

APPLICATION NO	PA/2020/1628
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission to erect 317 dwellings, including associated garages, access road, playground, ponds and public open space
LOCATION	Phases 5 and 6 Falkland Way, land off Canberra View, Barton upon Humber, DN18 5GR
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion Significant public interest

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 Framework:

North Lincolnshire Local Plan:

Policy C6 (Cemeteries)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy LC15 (Landscape Enhancement)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

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 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

CS23: Sport, Recreation and Open Space

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

BARH-1 and BARH-2 (Land at Pasture Road)

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions relating to access, car parking, highway safety, travel plans and traffic management details and a S106 for the provision of 2x weekly Humber Megarider tickets per dwelling – £17,118 and for highway improvements along the A1077 corridor – £100,000.

Environment Agency: Originally objected to the proposal due to ‘an unacceptable FRA as this did not adequately evidence the potential flood depths on site in case of a breach in the sea defences over the lifetime of the development nor quantify the extent and impacts of land raising on the site. The northern part of the site is in Flood Zone 3 of our Flood Map for Planning. Moreover, it is shown by our hazard mapping to have a hazard rating of ‘danger for all’ in case of a breach in the tidal defences during a flood event with a 0.5% chance of occurring in any year up to 2115. There appear to be around 120 dwellings proposed in this area. Our hazard mapping is based on modelling carried out in 2009. The scale of the development and high hazard require an update to the mapping, as this does not include the latest climate change figures, cover a suitable lifetime or use the latest sea level data. It will then be necessary to assess whether the land raising being done clearly places the habitable floors above the flood level. The FRA states that the existing site level within the northern boundary is around 3.2m AOD (verified with our LIDAR) and that the proposed first floor will be 6.1m AOD. The applicant will need to ensure that land raising does not increase flood risk to third parties off site from any source of flooding. The EA also advised that it is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk.’

Following the comments made by the Environment Agency and the subsequent amendments to the proposal, the applicant submitted additional information to include a model review response, breach modelling report, amended FRA, modelling outputs downloaded, latest plot designs and site levels. The EA confirmed that the approved minimum finished floor level for habitable accommodation will be achieved by raising floor levels as necessary or, in the area of greater flood risk, limiting the ground floor to non-habitable uses. The EA have withdrawn their objection to the proposed development subject to conditions requiring the development to proceed in accordance with the approved amended FRA, finished floor levels, the dwellings indicated on the floor level drawings shall have non-habitable uses only at ground floor level and no extensions to provide additional habitable/living accommodation shall be erected.

Drainage (Lead Local Flood Authority): The LLFA originally objected to the proposal as a more strategic SuDS design, splitting the site into smaller SuDS catchments and not relying on large terminal features. A detailed sustainable surface water drainage strategy and flood risk assessment outlining all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, based on SuDS principles and an assessment of the hydrological and hydrogeological context of the development is required.

Following receipt of the revised submitted flood risk assessment and drawings there are still some design and adoption/maintenance issues to resolve at discharge of conditions stage. The LLFA have removed their objection subject to conditions requiring a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and a condition requiring details showing an effective method of preventing surface water run-off from the highway onto the developed site is submitted to and approved in writing by the Local Planning Authority.

JBA Consulting (Shire Group of IDBs) No comments as the site is outside the drainage board's district

North East Lindsey Drainage Board (IDB): No objection. The watercourse on the North boundary is the Board-maintained Barton Drain Branch 2 (16E). The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Flood Risk Assessment. However, should anything change in relation to the method of surface water disposal and/or in relation to the flood risk assessment etc then this Board would wish to be re-consulted. It is noted:

- a 7m easement has been left adjacent to the Board-maintained Barton Drain Branch 2;
- the discharge rate for the site is 1.4l/s/ha;
- properties within the EA flood zone have non-habitable accommodation on the ground floor and floor levels are a minimum of 6.1m. All other properties have a minimum FFL of 6.1m.

The IDB advises that 'part of the site is in Zone 2/3 on the Environment Agency Flood Maps and at flood risk from breach of the Humber banks. It is noted a Flood Risk Assessment is included in the application that contains appropriate mitigation. Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw distance (7m soon to be revised to 9m) of the top of the bank of a Board-maintained watercourse. A consent will be required for outfalls. Under the terms of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse, including infilling or a diversion. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. This includes the watercourse that the existing consented discharge (Phase 4) outfalls into. Discussion have been had about culverting this watercourse. If that is proposed a consent will be required.'

Anglian Water: [summarised] Our records show that there are no assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Barton on Humber 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.

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. We will then advise them of the most suitable point of connection.

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.

National Grid Plant Protection (Cadent Gas): No objection. Cadent must be liaised with and consulted before any development commences in the vicinity of the IP gas pipeline as we will have plant protection measures to protect our gas pipeline.

ESP Utilities Group Limited: Advises on precautions to be taken whilst undertaking work in the vicinity of gas pipelines. Early consultation with ESP Utilities Group prior to excavation is recommended to obtain the location of plant and precautions to be taken when working nearby.

Sport England: Originally objected to the proposal on the grounds that it would generate demand for sporting provision that has not been addressed in the current planning application. Following negotiation with the applicant and Sport England in relation to S106 contributions for sport, Sport England have withdrawn their objection based on the following:

The contribution of £216,039 is acceptable to Sport England. Subject to a legal agreement to secure this contribution, Sport England would be minded to withdraw its objection to this planning application. The applicant has now agreed the following off-site contributions for sport:

- £111,893 improvements towards swimming pool facilities
- £50,700 improvements towards natural grass pitches
- £3,872 towards indoor bowls at Scunthorpe Bowls Centre
- £49,574 towards improvements to youth football changing rooms.

The above figures total £216,039 and detail where the contributions will be spent, and have been endorsed by the Senior Leisure and Active Lifestyles Manager for the council. The contribution has been justified by the Playing Pitch Calculator (based upon the council's robust and up-to-date Playing Pitch Strategy) and Sport England's Sports Facility Calculator as the evidence base. The contribution will help address the sporting needs that will arise from the new population living in the proposed houses. The contribution is acceptable to Sport England and, subject to an appropriate legal mechanism to secure and deliver the

contribution, Sport England would be minded to withdraw its objection to this planning application. Sport England understands that negotiations are progressing by way of a legal mechanism to resolve our concerns. However, Sport England's default position in cases where a legal agreement has yet to be secured, is to maintain its objection until a suitable Section 106 agreement or other legal mechanism is delivered. Sport England can confirm that once a Section 106 agreement or other legal agreement has been signed and completed, we will withdraw our objection to this planning application.

Education: The Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. Developer contributions for education are secured by means of a planning obligation under Section 106 of The Town and Country Planning Act 1990. The Section 106 planning obligation secures a contribution directly payable to the local authority for education where it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

We have carefully considered this planning application against the known and projected pupil numbers for this area. We have taken into account housing developments that have approved planning applications or pending planning applications that have been validated prior to this application. We seek both primary and secondary education contributions in respect of this development. The amount per eligible house for both primary and secondary places is £8,508 (this figure is valid for S106 agreements signed by 31 March 2021).

Humberside Police: No objections to the application, however I would like to raise concerns regarding an area of open space to the north of the development.

I have identified on the 'Site Plan North', an area within the public open space to the north of the development behind the pump station. There appears to be a large recess which could provide an area of concealment which may increase people's fear of crime of the area. This location will not be surveyed by residents of the adjacent dwellings due to the hedgerow planting, positioned to the rear of the plots, and potentially will not be surveyed from the public open space due to the proposed orchard fruit tree planting. I would like to recommend if possible the recess behind the pump station is removed, by way of re-positioning the pump station further back closer to the public open space. Although the entry point will be located further back, this will allow natural surveillance opportunities from the street. It would still be an advantage to include the hedgerow to the rear of the pump station to restrict any criminal activity such as graffiti, loitering and antisocial behaviour. Communal spaces ideally should not abut residential dwellings – positioning of communal space to the rear/side of dwellings can increase the potential for crime and complaints arising from noise and nuisance. However, it appears that a mitigating measure has been applied to the design, such as the hedgerow planting. This will restrict easy access into rear/side gardens and reduce potential antisocial behaviour I would be grateful if confirmation of the height of the hedgerows could be provided. Ideally these should be 1.8m high.

In response to the amended plans, which include amendments to the pumping station, no further comments.

Humberside Fire and Rescue: Comments relating to access for the fire service and water supplies for fire-fighting.

