

<b>APPLICATION NO</b>	<b>PA/2013/1003</b>
<b>APPLICANT</b>	Lucent Lincolnshire Lakes SARL
<b>DEVELOPMENT</b>	Outline application (access not reserved) for a commercial park comprising Use Classes A1 (food) A2, A3, A4, A5, B1, C1 and D2
<b>LOCATION</b>	Land to the north of Brumby Common Lane, and west of the M181 motorway, Burringham
<b>PARISH</b>	<b>BURRINGHAM</b>
<b>WARD</b>	Burringham and Gunness
<b>CASE OFFICER</b>	David Wordsworth
<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>	Objections by Burringham, Keadby, Gunness and Ashby Parklands Parish Councils

#### **NATIONAL POLICY**

**Planning Practice Guidance (PPG):** Paragraphs 18 to 20.

**National Planning Policy Framework (NPPF):** Paragraph 11 – Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 19 – The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 24 – Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. They should require applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. When considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Paragraph 26 – When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date local plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 square metres). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 – Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Paragraph 32 – All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 59 – Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Paragraph 64 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 96 – In determining planning applications, local planning authorities should expect new development to:

- comply with adopted local plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be supported by a strategic flood risk assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage

boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the sequential test;
- if necessary, applying the exception test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 186 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 – Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 – The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This framework is a material consideration in planning decisions.

Paragraph 197 – In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 204 – Planning obligations should only be sought where they meet all of the following tests:

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

Paragraph 206 – Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

## LOCAL POLICY

**North Lincolnshire Local Plan:** Policies S8, S9, IN3, T2, T6, T8, T9, T14, T15, T18, T19, R5, R13, R14, C3, LC1, LC2, LC4, LC5, LC6, LC7, LC12, HE9, DS1, DS3, DS7, DS11, DS12, DS13, DS14, DS15 and W10.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS4, CS5, CS6, CS7, CS8, CS9, CS11, CS14, CS15, CS16, CS17, CS18, CS19 and CS27.

### Lincolnshire Lakes Area Action Plan (AAP)

The emerging Lincolnshire Lakes AAP has been produced for the site and sets out the plans and policies for the delivery of the Lincolnshire Lakes. The plans will see the creation of a series of villages set amidst areas of water and landscaping. A preferred option has evolved and this has been influenced by national and local planning policy, an array of evidence-based documents and community consultation exercises. The next steps are a further round of consultation on the AAP followed by submission for examination in public.

Supplementary Planning Guidance SPG10 (Open Space Provision) and SPG11 (Trees and Development)

## CONSULTATIONS

**Environment Agency:** No objections subject to conditions.

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

**English Heritage:** There is potential for the proposed scheme to have a significant impact on important archaeology and therefore North Lincolnshire Council's Historic Environment Record should be consulted.

Additionally, the medieval Church of St Oswald, Keadby is listed grade I and is therefore of exceptional architectural and historic interest. The important part of its setting and significance is its close association with the River Trent and the village of Burringham within its rural setting on the opposite bank. It is advised that the rural character of the area adjacent to the Trent close to the village of Burringham should be preserved to minimise the impact of the proposed scheme on the significance and setting of St Oswald's Church.

**Natural England:** The application site is approximately 500 metres from the Humber Estuary Site of Special Scientific Interest (SSSI). It is also designated as a Special Area of Conservation (SAC) and Ramsar site. The application site is approximately 10km from the Humber Estuary Special Protection Area for birds (SPA). It is unlikely that the proposal will have a significant effect on the Humber Estuary SPA, SAC or Ramsar site. SPA bird species have not been found to be present on site in significant numbers and the habitats on site are not considered to be particularly suitable species included in the breeding bird assemblage or species associated with the Humber Estuary SSSI. With regard to protected species, Natural England **does not object to the proposed development**. However, concern is raised regarding potential disturbance to otters which may pass through the area and the strategic delivery of green infrastructure. The local planning authority is expected to assess potential impacts resulting from the proposal on local sites in terms of biodiversity and geodiversity, local landscape character and local or national biodiversity priority habitats and species.

**Highways Agency:** No objections.

**Network Rail:**

- A construction traffic management plan is expected and should be required by condition should planning permission be granted for this proposal to avoid the use of the A18 to Althorpe due to the low headroom of the bridge.
- A condition should be attached to any permission to provide for bridge scour protection as necessary for any increased flow of water through the drainage channels.
- The proposal will have an impact upon the two existing railway stations (Scunthorpe and Althorpe). The traffic assessment does not thoroughly assess the impact and it is reasonable to expect that there would be some use of both stations by residents from the new development. Scunthorpe train station has limited car parking and Althorpe train station has no car parking. Contributions towards their improvement should therefore be sought.

**Robin Hood and Doncaster Sheffield Airport Safeguarding Assessment:** No objections but if any wind turbines are proposed within the development it will be necessary to notify the airport prior to approval.

**Canal and River Trust:** There is no requirement to consult the Canal and River Trust on these applications.

**West Lindsey District Council:** No comments.

**Severn Trent Water:** Advise a condition.

**Humberside Airport:** The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria, therefore no objections.

**Scunthorpe Water Management Board:** The Board has no objections to the proposals on land drainage or water management grounds subject to the applicants satisfying several requirements.

**National Grid:** No objections.

**Humberside Police Advisor:** Reserve the right to comment at the more detailed planning stage.

**Lincolnshire Wildlife Trust:** Are generally supportive of the levels of habitat creation and other green infrastructure proposed, however a condition is recommended requiring a minimum amount of area for habitats. Strong support is given to the creation of large areas of wetland habitat to the west of the site and these would be ideal for the quiet enjoyment of nature. Any use of the proposed lakes for water sports should be sensitively located away from areas of biodiversity. The creation of new water bodies should not be at the expense of existing habitats.

Concerns are raised regarding additional pressures on existing sites of value for wildlife in the local area due to potentially 10,000 or more new residents and their pets. There is the potential for impacts from these additional visitors.

Support is given for the recommendations for further bat and water vole surveys. It is recommended that monitoring of the habitats is tied to management plans of the site. Consideration should be given to the incorporation of features within buildings on the site for bats and declining urban birds and include permanent bat roosts within buildings.

The Lincolnshire Wildlife Trust would be pleased to remain as a consultee on this project when more detailed plans are submitted.

**Environment Team (Trees):** Further information is required on the following issues:

- criteria for the thinning of woodland
- confirmation of the use of Scots pine and white poplar
- confirmation on the use of pollarded willows
- concern for the use of black poplar and willow.

**Environment Team (Ecology):** No objections subject to conditions.

**Environment Team (Public Rights of Way):** No objections, however the advice given previously dated 3 June 2013 still applies.

**Environmental Protection:** Recommend conditions to address the issues of contaminated land, noise, light and the construction phase of the development (including air quality and dust).

