

APPLICATION NO	PA/2021/223
APPLICANT	Ben Pearson
DEVELOPMENT	Outline planning permission to erect dwellings, revise access to highway, and demolish existing dwelling and structures, with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	91 Barrow Road, Barton upon Humber, DN18 6AE
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Keith Vickers – significant public interest) Objection by Barton upon Humber Town Council

POLICIES

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 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

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 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, 'it is important that a sufficient amount and variety of land can 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 109: 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 130 states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 174 states: 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 196: Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 197: In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 205 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Footnote 63 of the NPPF notes that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.'

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS16 (Landscape, Greenscape and Waterscape)

CS17 (Biodiversity)

CS19 (Flood Risk)

North Lincolnshire Local Plan:

Policy H1 (Housing Development Hierarchy)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H9 (Housing Density)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy HE9 (Archaeological Evaluation)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objection subject to a series of conditions on access, road layout, traffic management and parking.

NLC Waste Management: Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crew.

Barton Civic Society: The loss of a fine late Victorian house adjoining the attractive former cemetery lodge would be most regrettable. We suggest that keeping the property as a whole house, or if necessary, converted to several properties, whilst using the current vehicular access to the rear land for a more appropriate development would be preferable to the current plan.

Ecology: (First response) This application should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and we have considered the findings. Trees have already been removed, contrary to SPG11.

If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0.

(Second response) Common pipistrelle, soprano pipistrelle and noctule bats were recorded around the site in good numbers. Trees have already been removed, contrary to SPG11. If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

Environmental Protection: The proposed development of residential properties is a sensitive end use. In addition, there is an existing building on the site. There is therefore the potential for the site to have been impacted upon by contamination such as asbestos and heavy metals which are harmful to human health.

It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Recommend a pre-commencement condition for contamination survey work.

The construction and site clearance process has the potential to cause a nuisance at the surrounding residential properties. Recommend the inclusion of a condition to protect residential amenity via controls on construction hours.

HER Archaeology: The application site contains important evidence of the early settlement of Barton between the mid-8th to the 12th centuries including a section of the town ditch known as the Castledyke. The archaeological evidence is considered of national importance to be treated as equivalent to a designated heritage asset (scheduled monument) (NPPF, Paragraph 194, Footnote 63).

Regrettably, recent planning history has allowed the applicant to undertake engineering groundworks across the site destroying known archaeology in the process; nonetheless, it is anticipated that significant evidence will survive. Paragraph 191 of the NPPF states, 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the

deteriorated state of the heritage asset should not be taken into account in any decision.’ Groundworks associated with the current proposals for development of the site would cause substantial harm to the surviving archaeological significance of the site.

The applicant has submitted the archaeological Written Scheme of Investigation (WSI) relating to full planning application PA/2011/1554. The WSI would not achieve the preservation of the significance of the heritage asset and does not relate to the current outline application or secure the details of reserved matters. The Historic Environment Record recommends REFUSAL of planning permission as the mitigation strategy is inadequate and the proposal would result in substantial harm to archaeology of national importance equivalent to a scheduled monument contrary to paragraphs 190, 193, 194, 195 and 199 of the NPPF, Core Strategy policy CS6 and saved local plan policies HE8 and HE9.

Historic England: Historic England has concerns regarding the application on heritage grounds. Considers that the issues outlined in their advice need to be addressed in order for the application in its present (or any revised) form to meet the requirements of paragraphs 189, 190, 133, 134, 136, 191 and 199 of the NPPF. Draws attention to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

LLFA Drainage: (First response) The development falls within lower threshold assessment levels (5–9 properties) and provides no information to support the proposals. There would seem to be no feasible surface water drainage outfall within the vicinity of the development. The proposal mentioned to connect into the public sewer on Barrow Road beyond the southern boundary is topographically higher than the rest of this site so this requires verification. For this reason, the LLFA Drainage Team object to the proposed development. The applicant has failed to provide a flood risk assessment + principle drainage strategy. This should outline all sources of flooding and proposals to mitigate this, including preliminary drainage layout plans, topographical survey and outline hydraulic calculations including an indicative discharge rate for a 1 in 100 year storm event plus CC based on SuDS principles, including adoption/maintenance proposals.