Environmental Protection: No objection subject to a noise mitigation scheme to be submitted to the council for approval due to traffic and industrial noise sources associated with the site. The submitted noise assessment with the application is considered to be out of date. A condition for the submission of a noise mitigation scheme is requested. In relation to contamination, concerns are raised with regard to the importation of topsoil. It still remains unclear as to whether topsoil for the proposed development will be site won or sourced from other locations. If sourced from other locations the developer will need to demonstrate that the material being brought onto the site is suitable for use. Conditions are proposed in relation to the importation of topsoil and the reporting of unexpected contamination. The proposed development is situated in close proximity to residential dwellings. Noise, dust and light generated during the construction phase has the potential to impact on residential amenity and therefore conditions relating to construction and site clearance operations, and the submission of a CEMP, are proposed. Developments should be located and designed where practical to enable future occupiers to make green vehicle choices and promote sustainable modes of transport in accordance with Section 9 of the NPPF. To prepare for increased demand in future years, appropriate cable provision should be included in the development. Environmental Protection are recommending that the scheme includes provision for electric vehicle charging points.

Leisure: 267 (not including social housing) x average occupancy of North Lincolnshire of 2.36 gives a new figure of additional population of 630. Developer contributions will be: £111,893 improvements towards swimming pool facilities, £50,700 improvements towards natural grass pitches, £3,872 towards indoor bowls at Scunthorpe Bowls Centre and £49,574 towards improvements to youth football changing rooms.

NHS North Lincolnshire: Recommendations are:

- for consultations to take place with local Primary Care services to assess the impact of the development on local health services;
- to support the conditions requested by the Environment Agency;
- to support the comments made by Sport England;
- to support the comments made by LLFA Drainage;
- to support the comments made by Environmental Protection;
- to support the comments made by the Design Crime Out Officer, Humberside Police;
- that notice is taken of the 10 principles of Active Design developed by Sport England and considered in the layout of the development.

Historic Environment Record: The applicant has submitted an Archaeological Mitigation Strategy (dated 18/01/2022) with proposals to preserve by record the archaeological remains across the site.

The proposals are set out in a detailed Written Scheme of Investigation (WSI) that provides for a programme of:

- pre-construction archaeological strip, map and record excavations within the identified areas of archaeological interest;
- additional monitoring of selected house plots and infrastructure during construction;
- preservation in situ of archaeological remains in undeveloped areas;
- post-excavation assessment, analysis and reporting followed by deposition of archive at North Lincolnshire Museum;
- community engagement during and after the excavations;
- provision of an archaeological interpretation board on site.

The scope, methodology and timetabling of the proposed programme accords with HER advice and professional archaeological standards. The Archaeological Mitigation Strategy satisfactorily addresses the harmful impacts of the proposed development. The HER has no further objection to this application subject to planning conditions securing the implementation of the strategy in accordance with the agreed WSI. Appropriate conditions are proposed. This procedure is in accordance with paragraph 205 of the NPPF, and local planning policies CS6 and HE9.

Conservation: The application site is situated to the east of the Barton conservation area and has the potential to impact on the character of the conservation area and the listed buildings in that area. This open land historically has always been the open landscape that surrounded the historic core (the conservation area) of Barton and does contribute to its character. However, there is a large amount of existing modern housing at the eastern side of the conservation area creating a significant visual barrier and the sites are not intervisible. Therefore, there is negligible impact on how the conservation area and its listed buildings are experienced. Whilst there is some harm in the loss of the original open landscape which provides the historical context of the conservation area, the public benefits outweigh the harm in this instance in the planning balance required by the NPPF and there is no objection to the proposal. Regarding the design, there is a varied number of housing types which will contribute to making it a more interesting visual built form. Considering its proximity to the historic core of Barton, I would recommend that a traditional palette of construction materials is used in the development (justification – council policy HE2 Development in Conservation Areas). The final appearance of the built form would benefit from a varied set of construction materials (a mixture of traditional types of bricks, pantiles and roof slates). Having some buildings rendered would also create a varied design associated with traditional building settlements. This should be conditioned. Recommend a condition requiring details of the final construction materials and finishes to be agreed before construction starts.

Ecology: The site has limited biodiversity value at present and low potential for protected species. Nevertheless, once the biodiversity metric is applied, it is very likely that further biodiversity enhancement measures will be required beyond those already proposed. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3. Conditions relating to biodiversity are proposed.

Tree Officer: This development would see the removal of several agricultural hedges, and in fact the council has been contacted recently by concerned residents stating that several of these hedges have already been removed, which would be contrary to the Hedgerow Regulations that give protection to agricultural hedges. If the council is minded to consider giving consent on this application, then there is a need to ensure that the landscaping and green infrastructure would be of a good standard and sufficient to mitigate the loss of any present vegetation, trees and hedges.

Recycling: General comments relating to bins, access for refuse vehicles, highway construction, unadopted roads, pulling distances for bins, and refuse and recycling storage.

Barton Civic Society: As it is now realised, there is a substantial late-Saxon development to the east of the town. The opportunity should be seized for a full archaeological investigation of the site of the proposed development.

TOWN COUNCIL

Barton Town Council Planning Committee do not object to the application but would like a planning condition placed to state that the Greenway and East Acridge access remains for emergency vehicles, and pedestrian and cyclists, and that this condition remains in perpetuity. The committee also wishes to have noted its concerns over the potential added risk of flooding, and request a pharmaceutical needs assessment be conducted.

The committee has concerns over the potential added risk of flooding and would like a revised Flood Assessment to be carried out, as the previous one is now out of date and the Environment Agency have also requested this. The committee has concerns regarding environmental protection and that the noise mitigation assessments are out of date and request that new ones are carried out. The committee also had concerns over the high density housing to the west of the site and would like to see more open green spaces and a playground. Additionally, the committee have concerns in relation to the volumes of traffic leaving the area from Falkland Way.

The planning committee acknowledged there had been an updated flood risk assessment but that it did not look at the impact elsewhere in Barton, particularly to the north of the site.

PUBLICITY

The application has been advertised by site and press notices. In response to the original and subsequent amended plans 60 letters of objection have been received raising the following material considerations:

- traffic assessment is out of date and does not consider Wren traffic, school traffic and regular HGV traffic
- East Acridge and Greenway access should not provide access for vehicles and be for pedestrian purposes
- emergency vehicle access cannot serve a fire engine which is an HGV
- no plant equipment should use East Acridge/Greenway as access/egress to avoid nuisance and danger to residents
- local facilities are overstretched

- works have commenced on site
- flood risk
- loss of land for natural soakaway/water retention
- increased surface water run-off
- inadequate drainage infrastructure
- consultation with the LLFA and EA is required
- development on neighbouring property
- garage for plot 347 too close to neighbouring property
- plot 346 close to neighbouring property causing loss of light/privacy issues
- plot 329 garden area causing loss of light/privacy issues
- development may result in neighbouring properties being unable to be extended
- loss of trees and hedgerows
- loss of wildlife
- increased traffic congestion
- increased demand on sewage system
- development too large for Barton
- increased demand for school places
- the development potentially increases flood risk for existing properties to the north
- the dyke on Pasture Road South already struggles to cope from time to time, with water levels sometimes close to the top
- flood warnings regarding the dyke and those it connects are an increasing trend
- by opening Greenway, the development will also have an adverse effect on the character of this road, along with the connecting road Treece Garden
- development out of scale with the area and overbearing on the area
- access proposals unsafe for school children
- a bypass from Falkland Way to the A15 is required
- increased demand for parking in Barton
- another entrance onto Falkland Way should be provided

- loss of wildlife
- negative impact on historic character of Barton
- need to create a larger tunnel under the railway and install an automatic pumping station at Fosters Wharf to stop flooding
- poor air quality
- need a second access onto Falkland Way
- bollards proposed will not stop vehicles accessing the site
- empty properties in Barton should be renovated
- public transport information is not up to date
- increased traffic onto Pasture Road
- how will vehicle access be restricted to emergency vehicles
- existing trees and hedgerows should be retained on the site boundaries
- three-storey homes to the north will be out of character, overbearing and dominant in the area
- dwellings located in the flood plain
- balancing pond should not be removed
- increased noise
- no need for emergency access via East Acridge or Greenway
- loss of public facilities
- development should be car free
- more bungalows should be provided
- lack of pavements within the proposed and existing development
- need for a wildlife survey.

One letter of support has been received raising the following issues:

- site allocated for housing
- site surrounded by development on all sides
- is the land for the cemetery expansion sufficient?