**Historical Environment Record (HER):** Originally objected to the proposal but now raise no objections subject to conditions.

**Public Health:**

- Where do the current planning applications sit in relation to the preferred option of the Lincolnshire Lakes AAP?
- The travel plan includes little in terms of bus services to the area yet it is important to improve the vibrancy of the night-time economy in North Lincolnshire.
- It is not clear whether the creation of a new train station near the development on the Scunthorpe line has been discounted.
- The need for a care/retirement home in North Lincolnshire is questioned as the number of elderly people in need is falling, but would support more extra care developments in the area.
- The impact of an increased population on the existing NHS services in Scunthorpe needs to be considered.

**PARISH/TOWN COUNCILS**

**Burringham Parish Council:** The application should be rejected in its entirety and a public inquiry carried out.

**Keadby with Althorpe Parish Council:** Potential flood risk. If banks on (east) Burringham side it leaves (west) Keadby vulnerable. Let the Environment Agency veto any development proposed on west. Both sides need the same treatment.

**Ashby Parklands Parish Council:**

Increased traffic generation will adversely affect Scotter Road making it more difficult for residents to cross from Parklands.

**Bottesford Town Council:** Supports the proposed development.

**Flixborough Parish Council:** No objections.

## **PUBLICITY**

A significant amount of public consultation was undertaken by the applicants, Lucent, preceding submission of the four planning applications. Information regarding the Lucent applications was accessible on a Lincolnshire Lakes website with comments and feedback reported in the Statement of Community Involvement that was submitted as part of the planning submission for the four Lucent applications.

The planning applications were advertised by numerous site notices displayed in the area, press notices, letters posted to residential and commercial premises that require consultation through the neighbour notification procedure, and the application was accessible to view on the council's website. No more than seven letters of objection were received on the four Lucent applications. The following objections have been received:

### **Flood risk**

- The application is to be sited on an area which frequently floods. Vast areas of the proposed development were extensively underwater in summer and winter only two years ago.
- What additional, if any, flood defences or drainage will be provided to protect this vulnerable area?
- Another 3,500 homes would result in greater risk of flooding.
- Flooding – where will all the water go when all the dykes and natural drainage have been filled in?

### **Highways**

- Existing congestion will become chaos due to the extra traffic from 5,000+ vehicles when this development is constructed.
- Doncaster Road and Scotter Road already congested
- traffic chaos due to another 5,000+ vehicles
- Burringham will be affected due to new links. Lorries will still go through the village.

## **Environment**

- loss of quality agricultural land
- loss of a beautiful rural area that is peaceful with clean air
- The farmland is an excellent wildlife and conservation area. Many wildlife species will decline as a result of this development.
- The proposal links Burringham with Scunthorpe and is basically an extension of the Westcliff estate.
- no buffer surrounding proposed villages, therefore not protecting local residents' views
- environmental impact

## **Commercial**

- The proposal involves building a new commercial park when there are several not yet filled around Scunthorpe. Surely the same will happen to this park as well.
- Attracting people to the area should first involve improving facilities and the town centre.
- Scunthorpe is surrounded by several business parks which are lacking in business. This one will end up half-filled.

## **Other**

- The proposal includes sports facilities – mainly football pitches – but why not alternative sports to football?
- Will the pitches be locked at night or just there for antisocial behaviour/activity.
- The proposals will have a negative impact on the way of life, particularly in the villages like Burringham.
- The feelings of existing residents are not on the radar of the council.
- The applicants are not a construction company, but a strategic land development company.
- Any employment provided is not guaranteed for locals.

## **BACKGROUND**

This planning application is one of four submitted by applicants Lucent (Lucent Lincolnshire Lakes SARL) which together represent an important phase in the development of the Lincolnshire Lakes project. The applications were submitted in August 2013 prior to the release of the Lincolnshire Lakes Area Action Plan (AAP) which is now progressing and will soon commence a further phase of consultation. The planning applications fall within a Planning Performance Agreement (PPA), that is a framework agreed between a local planning authority and an applicant for the management of complex development proposals



within the planning process. The applications were accompanied by an Environmental Impact Assessment.

The Lincolnshire Lakes AAP is planned to be developed out between the period from 2015 to 2028 and the length of time to deliver their key project brings with it significant challenges in terms of infrastructure delivery phasing and housing completion rates which are anticipated to be an average of 468 dwellings per annum up to 2026.

Paragraph 1.4 of the core strategy summarises the importance of the Lincolnshire Lakes:

*'Lincolnshire Lakes has the potential to make a significant contribution to effecting a positive change for Scunthorpe in the direction of a sustainable, modern and vibrant economy. Bringing with it significant financial, social and environmental benefits for North Lincolnshire, its community and the wider region. It will do this through the creation of a high quality, sustainable urban extension for Scunthorpe incorporating new homes, business parks and leisure facilities in an attractive waterside setting, which will put Scunthorpe on the map as a location of choice in the 21st century, changing its image and placing it on a new economic trajectory. This flagship project forms a fundamental part of the transformation of the town.'*

It should be noted that as the project progressed the concept of a sustainable urban extension evolved into a series of villages.

For ease of reference the four applications are summarised below:

Application 1	PA/2013/1001	Outline planning permission (with access not reserved) for the erection of a maximum of 450 dwellings including a care/retirement home (Use Classes C2 and C3), a village centre (Use Classes A1, A2, A3, A4, A5, B1 and D1), health care facility and community facility (Use Class D1), new roads and footpaths, informal areas of open space, play areas and sports pitches
Application 2	PA/2013/1002	Full planning permission for highway works to create new junction to the M181 motorway and construction of the western section of the east-west link road
Application 3	PA/2013/1003	Outline application for a commercial park comprising Use Classes A1 (food) A2, A3, A4, A5, B1, C1 and D2
Application 4	PA/2013/1000	Outline application (access not reserved) for erection of a maximum of 2550 dwellings including a care/retirement home (Use Classes C2 and C3), primary school and community facilities (Use Class D1), village centres (Use Classes A1, A2, A3, A4, A5 and B1), new roads and footpaths, informal areas of open space, play areas and sports pitches and new wildlife habitat, lakes and wetland.

## **ASSESSMENT**

This application seeks outline planning permission (access not reserved) on 23 hectares of land to construct a commercial park, comprising the following use classes:

- A1: food store (maximum gross external area (GEA) of 5,575 square metres)
- A3: restaurants (maximum GEA of 800 square metres)
- A5: hot food takeaways
- D2: sports, health and leisure facility (maximum GEA of 4,000 square metres)
- C1/A4: hotel and public house (maximum GEA of 6,500 square metres)
- B1: business park offices (maximum GEA of 6,860 square metres)

The application specifies a total maximum GEA of 23,735 square metres.

