

<b>APPLICATION NO</b>	<b>PA/2021/970</b>
<b>APPLICANT</b>	Mr Mark Snowden, Keigar Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 18 dwellings with associated access road and garaging, and create a public footpath and open space
<b>LOCATION</b>	Land off Ferry Road East, Barrow upon Humber
<b>PARISH</b>	Barrow upon Humber
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Objection by Barrow upon Humber 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

Chapter 16 – Conserving and Enhancing the Historic Environment

### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

## **Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

## **CONSULTATIONS**

**Highways:** Support subject to conditions.

**Environment Agency: [Original response – summarised]** It is proposed to connect the development to the main foul sewerage network, which we support in principle in accordance with the foul drainage hierarchy. However, we have some concerns regarding the adequacy of the foul drainage infrastructure in this area and wish to ensure that no new dwellings are occupied until it has been confirmed that there will be no resulting detriment to the environment or public amenity. A condition was proposed by the EA: 'The dwellings hereby approved shall not be occupied until evidence has been submitted, to the satisfaction of the local planning authority, to confirm that there is sufficient infrastructure capacity for the conveyance, treatment and disposal of the foul sewage arising from the development.'

Following Anglian Water's response, the EA have now updated their response in respect of foul water: 'We had concerns regarding both the wastewater network and water recycling centre at North Ferry. Anglian Water, in their "Suggested Informative Statements and Conditions Report", have stated that the network at present has available capacity for the flows from the development. Given this, and as the existing problems are the result of groundwater infiltration, we accept that the addition of foul flows from 18 dwellings is unlikely to increase the risk of flooding.'

Regarding wastewater treatment, Anglian Water have stated, "The foul drainage from this development is in the catchment of North Ferry Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission." The applicant should be aware that the necessary steps may include an application for the Centre's environmental permit to be varied, that this can take time and we cannot at this point guarantee that we would grant the variation. In summary, given the relatively small size of the proposed development, we are willing to withdraw our request for the condition. We understand that if permission is granted you will impose conditions requiring details of both foul and surface water drainage arrangements to be confirmed. Please ensure that protection of groundwater resources is included in the reason for the surface water condition.

The proposed development site is in a sensitive location with regard to ground water risk. The site is underlain by bedrock of the Burnham Chalk Formation which, from the information in the Phase 1 report and available BGS boreholes, is understood to be at present a depth of 6–8m below the superficial clay drift deposits. The Burnham Chalk is a principal aquifer and is a source for local public water supplies and other licensed users as well as river baseflow. The site lies within source protection zone 3 indicating it is within the catchment for public water safety.

The surface water drainage layout indicates the boreholes may be utilised in the proposed surface water drainage scheme for the development. The level of information provided is

insufficient to determine if the risks to the aquifer are acceptable from the proposed drainage scheme, or whether adequate mitigation options have been considered. The EA do not regard the use of boreholes or other deep structures as routinely appropriate for the disposal options as they concentrate the discharge in one location and bypass soil layers. This limits the ability to attenuate pollutants and presents a greater risk of groundwater pollution. We require further evidence to demonstrate that discharge to boreholes is a viable option for this site and the most appropriate solution. The proposed development is only acceptable if a planning condition is included requiring the submission and subsequent agreement of further details of a surface water drainage scheme to the local planning authority.'

**Drainage (Lead Local Flood Authority):** There are still fundamental design issues that need to be resolved prior to works commencing which the developer is fully aware of. No objection subject to conditions requiring a detailed surface water drainage scheme for the site to be 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.

**Anglian Water:** The foul drainage from this development is in the catchment of North Ferry Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. Based on the submitted FRA, the sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

**Conservation:** No objection subject to conditions. This application has the potential to impact on the setting of two significant heritage assets: the Barrow conservation area and Holy Trinity Church (listed grade I). The application site is approximately 300 metres to the west of the conservation area. The application site is part of the open agricultural land that encompassed the surrounding area of the conservation area and the church. However, through time, a significant amount of modern housing has been built on the land between the application site and the conservation area and church, including a band of houses just being built on the edge of Ferry Road East. This land is now not seen as a part of the conservation area.

The new housing and the conservation area and church are not inter-visible and the housing will not negatively impact on how the heritage assets are experienced. Whilst it is a modern housing development it has a disparate design format and still has cues to the traditional built form with bay windows and protruding gables which provide interest. Should the planning department be mindful to approve the application I would recommend a palette of traditional construction materials ( bricks, slates and pantiles) to fit in with housing in the

surrounding area and the conservation area. I recommend that details of the facing and roofing materials are submitted for consideration before installation.

**Archaeology:** The applicant has completed an archaeological assessment and field evaluation in accordance with paragraph 189 of the NPPF and local planning policies, and has submitted the relevant report. The site lies 200m west of a substantial Saxon boundary ditch aligned east–west towards the application site. The archaeological field evaluation comprised a geophysical survey of the site; the results did not identify any archaeological features associated with the early monastic site of Barrow. As such, no further archaeological work is recommended in connection with the development of this site. Ridge and furrow earthworks on the site are not well-preserved and do not contribute to the setting of the conservation area in this location. No further recommendations.

**Ecology:** Landscape proposals should make provision for the retention and enhancement of hedgerows, along with planting of trees in copses or woodland blocks. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0. A section 106 contribution is required for off-site habitat creation.

**Environmental Health:** No objections subject to conditions relating to contamination, the submission of a CEMP and a scheme for the provision of electrical vehicle charging points.

**Public Health:** To support the comments made by the LLFA; that notice is taken of the 10 principles of active design developed by Sport England and considered in the layout of the development; that houses are built to be energy efficient and affordable to run; for electrical vehicle charging points to be included.

**Waste:** General comments on bin types, recycling, storage and access for refuse vehicles.

## **PARISH COUNCIL**

Strong objection. The main objection is that this land is outside the building line for the village, as specified by North Lincs Council. This site is NOT designated for development. In addition, in the report on the Five Year Housing Land Supply, section 3.14, no sites in Barrow upon Humber are included so it is obviously not deemed necessary to develop this site for at least the next five years. There are already major problems with drainage and flooding in Barrow upon Humber. This development would impact further on these problems by adding extra houses to the drainage system and taking away another area of land that allows water to drain away. Planning permission has already been granted for well over 50 houses behind the Millfields estate, as well as a similar number on Mill Lane, with no improvements to the drainage system in sight. The council would also draw the planning committee's attention to the Environment Agency's comments on this application. Concerns have already been expressed regarding access for the nine dwellings on this site which are currently under construction. The planned access is between two bends, one of them close to the school. Visibility is poor for traffic travelling round the bend towards the school and cars are often parked on the road outside the school, adding to the problem. Traffic turning right out of the development (as most of it is likely to do to go towards Barton and the Humber Bridge) will be cutting directly across traffic coming off this bend away from the school. A total of 27 dwellings on what is a relatively small site with limited access is definitely excessive. It would appear that no ecological report has been submitted, despite

the land in question backing on to extensive farmland where there is undoubtedly an abundance of wildlife.

## **PUBLICITY**

The application has been advertised by site and press notice. The amendments have also been publicised. Fourteen responses have been received from residents objecting to the proposals on the following grounds:

- no need for the development
- flood risk
- loss of visual amenity for footpath users
- infrastructure cannot support additional dwellings
- access unsafe
- increased traffic
- increased pollution
- primary school at full capacity
- drainage system under pressure
- insufficient facilities in Barrow
- dwellings not affordable
- public transport is limited
- out of development boundary
- harmful impact on character of Barrow
- other housing developments already approved in Barrow and are not built
- nine dwellings already approved adjacent to the site.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been submitted.

## **ASSESSMENT**

### **Proposal**

This proposal is for eighteen detached dwellings, each dwelling having its own garage and parking spaces. The dwellings comprise 5 bungalows, 1 dormer bungalow and 12 two/three-storey detached dwellings. The majority of the detached dwellings have rooms in the roofspace comprising a mix of dormer windows and rooflights. Four of the bungalows

will be allocated to over 55's. The dwellings comprise a mix of different designs and layouts. They are located to the rear of nine dwellings currently under construction through PA/2020/803. The access road is from Ferry Road East and forms a T-junction arrangement into the site. The dwellings are located adjacent to the road and each dwelling is set within a spacious plot. Landscaping is to be provided on the site boundaries and existing hedging will be retained and infilled where required. The majority of the existing trees on the site will be retained. It is proposed to provide a landscaped area of open space at the eastern end of the site where a footpath will be provided to link to the existing public right of way to the north.

