

<b>APPLICATION NO</b>	<b>PA/2019/1904</b>
<b>APPLICANT</b>	Mr T Webster, WFW Developments Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 28 affordable dwellings with associated access and other works
<b>LOCATION</b>	Old Railway Sidings, A18 from Althorpe to Gunness, Althorpe, DN17 3HN
<b>PARISH</b>	Keadby with Althorpe
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>

**REASONS FOR REFERENCE TO COMMITTEE**                      Objection by Keadby with Althorpe Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

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

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

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

Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and

within statutory timescales unless a longer period has been agreed by the applicant in writing.

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

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

Paragraph 57: Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 189: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

**North Lincolnshire Local Plan:** DS1, DS7, DS11, RD2, H10, T2, T19, HE9, LC5, H5

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS19, CS22, CS26

## **CONSULTATIONS**

**Highways:** No objections subject to conditions.

**Network Rail:** No objections subject to conditions to mitigate impacts upon their infrastructure as well as the amenity of future residents.

**Environment Agency:** Removed previous objections following amended flood risk assessment.

**Drainage (Lead Local Flood Authority):** The LLFA maintains an objection which echoed that initially raised by the IDB (though the IDB have since removed their objection). A further concern relates to Network Rail apparatus (though they have not objected).

Concerns do exist surrounding the drainage strategy; however, an inspector has considered already that the site would be able to achieve one.

**Environmental Protection:** No objections subject to conditions relating to noise, air quality, land contamination and those that seek to mitigate the construction phase.

**Historic Environment Record:** No objections.

**Ecology:** The application site is a mosaic of habitats of near-Local Wildlife Site quality, with potential for protected and priority species.

**S106 Officer:** Only recreation contributions are required.

**Humberside Police (Designing Out Crime):** No objections.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** No objections.

**Spatial Planning:** As the proposal is for 100% affordable housing, a local need must be clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.

The ground levels set are below the required critical flood level of 4.1 metres above Ordnance Datum and must be agreed with the Environment Agency to ensure safe development if planning permission were to be allowed.

## **PARISH COUNCIL**

Objects to the proposal for the following reasons:

At this time Keadby has severe problems with the disposal of sewage and surface water yet the application proposes that foul sewage is connected to an already overloaded network. There would need to be an independent network not connected to the existing network. It is also noted that there are no accompanying documents with comments on sewage and surface water from Severn Trent.

The proposed site access requires a filter lane, for safety reasons. There should be an on-site play area for the children who would live in the new dwellings as it is not reasonable to expect them to travel safely, on foot, to either the Keadby or Althorpe Play Areas.

It should be noted that these comments are based on the submission that the development was initially for 30 market dwellings; the proposal has ultimately ended up being for 28 affordable. Nevertheless, the comments are still material to the planning consideration.

## **PUBLICITY**

The application has been advertised by means of site notice in accordance with article 15 of the Development Management Procedure Order 2015 (as amended).

No comments have been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No evidence of community involvement has been submitted.

## **ASSESSMENT**

### **Update**

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

Since the initial report was written the Environment Agency has confirmed that they wish to remove their earlier objections and now recommend approval subject to the imposition of a condition linking the development to the details contained within the Flood Risk Assessment as well as conditions relating to land quality. These latter conditions, however, are mitigated by similar conditions proposed by Environmental Protection.

### **Relevant planning history**

PA/2015/1173: Outline planning permission for new dwellings and access road with some matters reserved (resubmission of PA/2015/0657) – refused 10/11/2015.

PA/2016/1315: Outline planning permission for a residential development of up to 14 dwellings, including means of access – refused 18/01/2017.

PA/2017/464: Outline planning permission for up to 14 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (resubmission of PA/2016/1315) – appeal allowed 14/05/2018.

### **Site characteristics**

This site is located on the southern edge of Keadby, to the west of the A18 and adjacent to Althorpe train station. It is bounded to the north by the railway line, to the east by the A18 and to the south and west by agricultural land. The site is transitional in character with more in common to a cleared brownfield site that would have featured as part of the sidings and in conjunction with the commercial premises opposite, rather than being akin to adjacent agricultural land. More recently an inspector allowed an appeal on the western part of the site for 14 dwellings (PA/2017/464) considering the proposal to represent sustainable development. Members should note that this permission is still extant.