This application is one of the four applications submitted by Lucent and is to be located west of the proposed northern junction and de-trunked highway that is currently the M181 motorway. This rectangular piece of land sits in a central position within the Lucent land holding and is referred to by the applicants as application 3. To the west and south of the application site lies agricultural land which comprises the site of the Lucent application for 2,550 houses and is referred to by the applicants as application 4. To the north of this site is agricultural land and the railway line connecting Scunthorpe to Grimsby and Doncaster and the national railway network. The northern boundary of the site is defined by an east to west drainage ditch which also represents the maximum extent of the Lucent ownership. The southern boundary has been determined by the alignment of the western arm of the northern junction which will provide the key access link to the western village. The eastern boundary abuts the M181 that is proposed to be de-trunked by application 2.

Within the illustrative master plan for the application, that is included within the design and access statement, is a spacious well landscaped layout incorporating water bodies to the north and to the eastern flank of the site, with office units that would overlook the water body in the north and a hotel facility also being located in the northern part of the commercial park. The master plan includes a leisure facility with outdoor sports pitches and restaurant block centrally within the site and a food store in the south close to the access road connecting with the new junction (application 2). Generally the layout appears to be well landscaped with many trees and ample parking provision.

The location of the commercial park at the heart of the Lincolnshire Lakes area, positioned adjacent to the northern junction was established in principle through the emergence of the planning policy framework of the AAP. The mix of commercial uses is supported by the retail statement and the planning statement submitted as part of this application. The proposed commercial park will provide surrounding communities within Lincolnshire Lakes and the Scunthorpe area with access to new employment, retail and leisure facilities within a modern campus environment. The key element of the character is to create an exciting new gateway with a waterside setting.

**The key issues in determining this application are whether the proposals comply with the policies and objectives set out within the North Lincolnshire Core Strategy and the proposed Lincolnshire Lakes Area Action Plan, whether the proposals comply with the retail and town centre policy advice contained within the NPPF, specifically in terms of compliance with the sequential and impact testing that is required, whether the proposed access and transport infrastructure is acceptable, and whether the issue of flood risk has been adequately addressed.**

## **Planning policy context**

The National Planning Policy Framework sets out the Government's planning policies for England and how they are expected to be applied. It provides a framework that must be taken into account and is a material consideration in planning decisions. The Government considers that sustainable development is a principal aim and should be achieved through the planning system performing a number of roles, namely economic, social and environmental. The NPPF requires the planning system to do everything it can to support sustainable economic growth whilst contributing to conserving and enhancing the natural environment. A key aim of the Government is to boost significantly the supply of housing and assist local planning authorities in the delivery of a wide choice of high quality homes, including the provision of affordable housing, by establishing a housing implementation strategy for the delivery of a five-year supply of housing land to meet their housing target.

The North Lincolnshire Core Strategy was adopted in June 2011. It sets out the long-term vision for North Lincolnshire and provides a blueprint for managing growth and development in the area up to 2026. It is the most important element of the North Lincolnshire Local Development Framework (LDF). The Lincolnshire Lakes lie at the heart of this blueprint. Sitting alongside major projects to create jobs at the South Humber Gateway, it will help to transform the area as a place to live, work and visit. It was based on a robust evidence base and was the subject of extensive public consultation, as well as an independent public examination which found the document 'sound'. The strategy states that the Lincolnshire Lakes will be delivered via an area action plan (AAP). Both conform with the National Planning Policy Framework. The core strategy objectives and policies, as well as those of the emerging AAP, clearly highlight the need to create a transformational new housing location, improve strategic transport infrastructure, and blue and green landscape through the provision of multi-functional lakes and waterways and green infrastructure. It is also clear that the lakes and waterways will form part of the overall flood mitigation measures for the project, as well as forming new opportunities for biodiversity enhancement and habitat creation. The Lincolnshire Lakes project is referred to within policy CS1 (Spatial Strategy for North Lincolnshire) as a major flagship urban renaissance project that will be located to the west of the town creating a major new sustainable waterside setting that will soften the edge and provide an impressive gateway. Policy CS4 (Creating a renaissance in North Lincolnshire) states that the council will work with its partners to promote and secure area-wide renaissance in North Lincolnshire. Lincolnshire Lakes will be delivered through the creation of a master plan as part of the development of an area action plan.

Policy CS11 of the North Lincolnshire Core Strategy allocates employment land at Scunthorpe West (Use Class B1) for a High Quality Business Park at Lincolnshire Lakes. The employment land review (2014) indicates 10 hectares of land at this location.

It is therefore considered that the policy background for the Lincolnshire Lakes development in which this application sits is a key element in the wider Lucent group of applications, and is sound and established. The suite of local planning policies in the core strategy and the AAP supports the principle of development.

## **Access/transport**

The commercial park will benefit from two main points of access. A new connecting road from the proposed northern junction of the de-trunked M181 will provide access westwards through the site to application 4 and the western village. The southern group of plots within the commercial park will be accessed from this new road. The northern plots will also be

accessed via a new access junction to the de-trunked M181 motorway that will provide a signalised access to both the east and west of the de-trunked motorway. Connections from the commercial park to the western village (application 4) will be provided by a road that runs north to south and adjacent to the western boundary of the commercial park. This road would serve general traffic and would also allow servicing vehicles to access the units on the development parcels from the rear of the development plots. The applicants have stated that servicing will be carefully arranged and separated from key vehicle routes where possible.

A series of formal routes and informal paths for pedestrian and cycle movement are planned to be incorporated within the layout of the commercial park to facilitate a choice of routes including connections to the east and west. The applicants anticipate that the commercial park will be served by public transport as a longer-term phase and it is noted that a separate service is likely to be required.

### **Flood risk/mitigation**

The four Lucent planning applications lie within SFRA Flood Zone 2/3a. As part of the planning application the following documents were submitted:

- flood risk assessment
- drainage strategy
- hydraulic modelling.

National guidance contained within the NPPG requires all development in such flood zones to demonstrate that there are no reasonably available sites in locations subject to lower flood risk. North Lincolnshire and North East Lincolnshire Councils produced the Strategic Flood Risk Assessment (SFRA) which assessed the issues of flood risk in significant detail (including climate change) involved in the Lincolnshire Lakes site. North Lincolnshire Council assessed the Core Strategy in line with the then required PPS25 sequential testing, which has now been superseded by the NPPF and PPG.

The council's sequential test of the Flood Risk Potential Development Sites Final Report (2010) concluded that only a limited supply of land is available for development in Flood Zone 1 and that in order to meet housing needs, there is a requirement for development in the Lincolnshire Lakes area.

National guidance stated that where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision-making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the exception test if required. The Lincolnshire Lakes site has been thoroughly tested and passes the sequential and exceptions test strategy through the progression and adoption of the North Lincolnshire Core Strategy. The Lincolnshire Lakes development area is identified within the Core Strategy to deliver 6000 homes within policy CS8. Policy CS19 states that development within the Lincolnshire Lakes area will comply with the flood management principles set out in the Western Scunthorpe Urban Extension Exception Test Strategy (2010). The data from this Strategy has been used together with some of the hydraulic modelling work carried out by a consultant acting for the applicant, in the Lincolnshire Lakes Flood Management and Drainage Strategy (October 2014).

