

<b>APPLICATION NO</b>	<b>PA/2018/1966</b>
<b>APPLICANT</b>	Mr A Akins
<b>DEVELOPMENT</b>	Outline planning permission for up to 200 dwellings with appearance, landscaping, layout and scale reserved for subsequent approval
<b>LOCATION</b>	Land south of Moorwell Road, Yaddlethorpe, Bottesford
<b>PARISH</b>	Bottesford
<b>WARD</b>	Bottesford
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Bottesford Town Council  Member 'call in' (Cllr Margret Armiger – significant public interest)  Significant public interest

## **POLICIES**

**National Planning Policy Framework:** The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 56: Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 189: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 190: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**North Lincolnshire Local Plan:** DS1, DS7, DS11, RD2, H10, C1, T2, T19, HE9, LC4

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

## CONSULTATIONS

**Archaeology:** The archaeologist has issued a holding objection until the results of the trial trenching are agreed. However, given the flexibility of the proposal, a suitably worded condition has the potential to mitigate.

**Natural England:** No comments to make on the application.

**Cadent Gas:** Cadent have identified operational gas apparatus within the application site boundary. Any application must ensure that proposed works do not infringe upon Cadent's legal rights and any details of such restrictions should be obtained from the landowner in this instance.

**Shire Group:** No objections should surface water be disposed of through soakaway or to the mains. Restrictions would be placed on flow rates if discharged into watercourses.

**Public Rights of Way:** No objections but would like to see a footpath connection that would link to public right of way FP192.

**Lincolnshire Wildlife Trust:** No objection to the proposal and in agreement with the recommendations of the Ecology Report. Offers some guidance for designing in ecological enhancement at the reserved matters stage.

**Environment Agency:** No objection subject to Severn Trent stating that there is sufficient capacity to accept the disposal of foul sewage. No concerns in terms of flood risk.

**Leisure:** The leisure officer has stated that a contribution of £250,000 is required towards extending and refurbishing the football pavilion at West Common Lane Playing Fields.

**Section 106 Officer:** Contributions are sought for affordable housing, recreation, education and leisure.

**Spatial Planning:** This proposal for residential development is mainly in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or if specific policies indicate development should be restricted. Any future planning applications and supporting evidence must show justification of how the development performs the three dimensions to sustainable development in an economic, social and environmental role.

**Highways:** Consider that a scheme is achievable and put forward a series of conditions to mitigate the proposal, both during and after construction.

The scheme would also be subject to a traffic regulation order speed limit reduction to 40mph.

**Public Transport:** No objections, but the developer should contact the local bus operator in order to open negotiations to extend existing services to bring them closer to the site.

**Environmental Health:** The EHO has concerns about noise and is currently reviewing updated material. Advise conditions relating to construction working hours, improvements to air quality by the installation of electric charging points for vehicles, a construction environmental management plan and land quality.

**Severn Trent Water Ltd:** No objection subject to the imposition of a condition relating to the control of surface water and foul sewage.

**CLH Pipeline System:** Object to the proposal as it would restrict access to the pipeline. Any works would require consent from CLH-PS.

## **TOWN COUNCIL**

Bottesford Town Council have submitted an objection that is split into three parts: primary concerns, environmental impact and subsidiary issues. Mayor Glynn William has also submitted an objection on behalf of the town council.

The town council has concerns on numerous grounds relating to flooding, insufficient infrastructure, highway safety and impacts upon existing amenity rights of the people of Yaddlethorpe and Bottesford. Ecology issues are also prominent within the objections. The town council is concerned that the externalities brought about by the development will not be mitigated. The full objections can be found on the council's website within the documents associated with the planning application.

## **PUBLICITY**

The application has been advertised by site and press notice.

Concerns have been received against proposal, the material concerns of which are summarised below (this list is not exhaustive):

- outside the development boundary

- highway safety impacts
- strain on services
- impacts upon residential amenity
- character impacts
- ecology issues
- impacts upon residential amenity
- impact upon a local nature reserve
- stretch on services
- drainage issues
- loss of agricultural land
- lack of infrastructure and services.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No information relating to community consultation has been submitted with the application.

## **ASSESSMENT**

### **Site allocations**

The site, whilst abutting the settlement boundary for Scunthorpe and Bottesford, is located within the open countryside as identified by the Housing and Employment Land Allocations (HELA) DPD 2016. It is within Flood Zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011 and is next to a local nature reserve, also identified within the HELA DPD.