The site has a history of commercial permissions prior to that, following an earlier allocation for employment use in the North Lincolnshire Local Plan (2003). Planning permission was granted for container storage and access in 2014 (PA/2014/0755) and previously for the erection of 14 industrial units on the site (PA/2007/2066), which was later extended in 2011 (PA/2011/0421).

The site is bisected from the settlement of Keadby by the railway line and is within the open countryside. However, it is within easy walking distance of Althorpe train station and services within Keadby itself, with a footpath link. The village of Althorpe is also accessible.

### **Proposal**

Planning permission is sought to erect 28 affordable dwellings for sale or rent with a mix of 13 three-bedroom dwellings and 15 two-bedroom dwellings.

**The key principal consideration is whether or not the proposal aligns with policy CS9 of the adopted Core Strategy.** There is also a requirement to offer material weight to the existing permission for 14 dwellings on the site that was allowed at appeal.

### **Principle of development**

Policy CS9 of the North Lincolnshire Core Strategy is concerned with affordable housing. The policy is split into two parts: firstly, it relates to the percentage of affordable units that should be provided as part of any market dwelling led schemes; and secondly, it sets out provisions for fully affordable schemes known as 'rural exception sites'. The policy states in relation to the latter:

'Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.'

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is also in two parts, the first part setting out in principle what types of developments are acceptable. In this instance paragraph 'iii' is relevant; it states '...affordable housing to meet a proven local need' is considered as an acceptable form of development. The latter part of policy RD2 seeks to mitigate those development types that are considered acceptable by setting out the following criteria:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials
- (d) the development would not be detrimental to residential amenity or highway safety
- (e) account is taken of whether the site is capable of being served by public transport
- (f) the development is sited to make the best use of existing and new landscaping.

The application does not explore alternative sites; however, there is an extant permission on the western side of the proposal site to erect 14 market dwellings. The site has therefore been considered sustainable for the purposes of residential development already by the Planning Inspectorate. The applicant has submitted a robust application with a full suite of documents that make up the design solution. An ecology report, which outlines mitigation, has been submitted, as well as a contextual analysis within the design and access statement that explains how points B–F of policy RD2 are complied with. Importantly, included with this application is a housing needs survey. It should be noted that there is no objection from the council's housing team.

Paragraph 77 of the NPPF is concerned with rural housing and states, 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support

opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.’

North Lincolnshire Council cannot at present demonstrate a five-year land supply for the delivery of housing. There is a clear shortfall within the area of housing of all types. The proposal is for 28 affordable dwellings. The applicant has submitted a housing needs assessment (2Cities, 2020). The statement explains how the tenure type and mix has been driven by the council’s Housing Strategy and is based on housing-related policy within the NPPF. The council’s housing team have not challenged nor objected to the needs assessment provided by the applicant.

The submission has therefore sufficiently evidenced the need for affordable housing in the area and the requirement for the specific tenure split that has been proposed through both the council’s Housing Strategy and national planning policy. It is considered to align with policies CS9 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan, as well as paragraph 77 of the NPPF, and is considered acceptable in principle. Lastly, it is also of note that this application would weigh heavily in terms of social sustainability in comparison to the extant permission on the site that allows for 14 market dwellings.

### **Planning obligations**

Policy CS27 of the Core Strategy is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek to ensure that the development proposal (achieves the following):

1. meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing, maintenance payments, highway infrastructure, nature conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or
2. mitigates the impact(s) of the development; and/or
3. offsets the loss of any significant amenity or resource through compensatory provision elsewhere; and/or
4. provides for the ongoing maintenance of facilities provided as a result of the development.

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

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

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

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

### ***Affordable housing***

The proposal is for a rural exception site and complies with policy CS9 of the Core Strategy as well as paragraph 77 of the NPPF. This element of the proposal will be secured and reaffirmed through the Section 106 process.

### ***Public open space***

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

The applicant has agreed to provide £33,668.00 as an off-site contribution whilst also providing 10 square metres on-site informal space per dwelling (280 square metres in total), and a further £11,415.20 for North Lincolnshire Council to maintain this land or an estate management company. This will be secured through a Section 106 agreement.

