recommended in report reference NIA-10975-23-11165-v1 Barnetby, dated 3 October 2023, shall be installed and maintained thereafter.

Reason

To safeguard the amenity of occupiers of the development.

28.

Prior to the occupation of the development hereby permitted, an acoustic barrier shall be erected on the site. A detailed technical specification of the acoustic barrier shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to commencement of the occupation of this site and shall be maintained thereafter.

Reason

To safeguard the amenity of occupiers of the development.

29.

Following completion of the installation of the mitigation measures specified in conditions 27 and 28 above, and in accordance with the approved technical specifications, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the amenity of future occupiers.

30.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted including a trespass proof fence adjacent to Network Rail's boundary fence have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening on the site in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan and to prevent trespass onto the railway in accordance with policy DS3 of the North Lincolnshire Local Plan.

31.

At least 3 months prior to the submission of any application for the reserved matters, the applicant or their agents or successors in title shall submit an archaeological mitigation

strategy for the written approval of the local planning authority. The archaeological mitigation strategy shall provide for the following:

- (i) measures to ensure the preservation in situ of the above and below-ground archaeology within the area of public open space in advance of, during and after construction of the dwellings permitted by this permission
- (ii) measures to interpret the archaeology within the public open space to enhance public understanding
- (iii) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (iv) methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- (v) methodologies for the recording of the historic buildings and recovery of archaeological remains, including artefacts and ecofacts
- (vi) post-fieldwork methodologies for assessment and analyses
- (vii) report content and arrangements for dissemination, and publication proposals
- (viii) archive preparation and deposition with recognised repositories including the digital archive with the ADS
- (ix) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy and the timely provision of site interpretation
- (x) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (xi) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities, and qualifications.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan because the site contains archaeologically significant remains that the development may otherwise disturb or destroy; the archaeological mitigation strategy is required to preserve archaeological evidence in situ or by record.

32.

No development shall take place until the applicant or their agents or successors in title has secured the implementation of the approved archaeological mitigation strategy and has notified the planning authority in writing of the intention to commence the archaeological site

works at least two weeks before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

33.

The final dwelling constructed shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved archaeological mitigation strategy, and provision made for analysis, publication and dissemination of results, and archive deposition secured, and until the approved site interpretation within the public open space is provided.

Reason

To comply with paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

34.

A copy of any analysis, reporting, publication, or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within six months 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 paragraphs 195 and 205 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan.

35.

Works shall be carried out strictly in accordance with the recommendations set out in sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated July 2021.

Reason

To accord with policies LC5 of the North Lincolnshire Local Plan and CS17 of the North Lincolnshire Core Strategy.

36.

Prior to the approval of reserved matters, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall cover a period of at least 30 years from the commencement of development and shall include:

- (a) details of at least three bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;

- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the eradication of invasive non-native species, including Japanese knotweed;
- (f) prescriptions for the retention, planting and aftercare of native trees, scrub, shrubs and hedgerows of high biodiversity value;
- (g) prescriptions for the enhancement and management of neutral grasslands;
- (h) procedures for monitoring and on-going management of created habitats;
- (i) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.1;
- (j) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

37.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, 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. Thereafter, monitoring reports shall be submitted to the local planning authority every five years for thirty years to provide evidence of compliance with the biodiversity management plan and monitoring and management measures carried out to maintain target condition.

Reason

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

Informatives

1.

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;