- pedestrian access to Pasture Road via Greenway will improve bus access from the estate
- new bus stops could be added on Falkland Way.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application.

ASSESSMENT

Proposal

This proposal is for the erection of 317 dwellings (a mix of house types and designs) with associated garaging, access roads, playground, public open space and two balancing ponds. The housing will comprise 33 five-bedroom dwellings, 75 four-bedroom dwellings, 122 three-bedroom dwellings and 87 two-bedroom dwellings, (of which 19 are detached two-bedroom bungalows, 9 bungalows are to be allocated for over 55's and the applicant is proposing 10 bungalows for affordable housing). Of the 317 dwellings, 50 affordable dwellings are proposed on the site which will include bungalows, semi-detached and terraced properties. The dwellings will be a mix of single-storey, two-storey and three-storey dwellings (some properties also have rooms in the roofspace). It is proposed to provide 621 private parking spaces, 147 private garaged spaces and 16 unallocated casual parking spaces within the estate road design.

The site will be accessed from Falkland Way. Pedestrian/cycle and emergency access is proposed via East Acridge and Greenway, with bollards shown on the plans to prevent vehicular access. A pedestrian link will be provided from one of the estate roads into the open space proposed in the northern area of the application site. This will connect the development to Pasture Road South and provide a pedestrian link to the town centre of Barton. The development will also provide pedestrian linkages to the other phases of the development and onto Falkland Way.

A new balancing pond for drainage is proposed to the north-west corner of the site within the open space area that will provide surface water attenuation. As part of this application the existing balancing pond on the Phase 4 development is to be increased in size to provide surface water attenuation not only for the Phase 4 approved development but also for part of this current application.

Within this application the applicant is proposing to transfer 1 acre of land within the application site that lies adjacent to the southern boundary and Barton cemetery to the council.

The site

The application site is a greenfield site comprising grade 2 agricultural land that is not in agricultural production. It has been used as grazing land. The site is approximately 10.88 hectares. The site is not level, it slopes with a constant fall from the southern boundary to the northern boundary. The site lies within Flood Zone 1 (to the south) and Flood Zone 2/3a tidal (to the north) on the Strategic Flood Risk Assessment for North and North East Lincolnshire. Broadly, half the site is in Flood Zone 1 (south) and is at low risk of flooding and half the site is in Flood Zone 2/3a tidal and is at high risk of flooding (north).

The site is part of a much wider housing development that has been under construction over many years. The majority of the site falls within the housing allocation BARH-1 and BARH-2 of the HELA DPD. The development has been carried out in various phases and this is the final phase (Phase 5/6) to complete the development. Phase 4 is currently under construction.

A watercourse, in the form of a drainage dyke, is located along the northern boundary of the site and runs east to west. Further to the north is a cycleway/path (Pasture Road South) and beyond are the Harrier Road industrial units. To the east are residential dwellings of the previous phases of this development, to the south is Barton Cemetery and to the west are residential properties.

A gas main runs through part of the application site from the northern boundary then to the south through the existing residential development. The site is not located within the Barton conservation area, nor are there any listed buildings within or in close proximity to the site. However, the area surrounding the site and the site itself is known to have archaeological potential. A proposed landscape enhancement area (policy LC15-6, Barton East of the North Lincolnshire Local Plan) is located around the edge of the site. The landscape enhancement schemes under policy LC15 are indicative. The actual scheme will be defined by a process of negotiation. Part of the Phase 4 residential development is located within the eastern area of LC15-6 .

Relevant planning history

BARH-1 and BARH-2 housing allocations in the HELA DPD have been developed in phases over many years with a series of planning applications, amended and variation applications together with modifications to S106 agreements being submitted. The most recent planning applications approved on the site are:

PA/2015/0111: Planning permission to erect 23 dwellings including associated driveways, garages and access – approved 28/07/2015

PA/2016/1793: Planning permission for 115 dwellings, associated garages, access roads, playground, public open space and pond – approved 14/06/2017.

Material considerations

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 North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is identified within the HELA DPD as BARH-1 Land at Pasture Road South Phase 2 and BARH-2 Land at Pasture Road South Phase 1 of this document. BARH-1 is allocated for 260 dwellings and BARH-2 is allocated for 227 dwellings. A number of dwellings have already been constructed and occupied across both these sites and construction is

currently taking place on Phase 4 of the site. This proposal is known as Phase 5/6 and is the final phase of the development. The policy for both BARH-1 and BARH-2 specifically states that 'The surrounding residential uses and close proximity to the district centre of Barton upon Humber and local services make this a suitable site for residential development.' The policy goes on to confirm that a mix of housing size and tenure should be provided and developed at approximately 40 dwellings per hectare. The HELA DPD and policy BARH-1 and BARH-2 was adopted by North Lincolnshire Council in 2016, following examination by an independent inspector, and as such forms part of the development plan for North Lincolnshire.

Notwithstanding the above, it should also be noted that the site is located within the development boundary for Barton, where residential development is generally acceptable in principle, and is located in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is located close to a number of bus stops with Barton Terminus just over 1km away from the site.

Policy CS1 of the NLCS identifies Barton upon Humber as being one of a number of market towns, which are considered to be important service centres serving the needs of local communities across North Lincolnshire. Policy CS1 confirms that an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities with an aspiration to deliver 2,171 dwellings in these settlements over the plan period. Policy CS8 further sets out that there is a requirement to deliver 724 dwellings in Barton specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Barton is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within the market towns. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 317 dwellings results in a density of approximately 29 dwellings per hectare, which falls below the minimum density sought by policy CS7 (40–45 dwellings per hectare). However, the proposed layout makes provision for a substantial area of open space and SuDS drainage, including a balancing pond and increasing the size of the existing balancing pond on the Phase 4 site along the eastern side of the site, which lowers the average density across the site. The area of new housing is considered to be appropriate for the area, being very similar to the density of the surrounding Falkand Way development and adjacent residential areas. The proposal for 317 dwellings is considered to represent an efficient use of land, as required by paragraph 124 of the NPPF. In light of the site being located in a very sustainable location, this number of dwellings will make a significant contribution to the housing need in Barton, and affordable homes and over 55's accommodation will be provided on the site. On this basis, the slightly lesser density than that sought by policy CS7 is considered to be justified in this instance.

The adopted housing allocations BARH-1 and BARH-2 establish the principle of residential development on this site and that the proposal generally accords with the relevant policies of the development plan. As such the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 is engaged, which states that planning permission should be granted unless other material considerations indicate otherwise. The proposal is

considered to represent sustainable development and the presumption in favour set out in paragraph 11(c) of the Framework is triggered. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Landscape, character, amenity and visual impact

Policy CS5 of the North Lincolnshire Core Strategy is relevant. It 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’ and ‘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 CS7 sets out net density ranges.

Policy H5 of the local plan, which is concerned with new housing development, is also relevant. The first part of this policy is concerned with the location of development and has been superseded by policy CS1 of the Core Strategy, but the latter part of the policy is considered relevant and sets out a criteria-based approach to assessing the suitability of new housing developments. This analysis allows us to measure both character and amenity impacts.

The development will clearly result in the loss of greenfield land, which is obviously an environmental disbenefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a consideration. The site is surrounded by existing residential development to the east and the previous (built) phases of the Falkland Way residential development to the west. To the north are the South Humberside Industrial Estate units and to the south is Barton cemetery. Therefore, the site is well contained by the existing development of Barton and by the previous phases of the Falkland Way development. The location of the development between existing developments of a similar density, against which it will be viewed from key approaches, will ensure that the proposals will not have a significant impact on the overall character or aesthetic appearance of the settlement. The proposed development would alter the character and appearance of the application site. However, that would apply to any greenfield site and would be an inevitable consequence of the authority striving to meet its housing need. Given the fact that the site is comparatively enclosed, is allocated for residential development and lies within the defined development boundary adjacent to existing developments and in a very sustainable location, it is considered that the landscape impact would be limited in this instance. The visual impact of the development would be further mitigated by the proposals to provide a significant degree of landscaping along the northern boundary of the site and north-western corner of the site comprising the retention of the existing hedge, tree planting and open space with wild meadows created.

