

APPLICATION NO	PA/2020/1418
APPLICANT	Mr S Kapil, Rosemoor Developments
DEVELOPMENT	Outline planning permission for residential development with all matters reserved for subsequent consideration.
LOCATION	Land to the rear of 36 Messingham Lane, Scawby, DN20 9BA
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Subject to a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.’

Paragraph 12 states, ‘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...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 38 states, ‘Local planning authorities should approach decisions on proposed development positively and creatively...Decision-makers at every level should seek to approve applications for sustainable development where possible.’

Paragraph 54 states, ‘Local planning authorities should consider whether otherwise unacceptable development could be made acceptable with conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.’

Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, a sufficient amount and variety of land must come forward where it is

needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should also include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land; or
- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under-delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

Paragraph 109 states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

North Lincolnshire Local Plan:

Policy H5: New housing development

Policy H8: Housing design and housing mix

Policy T2: Access to development

Policy T19: Car parking provision and standards

Policy DS1: General requirements

Policy DS14: Foul sewage and surface water drainage

Policy DS16: Flood risk

North Lincolnshire Core Strategy:

CS1: Spatial strategy for North Lincolnshire

CS2: Delivering more sustainable development

CS3: Development limits

CS5: Delivering quality design in North Lincolnshire

CS7: Overall housing provision

CS8: Spatial distribution of housing sites

CS9: Affordable housing

CS17: Biodiversity

CS19: Flood risk

CONSULTATIONS

Environmental Protection: Have concerns regarding sensitive end-user development. They have recommended a Phase 1 report for the department's consideration prior to the application being determined in accordance with national policy guidance.

Drainage (Lead Local Flood Authority): Initially objected to the proposal because there is no positive drainage outfall for the development should infiltration be found not to be feasible. However, following a site meeting between the drainage team and the developer, and upon further investigation, it has been found that the adjacent Old Vicarage Park Estate is built on soakaways, which do not appear to be built to the drainage standards that would be required for the development (1 in 100 year plus CC flood event). Though space was made available on the adjacent development to allow for lateral migration without affecting third party land or property, the current site investigation included in this application is not satisfactory with regard to the depths and areas investigated across the whole development site. Accordingly, soakaways which are to be adopted must be built to the required standards and if poor ground conditions exist, with no apparent high-level positive outfall, a factor of safety must be applied in the final design. Taking the above into account and the fact that it has been confirmed that it is not for a fixed number of dwellings, the LLFA Drainage Team withdraws their objection to the proposed development subject to the imposition of conditions.

Public Health: Have no adverse comments to make, but support the comments made by Anglian Water, and the Designing Out Crime Officer, Humberside Police.

Conservation: No objection subject to the design considerations.

Historic Environment Record: Initially indicated that the applicant has submitted a desk-based heritage assessment and the results of preliminary field evaluation comprising a geophysical survey of the site. However, there is insufficient information to assess the significance of the archaeological evidence and the impact of the proposed development. Consequently, archaeological evaluation by sample trial trenching is required prior to the determination of this application to adequately inform the assessment and decision-making process. Further to above, the applicant has submitted satisfactory reports of the archaeological work undertaken on the site: desk-based assessment, geophysical survey, and trial trench evaluation. The archaeological evaluation did not identify that any significant remains were preserved within the site and the potential for any undiscovered remains to be present is judged low. The HER has indicated that no archaeological mitigation measures are required in connection with the proposed development. This procedure complies with paragraph 189 of the NPPF and local planning policies CS6 and HE9.

Highways: The proposed access emerges onto a 30mph speed limit road. As such, in principle, the proposed access point is acceptable. The only concern is visibility splays because of the presence of trees to the eastern side of the access. There is also a telegraph pole which would need to be relocated to accommodate the access. However, both issues could be overcome. No objections to the proposal subject to conditions.

Spatial Planning: This proposal is in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this Framework taken as a whole or where specific policies indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development.

Education: The Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. The Section 106 Officer has confirmed that both primary and secondary contributions would be per dwelling, excluding affordable dwellings.

Recycling: Has provided a standard comment indicating that where a road is waiting to be adopted or is privately owned and maintained, householders will either be required to take their waste to the nearest adopted highway (often to a pre-agreed collection point) or up to date indemnity cover must be provided to indemnify the council's waste collection services from any damage caused to the road surfaces. Alternatively, where it is appropriate, shared drives or properties situated on unadopted roads should be provided with a refuse collection point nearest to the highway accessible by the RCV. This collection point should be sufficient to accommodate the number of bins likely to be placed out on a given collection day.