(Second response) The LLFA Drainage Team maintains their objection to this proposed development. The submitted Flood Risk Assessment & Drainage Strategy dated 5th July makes reference to the existing ‘Castledyke ponds’ which run through the proposed development and are in close proximity to two dwellings as detailed in Section 6.2.5 and shown on the Drainage Strategy Drawing on page 41 of the submitted document. However, it fails to provide any mitigation to safeguard this feature and gives an indication of its estimated inflows, outflows and outfall, including future adoption and maintenance of this feature. There are other fundamental design issues that could be resolved at a later date with respect to overland flows/cut off drain etc but the above issue is critical and requires attention prior to determination.

(Third response) Following the submission of additional details, objection withdrawn subject to a series of conditions to ensure adequate drainage at the detailed design stage.

TOWN COUNCIL

Objects to the application for the following reasons:

- Archaeological value of the land: a major archaeological investigation in 2008 uncovered artefacts and structures indicating an extension of the town's Castledyke running through the site and signs of a previous settlement, with some artefacts dating back to the 8th and 12th century. The property adjacent to the west boundary was refused planning permission last year on grounds of the historical importance of both sites.
- The location of the junction on an A road handling a high number of lorries and being used to drop off and pick up students from Baysgarth School is of concern.
- If the land is developed concern over water run-off down to the properties north of the application.

PUBLICITY

Advertised by site and press notice. Twenty-two responses have been received objecting to the application on the following grounds (summarised):

- harm to highway safety and capacity
- drainage and foul water discharge concerns
- trees have been removed on site – impact on wildlife
- biodiversity survey needed
- impact on archaeological remains
- over-development of the site
- planning history 'undermining' the planning system
- overshadowing
- potential flooding to Norman Close
- loss of the existing dwelling
- overlooking
- impact on the safety of the nearby school through increased traffic
- insufficient need for the development
- pollution
- would reduce parking provision in the area.

ASSESSMENT

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

Site

The application site is the existing residential curtilage of 91 Barrow Road, a 19th century large dwelling with an open area of amenity land to the rear (north). The total site measures approximately 0.13ha. The north of the site bounds the rear of bungalows on Norman Close, the west bounds 89 Barrow Road, and the east bounds 93 Barrow Road and a cemetery screened from the site by walling and existing hedging/trees. To the opposite side of Barrow Road is Baysgarth School.

The site slopes gradually rising from south to north. There are identified archaeological assets buried underneath the site. These will be discussed later in this report.

The application site is not within a conservation area, nor does it comprise or fall within 30 metres of a listed building. The site is located within SFRA Flood Zone 1, meaning a lower flooding risk.

Planning history

There is planning history on the site. Two previous proposals for dwellings on the site were withdrawn:

- PA/2010/1513 for 14 houses
- PA/2011/1554 for 14 houses

More recently, applications for lawful development on the site have been approved:

- PA/2019/1785 Application for lawful development of swimming pool, changing room and detached garage and store
- PA/2020/816 Application for lawful development for tennis court, carp ponds and associated water features

The site has been largely cleared in connection with the above.

Proposal

Outline planning permission is sought to demolish the existing dwelling and erect new dwellings. Appearance, landscaping, layout and scale are reserved with access considered as part of the outline application; however, indicative layouts and plans have been provided and these will be examined against relevant policy themes along with access.

A repositioned access to the middle of the southern boundary of the site is proposed, with a footpath link between the proposed plots and Barrow Road.

The application description initially stated that the application was for six new dwellings. Whilst six market dwellings are indicated on the application form, this has been revised

following discussions with the applicant and the proposal is now for an unspecified number of dwellings, with quantum and layout of development reserved.

The main issue in the determination of this application is the principle of the development and whether the site can be developed without having an adverse impact on the character of the site and surrounding area. Other issues below will be considered based on the submitted information:

- **archaeological impact**
- **impact on ecology**
- **flood risk and drainage**
- **access and parking**
- **indicative plans.**

Principle of development

As this is an outline planning application with all other matters (except for access) reserved, the key consideration is the acceptability in principle of residential development on this site. Whilst indicative plans showing six new dwellings (a net increase of five on the site) have been provided, the current application is for outline planning permission to establish the principle of residential development on the site and access to the site only and the proposal description does not reference a specific quantum of development. Therefore, the key consideration relating to the principle of development is whether the site can feasibly host further residential development.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent review of the of the Five-Year Housing Land Position Statement in August 2021 has identified that North Lincolnshire Council can demonstrate a five-year housing land supply. There is therefore no tilted balance applied through paragraph 11 of the NPPF. The site is within the development boundary of Barton-upon-Humber as per the Housing and Employment Land Allocations DPD and, as such, residential development in this location is acceptable in principle. Barton is second on the settlement hierarchy for North Lincolnshire, after the Scunthorpe and Bottesford Urban Area. The parcel of land is considered large enough to accommodate additional dwellings, as demonstrated in the submitted indicative

layout plan, with adequate amounts of private amenity space, parking and access for each of the new properties.