In addition, it must be noted that adjacent to the northern, eastern, western and southern boundaries of the site is an area of landscape enhancement (LC15-6 of the North Lincolnshire Local Plan). Under this policy, the landscape enhancement schemes are shown in ‘an indicative manner, with the actual scheme defined by a process of negotiation’. In terms of the LC15-6 area on the western side, this land comprises primarily the rear garden areas to the residential properties, and on the southern side the land will be transferred into the council’s ownership and in the future (subject to the necessary consents) form an extension to the cemetery, thereby keeping the land open whilst providing final resting places for residents of Barton. Much of the eastern area of the LC15-6 has already been developed for housing on a previous phase of the Falkland Way development. To the northern area of most of the LC15-6 is proposed to be open space

and the phase 5 attenuation pond with new and informal landscaping provided on this part of the site. This will provide new wildlife habitat. The proposal will therefore provide landscape enhancement on the site and aligns with LC15-6 of the North Lincolnshire Local Plan.

There is a good mix of dwelling types and designs, and all elevations and floor plans are provided. The house types are considered to be in keeping when considering the wider development. The dwellings are sufficiently spaced and offer a proportionate amount of private amenity space. All openings also appear to be in an appropriate location and would not give rise to character impacts. Planning conditions will be used to ensure all bathroom, WC and en suite windows in the walls of the dwellings are obscure glazed to protect privacy. Concerns that some of the dwellings are three-storey are noted. This is due to the flood risk on the site resulting in a number of dwellings on the northern part of the site having to have non-habitable accommodation at ground floor level. The majority of these dwellings are located within the main development and will be viewed in context with this development and the previous phases of the Falkland Way site. Three-storey dwellings are proposed to be located adjacent to Greenway and Treece Gardens. Whilst these three-storey dwellings will be visible from some properties on these roads, they will not be overbearing on these properties due to their siting, location and design.

The proposed plans lead to an understanding that this development will be absorbed within the locality and within the existing Falkland Way development and would fairly be described as in keeping. The proposal would align with policies CS5 and CS7 of the Core Strategy and the density is appropriate for Barton, and is reflective of the site constraints. The proposal would also align with policy H5 of the North Lincolnshire Local Plan in that in both character and visual amenity terms the development is acceptable. The dwelling mix and types are similar to previous phases of the Falkland Way development. The landscaping would also align with policies LC7 of the North Lincolnshire Local Plan and again with CS5 of the Core Strategy.

The proposed development will therefore have no demonstrable unacceptable impact on the character of the local landscape or that of the settlement of Barton, nor will it be unacceptably detrimental to visual amenity. As such the development accords with policies DS1, H5, LC7 and LC15 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy, as well as paragraph 127 of the NPPF.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

The application site is located within flood zones 1 and 2/3a (tidal). The scale of development also has the potential to increase flood risk elsewhere. The council acts as the Lead Local Flood Authority and has a statutory duty to promote and prioritise the use of Sustainable Urban Drainage Systems or SuDS in accordance with local and national planning policy requirements. A flood risk assessment, modelling, and drainage strategy has been submitted in support of this planning application.

The land within the site boundary lies at a level of between 3.200mOD within the northern boundary of the site and 15.084mOD adjacent to the southern boundary of the site. There are three sources of flood risk: the first is from the River Humber which is to the north of the

proposed development. The River Humber is defended by earth embankments and flood walls which are elevated above the adjacent natural ground level. As such, consideration will need to be given to overtopping and a breach of the defences. The second is the local watercourse to the north of the site. The watercourse in line with the site has no elevated flood defences. As such, only overtopping of the natural river bank will need to be considered. The third is the proposed development will introduce impermeable areas into the site; therefore, consideration will need to be given to the existing drainage route and the drainage characteristics in order to evaluate the impact that surface water run-off from the site will have on the site and elsewhere. There is also higher ground adjacent to the southern boundary (cemetery) of the site which could promote overland flow of water across the site from the residential area and needs to be considered.

The EA, LLFA, IDB and Anglian Water have been consulted on the amended FRA and are not objecting to the proposal subject to a number of conditions that will be imposed on any planning permission granted. Part of the site (northern area) is located in flood zone 2/3a and is therefore at high risk of flooding. It is estimated that the lower part of the site is located within an area which will have a flood depth of between 0.5m and 1m with a velocity of between 0m/s and 0.3m/s. The 1 in 200 year plus climate change breach flood level at the site has been estimated at 5.8m AOD. In order to mitigate the flood risk, it is proposed that habitable rooms are elevated at least 300mm above the estimated 1 in 200 year plus climate change flood level at the site to an internal ground floor level of 6.1m AOD. A plan is provided at Appendix I in the FRA which illustrates the proposed floor levels for the dwellings in the lower part (northern) of the site. Some of the proposed dwellings will result in the habitable rooms being constructed at a level of at least 6.1m AOD with the ground floors being for non-habitable accommodation. Again, these plots are identified in Annex 1 and these dwellings will be three-storey. Land raising will be required on the northern part of the site in order to achieve the minimum ground floor finished floor level of 6.1m AOD for the standard two/three-storey dwellings, with a finished floor level of 6.1m AOD for the three-storey and three-storey dwellings with rooms in the roofspace with non-habitable rooms on the ground floor. According to the applicant the land raising to take place on the northern area of the site will vary between 0.2m and 1.2m. To establish the land raising required on this part of the site, planning conditions will be used. The Environment Agency currently operates a flood warning service in this area of Barton upon Humber and residents of the proposed dwellings will need to sign up to Floodline Warnings Direct. Modelling has been undertaken to demonstrate that the development would have an insignificant impact on local flood levels and adjacent users.

In terms of surface water run-off the development will increase in impermeable area and subsequently run-off from the site will also be increased. To mitigate surface water run-off, it is proposed that the existing attenuation pond on the Phase 4 development be increased in size to accommodate the additional run-off, also increasing the discharge. The council understands that the developer has already carried out the works to the Phase 4 pond. This attenuation pond will serve the approved Phase 4 development (currently under construction) and 0.65 hectares of this application site (Phase 5/6). This pond will continue to be maintained by the council and due to the increased size of this pond a financial contribution through a S106 agreement has been agreed with the applicant (refer to planning obligations section of the report).

A new attenuation pond to serve this application is also proposed in the north-western corner of the site within the open space to serve the remaining area of the Phase 5/6 development. This pond will discharge into the local watercourse. This pond will be offered to Anglian Water through a section 104 agreement for adoption and maintenance. If Anglian

Water do not take on the pond the council will adopt and maintain the Phase 5 pond for a financial contribution set out in the planning obligations section of this report.

SUDs features are also proposed, which include swales, permeable paving, filter drains and rain gardens. The LLFA are not objecting to the proposal and are requesting conditions relating to the submission of a detailed surface water drainage scheme for the site to be agreed with the council and for details showing an effective method of preventing surface water run-off from the highway onto the developed site to be submitted to the council for approval.

The North East Lindsey Drainage Board has no objection to the proposals provided the development is constructed in accordance with the submitted details and Flood Risk Assessment. The Drainage Board notes that: a 7m easement has been left adjacent to the Board-maintained Barton Drain Branch 2, the discharge rate for the site is 1.4l/s/ha, and properties within the EA flood zone have non-habitable accommodation on the ground floor and floor levels are a minimum of 6.1m. All other properties have a minimum finished floor level of 6.1m. The Drainage Board will be consulted on any surface water strategy submitted by the applicant and have the opportunity to comment.

Anglian Water have also been consulted on the proposal. In terms of wastewater treatment, Barton on Humber Water Recycling Centre 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. In terms of sewage, the sewage system has available capacity for these flows. If the developer wishes to connect to Anglian Water's sewage network notice will need to be served under Section 106 of the Water Industry Act 1991. Planning conditions will be used to ensure a foul drainage strategy for the site is submitted to the council for approval. Anglian Water will be consulted on any foul drainage strategy submitted by the applicant and will have the opportunity to comment on this scheme. In relation to surface water, Anglian Water does not wish to provide comments as the proposed method of surface water management does not relate to Anglian Water operated assets.

The proposed development does not require the sequential test to be carried out as the site is an allocated housing site (BARH-1 and BARH-2 in the HELA DPD) as specified in paragraph 166 of the NPPF). The exceptions test will need to be passed for the development to be acceptable in terms of flood risk. NPPF paragraph 164 states that for the exception test to be passed it should be demonstrated that

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

Both elements of the test need to be satisfied for development to be permitted.