### ***Education***

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

No contribution is required towards education as the proposed scheme is 100% affordable.

### ***Obligations summary***

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, as well as policies C1 and H10 of the North Lincolnshire Local Plan and paragraph 56 of the NPPF.

### ***Flooding and drainage***

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

1. it can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk
2. the development should be on previously used land; if not, there must be no reasonable alternative developable sites on previously developed land

3. a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is located within flood zone 2/3a within the North Lincolnshire SFRA 2011. The applicant is therefore required to submit a flood risk assessment as well as sequential and exceptions tests given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the NPPF).

### ***Sequential test***

The applicant has submitted a robust sequential test and strong justification of the geographical area of search. The sequential test puts forward a methodology as to why certain sites have been screened out. The pool of sites has been taken from the SHLAA 2014 Review, previous planning applications and allocations within the HELA DPD, of which there are none in Keadby. Sites have been rejected on the basis of being spatially incompatible, and/or located within flood zone 2/3a. The only reasonable alternative has already been built out. Furthermore, this site has previously passed a sequential test for 14 dwellings, which is material. It is therefore considered that the sequential test is passed.

### ***Exceptions test***

NPPF paragraph 160 states:

For the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

There are a number of sustainable benefits that the scheme would bring about, including (but not limited to) affordable housing, energy efficient homes, proximity to employment areas, sustainable transport links, provision of open space, biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'A' of the exceptions test is considered passed.

The applicant has submitted a flood risk assessment and outline drainage strategy. The IDB, Environment Agency, LLFA and Severn Trent Water have all been consulted. The IDB have removed early objections as there were dwellings located within a 9 metre strip of the watercourse; these dwellings have now been removed, reducing the overall number to 28. The IDB have stated, notwithstanding any permission gained, that no development can occur within this strip, including planting. A condition is recommended in relation to surface water; however, it is suggested that 'the suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.' The LLFA have maintained an objection to the proposal stating that a 9 metre easement should be agreed with the IDB (these comments came after the IDB removed their objection) and that Network Rail agree the layout with respect to the access. Network Rail have no objections. It is a material consideration that the site has an extant permission and the planning inspector considered that conditions relating to surface water provided sufficient

mitigation, despite the LLFA's comments. It would be unreasonable, in planning terms, not to agree with the inspector's assessment despite an overall increase in 14 dwellings.

At the time of writing, the Environment Agency have stated that the updated flood risk assessment (FRA) showing finished floor levels would be sufficient to overcome their objection. However, a detailed response has not yet been received, though one is anticipated. That said, the inspector attached a condition to the extant permission that finished floor levels shall be set no lower than 5.24 metres above Ordnance Datum (AOD) (this covers the western parcel of the site). The applicant's updated FRA states that a finished floor level of 5.39 metres AOD will be imposed on the east side of the site (due to topography and increased vulnerability to flooding), whilst a finished floor level of 5.24 metres AOD will be imposed on the west (which includes plots 1-11 inclusive), and will be imposed as part of any condition.

The proposed development will require a new connection to the Severn Trent Water sewer network where available, which would be subject to agreement with STW via a Section 106 (Water Industry Act 1991) application.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

## **Ecology**

Policy CS17 of the North Lincolnshire Core Strategy is concerned with protecting and promoting wildlife habitat networks, Policy LC5 is concerned with protected species. Paragraph 175 of the NPPF sets out biodiversity management principles; both are considered relevant.

The applicant has provided a preliminary ecological report by Ramm Sanderson. Subsequently, and through dialogue with the applicant, the council's ecologist has been consulted and has stated, '...The application site is a mosaic of habitats of near-Local Wildlife Site quality, with potential for protected and priority species.' In relation to protected species, the ecologist states that there is potential for breeding birds, reptiles and hedgehogs, foraging bats and invertebrates.

It is noted that the site contains Japanese knotweed and careful mitigation is outlined in the applicant's report. In relation to existing biodiversity, it introduces proposals for mitigation and biodiversity enhancement, which is welcomed. On consideration, the ecologist recommends the imposition of conditions relating to a biodiversity management plan.