### **The site**

The application site is a 1.2 hectare parcel of greenspace land located to the north of Ferry Road East, on the urban fringe of the village of Barrow-upon-Humber. The site is grassed and is not in agricultural production.

The site is bounded by a cluster of dwellings to both the east and west, with agricultural fields to the north. Along the northern, eastern and western boundaries is hedging. On the northern boundary this hedging separates the site from the rolling agricultural fields to the north. To the southern boundary are nine dwellings under construction by the same applicant as has submitted this application. The site is relatively flat and featureless with distant views to the north across slightly falling land towards the River Humber and Hull. Public Footpath 43 lies adjacent to the site to the north-eastern corner.

The site lies outside the development boundary of Barrow and is considered 'open countryside' for planning purposes. It is not within any conservation area or special landscape designation. Barrow is defined as a 'Rural Settlement' in the Core Strategy.

The site lies within an area designated in the council's Strategic Flood Risk Assessment (SFRA) as flood zone 1 – indicating lower risk of flooding. The site is classified as grade 2 agricultural land.

### **Relevant planning history**

PA/2020/803: Planning permission to erect nine dwellings, including associated access and garages – approved 29/09/2020

PA/2021/161: Planning permission to vary condition 16 of PA/2020/803 to amend working hours – approved 27/11/2020.

### **Material considerations**

**The main issues in the determination of this application are:**

- **the principle of development;**
- **design, appearance and visual impact;**
- **loss of agricultural land;**
- **highway impacts;**
- **public right of way;**

- **flooding and drainage;**
- **ecological and arboricultural matters;**
- **trees;**
- **impact upon residential amenity; and**
- **S106 contributions.**

## **Principle**

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) and the North Lincolnshire Core Strategy (NLCS). 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).

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

The North Lincolnshire Five Year Housing Land Supply Statement states that North Lincolnshire can demonstrate a 5.64-year supply between 1 April 2021 to 31 March 2026. Accordingly, the local planning authority has demonstrated a five-year supply of housing and housing applications should be considered in the context of the local development plan.

The application site is located outside of a defined development boundary and is therefore classed as open countryside for the purposes of planning. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

Policy CS2 (Delivering More Sustainable Development) sets out how the principle elements of policy CS1 that make up the overall spatial strategy will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:



- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy
- be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- where large freight movements are involved the use of rail and water transport should be maximised
- contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

Policy CS3 provides that outside development boundaries development will be restricted to that which is essential to the functioning of the countryside. In local planning terms the site is outside the development boundary of Barrow within the open countryside. As indicated earlier, development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses that require a countryside location or that will contribute to the sustainable development of the tourist industry. To summarise, the application site is located within the open countryside and is strictly contrary to local planning policy which seeks to protect such areas from inappropriate uses and unsustainable development.

Policy CS8 of the Core Strategy deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings.

The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need associated with the open countryside. Given the siting, the proposed development would be outside the defined development boundary for Barrow-upon-Humber

and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Since the proposal conflicts with policy RD2 of the North Lincolnshire Local Plan and policies CS2, CS3 and CS8 of the Core Strategy, a full assessment of the proposal and supporting documents should be carried out to establish if they are of sufficient weight to merit departing from the development plan. Paragraph 2 of the NPPF (2021) states that, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'

The applicant has put forward a justification for the proposal. The applicant considers that the development plan policies are out of date due to the 'changes to national policy since the adoption of the Core Strategy some 10 years ago. The NPPF has been introduced and reviewed several times. Paragraph 33 refers to the legal requirement that local plans must be reviewed every five years in order, for example, to take account of changing circumstances and changes to national policy. There are also changes taking place locally with an emerging local plan at an advanced stage.' The applicant also considers that, 'With regard to changes in national policy, of particular relevance is the Government's stated intention at paragraph 59 of the NPPF to significantly boost the supply of homes and to apply a presumption in favour of sustainable development.' The applicant also makes reference to a number of appeals that have been allowed, where councils could demonstrate a five-year land supply of deliverable sites, but development plan policies were considered to be out of date and inconsistent with the NPPF. Appeal cases where inspectors judged that the NPPF seeks to boost significantly the supply of housing and the ability to demonstrate a five-year housing land supply should not be seen as a maximum supply, and also cases where a five-year housing land supply could be demonstrated, that the proposal was sustainable development. The NPPF states that decision-takers should seek to approve applications for sustainable development wherever possible. The applicant also refers to the existing planning permission on the adjacent site (PA/2020/803) as a material consideration and carries significant weight as the site was judged to accord with all three dimensions of sustainable development.

In this particular case, the adjacent site, adjacent to Ferry Road East, already has planning permission for nine dwellings. These dwellings are currently under construction and are at roof level. This planning permission is therefore being implemented on the site. PA/2020/803 was approved when the council did not have a five-year land supply of deliverable sites and therefore paragraph 11d of the NPPF was triggered. Following an assessment of PA/2020/803, it was considered that this was a sustainable site for residential development as the dwellings would support the facilities and businesses in Barrow; jobs would be provided during construction; nine dwellings (including bungalows) were to be provided on the site, which would meet housing needs; the site was adjacent to the settlement boundary, within walking distance of local services and close to public transport links (a bus stop); and landscaping would be provided on the site. The committee report is appended.

The site the subject of this application adjoins PA/2020/803 on its northern boundary. It is very close to the settlement boundary of Barrow, which lies to the east. The development would be viewed not only in context with the development being built under PA/2020/803 on Ferry Road East but in context with the existing built form of Barrow lying to the east and west. Some screening of the development would be achieved by the proposed and additional landscaping for the site and by existing residential development to the west of the site. The site is close to local services and facilities and is accessible by walking and

cycling, and is close to a bus stop, providing public transport links to the larger settlement of Barton. The application also provides for a footpath within the public open space that would link to PROW 43 (to the north) through the site to Ferry Road East, although it must be noted this is not a direct link as users would need to negotiate the access road serving the development to gain access to and from Ferry Road East. The site is therefore judged to be in a sustainable location and meets the NPPF's core approach to sustainable development. For the above reasons, the planning authority considers the policy principle of residential development on this site to be acceptable.

The key issue now to be explored is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application when assessed against other policies of the local development plan as a whole. The technical impacts of the proposal are assessed below.

### **Design, appearance and visual impact**

Paragraph 2 of the NPPF (2021) states that, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 130 of the NPPF expresses the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy LC7 of the local plan states, 'where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

Policy H5 of the local plan relates to new housing development and seeks to ensure the size and scale is commensurate with the settlement.

The site at present is open greenspace, with the nine dwellings approved under PA/2020/803 parallel to Ferry Road East currently under construction on the site's southern boundary. The provision of a further 18 dwellings therein would have some visual impact on the immediate street scene and the wider landscape. The site is not within any protected landscape area or special landscape character designation. The proposal would extend the built form further to the north. The key consideration here is whether the visual impact is acceptable.

It is proposed to build 18 detached dwellings, of which 12 will be two/three-storey dwellings, five will be bungalows and one will be a dormer bungalow. The bungalows are all located along the main access road leading from Ferry Road East. These will relate well to neighbouring dwellings approved to the southern boundary of the site under PA/2020/803, which are mainly bungalows. The existing hedging and trees on the site boundaries, together with the proposed planting scheme (once established) and the topography of the area, would limit views from distance from most perspectives. The dwellings would be

visible in part looking east on Ferry Road East and from the junction of Barton Street and North Street facing west. From the south-west on Ferry Road, there would be views of the dwellings at a distance. The development would also be visible from the end of Cherry Lane and from Footpath 43. The proposal seeks the planting of trees and hedging to the frontage of the proposed properties to replicate the semi-rural appearance of surrounding houses and to ensure that the site fits with its rural surroundings to some degree.