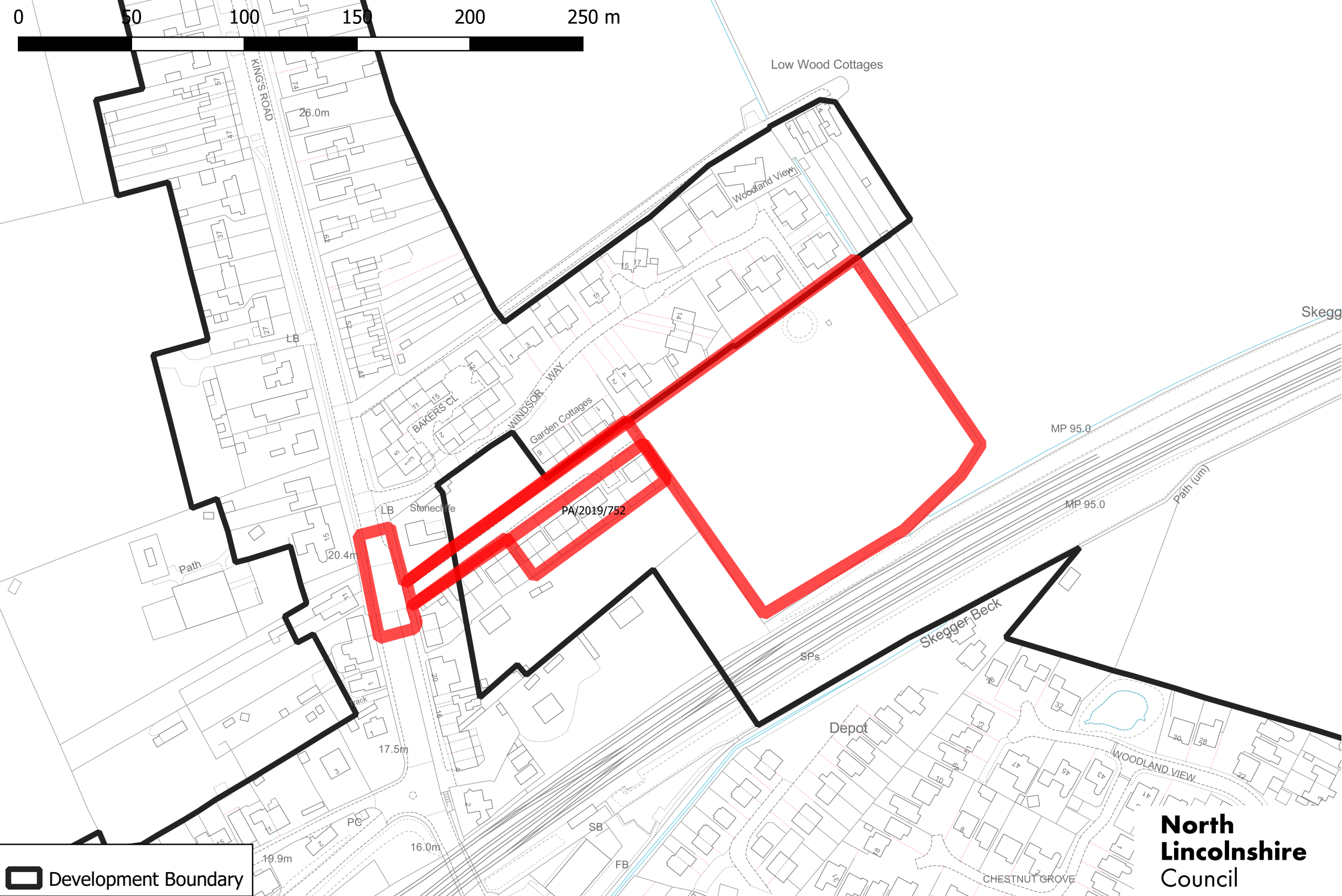
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

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 applicant's attention is drawn to the comments made by the LLFA, Anglian Water and Network Rail.



**North
Lincolnshire
Council**

PA/2022/1852

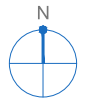
PA/2022/1852 Indicative layout (not to scale)



Scale Bar
0m 5m 10m 15m 20m

Notes
Drawing prepared for Planning Purposes Only. As not scale for this drawing.
All existing structures shown on this plan are for information only. The Applicant's responsibility is to verify the accuracy of the information provided.
The Applicant is responsible for obtaining all necessary consents and approvals for the proposed development.
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- Revisions**
- A 21.03.22 - House types revised plots 4, 5, 6 & 9
 - B 11.05.22 - Open space enlarged and changed to meadow planting, housing site amended to suit
 - C 22.05.22 - Notes amended for planning application
 - D 16.01.23 - Driveway / tree positioned revised to Plot 8



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Project Proposed Development off Braithwaites Close, Barmby-le-Wold, North Lincolnshire

Drawing Title Indicative Proposed Layout

Drawn MD **Scale** 1:500

Date Mar 22 **Size** A1

Drawing No. RD:4735 - 04 D

APPROVAL