The proposals accompanying this suite of planning applications comprise mitigation measures that involve strengthening the existing flood defences between Gunness and Burringham by the insertion of a continuous steel piling into the river bank and through land-raising to create a safe platform upon which development can be built. It is not proposed to amend the existing levels at which the M181 motorway currently sits. The variation in platform levels relates to applications 1, 3 and 4 for residential and commercial development.

The proposals also include a drainage strategy and hydraulic modelling report which sets out measures to mitigate the risk of surface water flooding to the development and to ensure no increase in flood risk to the surrounding area. The mitigation measures include the control of surface water run-off flows; land-raising to create safe development platforms; and the creation of extensive attenuation areas within the proposed pond, wetland and recreation areas to store surface water during extreme rainfall events. The proposals have been developed in consultation with the Environment Agency and the Scunthorpe and Gainsborough Water Management Board who have no objection to the proposals subject to a number of conditions.

The Environment Agency has been consulted throughout the progression of the area action plan and the four Lucent planning applications. The Environment Agency does not raise any objections to the proposals subject to several conditions attached to each planning application.

The Lincolnshire Lakes planning applications contain a number of flood defence measures which are outlined below. These measures have arisen as the result of extensive modelling and design work by the applicant.

1. Lincolnshire Lakes will be built on a raised development platform to protect it from flooding.
2. The basic design standard is 1:200yrs plus 300mm minimum 'freeboard' (additional safety factor) with allowance for climate change impacts to 2115.
3. The design standard includes for a breach of the River Trent defences at the time of the 1:200yr tidal surge.
4. Further land-raising for drainage will result in increasing the basic design standard of 1:200yrs plus 300mm minimum 'freeboard' for most properties.
5. The homes at Lincolnshire Lakes will be protected to a standard well above the minimum requirement of the Association of British Insurers which is 1:100yrs.
6. For the benefit of Lincolnshire Lakes and the villages of Burringham and Gunness, the existing flood defence earth bank will be reinforced by steel piling.
7. For the benefit of the villages of Burringham and Gunness, the Burringham Pumping Station will be provided with an external connection facility for emergency power supply.
8. For the benefit of Burringham and Gunness, a platform will be provided for installation of temporary pumps to replace the existing pumping station in the event of complete failure.

9. The Lincolnshire Lakes development does not require any raising of the flood defences on the River Trent and is completely separate to any works to be promoted by the Environment Agency or other third party.
10. The steel piling reinforcement of the existing flood defence will be designed to facilitate any proposed raising of the bank by the Environment Agency or other third party.
11. The villages of Burringham and Gunness will continue to be at residual risk of flooding from overtopping or breach of the River Trent defence or failure of the Burringham Pumping Station. However, the Lucent proposals will reduce the residual risk of breach failure of the existing defences and reduce the impact of such breach. The Lucent proposals will also reduce the risk of flooding from failure of Burringham Pumping Station.

### **Retail policy assessment**

When the application was first submitted in August 2013 included within the proposals was a non-food (bulky goods) retail unit of 1,860 square metres (maximum GEA). The illustrative master plan submitted with the Lucent applications indicated that the non-food retail unit would be located directly adjacent to the proposed food store within the southern section of the commercial park. This unit was omitted from the scheme as part of the amendments submitted in August 2014 as a result of concerns over its potential impact upon the vitality and viability of Scunthorpe town centre.

Paragraphs 24 to 26 of the NPPF require local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date local plan. Additionally, local planning authorities should require an impact assessment if the development is over a proportionate locally set floor space. (If there is no locally set threshold, the default threshold is 2,500 square metres.)

The applicants submitted both a sequential test and an impact test in support of this planning application. The supporting information set out the predicted population growth forecasts up to 2018 and 2028, and the predicted forecasts in terms of available expenditure show that there is sufficient expenditure growth forecast over the development plan period to support both the comparison and convenience goods retail floor space proposed as part of the commercial park. The applicants also identify that this expenditure in growth and capacity will mean that the impact on existing centres and stores will not be 'significantly adverse'. The application and supporting information has been thoroughly assessed by the council's retail consultant, England and Lyle. Whilst agreeing that a large supermarket unit (food class A1) would be appropriate to serve the needs of local residents within the Lincolnshire Lakes development, the land surrounding Church Square in Scunthorpe town centre was sequentially preferable and the size of unit should reflect what is being proposed within the emerging AAP.

The applicants argued that the food store will compete 'like against like with existing out-of-town superstores in the area and will not result in a significant adverse impact on Scunthorpe town centre's overall vitality and viability'. Further to the approval of planning permission PA/2014/0470 for the University Technical College (UTC) on land south of Church Square House in July 2014 the council's retail adviser conceded that due to the reduction in size of the Church Square site it could no longer be argued that a sequentially

preferable site existed in Scunthorpe town centre. It was therefore concluded that the sequential test was passed for the food store unit of the proposed commercial park.

The emerging Lincolnshire Lakes AAP is likely to include provision for a supermarket with a gross floor space of 3,300 square metres with an internal sales area that should not exceed 2,300 square metres. The maximum size of food store proposed in the Lucent commercial park remains unchanged at 5,575 square metres with an internal sales area of 2,787 square metres which represents an over-provision of 487 square metres. Consideration has been given to the key issues raised by the council's retail adviser that previously raised concerns due to the potential cumulative impact with the Doncaster Road retail park development which was anticipated to be 8%. This level of impact would have had a significantly adverse impact on the vitality and viability of Scunthorpe town centre, however the removal of the non-food unit from the scheme reduces the anticipated combined impact on the town centre significantly to levels comparable to those assessed through the retail provision in the emerging AAP (approximately 6%) which is considered to be acceptable. Arguments submitted by the applicants surrounding the competition of the proposed food store which will essentially be 'like for like' with existing out-of-town superstores in the area is accepted. The difference between the likely provision within the AAP at the district centre and that proposed within the commercial park is a total of 487 square metres which, for the reasons discussed, is not considered to be a significant amount that could justify withholding consent. Consequently the proposals are acceptable subject to conditions restricting the net sales area within the food store to no greater than 2,787 square metres.