### **Characteristics**

The wider area is a mix of residential, industrial, commercial and countryside uses. The M180 runs to the south of the site, Scotter Road to the west and Moorwell Road to the north. The applicant proposes two access points: one from Scotter Road and a secondary access from Moorwell Road. The area is currently agricultural land.

### **Proposal**

The applicant seeks outline planning permission to erect up to 200 dwellings with means of access to be considered at this stage.

### **The following issues are relevant to the proposal:**

- **principle of development**
- **planning obligations**

- **flooding and drainage**
- **highways**
- **archaeology**
- **ecology**
- **gas main**
- **environmental issues**
- **air quality/sustainable resource**
- **land quality**
- **indicative plans.**

### **Principle of development**

Outline planning permission is sought for a residential development of up to 200 dwellings with means of access to be considered (all other matters are reserved for subsequent approval). The application site falls outside the existing development boundary for Scunthorpe and Bottesford.

The development plan for North Lincolnshire comprises three parts. These are: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Scunthorpe and Bottesford.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Scunthorpe and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF 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 the supply of housing should not be considered up-to-date.

A recent Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework. These are: economic, social and environmental.

The proposal would provide an abundance of economic benefits which are demonstrated within the scheme and the wider submission. These include the benefits to the local economy during the construction phase and, upon occupation of the large residential development, the support to existing services and amenities in Yaddlethorpe and Scunthorpe, the preferred place for development. In terms of social sustainability, the capture of affordable housing, as well as the creation of public open spaces, playgrounds

and the off-site contributions towards local leisure facilities, would make this scheme sustainable from a social perspective. Furthermore the applicant has also agreed to the full contributions towards education and this would ensure that the output of the development is fully mitigated within this area.

Environmentally there would be some impact upon the adjacent local nature reserve as well as upon the wider open countryside. The applicant has the opportunity to mitigate this somewhat at the design stage and by capturing a net gain for biodiversity and through appropriate planting. A further offset is that the scheme would also include SuDs techniques that would improve the environmental sustainability of the scheme.

The planning gain achieved through this proposed development would make the scheme acceptable. The proposal for residential development in this location is considered, on balance, to represent a sustainable form of development in accordance with paragraph 11 of the NPPF.

In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal as to whether any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

### **Planning obligations**

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005.

The tests for planning obligations are set out in Part 11, Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

### ***Affordable housing***

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in Scunthorpe Urban and Market Towns to contribute 20% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and,

where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed to provide 20% of affordable housing on site; this is therefore policy compliant.

### ***Public open space***

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states that "(i)... New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents." This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has agreed to provide £131,552.40 for a 10 year maintenance period for on-site open space, the design and location of which will be secured at the reserved matters stage. Policy CS22 also allows for off-site contributions towards recreation and leisure; the applicant has agreed to provide a contribution of £1,250 per dwelling to a maximum of £250,000.

### ***Education***

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.

An amount of £3,570 per dwelling (maximum of £714,000) for primary places has been secured and £4,295 per dwelling (£859,000 maximum) for secondary school places. This a combined £1,573,000.

### ***Highways***

An undertaking is required to fund the statutory Traffic Regulation Order (TRO) (speed limit reduction to 40mph) on Scotter Road South and to provide and install all requisite signing and lining as appropriate. This work should also include the removal of any redundant signs and lines. The cost of the legal process for the TRO is between £1,500 and £2,000 and the cost of implementation (signs and lines etc.) should be discussed with the highway authority at the point when any subsequent application (approval of reserved matters or full) is submitted.

### ***Obligations summary***

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. Therefore the proposal would align with policies, CS9 and CS22 of the

North Lincolnshire Core Strategy as well as policies C1 and HC10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

### **Flooding and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk. It states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

- (1) It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
- (2) The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
- (3) A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into development.

The site is located within Flood Zone 2/3a within the North Lincolnshire SFRA 2011 (though just outside this area in the Environment Agency Mapping system). The applicant is therefore required to submit a flood risk assessment as well as sequential and exceptions tests given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the NPPF).

### ***Sequential test***

The applicant has submitted a robust sequential test after agreeing the geographical area of search prior to the submission. The sequential test puts forward a methodology as to why certain sites have been screened out. The pool of sites has been taken from the SHLAA 2014 Review as well as allocations within the HELA DPD and other publications. Sites have been rejected on the basis of being too small in area (less than 5 hectares) or located within flood zone 2/3a. Step 3 deals with the remaining sites and puts forward suitable reasons as to why they have been discounted. It is therefore considered that the sequential test is passed.