It is considered that the proposed dwellings, by virtue of their siting and spacing, substantial garden areas and the proposed landscape scheme, including the Spring Walk along the eastern boundary of the site, would not have an unacceptable visual impact on the surrounding areas of open countryside and would not appear as an over-development of the site.

With regard to the design of the dwellings themselves, the bungalows would be partially shielded by the existing bungalows and two-storey dwelling currently being constructed adjacent to Ferry Road East under PA/2020/803. The two-storey dwellings are located over 50m from Ferry Road East, well behind the bungalows and two-storey dwelling being constructed. The visual impact the development would have on Ferry Road East is therefore limited. The proposed dwellings are of vernacular design and materials which would fit with the character and appearance of Barrow generally and within the context of the site itself. The materials are specified on the drawings with roof materials comprising pantiles and slate; the bricks will be Heritage blend and Hampton rural which are acceptable for this rural location.

Overall, the proposals would not have an unacceptable impact on the setting of the surrounding landscape – which is considered to be of somewhat limited value. The dwellings would sit behind a row of approved dwellings (PA/2020/803) and adjacent to an existing cluster of rural dwellings and the village itself, and would not appear isolated or incongruous with the semi-rural nature of the area. The proposed dwellings are considered to be designed in a manner which would respect local design and existing adjacent dwellings, and would comply with the above policies in this regard. It must be noted the council's Heritage Officer does not consider the proposals would have an adverse impact on Barrow conservation area (300m away) or the Holy Trinity Church (listed building). Conditions relating to landscaping and planting will ensure that the site is well screened and fits with its context as effectively as possible, limiting visual impact.

### **Loss of agricultural land**

The proposal would result in the loss of 1.2 hectares of agricultural land. The loss of this land is not considered to have a substantial impact on the overall viability of farming or availability of quality agricultural land in the area. Barrow is surrounded by swaths of agricultural land comprising grade 2 (very good). The site is not currently in agricultural production.

### **Highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. The access is from Ferry Road East. Car parking is provided on site, with each dwelling having its own garage and car parking spaces. Highways have no objection subject to conditions relating to access, car parking, a construction phased traffic management plan and wheel-cleaning facilities, which would be

attached to any permission granted. The proposal therefore accords with policies T1, T2 and T19 of the North Lincolnshire Local Plan.

### **Public right of way (PROW)**

To the north of the application site is Cherry Lane and Public Footpath 43. The applicant is proposing a footpath within the public open space on the application site which is intended to connect Ferry Road East with the southern terminus of Public Footpath 43. The council's PROW officer considers that this is a potentially useful link as Public Footpath 43 is already a popular walk. Although this link will involve users having to use the access road serving the development to access Ferry Road East, the link still will have some benefit to the community of Barrow and residents of the development. There is also the possibility of providing a direct connection onto Ferry Road East in the future subject to agreement with the relevant land owner. The proposal would align with policy T6 of the North Lincolnshire Local Plan.

### **Drainage**

Policy DS14 (Foul Sewage and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from new development by agreeing details before planning permission is granted, imposing conditions on planning permissions or completing planning agreements to achieve the same outcome. Policy DS16 (Flood Risk) requires that new development should not be at risk from flooding. The site lies within flood zone 1 according to the council's SFRA and is therefore at low risk of flooding. Policy DS13 (Groundwater Protection and Land Drainage) seeks to ensure that all new development takes account of the need to secure effective land drainage measures and groundwater protection to control the level of water in the land drainage system. Policy DS15 (Water Resources) does not allow development to be permitted which would adversely affect the quality and quantity of water resources by means of pollution from the development or water abstraction unless adequate measures are undertaken to reduce the impact to an acceptable level.

In terms of foul water, Anglian Water have submitted the following comments:

'The foul drainage from this development is in the catchment of North Ferry Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.'

and in terms of the used waste water network:

'This response has been based on the following submitted documents: FRA April 2021. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.'

In light of Anglian Water's response, the EA is no longer requesting a condition requiring evidence that there is sufficient infrastructure capacity for the conveyance, treatment and disposal of foul sewage arising from the development. Planning conditions are proposed to ensure that details of the foul drainage arrangements are submitted for approval to the council. The EA and Anglian Water will be consulted on any foul drainage details submitted.

Subject to conditions, the proposal is acceptable in terms of foul drainage and would align with policy DS14 of the North Lincolnshire Local Plan.

In terms of surface water, the layout indicates that boreholes may be utilised. Both the EA and the LLFA have concerns about this approach as the level of information submitted is considered to be insufficient to determine whether the risks to the aquifer are acceptable or whether adequate mitigation options have been considered. Both the EA and LLFA have no objection to the development subject to conditions requiring the submission of a surface water drainage strategy to the council, and both the EA and the LLFA would be consulted on these details. Therefore, in terms of surface water drainage, the development is acceptable subject to conditions and would align with policies DS13, DS14, DS15, DS16 the North Lincolnshire Local Plan, and CS18 and CS19 of the Core Strategy, and chapters 14 and 15 of the NPPF.

## **Ecology/biodiversity**

Policies LC5 to LC7 of the local plan deal with species, habitat and landscape matters. Given the existing open field nature of the site and surrounding hedgerows, the preservation and enhancement of important ecological features is necessary. Ecology have been consulted on this proposal and have no objections subject to a S106 and planning conditions. They note that proposals should make provision for the retention and enhancement of hedgerows along with planting of trees in copses or woodland blocks and that the site has limited biodiversity value at present and negligible potential for protected species.

The applicant has submitted a Biodiversity Metric 2.0 with the application. This reveals an overall -45% net loss of habitat units. There is a net gain of +145% for hedgerows together with a scheme of features within the development and an enhancement to provide a 'Spring Walk' for the use of the local community. For biodiversity net gain of 1%, there is a requirement for  $2.11 + 0.05 = 2.16$  units. The applicant has agreed to an off-site contribution to achieve a net gain of 1% overall. This equates to £23,760 to be used within North Lincolnshire for biodiversity. This will be obtained via a S106 agreement.

Planning conditions have been proposed to ensure that works and biodiversity enhancements are carried out strictly in accordance the submitted Extended Phase 1 Habitat Survey and Biodiversity Management Plan and the submitted ecology plan. Conditions will also be used to ensure full details of the proposed new hedgerow planting is submitted to the council for approval, should permission be granted.

These conditions, together with the S106 contribution for biodiversity, are considered reasonable to ensure that the proposal aligns with the NPPF, and policies CS5 and CS17 of the Core Strategy, and to ensure a net benefit in terms of ecology and biodiversity.

## **Trees**

No response has been received from the council's Arboricultural Officer. Three trees of Category C (low quality) are shown to be removed on the landscaping plan which will be compensated for by over 50 new trees being planted on the application site. New hedgerow planting is proposed and existing hedgerows are to be retained and infilled with new planting. A tree protection plan has been submitted and landscaping plans. Planning conditions will be used to ensure that the tree protection measures on the site for the existing trees and hedgerows will be implemented on the site and to ensure details of the

new hedgerows/infilling of hedgerows are submitted to the council for approval. Subject to conditions, the proposal will therefore align with policies CS5 and CS16 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan.

### **Residential amenity**

In terms of residential amenity, the nearest neighbours are Annelton House and Clifton House, which adjoin the eastern boundary of the application site; The Paddock, located to the north-east; and Camelot, which adjoins the western boundary. The Paddock is a considerable distance from the nearest dwelling on the application site and therefore no overlooking/loss of privacy issues would occur. In terms of Annelton House, this is set within a large, spacious plot and there is a distance of over 35m between this dwelling and the nearest dwelling on the application site. The proposed public open space is sited adjacent to the western boundary of Annelton House. The existing trees and hedging on the boundary will be retained and additional tree planting is proposed. A new footpath through this open space is proposed. It is not considered that the development would result in any demonstrable harm to the amenity of this property. Clifton House is approximately 30m from the nearest dwelling (Plot 3) on the application site. Plot 3 is a dormer bungalow and has only rooflights in the rear elevation. Therefore, no adverse impacts would be caused to Clifton House. In terms of the impact the development would have on future occupiers of PA/2020/803, there is adequate separation distance between the properties, and due to the layout and design of the dwellings, no loss of privacy would be caused.

