

<b>APPLICATION NO</b>	<b>PA/2014/0178</b>
<b>APPLICANT</b>	Persimmon Homes (Yorkshire) Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 71 dwellings with associated access, open space, landscaping and infrastructure
<b>LOCATION</b>	Land at Ashby Decoy Golf Club, Burringham Road, Ashby Parklands
<b>PARISH</b>	<b>ASHBY PARKLANDS</b>
<b>WARD</b>	Brumby
<b>CASE OFFICER</b>	Mark Beevers
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement and confirmation of 'no objection' from the council's Land Drainage Team, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that 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 100 states that inappropriate development in areas at high 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. Sequential and Exception Tests should be carried out to justify development, reduce the risk from flooding and steer development to those areas at lowest risk.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 128 requires applicants to describe the significance of heritage assets and the contribution setting makes to this significance. The level of detail required should be proportionate to the asset's importance and no more than is necessary to understand the potential impact upon significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities can require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

Policy RD2 (Development in the Open Countryside)

Policy H8 (Housing Design and Housing Mix)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**CONSULTATIONS**

**Highways:** No objections subject to conditions which secure a pedestrian crossing and footpaths between the proposed site and bus stop and the relocation of the existing bus stop. Standard conditions are also recommended.

**Streetlighting:** If the developer's intention is to have the development adopted for maintenance by the local authority, streetlighting shall be provided in accordance with the requirements of North Lincolnshire Council and in brief this should comply with the

requirements of BS5489-1:2013 and utilise North Lincolnshire Council's preferred lighting package of LED luminaries.

**Severn Trent Water Ltd:** No objection subject to conditions.

**Yorkshire Water:** No comments received.

**Environment Agency:** The Environment Agency has long held an objection to this application, however the objection to this site being included as a residential allocation within the Housing and Land Allocations Development Plan Document has been removed prior to the Examination in Public process. The Environment Agency has also confirmed that the objection to this application has now also been removed following an agreement with the developers being reached regarding flood mitigation measures and the means of drainage from the site. Conditions are currently being agreed and will be provided shortly.

**Anglian Water Developer Services:** No comments received.

**Trees and Landscape:** The loss of the trees on this site prior to the submission of this application is such that the council needs to ensure that considerable mitigation replanting of green infrastructure is put in place in line with the Core Strategy and SPG Trees and Development. This will enhance biodiversity and ensure the sustainable use of the site. Until such information is submitted and agreed to, the council should consider refusal at this time.

Although not protected by a tree preservation order, these trees were important from a conservation/wildlife perspective as well as having had visual amenity in the wider area. The extent of this is such that it is considered that a felling licence should have been sought from the Forestry Commission and they are presently investigating this as a separate matter.

SPG 11 'Trees and Development' advises at Guidance Note 7 that in locations where conservation objectives are recognised (i.e. LWS), '...substantial planting schemes will generally be expected to maximise the benefits to wildlife...'. Guidance Note 12 warns against the premature removal of trees and hedgerows and indicates that, where such things occur, the council will seek to make up for lost tree cover either at the site or elsewhere. Taking this into account, it is considered that the applicant would be required to submit a substantial and sustainable replanting scheme of trees and green infrastructure. Core Strategy policy CS5 advises that development should 'incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked green spaces across the area. Tree planting and landscaping schemes can also assist in minimizing the impacts of carbon emissions upon the environment.'

Submission of a comprehensive landscaping and mitigation replanting scheme, together with a full arboricultural survey of the remaining trees on the site to BS5837:2012 indicating the condition, retention values, protection areas of trees. Until such information is submitted and agreed as reasonable it is considered that the council should consider the refusal of this application.

**Biodiversity:** Consultation response 20 November 2014 – The existing biodiversity value of the site does not preclude development, however, in order to meet the requirements of policy LC4, the National Planning Policy Framework and policies CS5 and CS17 of the

Core Strategy, it is important to ensure that the development is delivered in such a way that harm is mitigated and biodiversity is enhanced as far as possible.

The proposed enhancement measures are acceptable in principle, though they require greater definition and clarification for all parties concerned to know what is expected. Proposals also need to be set out clearly with quantities and timescales to enable enforcement, if necessary. The works proposed lie outside the construction site, on land held by the Golf Course, therefore a Section 106 agreement or unilateral agreement will be required.