The conditions are considered to pass the tests for conditionality and will be duly attached. Subject to the aforementioned conditions, the proposal would accord with policy CS17 of the Core Strategy, as well as paragraph 175 of the NPPF.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and 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 policies are considered relevant. The applicant proposes 28 affordable dwellings. The application is for full planning permission and so all matters are considered. The council's Highways team has been consulted and has no significant concerns. The officer states:

'I have no significant concerns regarding this application in principle. There is an existing right-turn holding lane serving the site and while the access does sit just within the 30mph speed limit there is ample visibility for vehicles exiting the site on the traffic approach side to cater for the derestricted section of road leading up to this point. I do have a couple of issues with the proposed layout, which are:

- the right-turn holding lane on the A18 is not shown on the layout – while it looks as though this feature ties in with the proposed new/upgraded access to the site, it should be shown, as should the improvements to the footway fronting the site;
- excessive use of private driveways and the proximity of the first one to the site access;
- the width of carriageway through the double bends – this should accommodate refuse vehicles passing through without impeding traffic travelling in the opposite direction; adequate forward visibility for all vehicles should also be demonstrated;
- the width of verge on the northern side of the road at the western end of the site.

These points will need clarification or slight amendments and...with the above comments in mind, I advise that the following conditions are applied to any permission that you may be minded to grant on the above application.'

The officer goes on to propose conditions which would require the finer points of the access to be agreed, along with footway improvements. Other conditions are compliance-related and are used to mitigate any potential impingement upon the proposed road networks, as well as to ensure that all dwellings are accessible by vehicle prior to their occupation. There is also a proposed removal of high planting near the access point.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

## **Network Rail**

The proposal site abuts Network Rail land and so they are a statutory consultee in this process. They have reviewed the submission and have no objections to the proposal subject to a number of conditions and an informative. The conditions relate to drainage, boundary fencing and safety barriers, and method statements, soundproofing, lighting and landscaping. The proposed conditions are considered to be required to protect the railway line and stakeholders from the development, as well as mitigating impacts to future residents from the railway.

Conditions relating to sound proofing are succinct with those put forward by Environmental Protection and so the reason for that condition relates to mitigating the amenity of future residents. The conditions relating to boundaries and barriers are important to prevent rail/road incursion and trespass. Therefore, despite the plans submitted, control over these issues will still remain. Furthermore, conditions relating to landscaping are required to protect the line and infrastructure (such as signal boxes/encroachment over the line) and although a full scheme of landscaping has been submitted, the retention of control is also needed to protect the railway infrastructure.

## **Land 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.

The site has a planning history that relates to an industrial past as a railway sidings. The Environmental Protection officer (EPO) states that the applicant should submit a Phase 1 report for the department's consideration prior to the application being determined, in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use, prior to use. However, they also state that, should the case officer recommend approval, conditions would mitigate. Given that an inspector has made an assessment in relation to the western part of this site already and considered that conditions are suitable as mitigation, then it would be unreasonable in this instance to request that this information is provided prior to determination. Therefore, the condition put forward by the EPO will be attached.

The applicant has accepted this and therefore, subject to its attachment, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

## **Environmental issues**

Policy DS11 of the 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. Policy DS1 of the North Lincolnshire Local Plan is also concerned in part with impacts upon amenity; both are considered relevant.

The applicant has submitted a noise risk assessment: Noise and Vibration Consultants Ltd, Noise & Vibration Assessment, Proposed Residential Development (Phase 2) at Old Railway Sidings, Althorpe, Scunthorpe, dated 25 July 2019, reference no. R19.0709/DRK.

This has been reviewed by the EPO who has no objections subject to the imposition of a condition requiring the developer, prior to development, to demonstrate that sufficient noise attenuation against impacts emanating from external noise has been submitted to and agreed in writing with the local planning authority. Network Rail have made similar comments relating to protecting the amenity of future residents from the noise of the railway; this condition is considered to mitigate all concerns in relation to impacts coming from external noise.

As an extension to the noise issue, the EPO has also recommended a condition controlling construction hours to minimise disturbance. This is also considered necessary and will be duly attached.

## **Air quality/sustainable resource**

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

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO<sub>2</sub> emissions.