Humberside Fire Brigade: No adverse comments to make on the application. However, they have provided standard comments indicating that it is a requirement of Approved Document B5, Section 16 Commercial Properties or B5, Section 11 for Domestic Premises that adequate access for firefighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes. Adequate provision of water supplies for firefighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them

by the provision of on-site facilities. Under normal circumstances, hydrants for industrial unit and high-risk areas should be located at 90 metre intervals.

Anglian Water: No adverse comments to make on the application. They have provided suggested informative statements and conditions.

Ecology: Confirms that the site has limited biodiversity value at present and negligible potential for protected species. However, to provide a net gain in biodiversity, and thus comply with Policy CS17, a revised site layout with a reduced number of dwellings is likely to be required. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0.

Section 106 Officer: Confirms that as the site falls within Scawby, current policy states that 10% of the development should be provided for affordable housing, which, on this proposed development, would equate to three dwellings. There are agreed heads of terms: affordable housing has been agreed – the product type is unknown but is acceptable for section 106 to include all types.

PARISH COUNCIL

Objects to the application because the proposed development lies outside the current development boundary for the village of Scawby and is a greenfield site. Also, the development will generate traffic and cause highway safety concerns for both vehicles and pedestrians.

PUBLICITY

Site and press notices have been posted. Fifteen comments of objection have been received raising the following concerns:

- road safety
- outside the development boundary
- increase in noise, traffic and air pollution
- impact on the character of the village
- capacity of the local school
- capacity of the foul sewer system for this area
- impact on surrounding trees and hedges
- impact on the green belt area
- the wellbeing of residents in the surrounding area
- wildlife in the area
- light and privacy
- the site is prime agricultural land and of historical interest

- access to and from the site would be from Messingham Lane
- flood risk.

ASSESSMENT

The site and proposed development

The site is located on land to the rear of 36 Messingham Lane and is outside the development boundary of Scawby. The site measures approximately 2.05 hectares. It is currently in arable use, with fencing to the southern boundary and hedgerow to all other boundaries. Cultivated arable fields lie to the north-west with residential development to the east, south and south-west.

Outline planning permission is sought, with all other matters reserved, for a total of up to 26 new residential dwellings, including 10% affordable housing.

An indicative site layout is shown on the plan submitted with this application. Access would be taken directly off Messingham Lane.

Site history

The site history is relevant in considering this application as the proposal aims to address the reasons for refusal of PA/2019/1568 and satisfy all other relevant planning matters.

On 23 December 2019, outline planning permission for residential development with all matters reserved for subsequent consideration (PA/2019/1568) was refused for the following reasons:

1.

The proposal is located within the open countryside on greenfield land and considered unacceptable in principle. The applicant has failed to demonstrate that any material considerations exist that would justify a departure from the plan. The proposal would have an unacceptable impact upon the character and appearance of the open countryside and is contrary to policies CS1, CS2 and CS3 of the Core Strategy as well as RD2 of the North Lincolnshire Local Plan.

2.

Insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable impact on heritage assets. The proposal is contrary to policy HE9 of the North Lincolnshire Local Plan, CS6 of the North Lincolnshire Core Strategy and paragraph 189 and 190 of the National Planning Policy Framework.

3.

Insufficient information has been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or adjacent land. In particular, the applicant has failed to demonstrate that a suitable drainage strategy, based on the principles of SuDS, can be achieved on-site. The proposal is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan

Principle of development

As outlined above, one of the reasons for refusal of the previous application on the site was failure to demonstrate that any material considerations exist that would justify a departure from the North Lincolnshire Local Plan and the Core Strategy.

In establishing the principle of this development, the NPPF retains the principle that 'Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.' And restates the three overarching objectives which support the delivery of sustainable development: economic, social, and environmental. Importantly, 'at the heart of the Framework is a presumption in favour of sustainable development', which instructs that 'Plans and decisions should apply a presumption in favour of sustainable development...For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.'

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9-year housing land supply of deliverable sites during the period April 2016 to March 2021.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' is applied to the decision-making process which requires therefore that permission be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.'

Accordingly, this planning application must be assessed against the Framework, North Lincolnshire Local Plan policies and the Core Strategy with a focus on assessment against the three objectives of sustainable development, identifying any impact and the benefits of the development so that it can be determined whether any adverse impacts significantly and demonstrably outweigh the benefits of the scheme.