### **Other matters**

A key concern of some residents surround the increase in levels of congestion and traffic generation, particularly in the Doncaster Road and Scotter Road area that already face problems. The progression of the Lincolnshire Lakes project was not just to deal with increased traffic generated by the developments proposed but to assist in resolving outstanding problems within the Scunthorpe and Bottesford transport infrastructure. Through the delivery of the Lincolnshire Lakes development, and more specifically the northern junction and east-west link road within the Lucent proposals (application 2), it is anticipated that heavily congested areas to the north of Scunthorpe, particularly at Berkeley Circle, will be relieved to a significant degree. Berkeley Circle has been assessed within the Transport Assessment and shown to operate satisfactorily subject to capacity improvements at appropriate stages of the development. This is because, in future, Doncaster Road will not be the primary route for traffic to access the motorway network from the M181, or indeed the villages to the west of Scunthorpe or those accessed over Keadby Bridge. It should be noted that no highway connection is proposed from the development to the Trentside villages to the west. Concerns regarding the creation of a further commercial park are relevant, however the commercial viability of the Lucent proposals will, to some degree, rely on commercial land values and projections that go hand in hand with an increased population and increased retail capacity. Fundamentally the transformational nature of the scale of the developments proposed is such that greater population will require significant areas of employment. Comments regarding employment not being secured for local residents is accepted but is one of the constituent parts of the free market economy.

## **Section 106 agreement**

The following items are to be included in a Section 106 agreement between the applicants and the council:

- flood risk mitigation
- highway contributions:
  - traffic regulation orders
  - commercial travel plan
  - travel plan co-ordinator
  - subsidised public transport
  - M181 de-trunking works
  - undertaking to create M181 junction, de-trunking works and connecting section of east-west link road.

## **Review mechanism**

It is proposed to include a financial viability review mechanism within the Section 106 agreement. This mechanism will require several reviews at key periods over the entire development.

## **RECOMMENDATION**

**Subject to the finalisation of a formal agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms set out in the report, and finalisation (including additional conditions where necessary) of the conditions listed below, 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 22 April 2015 the Head of Development Management be authorised to refuse the application on grounds of failure to provide adequate levels of:**
  - **highway infrastructure and highway safety (policies T2, T4 and T19 of the North Lincolnshire Local Plan);**
  - **provision of flood risk mitigation measures (policy CS19 of the North Lincolnshire Core Strategy):**



1.

The development hereby permitted shall be carried out in accordance with the Design and Access Statement (August 2013) and the Supplementary Planning and Design Statement (August 2014), and the following approved plans:

Cross-boundary

0787-GA-004 (rev F): East/West Link Road and Junction Highway Layout

0787-RP-001 (rev C): East/West Link Road and Junction Highway Longsections

0787-SD-001 (rev B): East/West Link Road, Typical Highway cross-sections

0787-SD-002 (rev A): East/West Link Road and Junction standard construction details

Application 3

759\_03\_07\_113 (PL1): Proposed Land Use

759\_03\_07\_114 (PL1): Proposed Densities

759\_03\_07\_116 (PL1): Building Heights

759\_03\_07\_117 (PL1): Proposed Access and Circulation (primary routes and access points only)

759\_03\_07\_120 (PL1): Tree and Hedgerow Retention and Removal

759\_00\_00\_066 Rev 2A: Illustrative Masterplan

Reason

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

2.

The development hereby permitted shall be begun either before the expiration of 8 years from the date of this permission or 3 years from the date of the first reserved matters being discharged.

Reason

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

3.

The first application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission. All subsequent reserved matters applications are to be made within a period of 20 years from the date of this permission.

Reason

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

4.

No work shall commence upon any phase or sub-phase of development (unless agreed to be enabling works) until approval of all the reserved matters (details of the layout, scale and appearance of the buildings and landscaping of the site) relating to that phase has been obtained in writing from the Local Planning Authority. The development shall be carried out as approved.

Reason

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

5.

Prior to the submission of any application for approval of reserved matters on any part of the site, a Design Guide shall be submitted and approved in writing by the Local Planning Authority. The applicant will prepare a Design Guide for the area to which the reserved matters relate, and demonstrate how the guidance is integrated with the principles in the DAS. The scope of the Design Guide will be agreed with the Council depending on the timing and scale of the reserved matters application(s), and relationships with adjacent areas. In that context, any Design Guide could relate to specific geographical areas, phases or sub-phases of development to be agreed with the Local Planning Authority.

The Design Guide will be developed in broad accordance with illustrative principles as defined in Part D of the Design and Access Statement (August 2013) and the Supplementary Planning and Design Statement (SPDS, 2014).

#### Design Guide - scope

The scope of the Design Guide will be agreed with the Council. It will include specific guidance, statements and design specifications and is likely to incorporate the following elements:

#### 1. Integration with the Masterplan:

- Design objectives
- Masterplan framework
- Movement and public realm
- Use, density and height
- Landscape strategy and structure

#### 2. Space typologies and public realm:

- Streets (east-west link road, key junctions, main streets, local streets, shared surface streets)
- Village structure (morphology, frontage conditions, parking arrangements, character and materiality)
- Village Spaces (village centres, village greens, local squares, Brumby Common, Brumby Grove, Eastern village parklands, Western village parklands and wetlands, Warping drain)
- Commercial Park (design objectives, layout principles, character and appearance)

#### 3. Landscape:

- Landscape setting;
- Landscape edges;
- Green corridors;

- Lakes and wetlands;
- Ditches and swales;
- Attenuation areas;
- General planting, feature trees, street trees, hedgerows
- Woodlands

A statement shall be submitted with each reserved matters application for any phase or sub-phase, setting out how the application proposals comply with the Design Guide and the masterplan Design and Access Statement and the principles and parameters described above.

#### Reason

To ensure that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed, and to ensure high standards of urban design, a comprehensively planned development and accordance with paragraphs 56 to 63 of the National Planning Policy Framework.

#### 6.

A Site Wide Phasing Programme shall be submitted to the Local Planning Authority for approval in writing prior to or no later than concurrent with the submission of the first Reserved Matters application submitted for the site.

The Phasing Programme shall include a Phasing Plan and details of the proposed sequence of development across the entire illustrative masterplan area (i.e. land encompassed by the red line application areas of planning permissions PA/2013/1000, PA/2013/1001, PA/2013/1002 and PA/2013/1003), the extent and location of individual development phases or sub phases, including reference to the type and extent of any development envisaged in each phase, and a description of that development.

The Phasing Programme shall state when each of the following will be delivered:

- (a) Major access infrastructure including roads, footpaths and cycle ways;
- (b) Public open space areas including informal open spaces, recreation and sports areas, allotments, equipped play areas and ecological areas and habitats;
- (c) All structural and site wide landscaping and any additional green infrastructure, and;
- (d) All strategic drainage and SUDS infrastructure.

No development shall commence until the Phasing Programme has been approved in writing by the Local Planning Authority and thereafter each reserved matters application for any phase or part of a phase submitted pursuant to 4 above (standard reserved matters condition) shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The development shall then be carried out in accordance with the Phasing Programme as approved and updated.

Reason

To ensure that the development is delivered in a structured way in accordance with the approved parameter plans and in accordance with the emerging AAP and policies CS1 and CS4 of the North Lincolnshire Core Strategy.