The scheme would bring about a number of sustainable benefits, including (but not limited to) market and affordable housing and bungalows to accommodate our elderly population, energy efficient homes, proximity to employment areas, services and amenities, provision of open space, extensive landscaping, increased pedestrian and cycle connectivity,

biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'a' of the exceptions test is considered passed. The Environment Agency, LLFA, IDB and Anglian Water have all been consulted and have no objections to the scheme subject to the imposition of conditions. It is considered that this mitigation would make the development safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall; part b of the exceptions test is therefore considered passed. Conditions from consultees relate to control over both surface water and foul sewage disposal, development to proceed in accordance with the submitted FRA, finished floor levels and non-habitable accommodation on the ground floor to some of the properties. Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. The application shows the main access to the site from Falkland Way through the existing estate entrance. The applicant has submitted a transport assessment (TA) in support of the proposal. Objectors to the proposal consider this TA to be out of date. Highways Development Control have assessed all the information submitted as part of the application together with their own evidence base and information in relation to transport and the highway network in Barton. Highways have no objections subject to the attachment of conditions and for S106 contributions towards improvements to the highway network. The conditions relate to the laying out of hard paved areas prior to occupation, and the provision of main access and visibility splays as an earlier requirement in the construction works. There are also conditions relating to parking, provision of footways and conditions mitigating the development during construction which will also be attached. A S106 contribution has been requested from Highways for improvements along the A1077 corridor to mitigate the impact the proposal will have on the highway network. The applicant has agreed to this contribution.

A number of objections/concerns have been received relating to the use of East Acridge and Greenway for vehicular access. Following these concerns, the applicant has submitted amended plans showing these accesses to be for pedestrian and cycle access, and access for emergency vehicles, only. Bollards are shown on the plans to restrict access. Planning conditions will be used to ensure these accesses are restricted and are not used for vehicle access (apart from emergency vehicles). Comments that emergency vehicles are HGVs and could not access Greenway and East Acridge are noted. However, not all emergency vehicles are HGVs – they are often cars, motorbikes 4x4 vehicles and vans, for example. Therefore, Greenway and East Acridge can be accessed by emergency vehicles if the need arose.

The site also provides pedestrian access through the estate by a network of pavements. Within the open space area to the north will be a pedestrian path for use by pedestrians and cyclists which will connect to the path and cycle path on Pasture Road South. This will improve the pedestrian and cycle links from the site to the town centre of Barton. The site is also within close proximity of a number of bus stops and is just over 1km from Barton interchange (bus and rail facilities). The application site is therefore well integrated with public transport links, and provides pedestrian and cycling linkages. The sustainable transport officer has recommended a condition requesting a residential travel plan be

submitted prior to occupation, and also that bus tickets for residents of the development be provided by the developer through a S106 contribution. The travel plan and bus tickets will further improve the sustainability of the scheme and allow for greater access to more sustainable transport modes for occupiers of the development.

Comments from objectors requesting another access onto Falkland Way, that a bypass is required, and that the development will lead to increased congestion and increased danger to school children are all noted. However, Highways are not objecting to the proposal and therefore the access and parking arrangements are considered to be acceptable in highway terms (including highway safety), and together with the S106 contribution for highway improvements, the scheme is considered to be acceptable in highway terms. Objectors' comments in relation to increased demand in Barton for car parking are also noted. However, the site is highly sustainable by public transport, walking and cycling and therefore alternative transport options are available to occupiers of the development so there will not be a reliance on private vehicles.

The proposal is considered to be acceptable in highway terms and aligns with policies T1, T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the Core Strategy, and the NPPF.

Cultural heritage

Core Strategy policy CS6 (Historic Environment) states that 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'Development proposals should provide archaeological assessments where appropriate'. Policy HE9 states that 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.' Paragraphs 194, 195, 197, 199 and 205 of the NPPF are also relevant.

Previous investigations on the Falkland Way development and the archaeological field evaluation of the current application site have demonstrated the widespread presence of archaeological remains, the majority of which are medieval dating between the 9th and 12th centuries. The archaeology has the potential to contribute to our understanding of the medieval town at an important stage in its history and development as the preeminent port on the Humber and its defence at a time of national upheaval.

The archaeological remains within the application site would not benefit from preservation in situ. The development would, however, result in the destruction of the archaeological evidence across the site and it is therefore important to ensure that the remains are appropriately preserved by record to further understanding and community benefit. This process is in accordance with paragraph 205 of the NPPF, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

The applicant has submitted an amended Written Scheme of Investigation (WSI) for the Archaeological Mitigation Strategy to address the impacts and provide heritage

enhancement and community benefit. The Archaeological Mitigation Strategy is set out in the WSI and provides for a programme of:

- pre-construction archaeological strip, map and record excavations within the six areas of the identified archaeological interest; the excavations are timetabled to be undertaken in three phases over consecutive years;
- additional monitoring of selected house plots and infrastructure during construction;
- preservation in situ of archaeological remains in the undeveloped area at the south of the application site to be excluded from any construction activity during development;
- post-excavation assessment, analysis and reporting of the archaeological excavations and recording followed by deposition of the archive at North Lincolnshire Museum and the digital archive with the Archaeological Data Service;
- community engagement during and after the excavations, including open days and opportunities to participate in the dig, and to disseminate the results to the local community;
- provision of an information board to interpret the archaeology to be sited within the public open space.

The submitted amended information has been assessed by HER who raises no objection to the proposal subject to conditions. HER considers that 'the scope, methodology and timetabling of the proposed programme set out in the WSI follows our advice and the professional archaeological standards, and that the Mitigation Strategy represents a satisfactory and proportionate response to the impacts of development on the significance of the archaeology.'

It is acknowledged that the archaeological remains on the site will be destroyed by the development, which is regrettable. However, this must be balanced against the allocation of the site for housing in the HELA DPD, the provision of new homes on the site to meet our residents' housing needs, the location of the site in a highly sustainable and accessible location and the other benefits of the development outlined in other sections of this report. The loss of the archaeological remains (non-designated heritage assets) would be mitigated to some extent by the measures proposed in the Mitigation Strategy. For the reasons set out above, and subject to the recommended archaeological conditions and the S106 contribution for an information board to be provided on the site to inform residents and future generations of the archaeological significance of the site, it is considered, on balance, that the proposal is acceptable in terms of its impacts on archaeology and the proposed development aligns with policies HE9 of the North Lincolnshire Local Plan and CS6 of the Core Strategy, as well as paragraphs 203 and 205 of the NPPF in this regard.

In terms of impact on the historic area of Barton, the site is located some distance from the Barton conservation area. The comments from the council's heritage officer are noted. The materials for the dwellings specified on the amended plans are considered to be acceptable and will match the existing residential development on Falkland Way. Comments about rendering some of the proposed dwellings are noted. However, the applicant considers there are maintenance issues associated with render and if properties with render are not maintained it would detract from the rest of the development. The case officer considers

that the materials specified on the plans are acceptable and will be conditioned accordingly. The proposal therefore aligns with policies CS5 and CS6 of the Core Strategy

Ecology

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 states, 'planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for, biodiversity.' Paragraph 180 of the NPPF states, 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.'

In this case, a Biodiversity Management Plan, detailed landscape plans and plans showing ecology features for the site have been submitted by the applicant. The council's ecologist has assessed all the submitted information and finds the site to have limited biodiversity value at present and low 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 policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0. To make sure that biodiversity net gain is quantified and deliverable, the applicant is advised to make use of Defra's Biodiversity Metric Version 3.0. The proposal, subject to planning conditions relating to biodiversity enhancement, is therefore in accordance with policies CS17 of the Core Strategy, and paragraphs 174 and 180 of the NPPF.

Trees

The plans show an extensive landscaping scheme to be provided on the site. This will comprise new tree species, including hawthorn, cherry, rowan, liquid amber, silver birch, downy birch, Swedish birch, whitebeam and holly. Shrub and hedgerow planting is proposed. Planting is proposed to the attenuation ponds and the rain gardens. Wildflower meadows are proposed within the public open spaces. The tree officer has raised no objections to the proposal. Comments from neighbours concerning the removal of hedges and trees on the site are noted. Planning conditions will be used to ensure the submitted landscaping scheme is provided on the site. Planning conditions will also be used to ensure any existing trees and hedges to be retained on the site are protected during development. Subject to planning conditions, the proposal is considered to be acceptable in terms of trees and aligns with policies LC7 and LC12 of the North Lincolnshire Local Plan, and policies CS5 and CS16 of the Core Strategy.