The applicant has submitted a Design & Access Statement, which contains a sustainability statement, highlighting the three dimensions of sustainable development (economic, social, and environmental) and concluded that the proposed development would not have adverse impacts which would significantly and demonstrably outweigh the economic and community benefits. From reviewing this information there are no reasons to disagree with these

conclusions. The proposal would accord with the economic role, through its construction and the expenditure and use of the future occupiers in local shops, services and community buildings. With regard to the social role, the proposal would make a positive contribution to addressing the deficit in the housing land supply, including affordable housing. From an environmental perspective, the site lies adjacent to the settlement boundary and therefore is in an accessible location for local services ensuring no requirement for reliance on the car as the primary means of transport and therefore complying with the environmental role. Consequently, the issue of justifying a departure as a reason for the previous refusal has been addressed and the information provided demonstrates that material considerations exist that would justify a departure from the North Lincolnshire Local Plan and the Core Strategy.

Design/landscape

As indicated earlier, this is an outline application with all matters reserved. While an indicative layout has been provided, there is no detailed design or layout to agree at this stage. The indicative layout is useful in that it demonstrates that 26 dwellings can be achieved on this site with adequate garden space and access to serve them and that the site can therefore achieve a form and layout that is suitable in the locality.

Landscape character and visual impact

Within the Village Design Statement of Scawby, due to the way the village has developed, the visual character of the surrounding countryside and the relationship between the countryside and the properties, when approached from different directions, represent distinct and different characters. It is felt that to give true guidance to any future developers or planners, each area of the village be viewed separately.

The area around the proposed development is relatively flat and visually contained by existing development along Messingham Lane to the south (several modern bungalows, well shrouded by trees and shrubs), residential development to the east and an open boundary to the north and west.

As an outline application, the principle of residential development on this site would not conflict with the existing pattern of development in this location, particularly the residential development to the east, and would not result in a visual intrusion in the wider landscape. The existing pattern of development and visual containment of the area would appropriately mitigate the landscape and visual effects of the proposals.

Agricultural land classification

This site is designated as grade 2 agricultural land (very good quality). Policy RD1 of the local plan (Development involving high-quality agricultural land) states that development or change of use of agricultural land will only be permitted where it would not result in the loss of the best and most versatile land (grades 1, 2 and 3a) unless it can be demonstrated that the proposed development cannot be accommodated on land within settlement boundaries, land which is allocated for development, previously developed land, or land of a lower agricultural grade.

Where the development of agricultural land is unavoidable, areas of poorer quality land should be developed in preference to those of higher quality, except where other sustainability considerations suggest otherwise. For development to be permitted on higher grades of land there must be an overriding need for the development.

The applicant has provided a design and access statement, which contain a sustainability report on this matter. It concludes that the site is in a sustainable location with a good range of services and facilities available within a short distance. This location would help discourage the future residents of the dwellings from using pollutant fuel vehicles in favour of environmental-friendly means of transport such as walking and cycling for many trips. Economic and community benefits would be accrued as the local shops, services and community buildings would be likely to be used by the occupiers of the new dwellings. In this case, the sustainability case has been demonstrated. Satisfactory information is also available to demonstrate that the proposed development cannot be accommodated on land within the settlement boundary, land which is allocated for development, previously developed land, or land of a lower agricultural grade (Scawby is wholly surrounded by grade 2 land).

Notwithstanding the above, the site is not large and so the loss of the whole site, as grade 2 agricultural land, would not be significant in terms of the amount of such land available across North Lincolnshire. Considering the above, development on the site is acceptable and therefore complies with Policy RD1 of the local plan.

Neighbour amenity

The site is located adjacent to existing residential development along Messingham Lane, residential developments to the east, and agricultural land to the west and north. This presents no amenity conflict in terms of compatible land uses.

The indicative layout provided shows that adequate separation distances can be achieved to preserve amenity at an acceptable level for existing residential properties. It is recognised that there would be a change in character from a countryside site to residential development, but the layout and density of the proposed development are not incompatible with existing properties.

Exact separation distances cannot be established from the level of detail available for this outline application but would necessarily form part of a reserved matters application where amenity is considered in more detail.

Highways/access

Highways have considered the submitted plans and do not object to the proposal subject to conditions. They have commented that the proposed access emerges onto a 30mph speed limit road. As such, in principle, the proposed access point is acceptable. The only concern is visibility splays because of the presence of trees to the eastern side of the access. There is also a telegraph pole which would need to be relocated to accommodate the access. However, both issues could be overcome.