Residential development on this site has the potential to meet the economic (via construction jobs and potential attraction of workers to North Lincolnshire), social (if adverse impacts are limited from the development), and environmental (if such impacts are limited) tests of the NPPF.

With regard to sustainability of the site, it is within an existing residential area and served by public footpaths, is opposite a school and within walking distance of essential services and public transport links. There are bus stops less than 200m from the entrance to the site serving the centre of the town and Hull. The train station is approximately 1 mile via foot or cycle. The closest convenience store is approximately six minutes walking time from the site, with other services, including schools, food outlets and surgery, within reasonable walking distance of the site. The site is therefore considered to be sustainable in relation to its proximity to existing services.

The proposal therefore accords with the NPPF, policies CS1, CS2, CS3 and CS8 of the Core Strategy, and saved policies H1 and H5 of the local plan in relation to the broad principle of residential development on this site.

Archaeological/heritage impact

A key matter concerning the acceptability of development on this site relates to archaeological impact. There is a complex planning history in relation to this. In 2008, archaeological evaluation comprising the excavation of trial trenches revealed the presence of archaeology of high significance across the site, including evidence of Saxon occupation and the 12th century town defences. These are a continuation of features first revealed during archaeological excavation in advance of the construction of the neighbouring property at 89 Barrow Road in 2000 and associated with the nationally significant archaeology of St Peter's Church and Saxon manorial site. The remains at 89 and 91 Barrow Road are thus of particular significance for the understanding of the Saxon origins of Barton-on-Humber. The application site is located less than 100m to the southeast of the large sub-circular enclosure that pre-dates the 10th century Church of St Peter built over its west side. The outline of this defensive ditch can be traced in the modern street pattern enclosing a substantial area of approximately four hectares.

The archaeological evidence is considered of national importance to be treated as equivalent to a designated heritage asset (scheduled monument) (NPPF, Paragraph 194, Footnote 63). North Lincolnshire Core Strategy policy CS6 states that the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including...archaeological remains. Local plan policy HE8 notes that development proposals that would result in an adverse effect on Scheduled Ancient Monuments and other nationally important monuments, or their settings, will not be permitted.

It is therefore clear that there is a significant archaeological feature of importance on the site, and that planning policy is strongly in favour of the preservation of this. The planning history for the site is noted, however. PA/2020/816 was an application for a Lawful Development Certificate for a proposed tennis court, ponds and associated water features and landscaping to the rear of the dwelling, approved in 2020. Previous to this, PA/2019/1785 was an application for a Lawful Development Certificate for a proposed

swimming pool, changing room and detached garage/carport with workshop and wood store, which was also approved. These aspects of lawful development would, due to their siting and nature, destroy the subterranean archaeological feature – the Castledyke. There is evidently a fallback position whereby any harm to the asset resulting from residential development must be balanced against the potential loss if the above lawful developments are undertaken.

Paragraph 201 of the NPPF is outlined above and states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

The council's archaeologist objects to the proposal on the grounds of harm to the asset and insufficient surveying and mitigation. The Written Scheme of Investigation (WSI) is several years old, and the site has been cleared of vegetation since. There are some shallow excavations of a few centimetres in depth and small mounds of soil on the site, however the situation relating to the Castledyke itself and any other archaeologically significant assets on the site has not materially changed since the WSI was carried out.

As noted by Historic England, the planning process should not reward any wilful destruction of our national heritage and every effort should be made to ensure that the intention of national and local planning policy to ensure development is sustainable is not thwarted. Impact on the archaeology of the site is highly regrettable; however, as noted, there is a lawful fallback position which would result in total loss of the Castledyke section. The current proposal provides the opportunity to accurately record the archaeology of the site prior to any development, thus preserving its record for future generations. Local plan policy HE9 states that sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development. The potential subdivision of the site into separate plots under different ownership would leave potential excavation difficult for future generations, and the development itself may result in harm to the asset either during construction or over the lifetime of the development. As such, excavation and recording of the site is the preferred option.

