

<b>APPLICATION NO</b>	<b>PA/2014/1119</b>
<b>APPLICANT</b>	Keigar Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 7 dwellings
<b>LOCATION</b>	Brat Hill Farm development, Plots 64, and 149 to 154, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Ashby
<b>CASE OFFICER</b>	Mark Beevers
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Councillor Collinson – the relocation of the public open space and play area is not persuasive for social inclusion and lacks opportunity for passive surveillance)

## **POLICIES**

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

ST2 Settlement Hierarchy

ST3 Development Limits

H1 Housing Development Hierarchy

H2 Proposed Housing Sites

H5 New Housing Development

H8 Housing Design and Housing Mix

H9 Housing Density

H10 Public Open Space Provision in New Housing Development

T1 Location of Development

T2 Access to Development

T6 Pedestrian Routes and Footpaths

T7 Development of a Cycle Network

T8 Cyclists and Development

T9 Promoting Buses and Trains

T18 Traffic Management

T19 Car Parking Provision & Standards

R2 Protecting Areas of Local Importance for Children's Play

C3 Planning for Accessibility

LC6 Habitat Creation

DS1 General Requirements

DS2 Planning Benefits

DS3 Planning Out Crime

DS7 Contaminated Land

DS15 Water Resources

DS16 Flood Risk

**North Lincolnshire Core Strategy:**

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering More Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

CS7 Overall Housing Provision

CS8 Spatial Distribution of Housing Sites

CS9 Affordable Housing

CS19 Flood Risk

CS25 Promoting Sustainable Transport

CS27 Planning Obligations

**National Planning Policy Framework:**

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change

## CONSULTATIONS

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

**Drainage:** The drainage team are concerned that the system will not cope during intense wet weather periods. For this reason it is advised that the system be designed to over and above the standard soakaway compatibility tests, as set out in BRE Digest 365. This should also be the case for all future larger developments and will be the case when SUDS come into force in the near future.

**Public Open Space Co-ordinator:** As agreed at the pre-application stage, we are happy to incorporate a new smaller age range children's park into the existing Staindale Road park by relocating the existing proposed play area on the Brat Hills development further eastwards onto the new extension to increase the size and play provision of the existing Staindale Road park site. We must however stipulate that both applications (PA/2014/1061 and PA/2014/1119) need to be looked at together in order to facilitate and secure the recreational provision required.

We are happy to relocate the park area providing that additional recreational provision is accommodated in the scheme to benefit the intended extended community and also reflect the further development of a proposed 25 new properties.

There is a need to provide an extended toddler's/junior play area that would cater for the younger children. It should comprise a safety surface/hard area containing at least 10/11 individual pieces of play equipment incorporating integrated play which are supplemented by 2 thermographic marked games (laid in safety surface material of different colours to highlight the squares & numbers) and 2 interactive play panels.

The peripheral area around the playground will make up the landscaped casual open space to create a buffer zone between the properties and the playground. The minimum buffer zone we would wish to see around the play area would be a depth of 15 metres to the nearest gable end of any property. The casual space area requires levelling, clearing of debris and seeding with amenity grass. The existing trees and shrubs on the site require an independent arboricultural survey and a report to be produced to identify any necessary work which needs to be carried out.

A commuted sum will be sought for this new site as one would have been required by the council to originally take over the previously planned new site located further within the Brat Hills development. Application PA/2014/1061 is simply relocating the previously granted play area provision to an alternate location on the site to facilitate additional housing development, albeit next to an already existing park owned by ourselves. We at the authority would still require a contribution to manage & maintain this extra facility in the future and adopt the land if that is the intention. The associated commuted sum for this area has been recalculated to reflect the new proposed site in 2014 and is £34,884.17 for a 10 years maintenance sum.

**Education:** I can confirm that although the number of dwellings is under the threshold of 25 houses for educational contributions within the Scunthorpe area we would like to seek contributions for this development. The development is part of the Brat Hill Farm development which has been completed in phases and we have previously sought contributions for Phase 2 and Phase 5.

Therefore, as this application is linked to a larger development, we would seek educational contributions for primary places only. If the Section 106 agreement is signed before 31 March 2015 contributions per dwelling would be £3,408 which will be inflated annually.

**Severn Trent Water Ltd:** No comments received.

**Yorkshire Water:** No comments received.

## **PUBLICITY**

Neighbouring properties have been notified by letter, site notices have been erected around the site and an advertisement placed in a local newspaper.

Five letters of objection and one observation have been received to application number PA/2014/1119; two letters of objection have been received relating directly to planning application PA/2014/1061. These applications are closely related and comments are in most instances applicable to both developments. As such, the comments received to both applications are listed below:

- These proposals significantly change the layout of the estate plan to our detriment.
- Increase in traffic along Ennerdale Lane – the road should be adopted to ensure the access roads are maintained.
- The current proposal to locate the playground at the heart of the development ensures less appropriate and desirable visitors are discouraged.
- The approved development is spacious and additional properties would detract from this.
- Developing the playground off Staindale Road would open up the facility to a much wider and diverse user. The current playground feels intimidating, neglected and isolated.
- Concerned that the playground will deteriorate into a similar neglected state and want assurances that the playground will be suitably monitored and appropriate security procedures put in place.
- Increase in pedestrian traffic as residents on the adjacent estates use Ennerdale Lane as a shortcut to the retail park.
- If the playground is re-developed to a high standard it may attract visitors from the wider area causing parking troubles on Ennerdale Lane.
- More disturbance on Garsdale Close as development is prolonged
- I purchased my property on the understanding that there would be a park opposite.
- The development now deviates from the 'Village Green' ideal previously proposed.
- The small area of grassland previously proposed would have acted as a natural sponge for surface water.

- Improving the surface water drainage system is essential to protect properties on this site from flood risk.
- Loss of privacy and amenity and an overbearing impact caused by new homes on what was previously open space.
- Property has been mis-sold to us.
- Will this proposal result in building works continuing from their current depot over a longer period of time and the roads remaining unfinished?
- Visibility is restricted by the proposed properties as vehicles turn right onto Ennerdale Lane from Coverdale Road.
- The area at the end of Garsdale Close is an excellent central location within the development for a playground.
- Without the playground there, the nearest green space is actually on the far edge of the development, there is none within the development at all.

## **ASSESSMENT**

### **Site**

The site is located to the south-east of Scunthorpe within an area which has been subject to recent residential development. All land surrounding the application site is currently being developed for residential use and the site is allocated within the North Lincolnshire Local Plan for residential development under policy reference H2-3 (Lakeside). Allocation H2-3 (Lakeside) is a large allocated site which aims to provide 800 dwellings on 33.72 hectares of land.

The site currently accommodates a construction compound from which the surrounding residential estates are being implemented. It was anticipated that this site would ultimately provide an area of Public Open Space (POS) and Locally Equipped Area of Play (LEAP) to serve the Brat Hill Farm development and surrounding area.

There are small local shops in the area on Westerdale Road, a short walk to the north-west of the site and larger regional shops on the Lakeside Retail Park, a short walk to the east of the site. Bus routes are provided to the north and south of the site on Manifold Road and Lakeside Parkway.

### **Proposals**

The application proposes seven dwellings on land which was previously planned as POS on the Brat Hill Farm site. Access into the site will be taken from Ennerdale Lane (to the east and south) and Coverdale Road (to the north), which are previously approved and partially implemented roads.

### **Policy**

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 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The application site is allocated for residential development under NLLP policy H2 and although the land was not earmarked to accommodate residential properties the site has been subject to historic residential permissions.

Policy H2 supports residential development on the site at a density of 30 dwellings per hectare. The application site measures 0.19 hectares and the 7 properties provided are delivered at 36.84 dwellings per hectare. This is clearly above the requirement. The whole site measures approximately 5.1 hectares and will deliver 154 properties in total; this achieves a density of 30.19 dwellings per hectare. This density across the whole site is considered to be acceptable and complies with the requirements of policy H2 of the NLLP. The principle of residential development on this site is therefore in full accordance with local planning policy.

The NPPF promotes a presumption in favour of sustainable development; the application site is a sustainable form of development as it is located close to existing facilities, services, public transport links and employment opportunities. It is located within the most sustainable settlement within North Lincolnshire and its development remains part of the authority's overall spatial strategy for the area. It must, however, be outlined that the NPPF in its entirety provides the definition of sustainable development and as such other material planning considerations must be found acceptable before the presumption in favour can apply.

### **Design, layout and residential amenity**

The proposed scheme provides good surveillance across public roads by maximising the amount of active site frontages. Most properties are provided with parking in front of the houses which improves security and meets 'designing out crime' principles. Properties are set back from the road, broadly consistent with the existing building line, and landscape planting is proposed to soften the impact of buildings and vehicles within the street scene.

Recently constructed properties around the site are at various stages of ownership, most have now been constructed with some now occupied and others remaining within the developer's ownership. Some residents have raised concerns that they purchased dwellings which they expected to overlook POS and a LEAP. The developer's intentions to now re-organise the site therefore changes their outlook significantly. Unfortunately this is a legal issue which does not influence this planning decision, what officers need to consider is whether the lost POS has been acceptably replaced and whether the scheme as now proposed still results in an acceptable degree of residential amenity (separation distances, dominance, sunlight etc.). It is established planning law that no person has a right to a view and this still applies to a currently unestablished view.

Plot numbers 64, 149 and 150 (proposed) face north towards plot numbers 60-63 (approved), and separation distances between primary windows is over 20 metres in all instances. Plot numbers 151-154 (proposed) face south towards plot numbers 99-103 (approved); separation of more than 20 metres between primary windows is again achieved. To the east of the site, approved plot numbers 65 and 66 face towards the side



would result in a loss of street frontage and developable space, thereby reducing the density of the overall development.

The total Brat Hill Farm scheme (as now proposed, including application numbers PA/2014/1061 and PA/2014/1119) generates a need for 1,540 square metres of POS. It also generates a need for a full LEAP (400 square metres and five items of equipment). Developments over 100 properties then generate a need for one additional LEAP per 100 properties built. Given that the Brat Hill Farm scheme results in 154 properties in total, the scheme does not break through the threshold to justify further play equipment or Local Area of Play (LAP)/LEAP play space.

Policy R2 of the NLLP seeks to retain existing areas of play space. Although no existing play spaces are to be lost, a commitment is lost to providing a 1,121 square metre area of POS on the application site. This area of POS was to include a 700 square metre LEAP with seven pieces of play equipment. It should also be noted that this space benefited from direct surveillance from surrounding houses and passive surveillance from cars and people in the street. It is therefore considered that the loss of this space is a material consideration in the determination of this application.

Application PA/2014/1061 proposes to replace the POS and LEAP lost on the application site and meets its own needs by allocating 2,000 square metres of land which will include a LEAP of sufficient size to accommodate 10 pieces of play equipment, thermographic ground marked games and interactive play panels for smaller children. It is anticipated that the size of the LEAP will exceed the minimum of 400 square metres required by the 'Provision of Open Space in New Housing Developments Supplementary Planning Guidance' ("the SPG") and this may result in a slight under provision of POS, however any under-provision in terms of quantity would be outweighed by the increase in quality and the amount of play equipment provided.

The previously approved space was centrally located (for the Brat Hill Farm development), faced by properties and provided a softer and more attractive context for dwellings. The space now proposed (via application number PA/2014/1061) is less accessible and provides little context to the Brat Hill Farm development, however it provides a better quantity and quality of open space, which is more accessible and usable for the wider population. The new space allows an existing area of POS to be updated, expanded and improved, made more accessible for maintenance purposes and made more secure.

It is concluded that this application is acceptable (when considered in connection with application number PA/2014/1061) in terms of its POS and LEAP provision. The quality and quantity of the POS and LEAP provided are sufficient to comply with policies R2 and H10 of the NLLP and the SPG. The integration of the POS into the proposed development is acceptable as is the amount of surveillance provided across this space. The ability to integrate the proposed area of POS and LEAP into an existing area of POS and provide access for maintenance and improved security is also a benefit in support of this development.

## **Highways**

The application site is accessed through the Brat Hill Farm site which is currently under construction and includes the base of an access road provided into the application site. This application follows similar design principles to the Brat Hill Farm estate in terms of prioritising pedestrian and cycle use.

The scheme is considered to comply with highways design principles in terms of road widths and accessibility for emergency and refuse vehicles. Visibility splays when exiting from residential curtilages are also acceptable.

The council's Highways department has confirmed that they have no objection to this application subject to standard conditions which ensure highways requirements are met and infrastructure is implemented prior to occupation.

The site is sustainably located and the use of public transport, walking and cycling will be encouraged.

For the reasons outlined above the application is considered to comply with policies T1, T2 and T19 of the NLLP, policy CS25 of the NLCS and Section 4 of the NPPF.

### **Flood risk and drainage**

The site is located within flood zone 1 and is less than 1 hectare in size; as such no flood risk assessment is required in support of the application.

Foul water from the site will be discharged to mains sewer and soakaways are used to drain surface water. Soakaways are a sustainable drainage method for the site as water will ultimately discharge to watercourse. Concerns have been raised by the council's Drainage Team that the currently installed drainage system will not cope during intense wet weather periods and has therefore advised that any surface water drainage scheme should be designed to exceed BRE Digest 365 standards. A condition is recommended to secure details of the drainage system and at this time officers can ensure a suitable scheme is delivered. If there are concerns with the capacity of the historically approved and partially implemented system within the Brat Hill Farm development then this scheme can be used to increase capacity in the system. The applicants have confirmed that the surface water drainage scheme for the site can be designed to exceed BRE Digest 365 standards.

Amended plans have been submitted during the course of determining this application to remove publically adoptable soakaways from private rear garden curtilages. The slight amendment to the layout ensures soakaways are accessible for maintenance and can be adopted as public highway.

Subject to conditions, it is considered that the application complies with policies DS15 and DS16 of the NLLP, policy CS19 of the NLCS and Section 10 of the NPPF.

### **Developer contributions**

Heads of Terms have been discussed with the applicants and the following developer contributions will be secured in combination with application number PA/2014/1061:

- four affordable housing units
- a contribution of £34,884.17 towards the 10-year maintenance of POS
- a contribution of £3,408 per dwelling towards primary school provision.

Affordable housing provision complies with policy CS9 of the NLCS, the maintenance contribution complies with policy H10 of the NLLP and the SPG and the education contribution complies with policy CS27 of the NLCS. The above contributions comply with

the requirements of Paragraph 122 of the Community Infrastructure Levy Regulations 2010 which outline the 'tests' for acceptable planning obligations.

## **Conclusions**

The proposed development is acceptable in principle as the site is allocated for residential development.

Concerns have been raised by residents regarding the loss of POS within the Brat Hill Farm development, however, benefits have also been identified which are associated with this relocation. The proposed development (in connection with application number PA/2014/1061) results in an acceptable quantum, quality and design of POS.

The layout of the scheme proposed is considered to be acceptable and results in an acceptable standard of residential amenity to existing and future residents. Concerns regarding the loss of visual and residential amenity caused by the relocation of the POS and LEAP are acknowledged, however the benefits associated with a larger and better equipped area of POS and LEAP outweigh the concerns raised.

All other material planning considerations are acceptable, no adverse impacts on ecology, highways safety, land contamination, archaeology, drainage and flood risk have been identified and no objections have been raised by consultees.

Developer contributions secured as part of this application are acceptable and comply with planning policy and national legislation.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a contribution towards primary school provision, maintenance of public open space and four affordable housing units, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 17 June 2015 the Head of Development Management be authorised to refuse the application on grounds of non-compliance with policy H10 of the North Lincolnshire Local Plan and policies CS9 and CS27 of the North Lincolnshire Core Strategy; 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: BHF/104/01 Rev E - Site location, BHF/140/03 Rev E - Site layout, BHF/140/04 Rev A - Materials & build styles, Ki.su/OP/10/102 - Plans & Elevations, St.su/AS/10/101 - Plans & Elevations, W/AS/10/101 - Plans & Elevations, W/AS/10/102 - Plans & Elevations, Du/OP/10/103 - Plans & Elevations, Ki.su/OP/10/101 - Plans & Elevations and Du/AS/10/103 - Plans & Elevations.

Reason

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

3.

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 in writing by the local planning authority.

Reason

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

4.

No development/construction shall take place, machinery operated or deliveries made to the site outside the hours of:

8am to 6pm Monday to Friday; and

8am to 2pm on a Saturday.

No development/construction shall take place, machinery operated or deliveries made to the site on Sundays or public/bank holidays.

Reason

To help preserve the living conditions of neighbouring property in accordance with policy DS5 of the North Lincolnshire Local Plan.

5.

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

Reason

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

6.

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.

**Reason**

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

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

**Reason**

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

8.

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

**Reason**

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

9.

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.

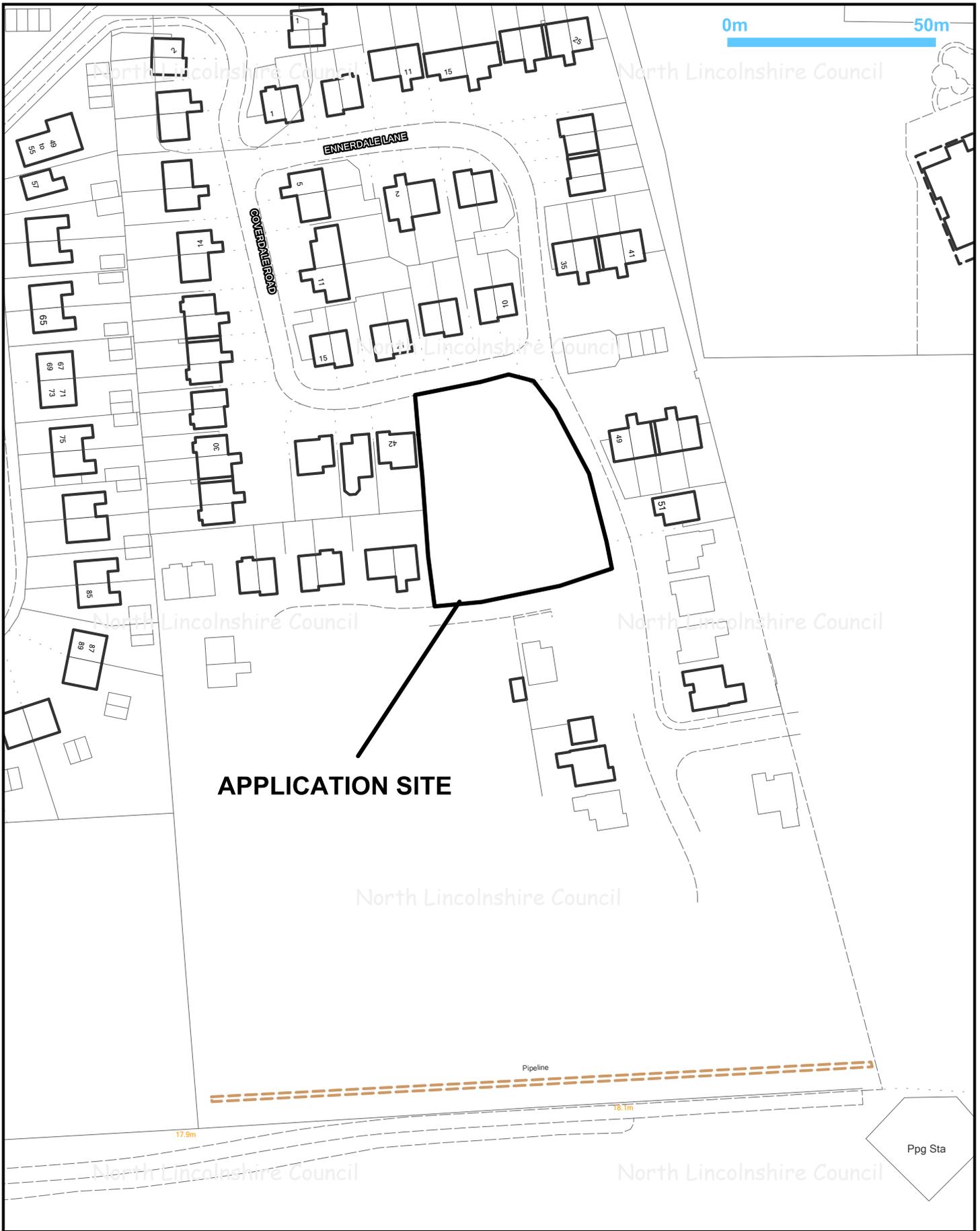
**Informative 1**

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

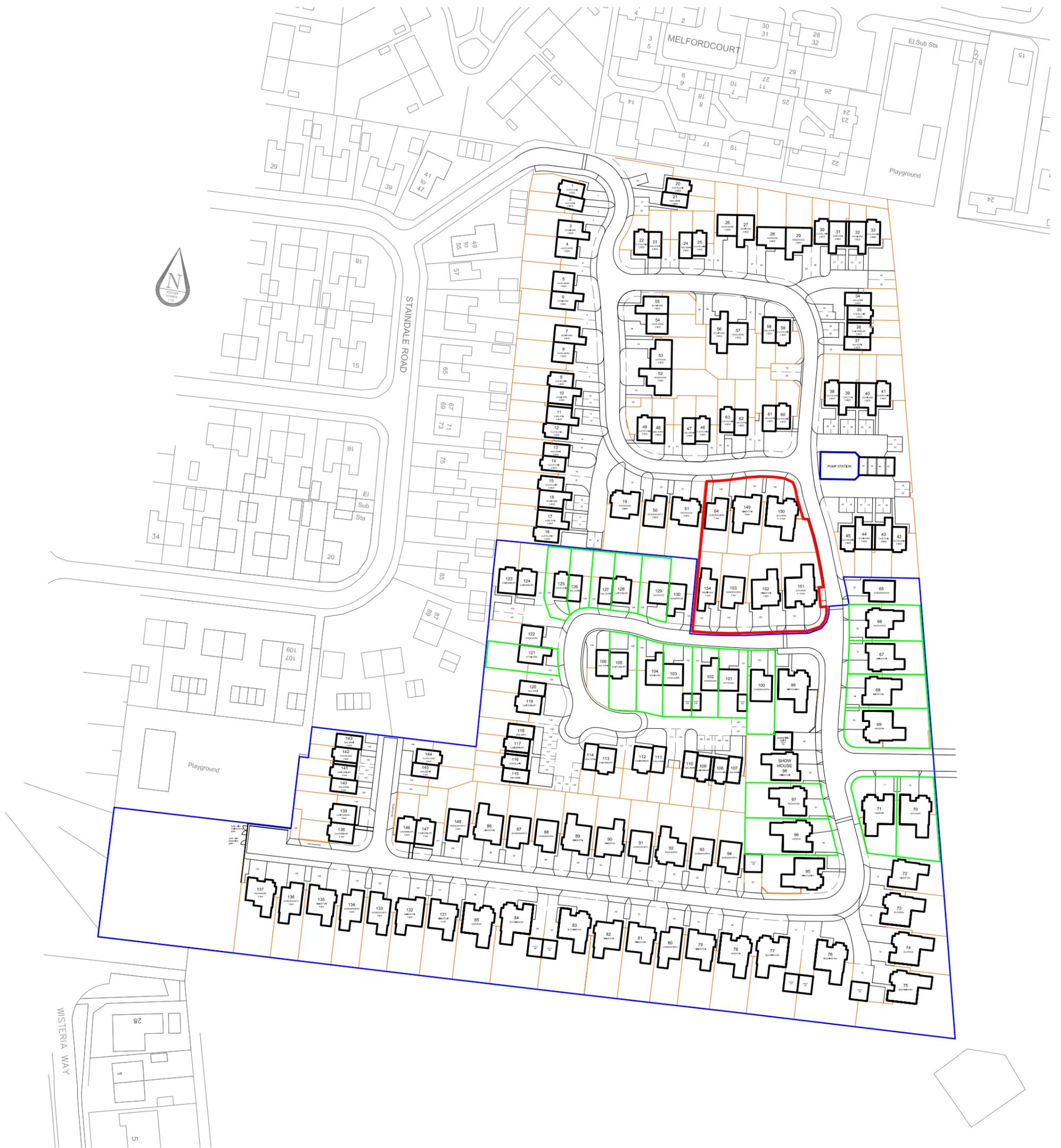
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.



Title: PA/2014/1119			
Drawn by: Sue Barden	Date: 02/12/2014	Scale 1:1250	
	© Crown copyright and database rights 2014 Ordnance Survey 0100023560	 <a href="http://www.northlincs.gov.uk">www.northlincs.gov.uk</a>	<b>Director of Places</b> <b>Peter Williams</b> BSc,DMS,CEng,MEI,MCMI,AMIMechE



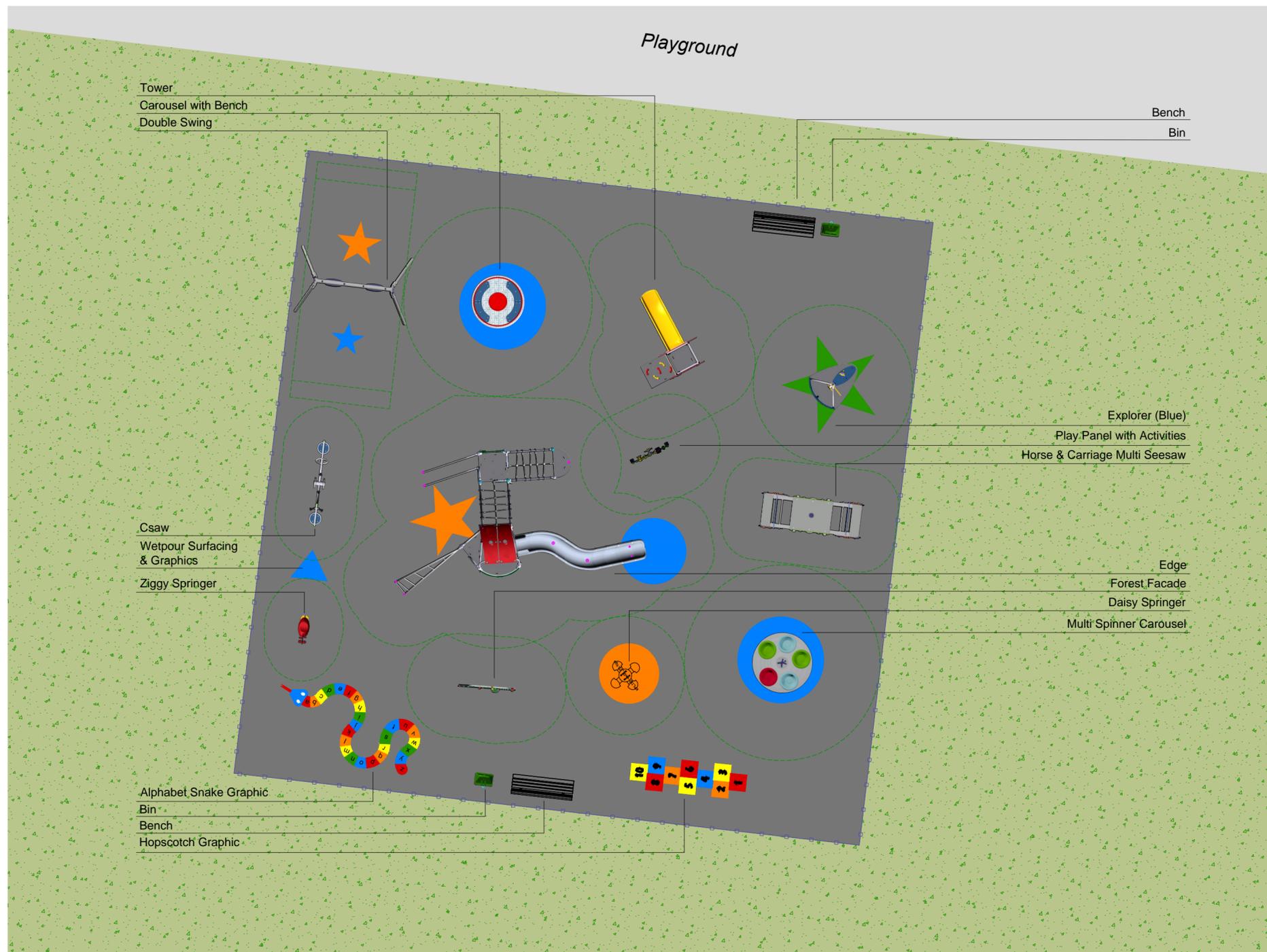
PA/2014/1119 Layout Plan Not to scale

- application site
- land within applicants ownership
- denotes plot sold off



## Brat Hill Farm

SQ218417 RevA  
Amendments: Kit choice and positioning  
and added Wetpour Graphics



**STANDARDS AND COMPLIANCE:**

All KOMPAN products are independently tested to EN1176 by TÜV Testing House, Hamburg.



All impact absorbing surfacing specified by KOMPAN is available upon request to EN1177.

**THE ENVIRONMENT:**

KOMPAN's quality and environmental procedures are certified according to ISO9001/ISO14001/BS7750.



KOMPAN is a registered member of the Association of Play Industries



This drawing is not based on a detailed site survey and thus precise location and orientation of equipment may vary to suit ground conditions and client preferences.

Brat Hill Farm  
Keigar Homes  
Proposed Play Area

Plan Scale: 1:100 @ A2  
Drawing No.: SQ218417  
Date: 02/12/2014  
Account Manager: Kevin Bickerdike  
Drawing By: CO



\*NOTES: The exact location of the equipment is to be agreed by the client.

This layout is indicative only – the order confirmation document contains the finite information about the proposed area.

DO NOT SCALE THIS PLAN



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# Brat Hill Farm Play Area

Keigar Homes