7.

The gross external area (GEA) of the Commercial Park hereby approved shall not exceed 23,735 sqm. The GEA of the different uses approved shall not exceed the following maximum levels of development:

- 6,860 sq.m. offices (Use class B1)
- 5,575 sq.m. retail food store(Use class A1)
- 6,500 sq.m. Hotel & Public House (Use class C1, A4)
- 4,000 sq.m. Sports, Health & Fitness Centre (Use class D2)
- 800 sq.m. Restaurant (Use Class A3)

Reason

To define the terms of the permission and to ensure the appropriate density across the site.

8.

A statement shall be submitted with each reserved matters application for any phase or sub phase, setting out how the application proposals comply with the Design and Access Statement and the principles and parameters and the overall design guide as specified in condition 5.

Reason

To ensure that the details of the development are satisfactory to the local planning authority in view of the nature and scale of the development proposed.

9.

be submitted to and approved by the Local Planning Authority. The approved enabling works shall not constitute the commencement of development hereby approved by this planning permission.

Reason

To define the terms of the permission and for the avoidance of doubt.

10.

Prior to the commencement of development a scheme for the annual monitoring of the following highway junctions is to be submitted to and approved by the Local Planning Authority:

1. Berkeley Circle
2. Existing M181 / Doncaster Road roundabout
3. Scotter Road / Brumby Wood Lane

4. Scotter Road / Burringham Road
5. Ashby Road / West Common Lane / Old Brumby Street

Reason

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

11.

Prior to the commencement of each phase or sub-phase of development, details of the following shall be submitted for approval and once approved shall be implemented for the duration of any construction works:

- (a) The location and size of temporary construction compounds;
- (b) The location, size and means of access for vehicles to car parking areas required by construction staff;
- (c) The location and size of unloading and loading areas;
- (d) The range of proposed working hours;
- (e) Wheel cleaning facilities;
- (f) Construction staff car parking;
- (g) An advanced direction signage programme for the site on and adjacent highway network;
- (h) Measures for the suppression of dust created by construction activity;
- (i) Location, height and luminance levels of any floodlighting;
- (j) A programme for the removal of temporary structures/buildings and a remediation strategy for the site.

The development should be carried out in accordance with the approved details.

Reason

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

12.

Prior to the commencement of each phase or sub-phase of development a construction traffic management plan is to be submitted to and agreed in writing by the Local Planning Authority. The construction traffic management plan shall include details showing how construction traffic will avoid the use of the A18 through Althorpe or provide mitigation measures to allow the safe movement of goods along Station Road, Althorpe at Bridge DOW/37.

The development should be carried out in accordance with the approved details.

## Reason

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

13.

No site preparation, earthworks and construction phase work shall be carried out until a formal Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the local planning authority. The approved CEMP must be implemented before and maintained during construction and maintenance of the relevant stage of the authorised development. No variation from the agreed CEMP shall be permitted without prior written approval from the Local Planning Authority. The CEMP shall include the following:

- Details of measures to be taken to avoid harm to reptiles, bats, nesting birds and water voles during site clearance and construction;
- Details of bat foraging corridors to be retained and protected during construction;
- Proposed timings for above works;
- Restrictions on external lighting to avoid impacts on bat foraging areas and sensitive habitats;
- Details of measures to minimise disturbance to the Primary Green Corridors proposed in the submitted Biodiversity Strategy;
- Sensitive working practices to avoid harm to reptiles, water voles, bats and nesting birds;
- Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species;
- Formation and operation of an Environmental Steering Group, comprising the developer, the Council and other invited parties, to ensure implementation of environmental works; and
- Details of persons responsible for:
  - Compliance with legal consents relating to nature conservation;
  - Compliance with planning conditions relating to nature conservation;
  - Installation of physical protection measures during construction;
  - Implementation of sensitive working practices during construction;
  - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

Reason

To ensure the construction of the development does not have an adverse impact upon ecology, in accordance with policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

14.

No phase or sub-phase of development shall take place until the results of up-to-date protected species surveys, (i.e. no more than 3 years old) have been submitted to and approved in writing by the Local Planning Authority. Surveys shall be carried out by a suitably qualified ecologist at an appropriate time of the year and should include details of protection and/or mitigation, as appropriate.

Reason

To ensure the construction of the development does not have an adverse impact upon ecology, in accordance with policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the North Lincolnshire Core Strategy.

15.

All existing trees within the site shall be retained, unless shown on the approved landscape drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837:2012, for the duration of the works on site. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and position as may be agreed with the Local Planning Authority.

Reason

In order to protect the existing trees on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy.

16.

All existing trees, shrubs and other natural features not scheduled for removal shall be fully safeguarded during the course of the site works and building operations. No work on any phase or sub-phase shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with:

- i) 1.2m minimum height chestnut paling to BS 1722 Part 4 standard securely mounted on 1.2m minimum height timber posts driven firmly into the ground; or
- ii) 2.4m minimum height heavy duty hoardings securely mounted on scaffold poles; or
- iii) A suitable alternative that is agreed in writing with the local planning authority;

Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soils or other materials shall take place inside the fenced area.

#### Reason

In order to protect the existing trees and shrubs on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy.

17.

All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards (BS 5837:2012). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

#### Reason

In order to protect the existing trees and hedgerows on the site in accordance with policy CS16 of the North Lincolnshire Core Strategy.

18.

No development shall take place within any phase or sub-phase until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. Proposed finished levels or contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Water features;
- v. Other vehicle and pedestrian access and circulation areas;
- vi. Hard surfacing materials;
- vii. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- viii. Existing vegetation and landscape features retained;
- ix. Proposed soft landscape elements (planting and seeding) including planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and, implementation programme.

The development should be carried out in accordance with the approved details.

#### Reason

To ensure the development complies with policy CS17 of the North Lincolnshire Core Strategy.



19.

All hard and soft landscape works shall be carried out in accordance with the approved details for each phase or sub-phase of development in accordance with a programme agreed with the local planning authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

20.

Prior to submission of the details in pursuance of the outline permission, the applicant or their agents or successors in title shall complete the archaeological evaluation in accordance with the Written Scheme of Investigation Lincolnshire Lakes Project: Framework For Archaeological Investigation and Mitigation Strategies, AC Archaeology, dated June 2014, rev October) and shall submit reports to the Planning Authority. The archaeological evaluation will include the:

- Fieldwalking survey
- Geophysical survey
- Geoarchaeology/palaeo-environmental assessment
- Trial trenching

Reason

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

21.

The details submitted in pursuance of the outline permission shall be accompanied or preceded by the submission to the Planning Authority of an Archaeological Impact Assessment Report and Mitigation Strategy providing proposals for preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing and archiving of results, including plans defining the areas for archaeological mitigation, which shall be subject to the approval in writing of the Planning Authority.

Reason

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

22.