The applicant has agreed to a condition to excavate and record the archaeology of the site prior to the commencement of development. Subject to this, understanding of the historical significance of the site and wider area can be gained which would otherwise be lost through the lawful fallback position posed by the approvals in 2019 and 2020. This condition would not reduce risk of harm to the archaeology of the site but would ensure that it is recorded for future generations. With the above condition, the proposal would be acceptable on balance in relation to archaeological impact.

Concerns have been raised regarding the loss of the existing Victorian dwelling on the site. As the building is not listed, nor is it in a conservation area, demolition could be carried out without planning approval. It is not therefore reasonable for the planning authority to put controls on this. It is noted, however, that the existing dwelling is an attractive large dwelling which forms part of a row of older dwellings in large plots, contributing positively to the street scene character and appearance.

Impact on ecology

Core Strategy policy CS17 states that the council will provide effective stewardship of North Lincolnshire's wildlife through (among other things) ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

Following on from the initial response from the council's ecologist, the applicant provided a Preliminary Bat Roost Assessment and a Bat Activity Survey Report, which were considered by the ecologist. Following submission and review of the above, the ecologist noted that the survey methods used, and the survey effort deployed, are appropriate for the site in question in relation to bats only. No nesting birds were noted, though the survey effort devoted to these is not clear. The surveyor found no evidence of roosting bats. However, common pipistrelle, soprano pipistrelle and noctule bats were recorded commuting through and foraging around the site in good numbers.

Until recently the site featured some overgrowth and trees, which have since been cleared leaving little biodiversity value on the site. Supplementary Planning Guidance (SPG11 Trees and Development) states that, 'Removal of trees and hedgerows prior to discussions with the council, or a design and layout being finalised, is not recommended. It is against principles underlying sustainable development and results in future generations being robbed of resources, which could be of importance to them. Where this occurs, however, the council will use its landscape appraisal information and regularly updated digital aerial survey data to inform its approach to discussions regarding the landscaping of sites and appropriate levels of tree planting. There will be a presumption that lost tree cover will be made up either at the development site or in close proximity to it. Exceptionally, replanting elsewhere will be allowed. Planning obligations may be required to secure such planting. The council will seek to reach agreements with developers to secure the reinstatement of tree cover lost to development. It is expected that all tree work will be carried out to the highest standards and planning conditions and Tree Preservation Orders will be used to ensure such standards.'

If permission is granted, then significant landscaping and biodiversity enhancements will be required to offset the loss of the above. A biodiversity metric assessment and biodiversity management plan shall be secured for submission within three months of commencement of development via condition. The ecologist also recommends a condition on when the biodiversity management plan shall be carried out. This is considered reasonable and necessary for the provision of biodiversity net gain within the development. The suggested condition shall be reworded to remove reference to the '6th dwelling'.

Subject to adequate biodiversity enhancements alongside any future reserved matters proposal, secured via condition, the proposal has the potential to offset the lawful loss of the pre-existing planting on the site and provide benefits to the local ecology. As such, the proposal accords with Core Strategy policy CS17, and local plan policies LC5 and LC6.

Flood risk and drainage

The site lies within flood zone 1 according to the council's SFRA. As flood risk is considered to be low, and given the existing development in the area, it is considered that additional dwellings could safely be accommodated on this site with due regard for flood risk.

The Drainage team also requests conditions relating to surface drainage. These conditions are considered appropriate to ensure that the development does not result in unacceptable water run-off into neighbouring properties or onto the highway, risking both amenity and highway safety. A condition requiring a drainage strategy for the site is also considered reasonable, although it will not be tied to the one submitted as the final layout may be substantially different from the indicative layout of development. The Drainage team requests a condition to determine the nature of existing 'ponds' on the site. This refers to the Castledyke feature which does not include any deep excavations or ponds which would impact on drainage in a material way. Any final drainage strategy should take the archaeological features within the site into consideration.

The site is large enough to provide a good potential for SUDs or soakaway to be proposed within the detailed design of the scheme. Unacceptable surface water run-off onto neighbouring property and the highway, and vice versa, could be avoided via an appropriate drainage strategy and design. Overall, and subject to the required conditions and additional information at reserved matters stage, the proposal for outline planning permission is in accordance with Core Strategy policy CS19 and local plan policy DS16 in relation to flood risk.

Access and parking

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.