Conditions are recommended to secure a biodiversity management plan on the site if a SUDS system is implemented as requested by the Environment Agency.

**Lincolnshire Wildlife Trust:** Consultation response 19 November 2014 – The proposed ecological mitigation/compensation plans are broadly acceptable and provided these habitats are managed/created as specified within the On-site and Off-site Mitigation Design Document, then there should not be a significant loss of priority habitat within the Local Wildlife Site as a result of the proposed development. We particularly support bringing the area of Lowland Acid Grassland within area 1 into the management plan for the site as this habitat type is the main feature for which the site was selected as a LWS. Bringing more acid grassland into positive management, in addition to the creation of new wet woodland and management of the Decoy Wood, will therefore be a gain for the site overall.

**National Grid:** No objections, however the proposed development is located close to National Grid apparatus and the applicant should satisfy themselves that the development can legally proceed.

**Sport, Leisure and Culture:** The provision of high quality and accessible leisure facilities in North Lincolnshire is essential to improving the health, community cohesion, prosperity and wellbeing of our residents.

The Core Strategy of the North Lincolnshire Local Development Framework, policy CS22 states that developers will be expected to make an appropriate contribution towards necessary or additional provision for community services and facilities arising from their development proposals.

A 'Sports Facility Calculator' has been developed by Sport England (the public body for the sector responsible to the Department for Culture Media and Sport) for planning obligation purposes associated with leisure facilities. The calculator should be applied to this housing development to determine the value of a Section 106 agreement for off-site leisure. The elements of the calculated financial contribution will be pooled to allow expenditure on community leisure facilities which meets the residents' needs.

**Designing Out Crime Officer:** No objection subject to conditions.

**Strategic Housing:** No objection subject to the completion and engrossment of a Section 106 Agreement which secures 14 affordable housing units on the site. Seventy per cent of affordable housing should be provided at social rent levels to meet local needs.

**Historic Environment Record:** Consultation response 18 December 2014 – Following the negative results from the archaeological field evaluation, the HER has no further comments to make.

**Environmental Health:** No objections subject to conditions which protect residential amenity during the construction process.

**Public Open Space Co-ordinator:** This development consisting of 71 dwellings qualifies for the provision of an on-site equipped area of play and associated casual open space. This particular site at present is isolated in location with poor footpath links and safe crossing points over two major roadways to promote and encourage young children to walk 10 minutes to access the next nearest large park and play facility. Therefore we want to see a localised play facility for toddlers located on the development itself.

There is a need to provide a local equipped area of play (LEAP) on a development of this size of at least 400 square metres that would cater for younger children (4 to 8 years of age). It should comprise a safety surface/hard area containing five varied pieces of younger children's play equipment, which incorporate integrated and inclusive play.

Casual open space of 710 square metres should also be provided along with the equipped area and this can be used to surround the LEAP in order to create a larger buffer zone between the activity area and the boundary of the nearest property. The minimum buffer zone we would wish to see around the LEAP would be a depth of 15 metres. We see from the submitted plans that the current proposed open space area is planted with what we believe are mature/semi-mature trees. We will need to see the relevant tree report associated with these specimens to ascertain the health of the trees to see if they are safe to remain in this public area. We may have some issues with the proximity of the trees to any equipped play area. We do not want the trees to overshadow the playground to reduce leaf fall and create slip hazards; also the play area needs to be open and visual for security purposes.

The commuted sum for maintenance on this area, based on the provisions required and stated above would be £4,220.99 per annum x 10 years = £42,209.89.

**Humberside Fire and Rescue:** No objection.

**Public Health:** There is a significant amount of wasted land which could be provided as public open space which would improve the overall health benefits associated with this development.

**Education:** No contributions necessary in this instance.

**Public Transport:** The site entrance could be positioned to the west to prevent conflict with the adjacent bus stop. A crossing could also be provided to allow easy access across the road for public transport users.