### ***Exceptions test***

NPPF paragraph 160 states that:

For the exception test to be passed it should be demonstrated that:

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

The applicant has listed a number of sustainable benefits that the scheme would bring about, including (but not limited to) market and affordable housing, energy efficient homes, proximity to employment areas, services and amenities, provision of open space, biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'A' of the exceptions test is considered passed.

Policy CS19 of the Core Strategy is concerned with flooding, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage; both are relevant.

The applicant has submitted a flood risk assessment and outline drainage strategy. The Shire Group, Environment Agency, LLFA and Severn Trent Water have all been consulted and have no objections to the scheme subject to the imposition of conditions. It is considered that this mitigation would make the development safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall; part B of the exceptions test is therefore considered passed. Conditions from consultees relate to control over both surface water and foul sewage disposal; the conditions are considered to pass the tests for conditionality.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and it states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The applicant seeks to erect up to 200 dwellings with means of access to be considered at this stage. The council's Highways and Transport teams have been consulted. The applicant has submitted proposed drawings showing access points at Moorwell Road and Scotter Road, as well as transport assessment reports and a travel plan. Highways have no objections subject to the imposition of conditions to mitigate highway safety, both during and after construction. Further conditions relate to the submission and monitoring of a travel plan.

Public transport have also been consulted and have stated that development within the Scunthorpe urban area is more easily served by public transport, however at present this particular area is poorly served. Negotiations should begin with local bus companies to extend existing services to bring them closer to the site.

Therefore, subject to the aforementioned mitigation, the proposal has the potential to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

## **Archaeology**

Core Strategy policy CS6 (Historic Environment) states that 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance including historic buildings,

conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'Development proposals should provide archaeological assessments where appropriate'.

Policy HE9 states that 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

The applicant has submitted an archaeological desk-based assessment and a written scheme of investigation. Trial trenching has not been carried out, however the archaeologist has sufficient information to mitigate any externalities brought about by the development by an appropriately worded condition. The conditions are considered necessary and reasonable and will be attached to any permission granted. Therefore, subject to the aforementioned mitigation, the proposal is considered to accord with policies CS6 of the Core Strategy and HE9 of the North Lincolnshire Local Plan.

## **Ecology**

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 118 states in part that a net gain for biodiversity should be achieved. The site is also located adjacent to a local nature reserve and policies LC3, LC4 and LC5 of the North Lincolnshire Local Plan are relevant.

The council's ecologist has reviewed the information and has upheld the conclusion of the report. However, given the policy requirement to achieve a net gain for biodiversity, conditions relating to a scheme of management and habitat creation, as well as information upon the species of planting (where native species would be appropriate), will be requested and controlled through conditions which include the submission of a biodiversity management plan. The landscaping buffer between the site and the local nature reserve will be controlled at the reserved matters stage.

The proposal is therefore in accordance with policies CS17 of the Core Strategy, and LC3, LC4 and LC5 of the North Lincolnshire Local Plan, as well as paragraph 170 of the NPPF.

## **Gas main**

An intermediate pressure gas main has been found to run diagonally across the scheme; this would impinge upon the location and amount of built form across the site (there would be an easement either side of the pipeline also). An objection has been received from Fisher German on behalf of CLH-PS as the proposal is considered to affect their apparatus. The letter refers to the submitted plans and states "It appears from the plans submitted by the applicant that their proposed development is to be constructed within close proximity to CLH-PS apparatus. Such works would require consent from CLH-PS and, in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation."

However, the submitted plans are indicative (the proposal is for outline with access only) and, given the flexibility of the proposal ('up to' 200 dwellings), it offers a 'cap' of the number of units and a scheme for less dwellings could be submitted at reserved matters stage should site characteristics dictate. It is therefore considered that there is suitable

mitigation already in place to prevent any works that would impede the access to, easement or pipeline itself by legislation external to planning, whilst the flexibility of the permission also allows for this constraint to be 'designed in' to the scheme.

### **Environmental issues**

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenity.

The council's Environmental Health Department has assessed the planning application and has stated that there is a requirement for a construction environmental management plan in order to mitigate neighbouring amenity during construction. The condition requires the developer to submit information relating to lighting and the control of dust and noise. Furthermore, an additional condition that would manage construction working hours is considered necessary to mitigate unacceptable impacts upon neighbouring amenity.

Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

### **Air quality/sustainable resource**

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

- (10) Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.
- (12) Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO<sub>2</sub> emissions.

The council's Environmental Health department has made an assessment of the proposal and has proposed a condition that, prior to development, a scheme for electric charging points should be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission; this is to mitigate the impact upon air quality generated by the development.

### **Land quality**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The applicant has submitted sufficient information for the Environmental Health Officer (EHO) to agree that only compliance conditions are needed as mitigation for land

contamination. The conditions will be attached and are considered to pass the tests for conditionality. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

## **Noise**

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

The applicant has submitted noise information with the application following advice at pre-application stage. The report failed to consider the nearby effects from Kieradan Park, which is a motocross facility, and, in the interests of fairness, this was not put forward by the EHO at pre-application stage. However, the proposal would be located within 1 kilometre of this facility and the EHO has put forward the following comments:

‘This department recommends refusal of the above planning application due to the proximity to commercial premises, including Kieradan Park Motocross Site. Insufficient evidence has been provided to demonstrate that there will be no adverse impact from noise disturbance.’

The applicant has submitted additional information for assessment by the EHO, the findings recommending that noise levels would not be unacceptable in terms of the levels of amenity that would be enjoyed by future residents. However, this information has yet to be assessed by the EHO and their response will be verbally reported to the planning committee.

The EHO, although objecting at this stage, has put forward mitigation should planning officers recommend approval. This is included in the recommendation.

## **Indicative plans**

Policy CS5 of the Core Strategy is concerned with raising design standards in North Lincolnshire, whilst policy H5 of the local plan is concerned with new housing developments; both are considered relevant. Policy RD2 of the local plan seeks to protect the open countryside and is also relevant.

The applicant has shown on an indicative plan that a scheme for this number of dwellings is achievable. However, there are constraints, such as the gas main and the local nature reserve, which should be ‘designed in’ at the reserved matters stage. The proposal of ‘up to’ allows flexibility for constraints to be fully mitigated during the design process.

It is considered that a scheme could be achieved that would retain the sense of place of this part of Scunthorpe whilst also not giving rise to any unacceptable impingement upon future and existing amenity rights.

## Heads of Terms

<b>Section 106 contributions</b>	
Affordable housing	20% (40 dwellings if 200 dwellings are built)
On-site recreation	Detailed scheme for open space and play areas to be subject to planning conditions. The management of the on-site open space will be either maintained by a management company, in accordance with an approved scheme, or a contribution of £131,552.40 for a 10-year maintenance period if transferred to North Lincolnshire Council
Leisure	£1,250 per dwelling (£250,000 maximum total)
Education	<p>Primary Contribution: £3,570 per dwelling (£714,000 maximum total, if 200 dwellings are constructed)</p> <p>Secondary Contribution: £4,295 per dwelling (£859,000 maximum total, if 200 dwellings are constructed)</p> <p>Combined total: £1,573,000</p> <p>(The amount per house will increase with effect from 1 April 2019. We are awaiting the updated RPI figures (due to be published May 2019) and the updated regional factor before we can update the amount per house.)</p>
Highways	An undertaking to fund the statutory Traffic Regulation Order (speed limit reduction to 40mph) on Scotter Road South and to provide and install all requisite signing and lining as appropriate. This work should also include the removal of any redundant signs and lines. The cost of the legal process for the TRO is between £1,500 and £2,000 and the cost of implementation (signs and lines etc) should be discussed with the highway authority at the point when any subsequent application (approval of reserved matters or full) is submitted.

## RECOMMENDATION

**Subject to the above 'Heads of Terms' under Section 106 of the Town and Country Planning Act (1990) and suitable mitigation achieved for the future residential amenity relating to noise, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the satisfactory obligation;**
- (iii) if the obligation is not satisfactory or completed by 30 September 2019, the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three 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.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5.

The details submitted pursuant to the grant of outline planning permission shall be preceded by the submission to the local planning authority of an archaeological strategy that provides the following:

1. the results of the archaeological evaluation by trial trenching to be undertaken in accordance with the *Written Scheme of Investigation for an Archaeological Evaluation, Land South of Moorwell Road, Yaddlethorpe, Bottesford, North Lincolnshire, September 2018, PCAS Archaeology Ltd*
2. a written assessment of the significance of any archaeological remains within the site, and the impact of the proposed development
3. a further written scheme of investigation (WSI) for archaeological mitigation to be approved in writing by the local planning authority that provides the following:
  - measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
  - methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
  - post-fieldwork methodologies for assessment and analyses
  - report content and arrangements for dissemination, and publication proposals
  - archive preparation and deposition with recognised repositories
  - 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 WSI
  - 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
  - a list of all staff involved in the implementation of the WSI, including sub-contractors and specialists, their responsibilities and qualifications.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence *in situ* or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

6.