The potential for adverse impacts on the living conditions of neighbouring dwellings has been considered and it is concluded that there would be no impact so significant as to warrant a refusal on this basis. The proposals accord with policies DS1(iii) and H5 of the local plan, and CS5 of the Core Strategy.

### **Planning obligations**

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms.

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

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

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below, all of which the applicant has agreed to.

## ***Affordable housing***

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable. Under policy CS9, the site requires only two affordable dwelling units, for which management of the affordable housing on-site cannot be secured effectively. As a result, the applicant has agreed to an off-site contribution of £129,726.40 towards affordable housing in Barrow/North Lincolnshire.

## ***Public open space and leisure***

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

The recreation department has requested an off-site contribution of £3,378 towards improving pitches, £7,656 for changing room improvements for athletic training in Barton, £6,863 for improvement to swimming facilities at Baysgarth Leisure Centre and £1,145 for improvements to indoor bowling facilities at Scunthorpe Indoor Bowls.

With regard to open space, 970m<sup>2</sup> of open space is to be provided on site to be maintained by North Lincolnshire Council.

## ***Education***

A contribution of £8,049 is required towards primary and secondary education, which excludes affordable products and over 55's products (four bungalows).

## ***Biodiversity***

There is a 2.16 habitat unit loss on the site. An off-site contribution of £23,760 is required to be used within North Lincolnshire.

## ***Other matters***

The comments made by Environmental Health in respect of contamination, the submission of a CEMP and the submission of electrical vehicle charging points are noted. The conditions recommended by Environmental Health will be imposed on any planning permission. This aspect of the proposal, subject to the imposition of the recommended conditions, would align with policies DS1, DS7 and DS11 of the North Lincolnshire Local Plan, and CS5 and CS18 of the Core Strategy.

The comments made by the parish council are noted. The site is outside the development boundary and this issue has been addressed in an earlier section of this report. The comments about drainage are noted. However, the LLFA, EA and Anglian Water are not objecting to the proposal subject to conditions. The access concerns are noted, but Highways are not objecting to the proposal and therefore the access and car parking arrangements are considered to be acceptable. An ecology report has been submitted with



the application. There is a biodiversity loss on the site and this will be compensated through an off-site biodiversity contribution to be used in North Lincolnshire.

In terms of neighbour objections the comments are noted. Issues such as the site being outside the development limit, flood risk, drainage, loss of visual amenity, that the development is out of character with the area, access issues, infrastructure and schools at capacity, no affordable housing, increased pollution, lack of facilities and public transport, have already been addressed in this report. Issues in relation to the previous approval for nine dwellings on the adjacent site (PA/2020/803) have also been discussed. It is acknowledged that other housing developments have recently been approved in Barrow, but each application must be judged on its planning merits according to planning law.

In terms of construction and operating hours, in the interests of consistency and to ensure residential amenity is protected during construction, a planning condition will be used to control construction and operating hours so that they are the same as those approved under PA/2021/1611, which are 7.30am to 6pm Monday to Friday, and 7.30am to 1pm on Saturdays.

### **Pre-commencement conditions**

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

### **Conclusion**

In conclusion, the development is for full planning permission for 18 dwellings that lie outside the development limits of Barrow as defined in the local development plan. The site is not identified as a housing allocation in the North Lincolnshire Local Development Plan.

The council can currently demonstrate a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement. In accordance with NPPF paragraph 11(d), the local plan's relevant policies for the supply of housing can be considered up to date.

This development proposal is considered to represent a departure from the development plan and policy guidance contained within the NPPF. The site is not considered to be unsustainable as to warrant refusal given its location. PA/2020/803 approved nine dwellings on the site frontage and it was judged that this adjacent site was a sustainable location for residential development. The site is not covered by any formal landscape designations. Any visual impact of the proposal would be localised and unlikely to result in any significant harmful protrusion into the open countryside, given the number of dwellings proposed. The loss of agricultural land is a disbenefit but it is a small amount of land to be lost in the context of the swaths of agricultural land which already surround Barrow. The proposal would provide a mix of housing types and designs, including bungalows for older people, for which there is a proven need in North Lincolnshire, and would provide a footpath link for occupiers and the community of Barrow. There are also no residential amenity, highway, drainage, landscape/arboriculture or ecological objections. Considering the low level of harm caused by the development, in the context of the countryside and surrounding area, the planning authority is of the view that when the planning balance is applied the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal.

On balance, it is considered that the development would comply with the NPPF and there are sufficient grounds to justify the departure from the local development plan. The proposal is therefore recommended for approval subject to conditions and a S106 agreement.

## Heads of terms

### *Affordable housing*

<b>Off-site contribution</b>	£129,726.40
<b>Trigger point</b>	On occupation of the 8 <sup>th</sup> dwelling
<b>How many years does the council require to spend the contribution?</b>	5 years within Barrow upon Humber and a further 5 years in North Lincolnshire

### *Education*

<b>Contribution amount</b>	£8,049 per dwelling towards primary and secondary, excluding affordable products and over 55's products (4 bungalows)
<b>Trigger point</b>	30% on occupation of the 1 <sup>st</sup> dwelling 30% on occupation of the 5 <sup>th</sup> dwelling 40% on occupation of the 10 <sup>th</sup> dwelling
<b>How many years does the council require to spend the contribution?</b>	10 years

### *Open space*

<b>On-site informal open space</b>	970m <sup>2</sup> – £20,450.20 for NLC to maintain
<b>Trigger point</b>	Open space to be set out on occupation of the 10 <sup>th</sup> dwelling Transferred to NLC and contribution paid on occupation of the 10 <sup>th</sup> dwelling
<b>How many years does the council require to spend the contribution?</b>	10 years

### **Recreation**

<b>Off-site contribution</b>	An off-site contribution of £3,378 towards improving pitches and £7,656 for changing room improvements for athletic training in Barton, £6,863 for the improvement of swimming facilities at Baysgarth Leisure Centre and £1,145 for improvements to indoor bowling facilities at Scunthorpe Indoor Bowls
<b>Trigger point</b>	On occupation of the 10 <sup>th</sup> dwelling
<b>How many years does the council require to spend the contribution?</b>	10 years

### **Biodiversity**

<b>Off-site contribution</b>	2.16 habitat unit loss equivalent as an off-site contribution of £23,760 to be used within North Lincolnshire
<b>Trigger point</b>	On occupation of the 5 <sup>th</sup> dwelling
<b>How many years does the council require to spend the contribution?</b>	10 years

### **RECOMMENDATION Grant permission subject to the following conditions:**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for the contributions 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 Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 12 July 2022 the Development Management Lead be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

#### **Reason**

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

2.

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

FE/145/202  
FE/145/203  
MH/OP/19/102  
MH/AS/19/102  
materials FE/145/204 Rev A  
Ea/AS/19/107  
Te.sr.AS/19/102  
MH/AS/19/102  
Ea/AS/19/107  
MH/AS/19/102  
No/AS/19/002  
Du/AS/18/103  
M/OP/19/101  
M/OP/19/102  
Mx.sg/OP/19/102  
Ki/OP/18/103  
Ea/OP/19/107  
Co/OP/19/106  
Du/OP/18/103  
FE/145/207  
FE/145/206  
FE/145/205  
Tree Protection Plan - Ferry Road East  
FE/145/215  
Co/OP/19/103  
Bu/OP/18/106  
GA/FE/P12  
GA/FE/P11  
GA/FE/P7-8  
GA/FE/P4-5  
GA/FE/P3  
GA/FE/P2  
Te.sr/OP/19/102  
MH/OP/19/102.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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.

6.

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.

7.

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

Reason

In the interests of highway safety in accordance with T2 of the North Lincolnshire Local Plan.

8.

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.

9.

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.

#### 10.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

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

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, for the protection of groundwater resources, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS13 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159, 161, 167, 169 and 174 of the National Planning Policy Framework.

#### 11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 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, to protect groundwater resources and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS13 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159, 161, 167, 169 and 174 of the National Planning Policy Framework.