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 set out in the approved Archaeological Mitigation Strategy, and until detailed project designs for site and post-excavation assessment works have been submitted to, and approved in writing by, the Planning Authority including:

- i. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- ii. Monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works.
- iii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

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

23.

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

Reason

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

24.

The final phase of the development hereby approved by this permission shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Archaeological Mitigation Strategy and until the applicant, or their agents or successors in title, has secured the implementation of an updated project design providing for the analysis, publication and dissemination of results and archive deposition that has been submitted to, and approved in writing by, the Planning Authority.

Reason

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

25.

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

Reason

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

26.

Prior to the commencement of each phase of development an updated Flood Risk Assessment (FRA) shall be submitted to and agreed in writing by the local planning

authority in accordance with the scope for the FRA that shall previously have been submitted to and approved in writing by the Environment Agency.

The FRA shall be undertaken in accordance with the requirements of the National Planning Policy Framework (NPPF) and associated guidance and make use of the best available information on flood risk.

The scope of the updated FRA which shall previously have been agreed by the EA shall also include, but not be limited to, the following:

- An assessment of the impact of ground water levels on flood risk and on the proposed mitigation measures;
- Specify the required finished floor levels which shall be in accordance with the standards of protection set out in section 6.1 of the Peter Brett Associates FRA (project reference 25561/008 Rev AA August 2013); and
- Provide details of the appropriate flood risk mitigation, including piling design and extent of works, and safe access and egress for existing properties.
- An assessment of the ongoing maintenance requirements of the mitigation proposed, once the scheme has been completed, including details of how and by whom these will be managed over the lifetime of the development, to be agreed in writing by the local planning authority.

Development shall proceed in accordance with the updated and approved FRA.

#### Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

#### 27.

Prior to the commencement of each phase of the development a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 100 years critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site. It shall also include details of how the resulting completed scheme is to be maintained and managed so that flood risk, both on and off the site is not increased.

The drainage scheme shall be consistent with any existing broader strategy proposed for the Lincolnshire Area Action Plan (AAP) and shall be implemented in accordance with the timetable agreed therein.

The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any dwellings constructed within that phase.

#### Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

28.

Prior the commencement of each phase of the development a scheme to strengthen the existing flood defences (in the area of river frontage shown to be within the redline boundary of application 4 on drawing number 759\_00\_07111. Rev PL1) shall be submitted to and approved in writing by the local planning authority. The scheme detail to be approved shall be for a length of continuous piling which shall be in accordance with the Environment Agency design standards for stand-alone defences. The scheme shall demonstrate that there is an appropriate method of construction which takes account of land ownership issues and all relevant consents. The scheme shall proceed in full accordance with the approved details prior to the occupation of any dwellings constructed within that phase.

#### Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

29.

Prior to the commencement of each phase of development a scheme for the construction of the proposed lakes shall be submitted to and agreed in writing by the local planning authority. The primary function of the proposed lakes will comply with section 5 of the Lincolnshire Lakes AAP. Details of the lakes shall include but shall not be limited to the following:

- Sectional scaled drawings of the lakes showing depth, gradient and water levels;
- Method of construction including timescale/use of machinery and plant;
- Water management strategy;
- Details of geology, substrates and any artificial liners;
- Biodiversity features to be incorporated into each lake; and
- Details of any plants and animals including fish to be introduced or encouraged.

#### Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

30.

No building works comprising the erection of a building required to be served by water services shall be undertaken until details of a scheme, including phasing, for main sewerage and off-site sewage treatment has been submitted to and approved in writing by the local planning authority. The works shall be implemented in full prior to the occupation of any buildings within the relevant phase(s) of the development.

Reason

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

31.

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 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.

32.

The development hereby permitted shall not be occupied until a scheme which includes the following measures has been submitted to and approved by the Local Planning Authority. The scheme shall be submitted in full unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A comprehensive site survey by a competent person shall determine the existence, extent and concentrations of any land gases with the potential to impact upon the application site. The requirements of the Planning Authority shall be fully established before the site survey is commenced. Two full copies of the survey, findings and conclusions shall be submitted to the Planning Authority without delay upon completion.
2. A written scheme to be implemented and completed by a competent person detailing measures to contain, manage and/or monitor any land gases with the potential to reach the application site shall be submitted to the Local Planning Authority. The scheme shall be agreed in writing with the Local Planning Authority prior to the commencement of development and implemented prior to occupation of the development. No deviation shall be made from this scheme without the express written agreement of 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.

33.

No development shall take place until a Noise Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment report shall provide details of existing background noise levels, existing noise sources likely to impact upon the proposed development, new noise sources likely to impact upon any

sensitive locations, mitigation methods to be employed and the resulting predicted levels of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

#### Reason

For the protection of residential amenity and prevention of unacceptable adverse noise impact at community facilities in accordance with policy CS1 of the North Lincolnshire Local Plan.

34.

No development shall commence until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- Identification of sensitive receptors likely to be impacted upon by light nuisance,
- A lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the Local Planning Authority.

#### Reason

For the protection of residential amenity and to prevent adverse environmental impact, in accordance with policy DS1 of the North Lincolnshire Local Plan.

35.

Construction operations shall be limited to the following hours unless otherwise agreed in writing by the Local Planning Authority:

07:00 to 19:00hrs Monday to Friday.

07:00 to 13:00hrs Saturday.

No construction operations on Sundays or public 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

For the protection of residential amenity and to prevent adverse environmental impact, in accordance with policy DS1 of the North Lincolnshire Local Plan.

36.

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:

- (1) Noise and vibration: The CEMP shall set out the particulars of:
- a) the works, and the method by which they are to be carried out;
  - b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
  - c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures
- (2) Light: The CEMP shall set out the particulars of:
- a) Specified locations for contractors' compounds and materials storage areas,
  - b) Areas where lighting will be required for health and safety purposes,
  - c) Location of potential temporary floodlights,
  - d) Identification of sensitive receptors likely to be impacted upon by light nuisance,
  - e) Proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.
- (3) Air Quality and Dust

The approved CEMP must be implemented before and maintained during construction and maintenance of the relevant stage of the authorised development. No variation from the agreed CEMP shall be permitted without prior written approval from the Local Planning Authority.

#### Reason

For the protection of residential amenity and to prevent adverse environmental impact, in accordance with policy DS1 of the North Lincolnshire Local Plan.

37.

The net sales area of the proposed food store unit (Use Class A1) shall not exceed 2,787 square metres.

#### Reason

To ensure that the proposed development does not have a significantly adverse impact upon the vitality and viability of Scunthorpe town centre and complies with paragraphs 24 to 26 of the National Planning Policy Framework.

38.