Air quality and sustainable resource

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

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The council's Environmental Health department have made an assessment of the proposal and have proposed a condition that, prior to development, a scheme for electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case site investigation reports have been submitted with the application and have been assessed by Environmental Health. Concerns have been raised by Environmental Health in relation to the importation of top soil. It is unclear as to whether top soil for the proposed development will be site won or sourced from other locations. If sourced from other locations the developer will need to demonstrate that the material being brought onto the site is suitable for use. Environmental Health are proposing conditions in relation to the submission of a verification report for imported topsoil and a condition in relation to unexpected contamination being found on the site. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to ensure policy compliance with policy DS7.

Noise

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 of the NPPF is in part concerned with noise and sets out requirements for how local planning authorities should consider noise impacts from a new development within an assessment. It states: *Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

A noise report has been submitted with the application and Environmental Health have assessed this report. The report is considered to be unclear and out of date. The report has not addressed road traffic noise specifically or the industrial noise. In light of noise associated from the adjacent highways (Falkland Way and the A1077) and nearby industrial premises, a noise mitigation survey condition has been requested which will be imposed on any planning permission. Subject to an acceptable mitigation survey being submitted, the proposal is considered to align with policies DS1 and DS11 of the local plan as well as paragraph 185 of the NPPF.

Cemetery

Policy C6 of the North Lincolnshire Local Plan relates to cemeteries. Policy CS6 (2) identifies a need to extend the existing cemetery facilities onto adjacent land. The southern boundary of the application site lies adjacent to Barton cemetery. The applicant, as part of the application (if approved), intends to transfer 1 acre to North Lincolnshire Council for a proposed cemetery extension through a S106 agreement. This would provide a community facility and fulfil a community need for residents of Barton. This aspect of the proposal would therefore accord with C6 of the North Lincolnshire Local Plan. It must be noted that if the existing Barton cemetery is extended onto this 1 acre of land (to be transferred to the council) then the council will need to submit a change of use application for this land.

Impact on neighbours

Policy DS1 is partly concerned with impacts upon residential amenity. It 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’. CS5 is concerned with delivering quality design in North Lincolnshire. Concerns over three-storey dwellings proposed to be located adjacent to Greenway and Treece Gardens are noted. The three-storey dwellings are proposed because the ground floor accommodation will be non-habitable (garages, WC, utility room for example) due to flood risk. The applicant has submitted cross-sections to demonstrate the relationship between the three-storey properties sited adjacent properties on Greenway and Treece Gardens. Whilst these three-storey dwellings will be visible from some properties on these roads, due to their siting, location and design, they will not result in demonstrable harm to nearby neighbours.

The comments that a garage, proposed dwelling and proposed dwelling’s garden will be too close to neighbours are also noted. However, there is adequate separation distance between dwellings. Effective boundary treatments and obscuring bathroom, WC and en suite windows will safeguard privacy. These matters will be dealt with by planning conditions. Issues in relation to ownership boundaries are not planning matters.

The proposal is considered to be acceptable in terms of its impact on adjoining neighbours and therefore aligns with policies DS1, H5 and H8 of the North Lincolnshire Local Plan and policy 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 market towns to contribute 20% 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. In this case affordable housing has been secured on the site. Policy CS9 would seek to provide 63 affordable homes on the site. In this case, 50 affordable dwellings have been secured on the site. This is based on the removal of the cost of the cemetery area (which will be transferred into the council's ownership) which is agreed at 10 units and the provision of affordable bungalows being provided at a rate of 1.3 per dwelling taking away three units based on floorspace and build costs. This has been evidenced based on BCIS with a bungalow build cost = £1,626 per square metre and a house build cost = £1,368 per square metre. The tenure split will be for affordable rent, shared ownership and discounted market sale. First Homes policy requirements do not apply to this application because there has been significant pre-application engagement. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

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 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant.

The recreation department has agreed an off-site contribution of £111,893 improvements towards swimming pool facilities, £50,700 improvements towards natural grass pitches, £3,872 towards indoor bowls at Scunthorpe Bowls Centre and £49,574 towards improvements to youth football changing rooms. This is based on the Sports Calculator and Playing Pitch Strategy. Following negotiations with Sports England, who originally objected to the proposal, they have withdrawn their objection based on the off-site contributions proposed. This contribution will mitigate the impact the development will have on leisure facilities in Barton and in North Lincolnshire by providing a financial contribution to improve/expand sporting facilities. This accords with policies CS22 and CS23 of the Core Strategy.

With regard to open space, 6,316 square metres of informal open space is to be provided on site to be maintained by North Lincolnshire Council for a maintenance contribution of £104,699.80. An off-site formal open space contribution towards Baysgarth Park of £162,309 (equivalent to three LEAPS) is also required. This aligns with policy H10 of the North Lincolnshire Local Plan.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities. There is an identified need for the monies to go towards schools in the local catchment areas. A contribution of £8,049 is required towards primary and secondary education, which excludes affordable products and over 55's products to mitigate the impact the development will have on primary and secondary education. This aligns with policy C1 of the North Lincolnshire Local Plan.

Highways

A contribution of £100,000 for highway improvements along the A1077 corridor to mitigate the impact the proposal will have on the highway network is required. This aligns with policy CS25 of the Core Strategy.

Public transport

A contribution of £17,118 to provide 2x weekly Humber mega rider tickets per dwelling to provide public transport opportunities for the development is required. This aligns with policy CS25 of the Core Strategy.

Cemetery

Policy C6 of the North Lincolnshire Local Plan relates to cemeteries. Policy CS6 (2) identifies a need to extend the existing cemetery facilities into adjacent land. The southern boundary of the application site lies adjacent to Barton cemetery. The applicant, as part of the application, intends to transfer 1 acre of land to North Lincolnshire Council for a proposed cemetery extension on occupation of the 1st dwelling. It must be noted that if the existing Barton cemetery is extended onto this identified 1 acre of land, then the council will need to submit a change of use application for this land.

Archaeology

The developer is to provide an information board to inform residents and tourists to Barton of the archaeology on the site. The content and siting will be agreed with HER. A financial contribution of £2,000 for the maintenance and two replacement boards over a 10-year period has been secured. This aligns with policies HE9 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

Drainage

The proposed balancing pond in phase 5/6 development will firstly be offered to Anglian Water through a section 104 agreement for adoption and maintenance. If Anglian Water will not take on the pond the council will adopt and maintain the phase 5 pond for a contributed sum of £100,298.00.

The phase 4 pond has increased in size to serve the Phase 4 and part of the Phase 5 development. An additional £25,000 has been agreed with the developer for the council to continue to maintain this pond.

Pre-commencement conditions

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

Other matters

A number of other matters have been raised in the consultation responses:

- A gas main runs through the site. The application has been designed to avoid this gas main. Cadent Gas are aware of the application and raise no objection. The applicant is advised and is aware that they will need to work with Cadent to ensure safety during construction.
- Concerns over existing properties not being able to be extended if the development is approved are noted. Each planning application is judged on its merits. Furthermore, many properties can be extended without planning permission under 'permitted development rights'.
- Comments on existing infrastructure unable to support the development are noted. There have been no objections from statutory consultees to the proposed development subject to conditions and S106 contributions to mitigate the impact of the development.
- Comments that a pharmaceutical needs assessment is needed are noted, but there is no evidence to suggest this is required and this matter has not been raised by the NHS.
- The amount of open space to be provided on the site is acceptable and a S106 contribution is proposed towards Baysgarth Park.
- Comments that a larger tunnel under the railway should be created and an automatic pumping station installed at Fosters Wharf to stop flooding are noted. However, this has not been requested by the statutory consultees.

Conclusion

This application seeks full planning permission for the erection of 317 dwellings. The application site is allocated for residential development (BARH-1 and BARH-2)) as part of the adopted development plan and its development would make a significant contribution towards meeting housing delivery targets and housing needs for residents of North Lincolnshire. The applicant is already building the Phase 4 approved development and intends to start to deliver this scheme in 2022. The applicant has a proven track record for housing delivery in North Lincolnshire.

In addition to the extant housing allocation on the site, the proposed development is also considered to comply with the relevant policies of the development plan and the presumption in favour of sustainable development set out in paragraph 11 of the NPPF.

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of the development plan and the presumption in favour of sustainable development set out in the NPPF.

On this basis the proposed development is considered to be acceptable and is recommended for approval subject to the conditions and planning obligations set out below.