Drainage

The application is accompanied by information outlining surface water management and discharge (infiltration via crate soakaway), which the Lead Local Flood Authority (LLFA) says is acceptable. Under the principles of sustainable drainage systems, the preferred method is infiltration, provided the groundwater monitoring shows no groundwater within 1 metre of the base of the proposed soakaway.

As indicated above, the LLFA Drainage Team initially objected to the development. However, following a site meeting between the LLFA and the developer, and upon further

investigation, the LLFA indicated that the adjacent Old Vicarage Park Estate is built on soakaways, which do not appear to be built to the drainage standards that would be required for the development (1 in 100 year plus CC flood event), though space was made available on the adjacent development to allow for lateral migration without affecting third party land or property.

The LLFA has indicated that the current site investigation included in this application is not satisfactory with regard to the depths and areas investigated across the whole development site. Accordingly, soakaways that are to be adopted must be built to the required standards and if poor ground conditions exist with no apparent high-level positive outfall, a factor of safety must be applied in the final design.

Taking all the above into account and the fact that it has been confirmed that the development is not for a fixed number of dwellings, the LLFA Drainage Team has withdrawn their initial objection to the development subject to the imposition of conditions.

With the recommended conditions applied, the development will accord with the relevant planning policies to protect water quality and public amenity and prevent pollution and flooding.

In comparison with the third reason for refusal of PA/2019/1568 (that insufficient information has been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or adjacent land), in this case, the applicant has demonstrated that a suitable drainage strategy, based on the principles of SuDS, can be achieved on site.

The proposal therefore complies with policy CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.

Contaminated land

The Contaminated Land Officer has indicated that no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. The officer recommends that where a proposed development introduces a vulnerable end-user and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desktop study, a site walkover, and a conceptual site model.

Alternatively, if the council is mindful to determine the application without the information required under National Planning Policy guidance then the department would recommend the inclusion of consent conditions.

It is worth noting that the applicant has submitted a Phase 1 Contaminated Land Assessment (Desk Study) Report and the Contaminated Land Officer has been reconsulted. The officer has not as yet responded to the re-consultation.

On electric vehicle charging points, this application is for residential development on land covering approximately 2.05 hectares. This fulfils the stage 1 criteria of guidance under Planning for Air Quality January 2017, as the application involves 10 or more residential units or a site area of more than 0.5 hectares and more than 10 parking spaces. However, the proposed development does not fulfil the stage 2 criteria. In this case, if the local planning authority is mindful to grant the application, Environmental Protection recommend

conditions be attached requiring the scheme to include provision for electric vehicle charging points.

Heritage assets

On heritage assets, the second reason for refusal of the previous application (PA/2019/1568) was on the basis that insufficient information had been provided to demonstrate that the proposed development would not have an unacceptable impact on heritage assets.

In this case, from the comments of the Historic Environment Record, initially the information submitted was not adequate to assess the significance of the archaeological evidence and the impact of the proposed development. However, following the submission of satisfactory reports of the archaeological work undertaken on the site (desk-based assessment, geophysical survey and trial trench evaluation), the HER comments that the archaeological evaluation does not identify any significant remains preserved within the site, the potential for any undiscovered remains to be present is judged low, and no archaeological mitigation measures are required in connection with the proposed development.

The proposal therefore complies with policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the North Lincolnshire Core Strategy and the National Planning Policy Framework.

Planning obligations

The Section 106 Officer has confirmed that as the site falls within Scawby, current policy states that 10% of the development should be provided for affordable housing, which, on this proposed development, equates to three dwellings.

In general, as indicated in the consultee section, the Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development.

The heads of terms require contributions towards education, open space and leisure. The applicant has confirmed agreement with the drafted S106.

Taking this recommendation into account, the proposal accords with policy CS9 (Affordable Housing) of the North Lincolnshire Core Strategy and the NPPF, and within the financial (viability) constraints of this development, also makes a positive contribution to the sustainability of Scawby.

Scawby Parish Council comments

Scawby Parish Council have objected to the application on the following grounds:

- the proposed development lies outside the current development boundary for the village of Scawby and is a greenfield site, and
- the development will generate traffic and cause highway safety concerns for both vehicles and pedestrians.

These concerns have been addressed in this report.

Public comments

Neighbours have raised concerns as outlined in the publicity section above. The concerns about road safety, air pollution, noise, impact on the character of the village, local school capacity, foul sewer system capacity, privacy, prime agricultural land, historical interest and flood risk have been addressed in this report. There are no outstanding issues to be addressed currently regarding the application.

On the issue of wildlife, Green Belt, trees and hedges, as indicated in the consultations section, the council's ecologist has indicated that the site has limited biodiversity value at present and negligible potential for protected species. Conditions are proposed to minimise harm to protected and priority species and habitats, and to seek biodiversity enhancement in accordance with policy CS17 of the Core Strategy, the National Planning Policy Framework and Biodiversity Metric 2.0.

Conclusion

This proposal for residential development in this location is considered compatible with adjacent residential development which exists to the east and along Messingham Lane. While the site is located outside the development boundary, it is immediately adjacent and relates well to the settlement limits, being to the northern part of the village and within easy walking distance.

The Department for Education have not objected to the proposal, though they have emphasised that they expect local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. The S106 officer has confirmed the agreed heads of terms.

It is agreed that the site is in a sustainable location as it would be well served by a level of public amenities and easy public access to the village and would provide employment opportunities for future occupants. Provision of electric vehicle charging points and planning obligations for education will further enhance this site as a sustainable location for housing development.

There are no identified adverse impacts as a result of the proposed development, the suggested conditions secure the additional information required to account for unresolved matters, and nothing significantly and demonstrably outweighs the benefits of the proposal which are set out in this report. Accordingly, in the absence of a five-year housing land supply, in accordance with the NPPF, the application is recommended for approval subject to the suggested conditions and an S106 agreement.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

Heads of terms

Affordable housing	
Number of dwellings or commuted sum	3 dwellings
House type	Unknown
Trigger point	1 dwelling on occupation of the 7 th dwelling 2 dwellings on occupation of the 15 th dwelling
How many years do the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education	
Contribution amount	£177,928 towards primary and secondary (£7,736 per dwelling)
Trigger point	30% on occupation of the 1 st dwelling 30% on occupation of the 10 th dwelling 40% on occupation of the 15 th dwelling
How many years do the council require to spend the contribution?	10 years

Open space	
On-site informal open space	10 square metres per dwelling and £11,125.20 for North Lincolnshire to maintain this land or an estate management company to be set up
Off-site recreation	£33,668.00 towards the maintenance and new equipment of an existing area of play close to the development
Trigger point	Informal open space and maintenance fee on occupation of 15 th dwelling Off-site recreation on occupation of the 15 th dwelling
How many years do the council require to spend the contribution?	10 years

Leisure	
Off-site contribution and location	£22,441 towards an artificial pitch
Trigger point	On occupation of the 15 th dwelling
How many years do the council require to spend the contribution?	10 years

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, education, open space and leisure as set out in the 'heads of terms' specified above, 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 24 June 2021 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of non-compliance with policy CS9 of the North Lincolnshire Core Strategy, and policies H8 and DS1 of the North Lincolnshire Local Plan; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto 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, the means of access to the site 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.

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 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.

7.

No development shall begin until details of:

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

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

Reason

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

8.

No dwelling on the site shall be occupied until the 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 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.

10.

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.

11.

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.

12.

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.

13.

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.

14.

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

15.

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

- (i) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (ii) any abnormal load movements;
- (iii) contractor parking and welfare facilities;
- (iv) storage of materials; and
- (v) 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 throughout the construction period.

Reason

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

16.

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

Part 1: Site Characteristics

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 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, 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 the 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 the 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.

17.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf> and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity 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.

18.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity.

19.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

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

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

Light: The CEMP shall set out the particulars of–

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;

- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of–

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

Reason

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

20.

No development shall take place until a detailed surface water drainage scheme for the site shall 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) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 19 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 65 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 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 paragraph 163 of the National Planning Policy Framework.

22.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan PC180A/01 dated 14th September 2020 and Tree Survey Plan PC180A/02 dated 19th December 2019.

Reason

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

23.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to be taken to avoid harm to badgers, hedgehogs and nesting birds during site clearance and construction.

Reason

To conserve and enhance biodiversity in accordance with policy CS17 of the Core Strategy and policy LC5 of the North Lincolnshire Local Plan.

24.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan for approval by the local planning authority. The plan shall include:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the 'Ecological Impact Assessment (EclA): Land North of Messingham Lane, Scawby, DN20 9AZ' dated August 2019;
- (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 at least five bat roosting features to be installed in the new dwellings;

- (d) details of nesting sites to be installed to support swifts, starlings, tree sparrows and house sparrows;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (g) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (h) details of a wildlife gardening leaflet to be provided to each new resident;
- (i) details of wetland habitat to be created as part of sustainable drainage;
- (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 Core Strategy.

25.

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 20th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

Informative 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.

Informative 2

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