12.

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.

13.

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

#### Reason

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

14.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 5 of the submitted document, "Ferry Road East - Phase 2 Site, Barrow Upon Humber: Extended Phase 1 Habitat Survey and Biodiversity Management Plan" dated April 2021 and the submitted drawing number FE/145/206. The management prescriptions set out in the management plan shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the ninth 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. All biodiversity features shall be retained thereafter.

#### Reason

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

15.

The details of the method of protecting the existing trees on the site throughout the construction period as specified in the submitted arboricultural report and tree protection plan shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or

destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

**Reason**

To safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

16.

The scheme of landscaping and tree planting shown on drawing no. FE/145/205 shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

**Reason**

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

17.

Before the approved landscaping scheme (drawing no FE/145/205) is carried out on the site, details of the location and species of the planting for the infilling of the hedgerows shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be planted on the site and retained.

**Reason**

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan.

18.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained.

**Reason**

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

19.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.



## Reason

To safeguard residential amenity in accordance with policies DS7 and DS11 of the North Lincolnshire Local Plan.

20.

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 safeguard the amenity of residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

No development shall take place on the site until a scheme for the provision of electrical vehicle charging points has been 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 (NPPF) and policy CS18 of the Core Strategy.

22.

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

- 7.30am to 6pm Monday to Friday
- 7:30 am 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 reduce the potential impact on residential amenity from noise, dust and light generated during the development phase in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

#### **Informative 1**

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

## **Informative 2**

The proposals may require a new (restricted discharge) connection into the highway drainage system on Ferry Road. This is not a public sewer and therefore the developer has no 'as of rights' connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer's expense). This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

## **Informative 3**

The applicant's attention is drawn to the comments made by the LLFA , Anglian Water and the Environment Agency.

## **Informative 4**

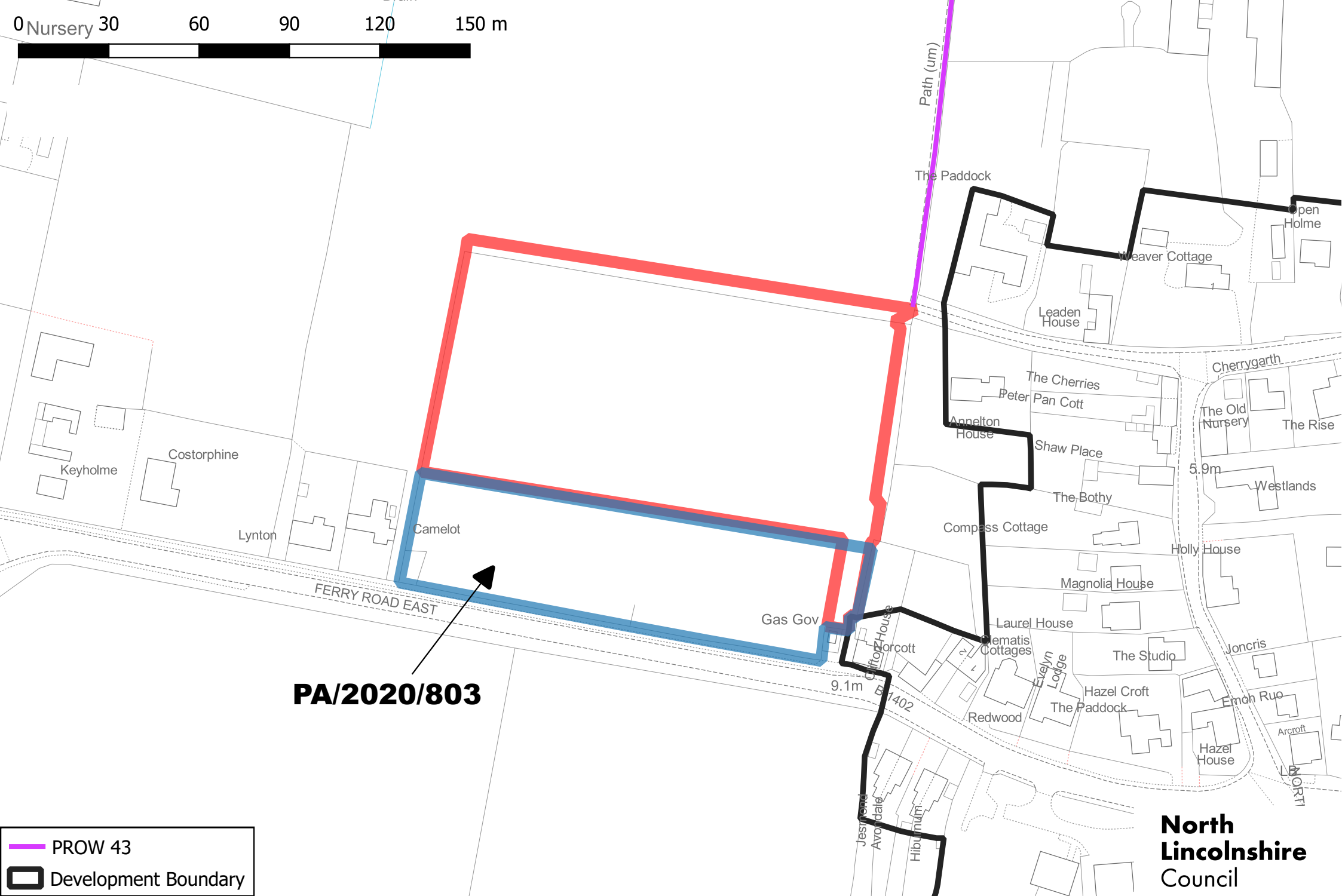
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 5**

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.

0 Nursery 30 60 90 120 150 m



**PA/2020/803**

 PROW 43  
 Development Boundary

**PA/2021/970**

**North  
Lincolnshire  
Council**

# PA/2021/970 Proposed layout (not to scale)



CREATION OF NEW OF PUBLIC RIGHT OF WAY, 'SPRING WALK' & PUBLIC OPEN SPACE.



Anneltor House

FERRY ROAD EAST

Wifiton House

CREATION OF PUBLIC RIGHT OF WAY, 'SPRING WALK' & PUBLIC OPEN SPACE.

Rev: Details: Drawn by: Date Approved:

**KEIGAR HOMES LTD**  
 KEIGAR LODGE  
 CANBERRA VIEW  
 BARTON-UPON-HUMBER  
 NORTH LINCOLNSHIRE  
 DN15 5GR  
 Tel: 01652 631939 Fax: 01652 631938



Project Title:  
**Residential development  
 land off FERRY ROAD EAST  
 BARROW UPON HUMBER**

Drawing Title:

**SITE LAYOUT**

Drawn by: MdS Date: 06.03.21 Scale: 1/500 @ A3

Drawing No: FE / 145 / 203

# PA/2021/970 Committee report for adjacent site under construction

<b>APPLICATION NO</b>	<b>PA/2020/803</b>
<b>APPLICANT</b>	Mr Mark Snowden, Keigar Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 9 dwellings, including associated access and garages
<b>LOCATION</b>	Land north of Ferry Road East, Barrow upon Humber
<b>PARISH</b>	Barrow upon Humber
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from development plan Objection by Barrow upon Humber Parish 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 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, ‘housing should be located where it will enhance or maintain the vitality of rural communities.’ It goes on to explain that, where there are groups of smaller settlements, development in one village may support services in a nearby village.

### **North Lincolnshire Local Plan:**

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

**Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

**CONSULTATIONS**

**Highways:** No objections, but recommend conditions and an informative.

**LLFA Drainage:** Initially objected. After amendments, objection withdrawn but conditions recommended relating to drainage and surface water run-off.



**HER:** No objection. The applicant has completed an archaeological assessment and field evaluation in accordance with paragraph 189 of the NPPF and local planning policies, and has submitted the relevant reports.

The site lies 200 metres west of a substantial Saxon boundary ditch aligned east-west towards the application site.

The archaeological field evaluation comprised a geophysical survey of the site; the results did not identify any archaeological features associated with the early monastic site of Barrow.