The council's Environmental Health department has made an assessment of the proposal and has proposed a condition that, prior to development, a scheme for electric vehicle charging points should be submitted to and agreed in writing by the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission; this is to mitigate the impact upon air quality generated by the development.

## **Character and amenity**

Policies CS5 of the Core Strategy and RD2 of the local plan are considered relevant. Policy H5 of the North Lincolnshire Local Plan is also concerned with new housing development. The first part of the policy sets out what is considered acceptable in principle (the policy fails to acknowledge the acceptability of rural exceptions sites that are considered acceptable by RD2). The second part of the policy sets out a criteria-based assessment against which to test proposals for housing. It states:

'All new housing developments should meet the following criteria:

- (a) Development should be well related to existing infrastructure including education, community and health facilities, roads, footpaths and cycleways, public transport services, water supply and other utilities.
- (b) The development does not result in the loss of important open space.
- (c) The development is in keeping with the scale and character of the settlement.
- (d) Development of more than three dwellings can reasonably be expected to commence within the lifetime of the local plan.
- (e) The scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole.
- (f) Any development has an adequate and appropriately designed access which will not create any traffic or road safety hazard.
- (g) Adequate parking within the curtilage of the site is provided in order to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.

- (h) The development should ensure the conservation and retention of features of particular architectural, historic, and archaeological, landscape, nature conservation importance or existing features which make an important contribution to the character or other amenity of the site or the surrounding area.
- (i) Provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space.
- (j) Development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.
- (k) Proposals do not result in unacceptable ribbon development.
- (l) Adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwellings could expect to enjoy.
- (m) Where appropriate and/or necessary new development should include substantial and suitable landscaping.'

The applicant proposes a mix of two and three-bedroom dwellings, all two-storey. Subject to an appropriate palette of materials, the housing mix is considered to be sympathetic to the wider area. The scheme is well designed, offering space about dwellings, both proposed and existing; this results in the provision of adequate private amenity and also limited overshadowing. Furthermore, all openings are carefully considered and positioned such that they would not give rise to an acceptable level of overlooking.

The level of parking provision is acceptable and Highways have no objection. Furthermore, there is no requirement for a bin storage condition, given that all dwellings have access to the rear.

In terms of wider character, there will clearly be an impact upon the open countryside simply by the introduction of built form in this location. The impact, however, is mitigated by the well-designed scheme, the control of materials and housing mix, and the fact that the proposal abuts a railway siding. The inspector surmises in PA/2017/464 that residential development on this brownfield site would represent visual betterment to the open countryside and given its current appearance this is difficult to refute. The social benefits derived from this proposal would far outweigh any harm to the visual amenity of the countryside.

It is therefore considered that the proposal would not impinge upon existing or future residential amenity rights to a level that would warrant refusal. The scheme is well designed and, given its location close to the development boundary, would not carry unacceptable impacts that would detract from the countryside vernacular in this location. The proposal accords with policies H5 of the local plan and CS5 of the North Lincolnshire Core Strategy.

### **Pre-commencement condition**

The local planning authority now has a duty under the Pre-commencement Conditions Regulations Act (2018) to agree or give notice of any pre-commencement conditions that will be attached to a permission. All those discussed within this report and to be attached have already been agreed with the applicant.

## Heads of terms

<b>On-site affordable housing</b>	28 affordable dwellings
<b>On-site informal open space</b>	10 square metres per dwelling and £11,415.20 for North Lincolnshire to maintain this land, or an estate management company to be set up and no contribution required
<b>Off-site recreation</b>	£33,668.00 towards the maintenance and improvements of an existing open space and area of play close to the development
<b>Trigger point</b>	Informal open space and maintenance fee on occupation of the 20 <sup>th</sup> dwelling  Off-site recreation on occupation of the 20 <sup>th</sup> dwelling
<b>How many years do the council require to spend the contribution?</b>	10 years

## Conclusion

The proposal site is considered to be suitable, especially by providing social housing so close to the services of Keadby and its sustainable transport links. The proposal is in full and would contribute to bridging the shortfall of housing that North Lincolnshire is currently experiencing. All conditions with reasoning are outlined within the report. The proposal, by virtue of being a rural exception site, is not a departure from the plan; furthermore, the extant outline planning permission is a material consideration.