Access is the only detailed matter which is not reserved and therefore for full consideration at this stage. An access road is proposed to run from south to north through the middle of the site, with a circular turning area at the northern part of the site. This would then be served by driveways to individual plots. A new opening to the southern boundary would be created to provide the new access along with adequate visibility splays. The council's Highways team has reviewed the application and has no objection subject to a suite of conditions on the adequate management of the access during construction, the creation of safe access and parking prior to occupation of any dwellings to be built, and the preservation of safe access thereafter.

It is considered that adequate visibility in both directions when leaving the site onto the busy Barrow Road could be achieved. The addition of a small residential development is not considered likely to result in a significant intensification of use of Barrow Road which is already a wide key road into Barton. The proposal is not considered likely to result in an unacceptable increased risk to highway safety or capacity, including for users of the school on the other side of the road.

Pedestrian footpaths would be easily accessed directly outside the site providing walkway access to the town centre and local public transport links.

With regard to parking, the indicative layout plans show two parking spaces for each dwelling. Regardless of the final layout, appropriate parking could be secured due to the size of the site, commensurate to the number of dwellings proposed at the reserved matters stage.

Subject to the final layout being approved and the conditions added to the outline approval, it is considered that the proposal largely accords with policies T2 and T19 of the North Lincolnshire Local Plan. Many of the highways conditions recommended may be discharged with the submission and approval of details at reserved matters stage if outline approval is granted.

Indicative plans

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Impact on neighbouring residential amenity will be fully considered at the reserved matters stage as layout and design have been reserved.

Based on the submitted indicative site plan, however, it is considered that a layout accommodating new residential development could be achieved whilst providing adequate dwelling sizes in keeping with the general street scene and providing sufficient garden sizes.

With regard to neighbour amenity, any final layout should ensure that no overlooking into the habitable room windows of neighbouring dwellings occurs, and that no overlooking into or between dwellings proposed occurs. The presence of retained trees along the boundary would reduce this risk, in addition to suitable solid boundary treatments and new landscaping.

In terms of overshadowing, it is considered that sufficient separation distances between respective properties could be provided to ensure that adequate sunlight access is achieved.

For any final design submitted with a reserved matters application, it should be ensured that the dwelling designs and layout is sympathetic to the character and appearance of the street scene. The site is largely screened by tall hedging to the roadside boundary to the south. Whilst some of this would be lost via the creation of a new access, as much as possible should be retained to limit the impact of the development on the appearance of the street. This part of Barrow Road has a low-density appearance and any development on the site should ensure that this is not unacceptably harmed.

The indicative design of the dwellings shown would not be unacceptable in and of itself within an area which features a mix of architecture, subject to the above considerations.

Other matters

The applicant is advised to refer to the comments and standing advice from NLC Waste Management in relation to the provision of suitable bin collection points, when the site layout plans are submitted as part of any reserved matters application.

Policy DS7 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 Environmental Health team notes that the application for residential development is a sensitive end use and is on a site where previous uses are not fully known. As such, they have requested a full site survey to establish any land contamination issues. This can be secured by condition to be approved before the commencement of any

works. Subject to there being no insurmountable contamination issues, there is no objection in this regard.

Environmental Health have also advised a condition restricting days/hours of construction. This is considered reasonably necessary to limit adverse impact on neighbouring amenity, as the site is bounded by existing dwellings on three sides.

It is not considered that any pollution resulting from the development, either during construction or the life of the development when completed, would be at a level inappropriate for an urban area or would be unacceptably significant. There is no indication, subject to appropriate contamination surveys and works where necessary, that health risks to the surrounding area would result.

Conclusion

The wider principle of residential development in this area and on this site is considered to be acceptable and in accordance with both national and local planning policy. Whilst impact on the heritage of the site is a contentious issue, it is considered that residential development on the site with excavation and recording of the archaeological deposits would be preferable to a total loss of the assets through the extant lawful development approved.

Due to the existing character and appearance of the site, a subsequent reserved matters application should ensure compatibility of design with the traditional, semi-verdant street scene. It is considered that the site is of sufficient size to accommodate acceptable plot sizes and a suitable layout to provide adequate parking, turning and access as shown, and sufficient amenity for occupants and existing neighbouring properties.

Pre-commencement conditions

Pre-commencement conditions are attached to this report. The inclusion of these within the decision notice has been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This may be based upon the submitted Flood Risk Assessment & Drainage Strategy, prepared by Odyssey, Project No: 21-146, Revision: A, dated: June 2021.