As such, no further archaeological work is recommended in connection with the development of this site.

Ridge and furrow earthworks on the site are not well-preserved and do not contribute to the setting of the conservation area in this location.

**Arboriculture:** No response received to consultations.

**Ecology:** No objection. Landscape proposals should make provision for the retention and enhancement of hedgerows along with planting of trees in copses or woodland blocks.

The site has limited biodiversity value at present and negligible potential for protected species.

Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0.

**Environmental Health:** The following report has been received and reviewed:

- Humberside Materials Laboratory Ltd, Phase 1 (desk study) report Ferry Road East, Barrow Upon Humber Report number: 0126/5140/P/P1 Dated: May 2020.

The report identifies the site as a rectangular shaped piece of land approximately 0.57 hectares in size. The site walkover identifies the site as open grassland with no structures or buildings. The report noted an old water trough to the west of the site; a former animal shelter or stable was also noted. However, there was no evidence of any permanent structures on site historically, with it remaining an undeveloped field until present day.

No obvious evidence of any significant contamination was found during the site walkover. There was no evidence of tanks or other liquid storage at or adjacent to the site.

The preliminary conceptual site model and risk assessment identifies the risk to human health from contamination as 'low'. The only sources of potential ground contamination of concern are identified as the temporary structure to the west of the site and potentially infilled land.

The report recommends that no further investigation is necessary; however there has been no intrusive investigation of the site to support this decision. It was noted that geotechnical investigation may be necessary to determine the properties of the underlying soils.

Given the site's potential historic agricultural use, this department does not agree with the findings of the report. There has been no suggested investigation to assess the site for potential contaminants associated with the site's potential historic agricultural use such as PAHs, metals, petroleum hydrocarbons and asbestos.

This department would recommend fully justified and robust proposals for investigation be submitted and approved by this department prior to any intrusive investigation taking place that takes into account all potential contaminants from the site's potential historic agricultural use.

A contaminated land condition is advised, together with a condition relating to noise and dust during construction.

**Spatial Planning:** This proposal for residential development 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 consideration should be given to any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or specific policies indicate development should be restricted. The applicant will need to demonstrate why the development meets the three dimensions of sustainable development.

## **PARISH COUNCIL**

Objects on the following grounds:

- outside the development limit and not included in the five-year housing supply
- existing drainage issues would be worsened
- concerns over access and proximity to the school, speed limits and visibility
- the local school does not have capacity for the increase in the number of pupils
- timing of the application during pandemic/lockdown.

## **PUBLICITY**

The application has been advertised by site and press notice. Twenty-eight comments of objection have been received raising similar concerns to the parish council and the following concerns:

- hedging and planting removed on site
- local services oversubscribed
- loss of open space
- environmental impact – loss of hedging, impact on nesting birds
- houses proposed are 'unaffordable for people in the area'
- flood risk

- housing supply report noted
- impact on property values
- harm to village character
- risk of subsequent development
- no need for housing in Barrow
- poor public transport links
- not sustainable
- no positive gains for village
- loss of agricultural land
- unsympathetic design
- ‘ribbon development’
- timing of the application
- drainage and sewerage network unable to cope.

## **ASSESSMENT**

### **Site**

The application site is a 1.3 acre parcel of open agricultural land which forms the southern part of a field to the north of Ferry Road East, on the urban fringe of the village of Barrow-upon-Humber.

The site is bounded by a cluster of dwellings both to the east and west, with agricultural fields to the north and south. The boundary of the site alongside the road comprises a fence and native hedgerow. The site is relatively flat and featureless with distant views to the north across slightly falling land towards the River Humber and Hull.

The site lies outside the development boundary of Barrow and is considered ‘open countryside’ for planning purposes. It is not within any conservation area or special landscape designation.

The site lies within an area designated in the council’s Strategic Flood Risk Assessment (SFRA) as flood zone 1 – indicating lower risk of flooding. The site is classified as grade 2 agricultural land.

### **Proposal**

This application seeks approval for the erection of nine detached dwellings on the site, all fronting onto Ferry Road East. The proposed dwellings are all bungalows, with the exception of a two-storey dwelling at the western end of the site. Each property will be served by a separate driveway and three of the houses will have detached garages within

the curtilage. A central road would run through the site from Ferry Road East, providing access to plots 5 and 6, terminating at the northern boundary of the site.

Each dwelling would be set back from the road with lawned gardens and planting and would feature private outdoor amenity space to the rear. House design is largely traditional with simple bungalow and house design and layout.

## **Material considerations**

**The main issues in the determination of this application are:**

- **the principle of development;**
- **design and appearance;**
- **flooding and drainage;**
- **ecological and arboricultural matters;**
- **impact upon residential amenity; and**
- **highway safety.**

## **Principle**

The application site is located outside of a defined development boundary and is therefore classed as open countryside for the purposes of planning. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need such as providing affordable housing.

Given the siting, the proposed development would be outside the defined development boundary for Barrow-upon-Humber and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF state the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of housing sites and that housing applications should be considered in the context of the presumption in favour of sustainable development.

Early this year the council started to review the Five Year Housing Land Position Statement. As part of this review, the council has identified that the deliverability of a number of the sites has changed due to planning permissions having lapsed or a delay in

delivery due to changes to site funding. The initial review has identified that the council housing land supply has reduced from five years to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is due at any time. Any decisions therefore made by the planning authority will take account of the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

In such circumstances paragraph 11 d) in relation to decision-taking is engaged; this states, '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.'

Footnote 7 to paragraph 11 explains that:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

In relation to the dimensions of sustainable development under paragraph 8 of the Framework, there are three dimensions to sustainable development. These relate to economic, social and environmental considerations. The proposal would accord with the economic role, through its support for jobs through the construction phase and the support for local business through the expenditure of future occupiers. With regard to the social role, this too would make a positive contribution to addressing the deficit in the housing land supply. From an environmental perspective, the site lies adjacent to the settlement boundary and is therefore in an accessible location for local services. For the majority of the dwellings proposed, a bus stop along Ferry Road East is within the 200 metre threshold set out in the accessibility criteria of the Housing and Employment Land Allocations DPD ensuring no requirement for reliance on the car as the primary means of transport and therefore complying with the environmental role. The proposal would see the planting of hedging and trees to offset the loss of existing hedgerow; the site is of limited biodiversity value otherwise.

The loss of 1.3 acres of agricultural land is considered to be outweighed by the benefits of housing in this area, and the land lost would not have a substantial impact on the overall viability of farming or availability of quality agricultural land in the area.

Paragraph 59 of the NPPF encourages the provision of homes for groups with specific requirements. In this case, eight of the nine homes proposed are bungalows and have level access throughout. North Lincolnshire Integrated Strategic Assessment 2019 provides guidance on the need for different types of housing. It shows a need to plan for the needs

of an increasing number of older people in the population as well as for those who are approaching retirement age. Table 8.2 shows a projected increase of 42.5% in the population over retirement age [65] by 2037, by when 28.6% will be 65 and over. The study also notes the need to provide for people with health or disability needs, which generally means a requirement for single-storey accommodation. It is considered that the proposal could help to meet this recognised requirement and that the homes would be suitable for such, and within a relatively sustainable location within walking distance of local services and facilities.

Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. It is acknowledged that the proposed site falls adjacent to the settlement boundary, between the village and a cluster of existing dwellings. No significant adverse impacts have been identified that would outweigh the benefits of the proposed development, nor will the development affect any assets designated as being of particular importance. On balance, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, and would benefit from the presumption in favour of sustainable development. The principle of the development of nine dwellings on this site is therefore considered acceptable, subject to detailed considerations below.

### **Design and appearance**

Paragraphs 124 and 130 of the NPPF express the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5, Delivering Quality Design in North Lincolnshire, states, ‘...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’

Policy LC7 of the local plan states, ‘where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.’

Policy H5 of the local plan relates to new housing development and seeks to ensure that it is within the Scunthorpe and Bottesford Urban Area and that, inter alia, the size and scale is commensurate with the settlement.