## **PARISH COUNCIL**

Ashby Parkland Parish Council objects to this planning application for the following reasons:

- Highway safety – The entrance to the proposed development is adjacent several entrances/exits. The busy ASDA exit already causes problems and 'near miss' accidents alongside the entrance to Ashfield Park Homes. There is also a bus stop opposite the proposed development entrance which will impair visibility and hinder highway safety.

- Traffic generation – The proposed development of 71 dwellings will substantially increase the number of vehicles in the area, causing increased traffic generation and congestion.
- The proposed development of the land at the Golf Club will cause a loss of an important open space and community facility.

## **PUBLICITY**

Neighbouring properties have been notified by letter, site notices erected around the site and press notices released. No comments have been received to this application from the general public.

## **ASSESSMENT**

### **Site assessment**

The application site measures two hectares in size and is located to the west-south-west of Scunthorpe. The site is located within the open countryside, adjacent to the settlement limits of Scunthorpe. Burringham Road forms the northern boundary of the site and provides access into the proposed development. Playing fields are situated beyond the western boundary of the site with a public house and restaurant to the east. Ashby Decoy Golf Course forms the southern boundary to the site and occupies a large area to the west and south-west of the site. To the north of the site, across Burringham Road, is a large 24-hour ASDA Superstore and the Ashfield Park Homes site.

The site is Greenfield and surrounded on all boundaries by mature tree planting and hedgerow. Trees exist within the body of the site; however some vegetation was cleared prior to the submission of this application. The site now supports a mix of rough grassland, low-lying shrubs and deciduous trees.

### **Proposed development**

This application seeks to secure full planning permission for the erection of 71 residential properties and ancillary infrastructure. A single junction will provide access from Burringham Road onto a loop road allowing access to the majority of the site. To the south-east of this loop is a private driveway serving five properties. Public open space is provided to the east of the site adjacent to the boundary with the public house/restaurant. Mature trees act as a backdrop to this area of public open space and screen views of the public house/restaurant buildings beyond.

The development will provide 14 affordable housing units. Reed beds will be incorporated into the open space to provide sustainable urban drainage for the site. The public open space will act as open space only with a contribution made towards off site playing facilities.

### **Planning history**

The site has been accepted for provisional allocation within the emerging Housing and Employment Land Allocations Development Plan Document (HELADPD). The HELADPD is currently being progressed towards Examination in Public with a view to being adopted in 2015.

### **Main issues**

**The main issues to be considered in the determination of this planning application are:**

- **principle of development**
- **loss of trees**
- **ecology**
- **archaeology and heritage**
- **drainage and flood risk**
- **highway safety**
- **residential amenity**
- **developer contributions**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). Supplementary Planning Guidance titled Landscape Character Assessment and Guidelines, Developer Contributions to Schools, The Provision of Open Space in New Housing Developments and Trees and Development are also material planning considerations.

Emerging policies are capable of carrying weight in the determination of this application in accordance with paragraph 216 of the NPPF. The HELADPD is an emerging document assessed in the determination of this application.

For the purposes of the development plan the application site is located entirely within the open countryside and as such is subject to policies RD2 in the NLLP and policy CS2 in the NLCS. These policies both place restrictions on development within the open countryside and neither allow residential development unless it is to meet a purely affordable housing need or a functional need associated with agricultural or forestry processes. For this reason the application represents a departure from the current development plan and can therefore only be supported if material considerations indicate otherwise.

Paragraph 49 of the NPPF applies the presumption in favour of sustainable development on residential developments. It must be concluded that the site is situated within a sustainable location. The site is located adjacent to a public house and a large ASDA supermarket which includes a petrol station, pharmacy and travel agents. There are also primary schools, secondary schools, parks and employment opportunities within 1,000 metres of the site entrance. John Leggott Sixth Form College is located approximately 1,300 metres from the site entrance.

The site is part provisionally allocated for residential development within the HELADPD; this document is not yet adopted but it has been through the Examination in Public process in January 2015 and has been through all stages of consultation. Weight is attributed to this document in accordance with paragraph 216 of the NPPF which outlines three considerations:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The HELADPD has reached a final draft form and has been through the examination process. The HELADPD is also considered to be compliant with the NPPF and the authorities overarching strategy for North Lincolnshire. As such it is considered that weight can be attributed to the HELADPD depending on the extent to which unresolved objections exist.