## RECOMMENDATION

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for commuted sums outlined above and for 28 on-site affordable houses, off-site recreation, and provision and maintenance of open space within the development site, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 31 April 2021, the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of failure to make an otherwise unacceptable proposal acceptable in planning terms;**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1000 Rev 03; House Type Type A A0101; House Type B B0101 02; House Type C C0101 01.

Reason

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

3.

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 cover the area defined by the 'ownership boundary' depicted on Figure 2 of the submitted document 'Old Railway Sidings, Althorpe12712\_R02\_Ecological Assessment' and shall include:

- (a) an assessment of biodiversity loss based on up-to-date habitat and hedgerow baseline survey;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (c) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers, reptiles and nesting birds;
- (d) details of bat boxes and bat bricks to be installed on at least 15% of houses;
- (e) details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
- (f) details of nesting sites to be installed to support a variety of other bird species;
- (g) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (h) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (i) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (j) prescriptions for the creation and ongoing maintenance of flower-rich open mosaic habitats for invertebrates;
- (k) procedures for monitoring and ongoing management of created habitats;

- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the 'ownership boundary' depicted on Figure 2 of the submitted document 'Old Railway Sidings, Althorpe12712\_R02\_Ecological Assessment'. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

4.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 29th 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.

Reason

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

5.

No development shall take place until details of:

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

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

Reason

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

6.

No development shall take place until details of improvements to the existing footway fronting the site and its connection with the village of Keadby have been submitted to and approved in writing by the local planning authority. Once approved, all works to the footway shall be completed prior to the occupation of the fifth dwelling on site.

Reason

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

7.

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.

8.

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.

9.

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.

10.

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.

11.

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.

12.

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.

13.

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

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

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

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

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

Reason

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

16.

Prior to the first occupation the developer must provide details of the trespass-proof fence located adjacent to Network Rail's boundary. It shall be retained thereafter.

Reason

In the interests of safety and in accordance with policy DS1 of the North Lincolnshire Local Plan.

17.

Prior to the first occupation a scheme of Armco or similar barriers across the site shall be submitted to and agreed in writing with the local planning authority.

Reason

To prevent road/rail incursion.

18.

No development within 10 metres of the Network Rail boundary shall commence until a method statement, including an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan, has been submitted to and approved in writing by the local planning authority.

Reason

To protect the railway line and associate infrastructure.

19.

Notwithstanding the submitted plans, no development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development. The landscaping scheme shall be retained thereafter.

Reason

To enhance the appearance of the development in the interests of amenity and to protect the railway line from obstruction.

20.

Prior to any development, details of all external lighting to be used in both the construction and operational phases shall be submitted to and agreed in writing with the local planning authority.

Reason

To prevent any confusion with the signalling arrangements of the railway and in accordance with policy DS11 of the North Lincolnshire Local Plan.

21.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include:

- details of noise mitigation measures;

- predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- details of how the noise mitigation scheme will be maintained for the lifetime of the development.

The noise mitigation scheme shall be implemented before occupation of the development and shall be retained thereafter.

#### Reason

To protect the amenity of the residents of the proposed dwellings.

#### 22.

Prior to the first occupation, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in full and retained thereafter.

#### Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework and policy DS11 of the North Lincolnshire Local Plan.

#### 23.

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

#### Part 1: Site characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;

- groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

#### Part 2: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

24.

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

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

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

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

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

Reason

In the interests of amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

25.

No development shall take place until a drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority.

Reason

To protect the development from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

26.

The drainage scheme shall be implemented in accordance with the approved details, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.

Reason

To protect the development from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

27.

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (BSP Consulting, December 2020, ref. ORSK-BSP-ZZ-XX-RP-C001-P05) and the following mitigation measures it details:

- finished floor levels shall be set in accordance with the annotated site plan in Appendix E of the FRA, page 61 of the FRA document.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed

above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the Core Strategy.

28.

Prior to any above-ground works, details of all external materials to be used in the construction of dwellings shall be submitted to and agreed in writing with the local planning authority.