The site at present is open greenspace and the provision of a row of nine dwellings therein will have some visual impact on the immediate street scene and the wider landscape. The site is not within any protected landscape area or special landscape character designation; however, the proposal would see the loss of an area of mature hedging outside the existing village boundary and would extend the built form to the west. The key consideration here is whether the visual impact is acceptable.

It is proposed to build nine detached dwellings, of which eight will be bungalows. These will relate well to neighbouring dwellings to the west which are mainly bungalows or dormer bungalows. The single house will be situated at the east end immediately next to an

existing house. The height of the development would therefore be kept down, and coupled with existing hedging on site boundaries and the topography of the area, would limit views from distance from most perspectives. The dwellings would be visible in part looking east on Ferry Road East and from the junction of Barton Street and North Street facing west. From the southwest on Ferry Road, there would be limited views of the roofs of the dwellings at a distance. The proposal seeks the planting of trees and hedging to the frontage of the proposed properties to replicate the semi-rural appearance of surrounding houses and to ensure that the site fits with its rural surroundings to some degree.

It is considered that the proposed dwellings, by virtue of their siting between existing dwellings, the low level bungalow construction on eight of the plots, and the existing landscape layout, would not have an unacceptable impact on the surrounding areas of open countryside and would not appear as an overdevelopment, having limited views from surrounding vantage points.

With regard to the design of the dwellings themselves, the two-storey house to the east of the site would be large and highly visible from the road. It would, however, fit with the adjacent two-storey dwellings to the east and would be set back from the road, reducing impact. The house and the eight bungalows are proposed with vernacular designs and materials which would fit with the character and appearance of Barrow generally and within the context of the site itself.

Overall, the proposals would not have an unacceptable impact on the setting of the surrounding landscape – which is considered to be of somewhat limited value. The dwellings would sit between an existing cluster of rural dwellings and the village itself and would not appear isolated or incongruous with the semi-rural nature of the area. The dwellings proposed are considered to be designed in a manner which would respect local design and existing adjacent dwellings and would comply with the above policies in this regard. Conditions on landscaping and planting will ensure that the site is well screened and fits with its context as effectively as possible, limiting visual impact.

### **Flooding/drainage**

The site is within an SFRA Flood Zone 1 area, meaning lower risk of flooding. Whilst concerns around flooding have been noted, it is not considered that the proposal would lead to an unacceptable increase in flood risk to the area due to this and the retention of surrounding grassed areas. The Environment Agency have not submitted any objections.

With regard to onsite drainage, some concerns were initially raised by the council's Drainage team. Following the submission of a revised Drainage Strategy, these concerns have been addressed subject to conditions controlling surface run-off etc. These conditions should ensure that any surface water run-off is adequately managed and that no unacceptable impacts to dwellings or the highway result.

Overall, it is considered, subject to the necessary conditions, that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy regarding both drainage management and flood risk.

### **Ecology/trees**

Policies LC5–LC7 of the local plan deal with species, habitat and landscape matters. Given the existing open field nature of the site and surrounding hedgerows, the preservation and enhancement of important ecological features is necessary.

With that in mind, Ecology have been consulted on this proposal and have no objections. They note that proposals should make provision for the retention and enhancement of hedgerows along with planting of trees in copses or woodland blocks and that the site has limited biodiversity value at present and negligible potential for protected species.

Planning conditions have been proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0. These conditions are considered reasonable and necessary for the achievement of the outcomes outlined in the relevant policies above, and to ensure a net benefit in terms of ecology.

No consultation response has been received from the council's Arboricultural Officer. A tree protection plan has been submitted, however, which details the removal of the hedgerow bounding the highway and one of the two trees within it – stated to be category C, of lower quality. The hedge to the western boundary would be retained according to the plan, along with the other existing tree on site.

It is not considered that the loss of the tree and the hedging, whilst regrettable, would have an unacceptable impact on the local visual amenity and biodiversity sufficient to outweigh the benefits of the additional housing. As noted above, measures will be secured by condition to offset such impacts.

### **Residential amenity**

Policy DS1 (iii) states that 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.

The impact on the adjacent dwellings at 'Camelot' to the west and 'Clifton House' to the east is considered as these are the only residential dwellings directly adjoining the site. Impact between the proposed dwellings is also considered.

In terms of overlooking and loss of privacy, no first floor windows on either the dormer bungalows or the two-storey house are proposed to serve habitable rooms, with windows at this level serving bathrooms/en suites as per the submitted floorplans (as amended). It is not considered, due to the above and the layout of the buildings proposed and existing, that overlooking would occur onto any neighbouring property from any of the dwellings proposed. Effective boundary screening between plots will limit any overlooking between ground floor side windows.

The properties would be sited with side elevations relatively close together. Due to their bungalow design, however, it is not considered that there would be unacceptable levels of shadowing or overbearing, and each dwelling would have access to sufficient natural light. Plot 9 would not dominate or restrict light into or onto Camelot to the west and the dwelling proposed for Plot 1 (the house) would be of a sufficient separation distance from Clifton House to the east and impacts thereon would be minimal.

The potential for adverse impacts on the living conditions of neighbouring dwellings and between the nine dwellings proposed has been considered and it is concluded that there



would be no such impact so significant as to warrant a reason for refusal on this basis. The proposals accord with DS1 (iii) in this regard.

## **Highways and transport**

Many of the comments objecting to this application refer to potential highway safety impacts and pressure on the nearby roads resulting from the provision of the new dwellings and accesses to serve them. This aspect has been carefully considered in light of the issues raised.

It should be noted that the council's Highways team have no objections to the development, and this carries significant weight in favour of the acceptability of the parking and access arrangements proposed.

The provision of six new access points onto Ferry Road East will evidently increase risk on existing and future highway users to some degree, as with any new development. This section of road is, however, straight and visibility splays in either direction would be good. The risk to highway safety would not exceed that typical of a development of this type, and the six new access points would not unacceptably impact the overall highway safety of the area to a significant degree.

Sufficient off-street parking is proposed for each dwelling, each having a minimum of two spaces. There would also be footpath access into the centre of the village, and there is a bus stop nearby, thus reducing reliance on private vehicles.

Overall, it is considered that the proposal accords with policies T2 and T19 of the local plan in respect of the provision of safe access and parking, and CS25 of the Core Strategy in respect of sustainable transport.

## **Other matters**

The council's Environmental Protection team have been consulted and have examined the submitted contamination Phase 1 report for the site. They do not fully agree with the findings of the report and have requested a condition on any approval requiring a full investigation and risk assessment to be carried out. It is considered, given the advice received from that department and the sensitive end use (residential), that such a condition would be necessary and reasonable to ensure accordance with policy DS7 of the local plan.

The council's Historic Environment Record team have also been consulted with regard to potential risks to archaeological features and the submitted information in support of the proposal. They do not consider there to be any such risk and no further action is required with regard to this.

Some concern has been raised with regard to a cut-through unofficial pathway on the site which is used by some local residents. The rights of way associated with this are not a planning matter, however the loss of any such path is likely to have some impact on those who use it. It is considered, however, that there is sufficient footpath coverage throughout the village and the loss of a potentially unmaintained and unofficial path would not be an unacceptable level of detriment to the amenity of the wider community.

## **Conclusion**

In summary, it has been established that the proposal fails the criteria of several local planning policies with regard to residential development outside the development boundary. These policies are, however, considered out of date and carry less weight than national planning policy which gives greater weight in favour of residential development where a five year housing supply cannot be demonstrated, as is the case.

The development proposed is close to the existing boundary and village services and is well served by vehicle and pedestrian routes. It is considered to be sustainable development which would meet the test of acceptability in principle when the NPPF weight is applied.

This acceptability in principle has been balanced against other impacts including drainage, flooding, ecology and visual amenity. It is considered that the proposed development is generally acceptable in terms of these other aspects, and the weight in favour of residential development and the provision of nine units of housing results in a proposal which is considered acceptable subject to the necessary conditions outlined in the report.

**RECOMMENDATION Grant permission subject to the following conditions:**

1.

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

Reason

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

2.