Reason

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

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 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 165 of the National Planning Policy Framework.

7.

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.

8.

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

Reason

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

9.

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

- 91BR_20201030_07 - Location and Block Plans.

For clarity, the access only is approved via the block plan with all other aspects of layout shown as indicative.

Reason

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

10.

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.

11.

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 to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline evident in aerial photos taken prior to the clearance of the site;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 3.0;
- (c) details of sensitive working practices to avoid harm to hedgehogs, bats and nesting birds;
- (d) details of bat boxes and bat bricks to be installed on at least two dwellings;
- (e) details of swift boxes and sparrow terraces to be installed on at least two dwellings;
- (f) details of nesting sites to be installed to support other species, including starling and house martin;
- (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 planting and aftercare of native trees and shrubs of high biodiversity value;
- (j) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted Location Plan. 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.

12.

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 final 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.

13.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction 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 limit the impact of construction on the residential amenity of surrounding dwellings.

14.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking facilities 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.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

16.

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.

17.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

18.

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

Reason

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

19.

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.

20.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, 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.

21.

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.

22.

No other development 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.

23.

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.

24.

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.

25.

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.

26.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

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

27.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

28.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

29.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

Informative 1

Exceedance flows routing through the development site, including land beyond the northern boundary: the report suggests that a filter drain to the north "may be required" to mitigate against exceedance flows.