No phase or sub-phase of development (as specified under the details submitted in condition 6) shall take place until a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The Plan shall include the following elements:

- (a) Details of the extent and type of new native planting and habitat creation;
- (b) Details of the extent and type of retained habitats and features;
- (c) Details of the key landscape and biodiversity functions of landscape components;
- (d) Details of management objectives;
- (e) Details of maintenance regimes;
- (f) Details of treatment of site boundaries and/or buffers around water bodies (including ditches/drains);
- (g) Details of management responsibilities (for the duration of the project and once complete);
- (h) details of long-term monitoring of:
  - success of mitigation and enhancement measures for protected / notable species;
  - success of habitat creation, enhancement and management;
- (i) Details of sensitive working practices to avoid harm to reptiles, water voles, bats, hedgehogs, nesting birds and uncommon aquatic plants;
- (j) Prescriptions for habitat enhancements for reptiles, water voles, invertebrates, foraging bats and aquatic plants;
- (k) Prescriptions for the installation and retention of woodcrete bat boxes, bat bricks or bat access points in 10% of new buildings concentrated near woodland and water;
- (l) Prescriptions for the installation of swift boxes and sparrow terraces on buildings;
- (m) Prescriptions for the installation of a variety of bat boxes and nest boxes in trees and tern rafts in the proposed lake;
- (n) Prescriptions for the retention, creation, enhancement and on-going management of wet ditches, lakes, ponds and other wetlands;
- (o) Prescriptions for landscaping using trees, shrubs and hedge plants of high biodiversity value- with a requirement for locally native species at the edge of the village and in natural habitat;
- (p) Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (q) Procedures for monitoring, wardening, control of access and on-going management of created habitats;



- (r) Measures to avoid light, noise and water pollution, flytipping and other factors that would harm habitats and species.

**Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

39.

Once agreed in writing, the Landscape and 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.

**Reason**

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the Core Strategy.

40.

Prior to the commencement of development, the applicant or their successors in title shall agree in writing with the local planning authority the terms of reference for an environmental steering group to oversee implementation of ecological mitigation measures and sensitive working practices. The steering group shall comprise suitably experienced representatives of the applicant or their successor, the local planning authority and other appropriate organisations by agreement. The steering group shall meet at least annually from the commencement of development to at least five years after the completion of works on the lakes and tree planting areas shown on submitted drawing number 759\_00\_00\_066 revision 2A for an annual monitoring review, unless otherwise agreed in writing with the local planning authority. Prior to the meeting, an environmental report, completed to an agreed standard, shall be provided by the applicant or their successor in title to all steering group members. Environmental actions agreed by the environmental steering group shall be implemented in full in accordance with agreed timescales.

Each year within the above period, the applicant or their successor in title shall provide the local planning authority with 21 day' notice of an intended annual monitoring review and use reasonable endeavours to agree a mutually acceptable date for the annual monitoring review with the local planning authority.

**Reason**

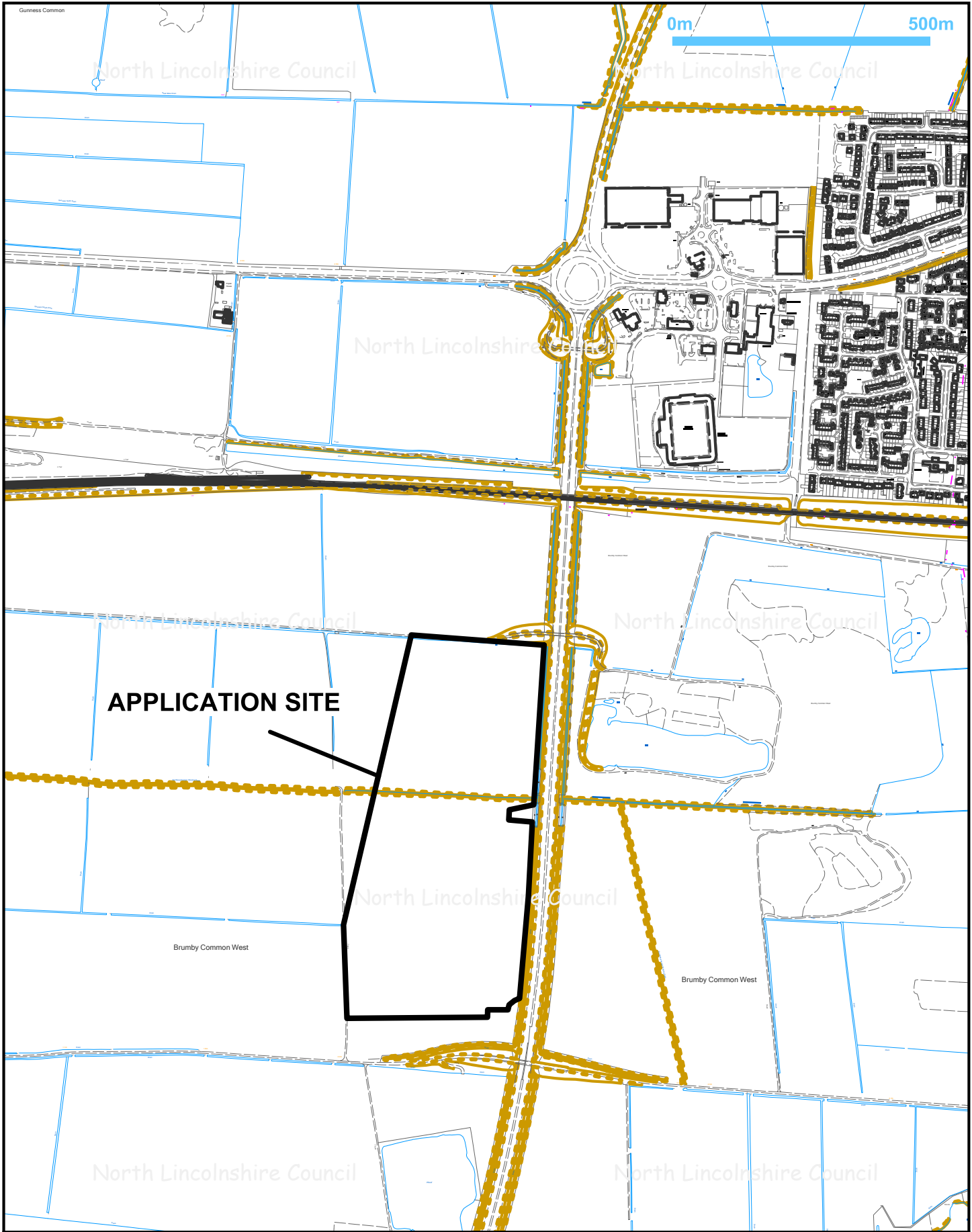
To provide environmental controls in accordance with policies CS5 and CS17 of the Core Strategy.

**Informative 1**

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

**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/2013/1003			
Drawn by: Sue Barden	Date: 08/10/2014	Scale 1:10000	



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**Director of Places**  
**Peter Williams**  
 BSc,DMS,CEng,MEI,MCMI,AMIMechE

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