The allocation of the site is guided by policy SCUH-16 within the HELADPD. Policy SCUH-16 had five objections to it during the most recent round of consultation. Two objections are made by developers who question the deliverability of the site due to flood risk concerns and the lack of land available for compensatory storage and to protect their allocation and ensure its delivery respectively. The Environment Agency, Lincolnshire Wildlife Trust and English Heritage have also objected to the allocation of the site. These objections have all since been overcome in the examination process and during this application process.

These concerns are considered within sections of this report below and for these reasons it is considered that weight can be attributed to policy SCUH-16 of the HELADPD.

It is considered that the authority should take a pragmatic approach to housing delivery, and appropriate development on emerging allocations should be considered acceptable in principle where significant objections have not been raised. This is more important given that the authority's five-year housing land supply is only robust due to the inclusion of emerging housing sites. It is therefore considered that the principle of residential development on this site can, on balance, be accepted.

### **Loss of trees**

Concerns have been raised regarding the loss of trees on the site; this is both the physical removal of trees prior to the submission of this application and the proposed removal of trees as part of developing the site.

The application is supported by a tree survey and a plan which identifies the trees to be removed. The trees on the site all have landscape value and are rated as either category B or C species meaning that they either have low or temporary landscape benefits (category C) or they are of moderate quality and may as a group attract a higher collective rating (category B).

The application will result in the removal of category C rated trees which are considered to be of low value and in many instances recommended for removal by the submitted tree survey. The application will also result in the removal of the following category B rated trees: 10 oak, 3 sycamore, 1 goat willow, 11 silver birch and a small coppice of deciduous trees which line the existing ditch within the site. The loss of these trees must be mitigated via new tree planting elsewhere. This will be achieved within the site: 29 new trees are depicted within the proposed development and as part of the off-site ecological mitigation which includes tree planting and woodland management.

Despite the extensive loss of trees on this site it is considered that the proposed replacement planting will compensate for those species lost. Planting plans will be conditioned for on-site planting and these details will be anticipated to secure semi-mature native tree species. Off-site planting will be secured by legal agreement.

This development will result in an off-site contribution towards play spaces and equipment. As such an on-site LEAP is not required as part of this development. This decision will allow the retention of more trees within the open space and this will be agreed by condition.

The implementation of replacement planting complies with the requirements of policy LC12 of the NLLP and policy CS16 of the NLCS.

## **Ecology**

The application site is considered to have ecological value and is part of a wider Local Wildlife Site (LWS). The LWS centres on Ashby Decoy Golf Club and the application site is the only area of land (alongside two playing fields) which appears separated from Ashby Decoy Golf Club. The application initially resulted in an objection from the council's ecologist and Lincolnshire Wildlife Trust as the development destroyed wildlife habitat with no compensatory habitat provided elsewhere.

The applicants have now submitted a Habitat Creation and Management Report which clearly outlines how compensatory habitat can be created within the Ashby Decoy Golf Course. Locations within the Golf Course have been identified for habitat enhancement and include Lowland Acid Grassland; this habitat is the type for which Ashby Decoy Golf Club was designated as a LWS. Compensatory habitat is also proposed in the form of Wet Woodland Creation and woodland improvements to The Decoy Woodland. These improvements include the removal of rhododendrons and sycamore and the planting of birch, oak and hazel species.

The compensatory habitat within the golf course and the management of this habitat has been welcomed by the council's ecologist and by Lincolnshire Wildlife Trust.

Subject to a legal agreement to secure the implementation of this compensatory habitat and future management, it is considered that this application complies with policies LC5 and LC6 of the NLLP, policy CS17 of the NLCS and Section 11 of the NPPF.

## **Archaeology and heritage**

The application is supported by an Archaeological Evaluation which includes reference to four trial trenches. The assessment undertaken revealed no significant historic assets or archaeological finds within the site. As such the application has received no objection from the Historic Environmental Record team.

English Heritage raised concerns to the HELADPD due to the site's impact upon Ashby Decoy; this feature is considered to be an undesignated heritage asset. The Decoy is a pond within woodland on Ashby Decoy Golf Course; it is 500metres from the site and there is no inter-visibility due to the existence of mature trees. Archaeological research and trial trenching has revealed no link to the Decoy within the application site. It is therefore concluded that no harm to its setting will result from this proposal.

For these reasons the application complies with policy HE9 of the NLLP, policy CS6 of the NLCS and Section 11 of the NPPF.

### **Drainage and flood risk**

The application has been considered at length by the Environment Agency and the council's Drainage Team in consultation with the applicants' agents. The assessment of this application has been made against local policies, national guidance and the North and North East Lincolnshire Strategic Flood Risk Assessment.

The site is located within flood zone 2 and as such the application is supported by a flood risk assessment. Mitigation within this flood risk assessment states that the ground-floor levels of properties should be set at 3.2 metres AOD and surface water drainage flows from the site attenuated to 2.8 litres per second to watercourse.

Further negotiations with the Environment Agency have resulted in ground-floor levels being set at 3.8 metres AOD. This raising of ground levels will ensure proposed properties are safe from flood risk. Flood resilient measures will be incorporated into the house types and structures. The storm-water for storms up to the 1 in 100 year plus allowances for climate change (plus 30%) will be stored below ground in concrete culverts and would need to be pumped back into the watercourse crossing the site due to the depth of the storage tanks. The pumped discharge would pass through a reed bed treatment before entering the watercourse, thus giving a secondary treatment of run-off above the normal silt trap afforded by road gullies. This will also ensure that the immediate run-off from storms and storms of low intensity receive some form of treatment prior to discharge.

Surface water from the site will be drained into the existing ditch which bisects the application site close to the eastern boundary. This ditch then discharges into the highways drain which is managed by North Lincolnshire Council. The council's Land Drainage Team is unsure whether this drain is at capacity and therefore additional discharge into this drain is not acceptable without further investigation and potentially upgrade works. However, it is anticipated that discharge from the site can be attenuated to ensure that run-off is not increased by the proposed development.

Severn Trent Water will ultimately adopt the proposed surface water drainage system. Severn Trent Water requires their infrastructure to attenuate to no less than 5 litres per second for maintenance reasons and this is an industry standard requirement. At 2 hectares in size the Greenfield run-off rate from the site will be 2.8 litres per second, which is less than Severn Trent Water would be willing to adopt. As such a two-stage attenuation system is being considered so discharge into the reed bed will be 5 litres per second and the reed bed will then act as further attenuation to discharge into the highways drain at 2.8 litres per second. The reed bed will be privately managed. This scheme is being developed further by the applicants and therefore members are recommended to delegate approval to the Head of Development Management upon receipt of 'no objection' from the council's Land Drainage Team.

The proposed development is located within a flood zone and as such is required to pass the sequential test as outlined within the NPPF and policies CS2 and CS19 of the NLCS. This application is considered to pass the sequential test by virtue of the HELADPD; this document has assessed all sites within Scunthorpe in terms of their acceptability against sustainability criteria. Despite the position of this site within flood zone 2, it has been considered sequentially preferable by the HELADPD when assessed against other available sites. As such the sequential test for the purposes of this application must be considered to have been passed. The application therefore complies with policies CS2 and CS19 of the NLCS and paragraphs 100 and 101 of the NPPF.

The proposed development does not have to pass the exception test as the proposed development is categorised as 'More Vulnerable' and the site is located within flood zone 2. Table 3 (Paragraph 067) of the Flood Risk and Coastal Change section of the NPPG clearly shows that development is appropriate in this scenario and the exception test need not be carried out.

Flood risk policy in the form of policies DS16 in the NLLP and CS19 in the NLCS aims to direct new development to areas at the lowest possible risk of flooding. This is achieved via the application of the sequential test which considered the availability of land at a lower risk of flooding; this test has already been carried out and passed via the HELADPD. As such, it must be ensured that new development is safe from flooding and that flood risk is not increased elsewhere. The submitted flood risk assessment and discussions with the Environment Agency and Land Drainage Team have resolved that an acceptable drainage solution can be designed, and subject to final confirmation of this scheme and agreement of the council's Land Drainage Team to that scheme, it is considered that this application complies with policies DS16 of the NLLP and CS19 of the NLCS.

### **Highway safety**

Concerns were originally raised by the council's Highways team due to the potential conflict between the proposed site access and a bus stop within the highway. It is now proposed to deal with this matter via conditions which will seek to relocate the existing bus stop and provide pedestrian links to promote the use of this transport node.

The application site occupies a sustainable location with good links into the major settlement of Scunthorpe. Public transport nodes, services, shops and recreational facilities are all located within walking and cycling distance of the site. The site is not within current development limits but it is recommended for allocation within the HELADPD.

The proposed site access and internal road network meet highway safety technical requirements in terms of width and visibility.

This application therefore complies with policies T1, T2, T6, T7, T9 and T19 of the NLLP and policy CS25 of the NLCS which all aim to support the use of sustainable transport nodes and reduce reliance on the private motor vehicle.

### **Design**

The design and layout of this scheme has evolved since it was first submitted, with amendments being made to provide more natural surveillance to public spaces and minimising the amount of blank street frontage.

The site is arranged around a single loop road, with the exception of five properties to the south-east which access off a single private drive. This symmetrical layout ensures that properties face the street and a secure development is created. Corner properties are designed to 'turn the corners', providing frontages to both streets and reducing instances of blank gables.

Parking is mixed with frontage parking, rear parking courts and driveways. Rear parking courts are considered to be acceptable in this urban fringe location and will not result in fear of crime or antisocial behaviour. These parking courts remove parking from the street and reduce the impact parked vehicles have upon the amenity of an area.

The proposed area of public open space will accommodate a sustainable urban drainage scheme (SUDS). The SUDS will take the form of a reed bed filtration system which will provide attenuation on the site and also enhanced environmental and ecological benefits. This open space is overlooked directly by approximately 13 properties, with other properties providing oblique surveillance. This degree of natural surveillance and facing properties is anticipated to provide a good standard of environment and a usable and safe area of public open space. The location of this space at the site entrance creates a sense of arrival and a sense of place which complies with policy CS5 of the NLCS.

Mature trees are to be retained around the periphery of the site to provide a mature backdrop and to produce a more mature and established development.

### **Developer contributions**

The proposed development will deliver 14 affordable housing units in accordance with NLCS policy CS9. 14 units are 20% of the total residential dwellings on the site.

£42,209.89 will be paid towards the upgrade of existing public open space facilities in the local area. This was considered preferable to providing on-site provision adjacent to the surface water drainage system.

The creation of off-site ecological enhancements and future maintenance of these will also be secured by legal agreement.

### **Conclusions**

The proposed development is acceptable in principle; the site is proposed for allocation for residential development and is anticipated to deliver residential properties towards the authority's housing land supply requirements. This site must either be delivered in order to ensure sufficient development is progressed within Scunthorpe to meet housing land supply needs or paragraph 49 of the NPPF applies which outlines the presumption in favour of sustainable development and would render existing housing policies out-of-date. The application site occupies a sustainable location close to public transport and services.

Flood risk concerns have been discussed at length with statutory consultees and mitigation measures on site are considered to ensure the site is safe from flooding and run-off will not increase flood risk elsewhere. The application passes the sequential test via the HELADPD process.

Adverse impacts upon trees and ecology can be mitigated via compensatory habitat creation within the site and on adjacent land. This compensatory habitat includes tree planting to replace those species lost and proposed for removal.

All other material planning considerations are acceptable; no adverse impacts on highway safety, land contamination and archaeology have been identified. Only one objection has been received from Ashby Parklands Parish Council.

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

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, public open space maintenance and off-site ecological enhancements, 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 and confirmation of 'no objection' from the council's Land Drainage Team; and**
- (iii) the permission so granted be subject to the following conditions and any conditions recommended by the Land Drainage Team or the Environment Agency:**

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: 001 Rev D - Proposed Site Layout, 002 - Site Location Plan, Ashby/RF/A3 - Planning/01 - The Rufford, Ashby/PN/A3 - Planning/01 - The Penrith, Ashby/MS/A3 - Planning/01 - The Moseley, Ashby/MN/A3 - Planning/01 - The Morden, Ashby/HT/A3 - Planning/01 - The Hatfield, Ashby/HA/A3 - Planning/01 - The Hanbury, Ashby/CV/A3 - Planning/01 - The Clevedon, Ashby/CN/A3 - Planning/01 - The Clandon, Ashby/BI/A3 - Planning/01 - The Bickleigh, Ashby/CD/A3 - Planning/01 - The Chedworth, Ashby/CD/A3 - Planning/02 - The Chedworth, Ashby/RS/A3 - Planning/01 - The Roseberry, Ashby/RS/A3 - Planning/02 - The Roseberry, Ashby/WS/A3 - Planning/01 - The Winster and Ashby/WS/A3 - Planning/02 - The Winster.

Reason

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

3.

No development shall take place until details showing the provision of a footway east from the site entrance to the bus stop, and the provision of dropped/tactile crossing points to link to the bus stop on the opposite side and appropriately along the frontage to serve other bus stops and facilities have been submitted to and approved in writing by the local planning authority. The proposed footway shall be constructed in accordance with the details approved prior to the occupation of the 20th dwelling on the site.

Reason

To promote sustainable forms of transport in accordance with policy T9 of the North Lincolnshire Local Plan.

4.

The relocation of the existing bus shelter and bus stop shall be undertaken as per drawing LTP/1551/T1/01 and the existing area made good to detail approved by the local planning authority. No dwelling on the site shall be occupied until the relocation of the bus stop has been completed.

Reason

To promote sustainable forms of transport in accordance with policy T9 of the North Lincolnshire Local Plan.

5.

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.

6.

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.

7.

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.

8.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling accessed off the private driveway shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

9.

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.

10.

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.

11.

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.

12.

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.

13.

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.

14.

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.

15.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

16.

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

Reason

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

17.

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

Reason

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

18.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

19.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of sensitive working practices to avoid harm to reptiles, hedgehogs and nesting birds;
- (b) prescriptions for the creation and retention of at least three bat lofts, with bat access points, in the roof voids of buildings on the southern boundary of the application site;
- (c) prescriptions for the installation and retention of six woodcrete bat boxes in trees on the southern boundary of the application site;
- (d) prescriptions for the installation of swift boxes and sparrow terraces on 10% of new houses and a variety of nestboxes in retained trees;
- (e) prescriptions for the creation and ongoing management of wet ditches and other wetland habitat within the proposed Sustainable Urban Drainage System;
- (f) prescriptions for landscaping using native trees, shrubs and hedge plants of high biodiversity value;
- (g) provision for hedgehogs to pass through any fencing installed between areas of grassland;
- (h) proposed timings for the installation of the above features in relation to the completion of works on each building;
- (i) a commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;
- (j) restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats.

Reason

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

20.

Once agreed in writing, the biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to occupation of the final dwelling, the applicant or their successor in title shall submit a written report to the local planning authority, setting out evidence that the biodiversity management plan has been implemented in full.

Reason

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

21.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

22.

No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout construction. The plan shall include as a minimum:

- hours of construction works (including deliveries);
- wheel-washing facilities;
- measures to control emission of dust during construction;
- measures to control the emission of noise during construction;
- details of any lighting to be installed;
- details of any plant or machinery to be installed (including noise specifications).

Reason

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

23.

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, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level 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

In the interests of the amenity of the locality and to comply with policy DS1 of the North Lincolnshire Local Plan.

24.

No development shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority. These proposals shall include: 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.

Reason

To enhance the appearance of the development in the interests of amenity.

25.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

26.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To enhance the appearance of the development in the interests of amenity.

27.

The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) and letter dated 13 November 2014, including the following mitigation measures detailed within the FRA:

- (1) finished floor levels set no lower than 3.8 metres above Ordnance Datum (AOD)
- (2) flood resilience measures provided for 600 millimetres above finished floor levels
- (3) limiting the surface water run-off to 2.8l/s utilising sustainable drainage methods
- (4) surface water to be treated via a reed bed prior to discharge into the ordinary watercourse
- (5) properties to be set above the pump failure scenario with appropriate flood routing across the site.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason

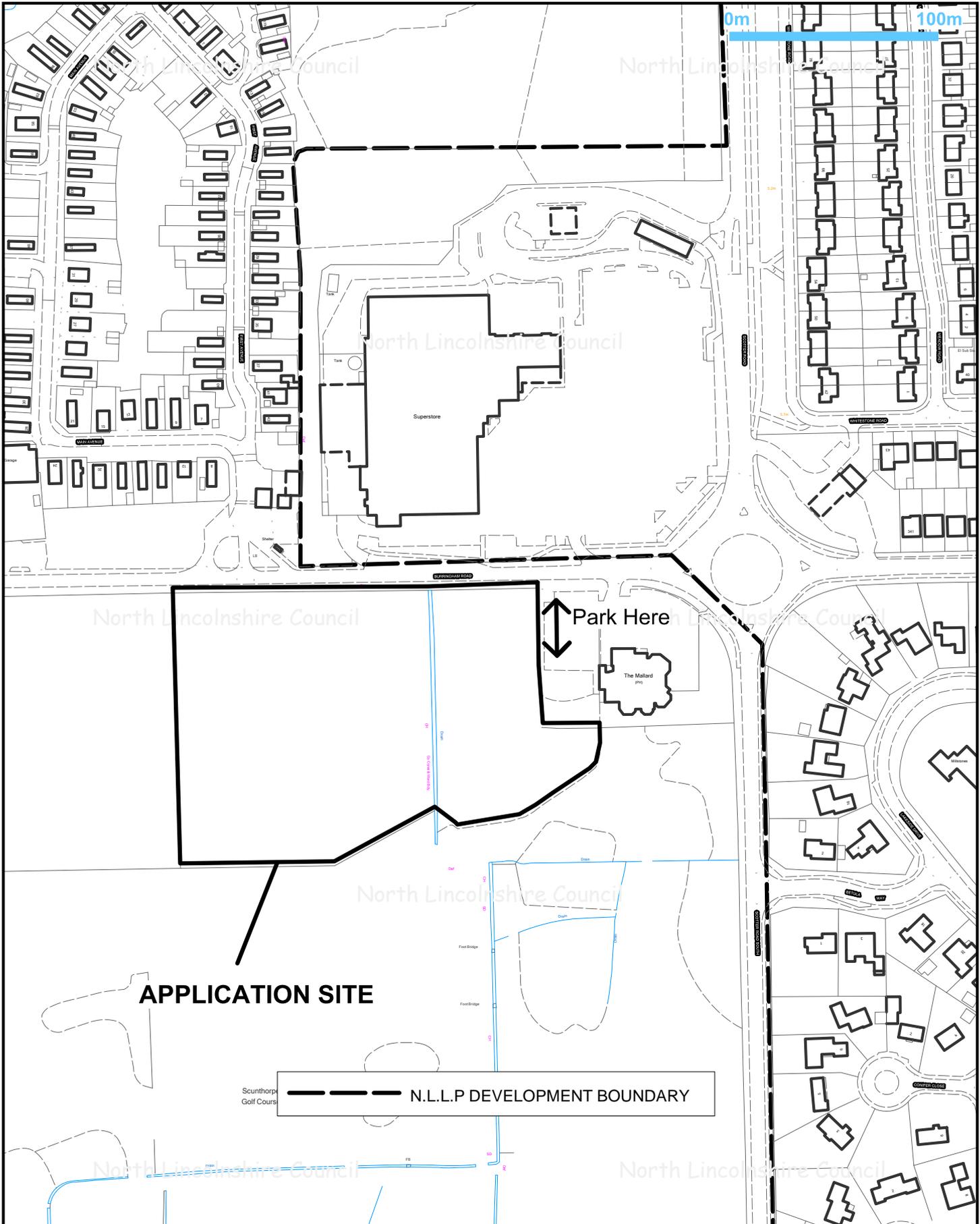
To reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding to the proposed development; to prevent flooding by ensuring the satisfactory storage/disposal of surface water from the site without increasing flood risk to third parties; to treat the surface water prior to discharge from the site; and to prevent pump failure forming a source of flood risk to new properties, in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire 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.



**APPLICATION SITE**

**Park Here**

— — — — — **N.L.L.P DEVELOPMENT BOUNDARY**

Title: PA/2014/0178

Drawn by: Sue Barden

Date: 27/01/2015

Scale: 1:2500



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