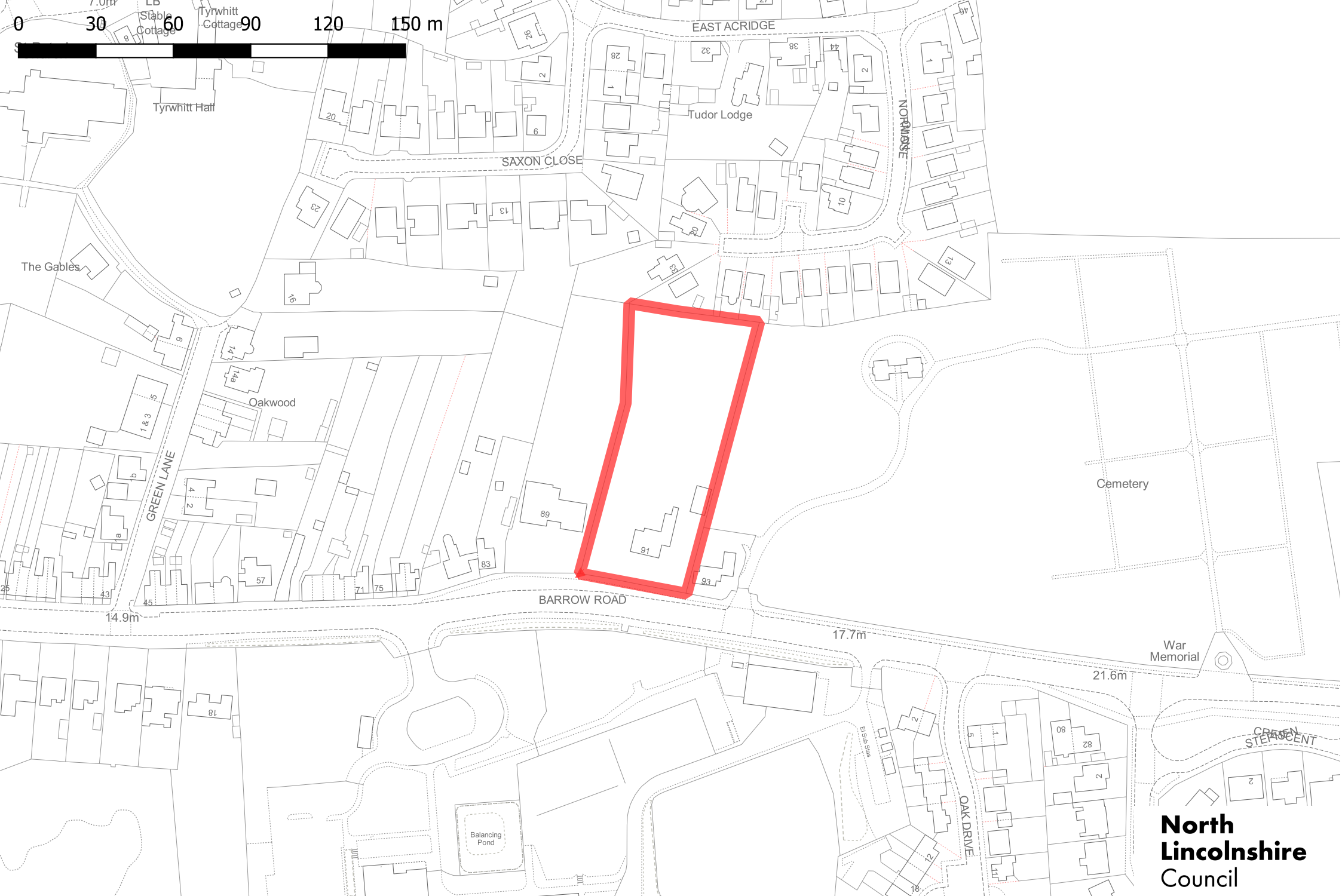
Informative 2

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.

Informative 3

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

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



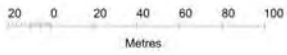
**North
Lincolnshire
Council**

PA/2021/223

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PA/2021/223 Indicative layout (not to scale)

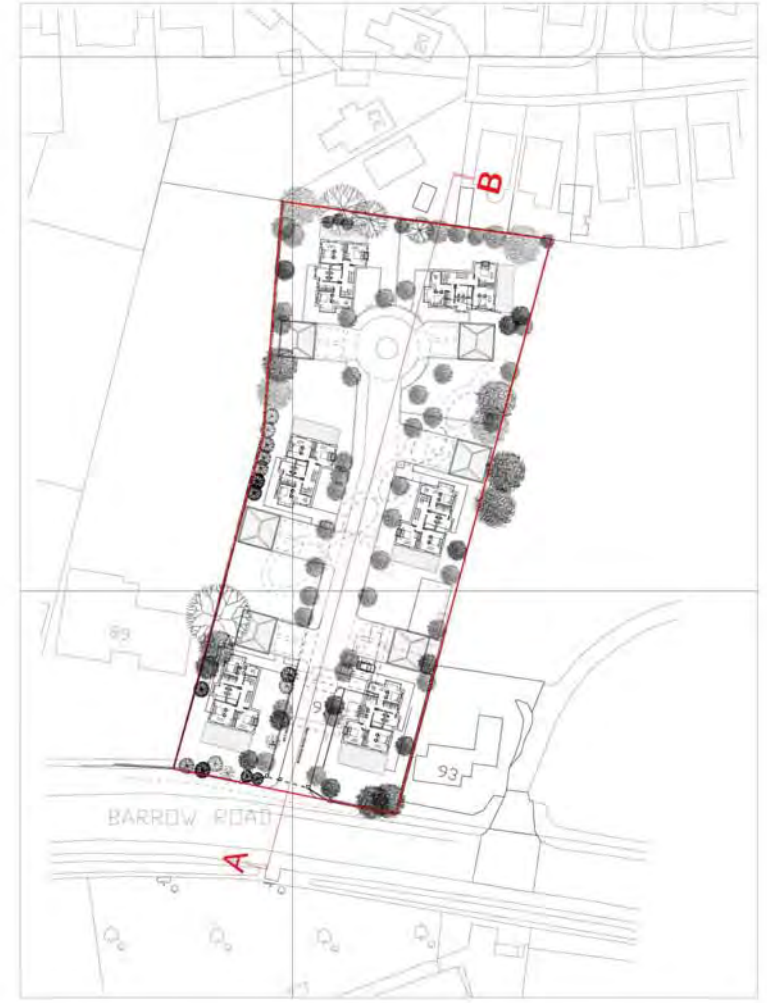
Stanfords VectorMap



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EXISTING BLOCK PLAN 1:500



PROPOSED BLOCK PLAN 1:500



SITE LOCATION PLAN 1:1250

Rev	Date	Description	By

SEAFORTH 91 BARROW ROAD BARTON ON HUMBER LINCOLNSHIRE		Nicholas Hatton 22, HARTLIP HILL Nr SITTINGBOURNE KENT ME5 7PA 07561091921 nick.hatton@sky.com	
PROPOSED SITE LOCATION PLAN & EXISTING + PROPOSED BLOCK PLANS			
Checked By:	Drawn By:	Approved By:	Date:
Small Scale: A1			
Plot Number: 1/2021/223 Q.01			
Drawing Reference:	91BR_20201030_07		Rev: