

APPLICATION NO	PA/2009/0828
APPLICANT	Keigar Homes
DEVELOPMENT	Planning permission to erect 38 dwellings, including the provision of access roads and public open space
LOCATION	Land off Falkland Way, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton-upon-Humber Town Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: Policies H1 (Provision and Distribution of Housing), H4 (Provision of Affordable Housing), H5 (Housing Mix) and T2 (Parking Provision) are all relevant to this proposal.

North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Barton as a principal growth settlement.

Policy H1 (Housing Development Hierarchy) identifies Barton as a focus for housing development after Scunthorpe and the Bottesford Urban Area.

Policy H2 applies relating to the identification of proposed housing sites within North Lincolnshire (Site H2-19) for a total of approximately 234 dwellings.

Policy H5 (New Housing Development) sets out the main criteria for assessing new housing developments in the principal growth settlements, including design, parking and access, open space, layout and materials.

Policy H8 (Housing Mix and Design) requires development proposals to respect the character of the local environment in terms of scale, massing, detail and form, and create a high standard of layout which maintains or enhances the character of the area and creates an appropriate mix of dwelling size and type.

Policy H10 (Public Open Space Provision in New Housing Development), in conjunction with SPG 13, sets out the requirements for the provision of open space and play areas.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) seeks to ensure the protection of such features where necessary.

Policy HE9 (Archaeological Evaluation) requires the assessment of sites for archaeological importance and, where appropriate, the protection and or preservation of any remains.

Policy T2 (Access to Development) requires all development proposals to provide satisfactory access.

Policy DS1 (General Requirements) sets out the criteria for the overall design of proposals both in the built area and the open countryside.

Policy DS14 (Foul and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from the development.

Policy LC5 (Species Protection) seeks to ensure that proposals do not adversely affect protected species.

Policy LC15, relating to the need for landscape enhancement, applies to this site in order to help screen/soften any development.

CONSULTATIONS

Highways: No objections subject to conditions (numbers 3-14).

Environment Agency: No objections subject to conditions.

Anglian Water Developer Services: No objections.

North East Lindsey IDB: No objections.

TOWN COUNCIL

Barton Town Council object for the following reasons:

- There appears to be no provision for traffic increase on the A1077 Barrow Road and the estate roads appear narrow and difficult for service vehicles to manoeuvre.
- Residents are concerned about environmental impacts and the three-storey dwellings on Barrow Road will affect views of the Humber Bridge affecting tourism.
- The housing designs are a concern.
- No provision appears to have been made for foul or surface water sewerage. The town already has drainage/sewerage problems.
- No provision is made for the adjacent cemetery to expand.
- It is felt that, due to the design of the properties and the local public objection to the type of dwellings proposed to be built, a town consultation should be carried out.

PUBLICITY

Site and press notices have been posted. No objections have been received.

ASSESSMENT

Planning permission is sought to erect 38 dwellings on a parcel of land that is within the development boundary for Barton. The site is allocated in the North Lincolnshire Local Plan

for residential development. The proposal offers a range of house types and designs, with vehicular access onto Falkland Way.

The main issues in determining this application are whether the layout and design of the development are appropriate in relation to the character of the area and whether the proposal will have an adverse impact on the highway network.

The proposal involves the erection of 38 dwellings on land that is within the settlement boundary and is part of a much larger site that is allocated in the local plan for residential development (Site H2-19). There are, therefore, no policy objections in principle to the development of this site for residential purposes.

The site is currently grassland, with a recently approved residential site to the south, grassland to the north and west, and commercial/industrial development to the east on the opposite side of Falkland Way. The proposal includes a range of house types and designs. There are 12 different house designs, with 2, 3, 4 and 6 bedrooms, which include detached, semi-detached and terraced properties. Access to the proposal is from a new estate road onto Falkland Way, which also serves the new development of 137 houses to the south. It is considered that the range of house types and sizes creates a mix that adds to the character of the settlement, and the designs of the properties are in keeping with those already approved on the adjacent site. The proposal also includes dwellings which are to be reserved for affordable housing following consultations with the council's affordable housing officer, which are to be secured through a S106 legal agreement.

In line with the council's current policies, the proposal also includes an area of public open space. This is on the northernmost part of the site and has been provided in conjunction with advice from the council's public open space coordinator and again is to be secured through a Section 106 legal agreement. This also applies to contributions for both primary and secondary school places, which is a current policy requirement and will also be included in the Section 106 agreement.

There are no objections from the highway authority, who have recommended a number of conditions relating to the provision of the new road and parking and access arrangements for the proposed new dwellings. In addition, following negotiations with the applicant, a financial contribution is requested towards improvements to the Falkland Way/Barrow Road junction, which includes prohibiting parking along Falkland Way. It is suggested that this also be included in the Section 106 agreement.

An archaeological survey has been carried out in relation to the development of this site, the results of which have been forwarded to the Sites and Monuments Officer. Finds were made of Iron Age/Roman date which was included in the report and a satisfactory mitigation strategy has been submitted. There are, therefore, no objections to the application from the Sites and Monuments Officer, subject to conditions.

A protected species survey has been submitted with the application and, following further on-site surveys, it has been established that the development of the site will not result in harm to protected species or their habitat.

No objections have been received from either Anglian Water or the Environment Agency regarding drainage or flooding on the site, and the drainage measures included with the application have been found to be satisfactory, subject to conditions.

The applicant has submitted a contaminated land survey with the application which has been considered and found to be acceptable, subject to a condition that any additional contaminants that are found need to be the subject of a further report. In addition to this, the Environmental Protection team have recommended a noise assessment be submitted prior to the application being determined for the industrial development on Falkland Way. The applicants feel however, due to the orientation of the dwellings (gable end to the road), that the impact of the industrial development on the occupiers of the development will be minimal. Additionally, the landscaping scheme shows further tree planting on the Falkland Way boundary, which the applicants suggest will also mitigate against any potential noise. On balance it is considered that this matter could be dealt with by a pre-commencement condition.

The town council have objected to the application for a number of reasons. In relation to highway issues, the highway authority is satisfied that the existing highway network and the proposed new road layout are satisfactory, subject to conditions. No representations have been received from local residents, either for or against, and the development does not front Barrow Road. The restriction of views to the Humber Bridge are not relevant in this case. The housing designs are similar to those approved on the adjacent site, and offer a wide range of style, size and design, and are not considered to be out of keeping with the area. A scheme for foul and surface water disposal has been submitted, which has raised no objections from either Anglian Water or the Environment Agency. In relation to the impact on the cemetery, the site does not share a boundary with the cemetery and it is considered that the development will not have a detrimental impact on the existing or future provision of this facility. As referred to above, no representations have been received from local residents, and it is considered that the publicity undertaken, together with consultations with the town council and the length of time the application has been in the public realm, is sufficient for an application of this type.

The application is therefore considered to be acceptable, and complies with current local plan policies.

RECOMMENDATION

That, subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990, relating to the provision of affordable housing, areas for public open space and local area of play, a financial contribution for maintenance, a financial contribution for the provision of primary and secondary places and a contribution to improvements to the highway on Falkland Way/Barrow Road, the committee resolves:

- (i) it is mindful to grant planning permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**
- (iii) the permission so granted be subject to the following conditions; and**
- (iv) if the obligation is not completed by 2 October 2010 the Head of Planning be authorised to refuse permission on the grounds of non-compliance with policies in the North Lincolnshire Local Plan requiring financial contributions and provision of open space and affordable housing:**

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: 29420/SK01C, P09/4208/01A, P09/4208/100a, P09/4208/101, and in accordance with the plan schedule received on 7 July 2009.

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.

Reason

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

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.

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

Reason

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

7.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

8.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

9.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

10.

No 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.

11.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

12.

No development, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, 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.

13.

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

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the Highway Network.

14.

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

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the Highway Network.

15.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system in accordance with policy DS14 of the North Lincolnshire Local Plan.

16.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the document Land Off Falkland Way (Phase 2), Barton-Upon-Humber, North Lincolnshire, Archaeological Mitigation Strategy, Version 2.0 October 2009 prepared by Allen Archaeological Associates, and until a timetable for the archaeological investigations has been submitted by the applicant at least 28 days prior to the proposed commencement date, and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site contains features of recognised archaeological importance.

17.

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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site contains features of recognised archaeological importance.

18.

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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site contains features of recognised archaeological importance.

19.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved 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.

20.

Before the development hereby approved is commenced a noise assessment shall be submitted to and approved in writing by the local planning authority. The noise assessment shall be undertaken in accordance with BS 4142 - 1997 and taking into consideration the World Health Organisation Sleep Disturbance criteria and PPG24.

Reason

In order to protect the amenities of future occupants of the dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

No development shall commence until such time as details have been submitted to and approved in writing by the local planning authority of the means by which the on-site generation of at least 20% of the overall annual predicted energy consumption of the development is by way of renewable energy sources.

Reason

To ensure the development complies with the requirements of PPS1 (Planning and Climate Change).