Heads of terms

Affordable housing

Number of dwellings or commuted sum:	50 affordable dwellings
House type	A mix of affordable rent, shared ownership and discounted market sale
Trigger point	8 affordable dwellings on occupation of the 60th dwelling 12 affordable dwellings on occupation of the 120th dwelling 10 affordable dwellings on occupation of the 180th dwelling 10 affordable dwellings on occupation of the 240th dwelling 10 affordable dwellings on occupation of the 300th dwelling
How many years does the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Contribution amount	£8,851 per dwelling towards primary and secondary, excluding affordable and over-55's bungalow (numbers to be confirmed)
Trigger point	25% on occupation of the 50th dwelling 25% on occupation of the 100th dwelling 25% on occupation of the 150th dwelling 25% on occupation of the 200th dwelling
How many years does the council require to spend the contribution?	10 years

Open space

On-site informal open space	6,316 square metres of informal open space £104,699.80 maintenance contribution
Trigger point	On the penultimate dwelling to be adopted by North Lincolnshire Council
Off-site formal open space	3 LEAP equivalent – £162,309 towards Baysgarth Park
Trigger point	50% on occupation of the 75th dwelling 50% on occupation of the 175th dwelling
How many years does the council require to spend the contribution?	10 years

Recreation

Contribution amount	£111,893 improvements towards swimming pool facilities £50,700 improvements towards natural grass pitches £3,872 towards indoor bowls at Scunthorpe Bowls Centre £49,574 towards improvements to youth football changing rooms
Trigger point	50% on occupation of the 175th dwelling 50% on occupation of the 250th dwelling
How many years does the council require to spend the contribution?	10 years

Bus tickets

Contribution amount	£17,118 provision of 2x weekly Humber mega rider tickets per dwelling
Trigger point	On occupation of the 1st dwelling

How many years does the council require to spend the contribution?	10 years
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Highways

Contribution amount	£100,000 for highway improvements along the A1077 corridor
Trigger point	50% on occupation of the 1st dwelling 50% on occupation of the 30th dwelling
How many years does the council require to spend the contribution?	10 years

Cemetery

Contribution amount	Transfer 1 acre to North Lincolnshire Council for the cemetery extension
Trigger point	On occupation of the 1st dwelling
How many years does the council require to spend the contribution?	N/A

Archaeology

Contribution amount	1 information board to be provided and installed for archaeology, the content agreed by HER. £2,000 towards 2 replacement information boards anticipated over a 10-year period and for maintenance.
Trigger point	On occupation of the 250th dwelling
How many years does the council require to spend the contribution?	10 years

Drainage

Contribution amount	Balancing pond to Phase 5 to be offered to Anglian Water through a section 104 agreement for adoption and maintenance. If Anglian Water do not take on the pond the council will adopt and maintain the Phase 5 pond for a contribution of £100,298.00. The Phase 4 pond will increase in size and an additional £25,000 will be required for the council to continue to maintain this pond.
Trigger point	Phase 5 pond: contribution and adoption on the occupation 275th dwelling but to be constructed and operational on occupation of the 64th dwelling. Phase 4 pond: on occupation of the 1st dwelling.
How many years does the council require to spend the contribution?	10 years

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (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 proposed residential development comprising 317 dwellings, including associated garages, access road, ponds, landscaping and public open space;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 9 August 2022 the Development Management Lead be authorised to refuse the application on grounds of no 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: location plan, FW/149/999 site layout and gas main, material specification sheet, and drawing schedule dated 24.01.2022.

Reason

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

3.

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 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

In the interests of highway safety.

4.

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.

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 served by the shared private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;

- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

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

Reason

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

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 dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

10.

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

Reason

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

11.

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.

12.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

13.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

14.

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

- an approved access point to the development, which shall be taken via Falkland Way, avoiding residential properties on Greenway and East Acridge;
- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials, 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;

have been submitted and improved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety.

15.

At no time shall the access from Greenway and East Acridge be used for construction traffic.

Reason

In the interests of highway safety and to safeguard residential amenity in accordance with policies T2 and DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

16.

Before any above-ground works take place on the site, details of the pedestrian, cycle and emergency access from Greenway and East Acridge (including the means of preventing unauthorised vehicular access) shall be submitted to and approved in writing by the local planning authority. These accesses shall not be brought into use until they have been constructed in accordance with the approved details and all measures to prevent unauthorised access to the site shall be retained.

Reason

In the interests of highway safety and to safeguard residential amenity in accordance with policies T2 and D1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

17.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 4 October 2021/Final Report RevD/EWE Associates Ltd. In particular, finished floor levels of all habitable accommodation shall be set no lower than 6.1 metres above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with policies CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

18.

Those dwellings so indicated on Floor Levels Drawing FW/146/22 A updated on 27 September 2021, (plots 509-523, 542-560, 561-566, 567-589, 590-600 and 601-631) shall have non-habitable uses only at ground floor level.

Reason

To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with policies CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

19.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be

erected on the plots shaded blue in Annex I of the FRA dated October 2021 (plots 509-523, 542-560, 561-566, 567-589 590-600 and 601-631) without the prior approval in writing of the local planning authority.

Reason

To reduce the risk and impact of flooding to these proposed dwellings and future occupants in accordance with policies CS18 and CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

20.

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. This must be based upon the submitted Flood Risk Assessment, prepared by EWE Associates Ltd, Final Rev: D October 2021.

Reason

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

21.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 21 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

22.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site is 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 Councils Local Plan and policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 159, 161, 167, 169 and 174 of the NPPF

23.

Before any works commence on the Phase 5 attenuation pond, full details of the works required for the construction/excavation of the pond, including the depth, levels of the pond, amount of excavation works required and details of any bunding to be installed shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be installed on the site.

Reason

To ensure a satisfactory standard of development on the site and in the interests of visual amenity and flood mitigation in accordance with policies DS1 and DS16 of the North Lincolnshire Local Plan and policies CS5 and CS19 of the Core Strategy.

24.

Within three months of the date of this permission, full details of the works that have been carried out to increase the size of the Phase 4 pond shall be submitted to and agreed in writing by the local planning authority.

Reason

To ensure a satisfactory standard of development on the site and in the interests of visual amenity and flood mitigation in accordance with policies DS1 and DS16 of the North Lincolnshire Local Plan and policies CS5 and CS19 of the Core Strategy.

25.

No above-ground works shall commence until a foul water strategy, including foul water drainage layouts and connections, has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Reason

To provide an acceptable foul water strategy for the development in accordance with policy DS14 of the North Lincolnshire Local Plan.

26.

No land raising shall be carried out in relation to any dwelling on the site until full details of the extent of the land raising works proposed have been submitted to and approved in writing by the local planning authority. Thereafter, only the approved works shall be carried out on the site.

Reason

To safeguard properties from flooding and in the interests of visual amenity, in accordance with policies DS1 and DS16 of the North Lincolnshire Local Plan and policies CS5 and CS19 of the Core Strategy.

27.

Prior to any above-ground works, a noise mitigation scheme shall be submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include details of:

- noise mitigation measures;

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

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

Reason

To protect future residents from the impacts of noise and to accord with policy DS11 of the North Lincolnshire Local Plan.

28.

Prior to the importation of topsoil onto the site, a topsoil verification plan shall be submitted to and approved in writing by the local planning authority. The verification plan shall ensure that imported soil is safe and suitable for use on the approved development.

The development hereby permitted shall not be occupied until the verification plan has been complied with in full and subsequently approved in writing by the local planning authority. No deviation from the approved plan shall be permitted unless agreed in writing with the local planning authority. The scheme shall be retained for the duration of the development.

Reason

To safeguard residential amenity and human health in accordance with policy DS11 of the North Lincolnshire Local Plan.

29.

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 and human health in accordance with policy CS11 of the North Lincolnshire Local Plan.

30.

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

- 7.30am to 6pm Monday to Friday
- 7.30am to 1pm on Saturdays.

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

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

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

Reason

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

31.

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 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 –

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

- (i) site dust monitoring, recording and complaint investigation procedures;
- (j) the 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;
- (k) the provision of water to the site;
- (l) dust mitigation techniques at all stages of development;
- (m) the prevention of dust trackout;
- (n) communication with residents and other receptors;
- (o) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;

(p) a 'no burning of waste' policy.

Reason

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

32.

Prior to any above-ground works, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control:

- <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008

- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

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

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

33.

The materials to be used on the approved dwellings shall be as specified on drawing number FW/146/06B and there shall be no deviation therefrom without the prior approval in writing of the local planning authority.

Reason

To ensure a satisfactory standard of development in accordance with policy CS5 of the Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

34.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 5 of the submitted document, 'Keigar Homes Ltd Falkland Way, Barton Upon Humber: Extended Phase 1 Habitat Survey And Biodiversity Management Plan' dated September 2020 and the submitted drawing number FW/146/14 Rev B. 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 100th, 200th and 300th dwellings, 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.

35.

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 'Keigar Homes Ltd Falkland Way, Barton Upon Humber: Extended Phase 1 Habitat Survey And Biodiversity Management Plan' dated September 2020;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra biodiversity metric 3.0.

Biodiversity units should be delivered on site, within the red line boundary shown on submitted drawing number FW/146/02. 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.

36.

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 100th, 200th and 300th dwellings, 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.

37.

Development shall take place in complete accordance with the document 'Archaeological Mitigation Strategy: Land off Falkland Way, Barton upon Humber, North Lincolnshire, Allen Archaeology, v1.2, 18 January 2022', and the approved details and timings.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains archaeologically significant remains that the development would otherwise destroy. The archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance understanding.

38.

The final 10 dwellings of the approved development shall not be occupied until the full and final completion of the programme set out in the approved archaeological mitigation strategy has been carried out to the satisfaction of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan to ensure the timely undertaking of all stages of the approved archaeological mitigation strategy.

39.

A copy of any analysis, reporting, publication and archiving required as part of the archaeological mitigation strategy shall be deposited with the North Lincolnshire Historic Environment Record, North Lincolnshire Museum and the Archaeological Data Service within three years of completion of the archaeological fieldwork.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan and place the results of the archaeological mitigation strategy in the public domain in a timely fashion within an agreed timetable.

40.

No more than 249 dwellings shall be built on the site before details of the proposed location and design of the notice board providing information of the archaeological features to be located within the public open space area shown on drawing number FW/146/05F have been submitted to and agreed in writing by the local planning authority. Thereafter the content of the notice board shall be submitted to and agreed in writing by the local planning authority prior to the board being erected in the agreed location within six months of the completion of the archaeological post-excavation report as set out in the approved archaeological mitigation strategy.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan and place the results of the archaeological mitigation strategy in the public domain in a timely fashion within an agreed timetable.

41.

No development shall commence on site until the land to be transferred to the council identified on the approved site layout has been fenced off to the satisfaction of the local planning authority. This land shall remain fenced and shall not be used by the applicant for any purpose(s) without the prior approval in writing of the local planning authority.

Reason

To safeguard this land from construction works/site operations as it has potential for archaeological remains and ecology, in accordance with policies CS6 and CS17 of the Core Strategy.

42.

Before development is commenced, details of the method of protecting the existing trees and hedgerows on the site to be retained throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees and hedgerows 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 and hedgerows on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

43.

The scheme of landscaping and tree planting shown on drawing numbers FW/146/08 Rev A and FW/146/09 Rev B shall be carried out in its entirety within a period of 18 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 policy CS5 of the Core Strategy.

44.

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 dwelling(s) is/are occupied and retained.

Reason

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

45.

Before any dwelling is first occupied, any bathroom, en suite or WC window in any wall of the approved dwellings shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and/or to protect the privacy of occupiers of the new dwellings in accordance with policy CS5 of the Core Strategy.

Informative 1

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

Informative 2

Our records indicate that the proposed development site is bounded by the Internal Drainage Board maintained watercourse on the southern boundary. A 7 metre easement

adjacent to the watercourse has been agreed/provided for future maintenance to be carried out by the IDB. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

A provisional rate of 20 litres/second from two ponds has been agreed with the local Internal Drainage Board. This needs to be formally approved through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 4

The applicant's attention is drawn to the comments made by the LLFA on 5 November 2021 (refer to Notes for Developer).

Informative 5

The applicant's attention is drawn to the comments made by Anglian Water (21/10/2021), Cadent Gas (12/11/2021), ESP Utilities Group Limited (30/10/2020) and Humberside Fire and Rescue Service (25/10/2021).

Informative 6

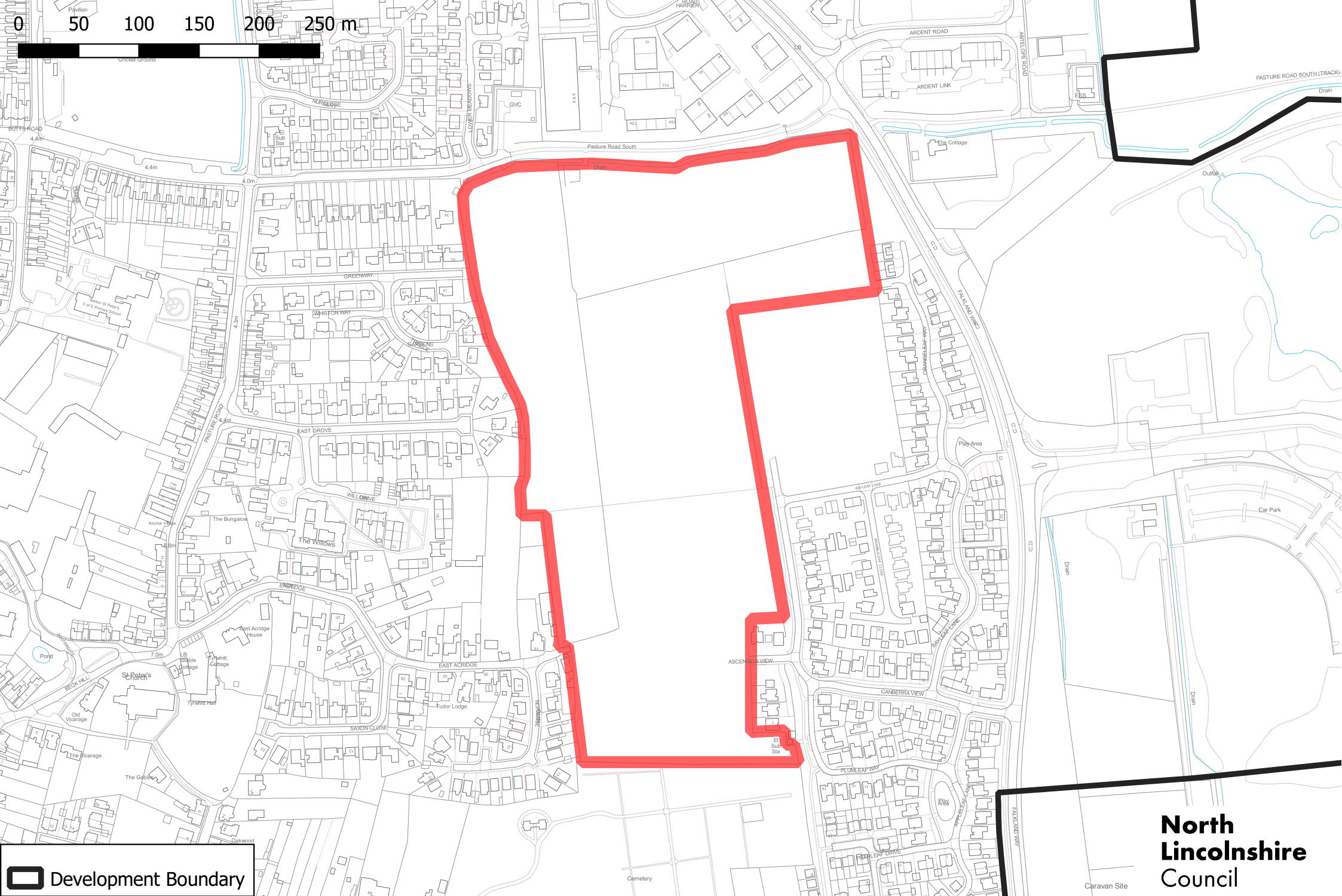
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 7

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 50 100 150 200 250 m



 Development Boundary

**North
Lincolnshire
Council**

PA/2020/1628

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PA/2020/1628 Proposed layout (not to scale)



D | SCHEME UPDATED. MMS 27/02/21
 C | LAYOUTS. MMS 10/05/21
 B | SCHEME UPDATED. MMS 26/02/21
 A | SITE & PEDESTRIAN ACCESS UPDATED. MMS 06/11/20
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 CANBERA VIEW
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Residential Development at
 FALKLAND WAY phase 5 & 6
 BARTON UPON HUMBER

SITE LAYOUT PLAN

DATE	MJS	REV	09/09/20	17750@A1
NO	FW / 146 / 03	SHEET	D	

AMENDED