**Reason**

To protect the character or the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan.

**Informative 1**

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

**Informative 2**

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site, the contact details for whom are:

Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
YORK  
Y01 6JT

Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk).

These should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate, an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, if excavations/piling/buildings are to be located within 10 metres of the railway boundary, a method statement should be submitted for Network Rail's approval.

Please note, Network Rail will be unable to agree to discharge of a method statement condition without direct discussion and agreement with their Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). They advise the developer to discuss their proposals with Asset Protection prior to applying for the discharge of condition.

### **Informative 3**

Once planning permission has been granted, and at least six weeks prior to works commencing on site, the Asset Protection Project Manager (OPE) MUST be contacted. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work, or any works to be carried out on site that may affect the safety, operation, integrity or access to the railway.

### **Informative 4**

The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario trains could run 24 hours a day and the soundproofing should take this into account. Network Rail notes that the noise assessment includes recommendations to mitigate against railway noise which should help meet this requirement.

### **Informative 5**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure, or undermine, damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass, which is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Informative 6**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3 metres of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3 metres of overhead electrical equipment or supports.

### **Informative 7**

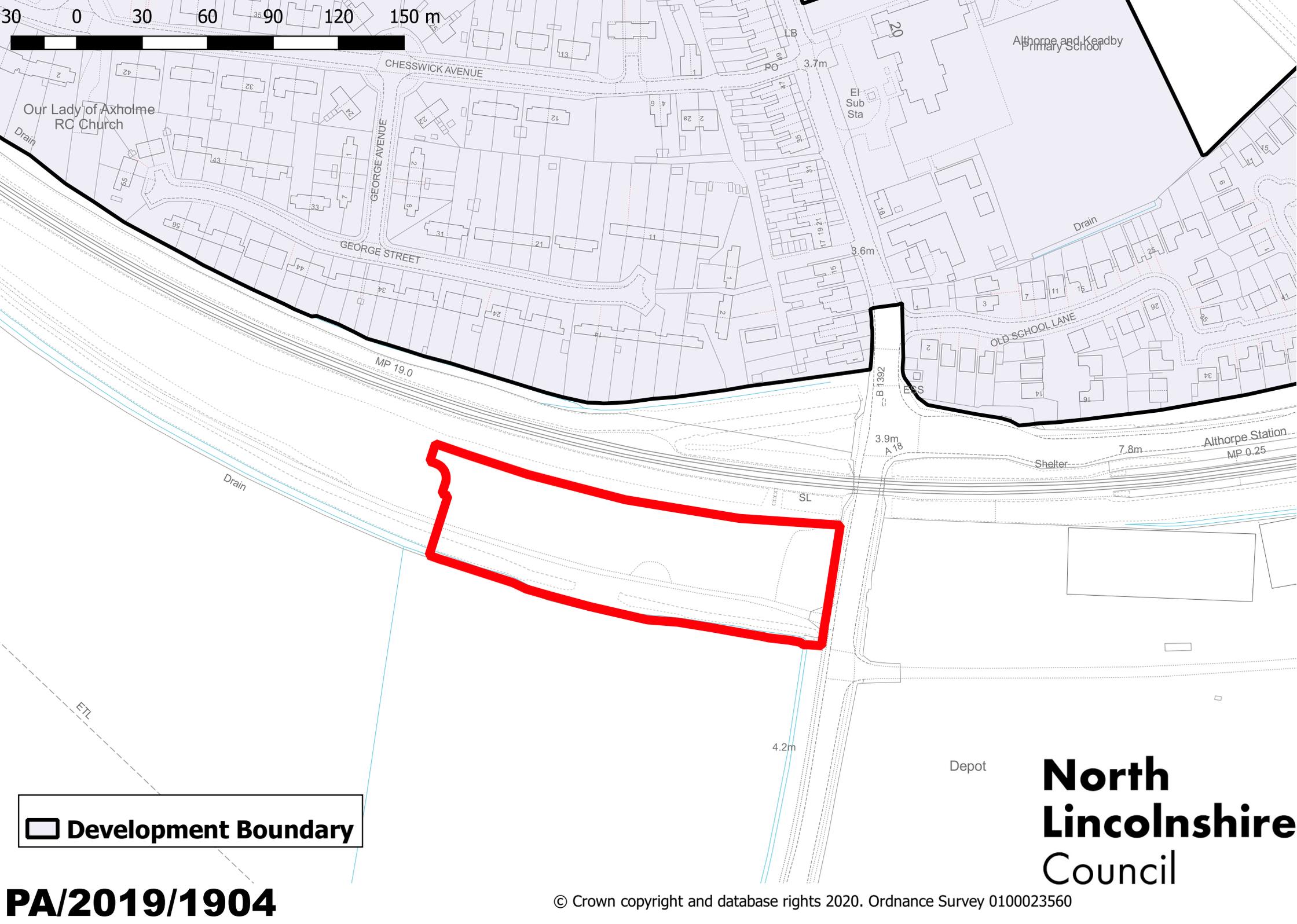
All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the local planning authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the

operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

**Informative 8**

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.

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Our Lady of Axholme RC Church

Althorpe and Keadby Primary School

El Sub Sta

Althorpe Station  
MP 0.25

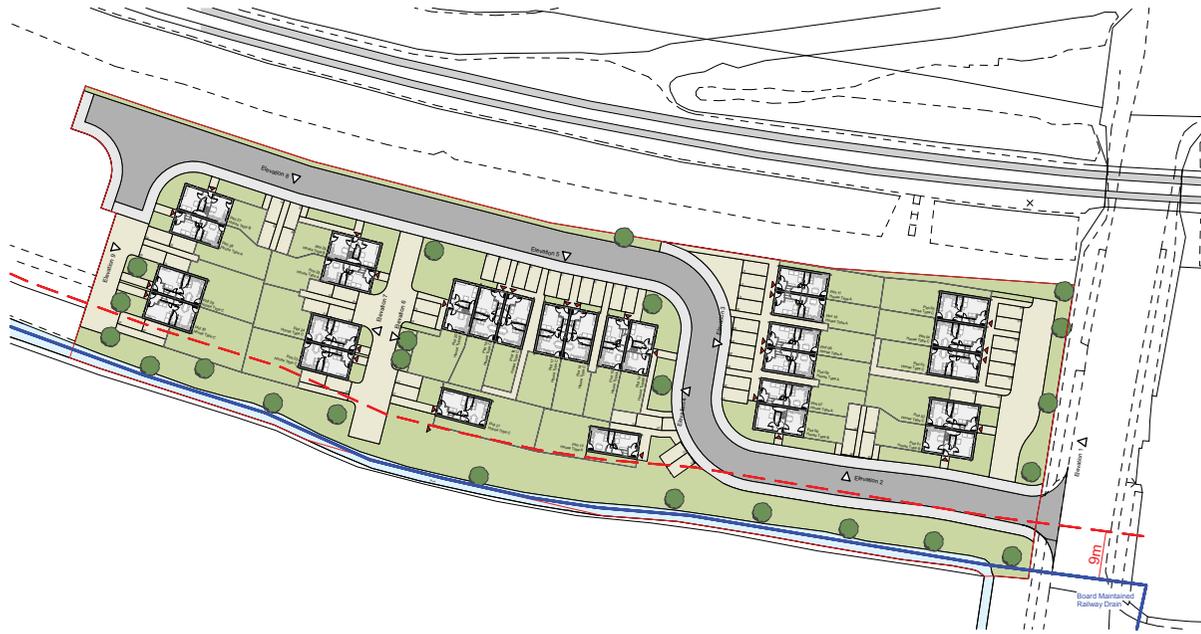
 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2019/1904**

# PA/2019/1904 Proposed layout (not to scale)

**AMENDED**



Site Plan

1:500



Roof Plan

1:500

- House Type A  
2 Bed 4 Person
- House Type B  
2 Bed 4 Person
- House Type C  
3 Bed 5 Person



RevID	Comment	Date
01		24/10/2019
02		29/09/2020
03		06/10/2020

Drawing Status: **INFORMATION**

Drawing Name: **Site Plan**

Layout ID	Drawing Scale	Revision
<b>1000</b>	<b>1:500</b>	<b>03</b>

**Althorpe Housing**