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

FE/145/02 - Site Location Plan

FE/145/03 A - Site Layout

FE/145/05 A - Landscaping

FE/145/04 A - Materials

FE/145/06 A - Car Parking

TPP - 200610 FerryRoadEastBarrow.mpd - Tree Protection Plan

Te.sr/AS/19/103 - Floor plans and elevations - The Teal Plot 7 (received 26 June 2020)

Te.sr/OP/19/103 - Floor plans and elevations - The Teal Plot 8 (received 26 June 2020)

MH/OP/19/101 - Floor plans and elevations - The Manor House Plot 1 (received 26 June 2020)

M.dg/AS/19/102 - Floor plans and elevations - The Maxstroke Plot 2 (received 26 June 2020)

M.dg/OP/19/102 - Floor plans and elevations - The Maxstroke Plot 3 (received 26 June 2020)

M.sg/OP/19/102 - Floor plans and elevations - The Maxstroke Plot 4 (received 26 June 2020)

M/AS/19/101 - Floor plans and elevations - The Maxstroke Plot 5 (received 26 June 2020)

M/OP/19/101 - Floor plans and elevations - The Maxstroke Plot 6 (received 26 June 2020)

Mx.sg/OP/19/102 - Floor plans and elevations - The Maxstroke Plot 9 (received 26 June 2020)

GA/FE/P5 - Proposed Garage Elevations & Floor Plan (Plot 5)

GA/FE/P4 - Proposed Garage Elevations & Floor Plan (Plot 4)

## GA/FE/P1 - Proposed Garage Elevations & Floor Plan (Plot 1)

### Reason

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

3.

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.

4.

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.

5.

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.

6.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

### Reason

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

7.

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.

8.

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.

9.

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.

10.

No development shall commence until details showing the method of facilitating the adjacent street furniture have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with drawing number FE/145/03 A.

Reason

In the interests of highway safety and safe pedestrian access.

11.

All works and biodiversity enhancements shall be carried out strictly in accordance with section 5 of the submitted document 'Ferry Road East, Barrow Upon Humber: Extended Phase 1 Habitat Survey and Biodiversity Management Plan' dated July 2020 and the submitted drawing number FE/145/05 Revision A. The management prescriptions set out in the management plan shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the ninth 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. All biodiversity features shall be retained thereafter.

Reason

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

12.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and additional 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 from the 'Ferry Road East, Barrow Upon Humber: Extended Phase 1 Habitat Survey and Biodiversity Management Plan' dated July 2020;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0; Biodiversity units should be delivered on site, within the red line and blue line boundaries shown on submitted drawing FE/145/02. 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.

13.

The Additional 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 ninth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Additional Biodiversity Management Plan.

Reason

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

14.

The landscaping scheme shown on drawing FE/145/05 A shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

In the interests of enhancing the visual and ecological value of the site.

15.

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, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason

To ensure the site is safe for future users and construction workers.

16.

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 reduce the potential impact on residential amenity from noise, dust and light generated during the development phase.

17.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) 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, which is available to view on the website. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above ground solutions.

#### Reason

To prevent an increased risk of flooding on the site and surrounding area, 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.

18.

The approved drainage scheme shall be implemented in accordance with the approved submitted details required by condition 17 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 an increased risk of flooding on the site and surrounding area, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

19.

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.

20.

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.

### **Informative 1**

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

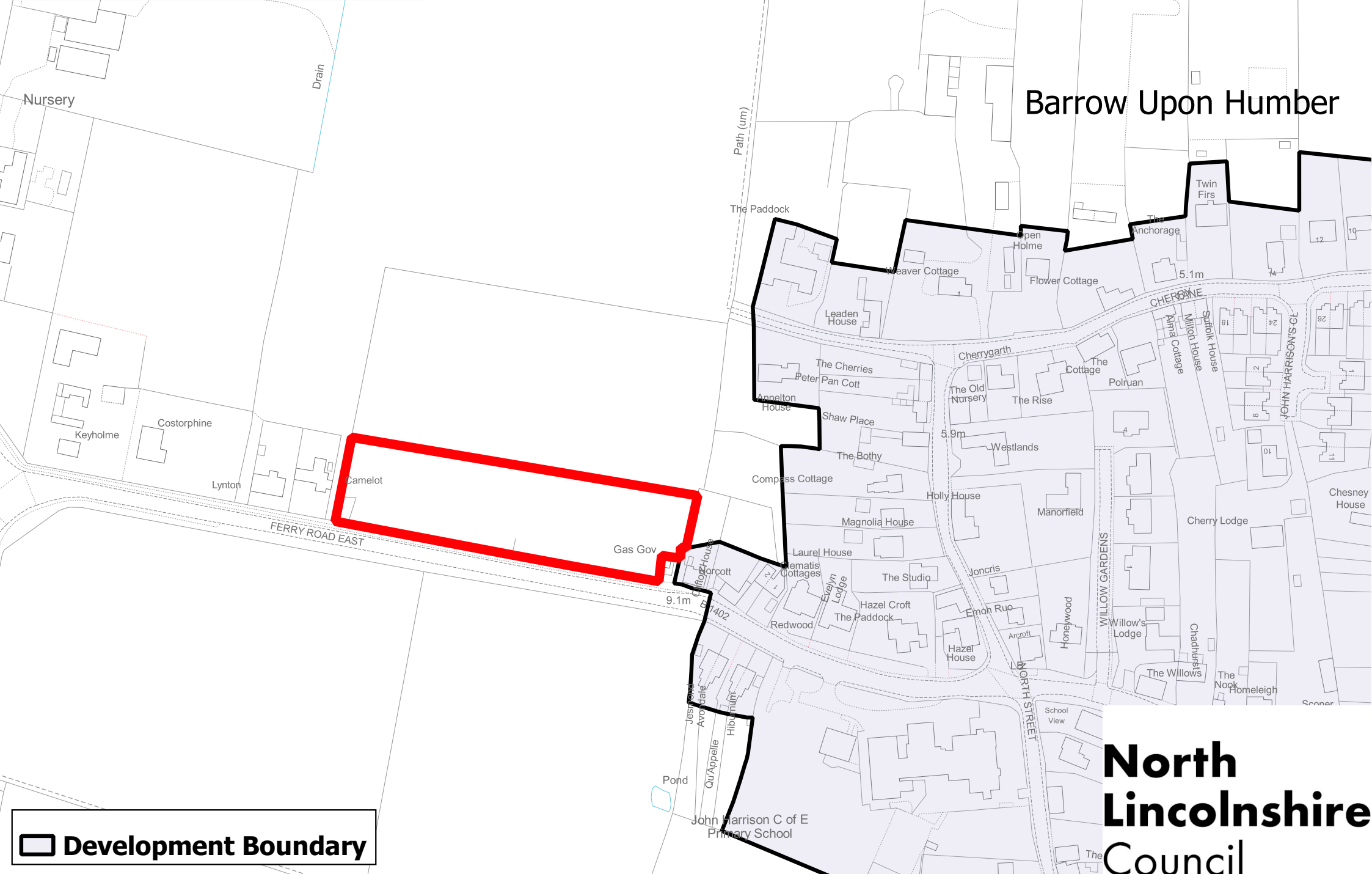
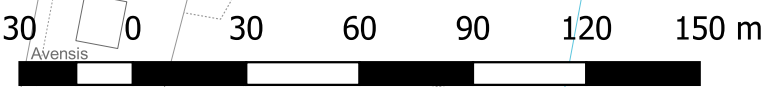
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;



- 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.



# Barrow Upon Humber

Development Boundary

## PA/2020/803

# North Lincolnshire Council

**AMENDED**



A	UPDATED SCHEME.	MdS	17.04.20
Rev:	Details:	Drawn by:	Date Approved:

**KEIGAR HOMES LTD**  
 KEIGAR LODGE  
 CANBERRA VIEW  
 BARTON-UPON-HUMBER  
 NORTH LINCOLNSHIRE  
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 Tel: 01652 631939 Fax: 01652 631938



Project Title:  
 Residential development  
 land off FERRY ROAD EAST  
 BARROW UPON HUMBER

Drawing Title:  
 SITE LAYOUT

Drawn by:	MdS	Date:	28.04.20	Scale:	1/500 @ A3
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Drawing No: FE / 145 / 03  
 Revision: A