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 Written Scheme of Investigation for archaeological mitigation.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence *in situ* or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

7.

The development shall not be occupied until any archaeological mitigation investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence *in situ* or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

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 six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence *in*

*situ* or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9.

No development shall take place until details showing:

- the method of providing the new vehicular access point onto Scotter Road South, including required visibility splays; and
- the provision of a new footway along Scotter Road South connecting into existing facilities;

have been submitted to and approved in writing by the local planning authority. Once approved the new footway shall be completed prior to the occupation of the 10th dwelling on site.

Reason

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

10.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

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 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.

12.

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.

13.

No dwelling served by any shared private driveway shall be occupied until it has been constructed in accordance with details including:

- the proposed method of forming access from the (potentially adoptable) highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable lighting arrangements;
- the provision of suitable bin collection facilities; and
- the provision of street name plates that shall include the words "Private Drive".

Reason

In the interest of highway safety and in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

14.

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

Reason

In the interest of highway safety and in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

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.

16.

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.

17.

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.

18.

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.

19.

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.

20.

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.

21.

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.

#### 22.

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

- access to the site for construction vehicles;
- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials;
- the means of preventing/controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway as may be required; and
- traffic management requirements;

have 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 in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

#### 23.

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

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

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

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

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

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with policy DS1 of the North Lincolnshire Local Plan.

24.

Prior to the use of 'site won' topsoil or the importation of topsoil on the site, there shall be submitted to and approved in writing by the local planning authority a topsoil verification plan. The verification plan shall ensure that any topsoil is safe and suitable for use on the approved development. The use hereby permitted shall not be occupied until the verification plan has been complied with in full and subsequently approved in writing by the local planning authority. No deviation from the approved plan shall be permitted unless agreed in writing with the local planning authority. The scheme shall be retained for the duration of the development.

Reason

In the interests of land quality and in accordance with policy DS7 of the North Lincolnshire Local Plan.

25.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including 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.

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.

Dust: The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;

- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

**Reason**

To ensure residential amenity is protected from construction activities in accordance with policy DS1 of the North Lincolnshire Local Plan.

**26.**

Electrical vehicle charging points shall be installed at the development in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority prior to occupation of the development. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

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

**Reason**

In the interests of air quality and in accordance policy DS11 of the North Lincolnshire Local Plan.

**27.**

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

**Reason**

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

28.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment and Outline Sustainable Drainage Strategy, submitted by Roy Lobley Consulting and dated September 2018. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

29.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 28 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

30.

Works shall be carried out strictly in accordance with section 5.0 of the submitted Preliminary Ecological Appraisal report ref. 18-0274.02, dated September 2018.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy, and saved policy LC5 of the North Lincolnshire Local Plan.

31.

Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least four bat lofts to be installed in new dwellings within foraging distance of Yaddlethorpe Fish Ponds;
- (b) details of bat boxes and bat bricks to be installed on 15% of houses;

- (c) details of swift boxes and sparrow terraces to be installed on 15% of houses combined;
- (d) details of nesting sites to be installed to support a variety of other species, including barn owl, barn swallow, house martin and garden birds;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (g) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (h) details of wetland habitat to be created and managed as part of sustainable drainage;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and the ongoing management of created habitats;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

**32.**

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 the occupation of the 100<sup>th</sup> and 175<sup>th</sup> dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

**Reason**

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

**33.**

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has 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 in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan.

34.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include details of:

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

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

#### Reason

To ensure the residential amenity of future occupiers is protected in accordance with policy DS11 of the North Lincolnshire Local Plan.

#### **Informative 1**

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

#### **Informative 2**

No works or activities should be undertaken without first contacting CLH-PS for advice and, if required, a Works Consent. For a copy of CLH-PS's Standard Requirements for Crossing or Working in Close Proximity to CLH-PS Pipelines, please visit <https://cdn.linesearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf>. This will provide you with practical information regarding the legislation that governs the CLH-PS.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH-PS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

#### **Informative 3**

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

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

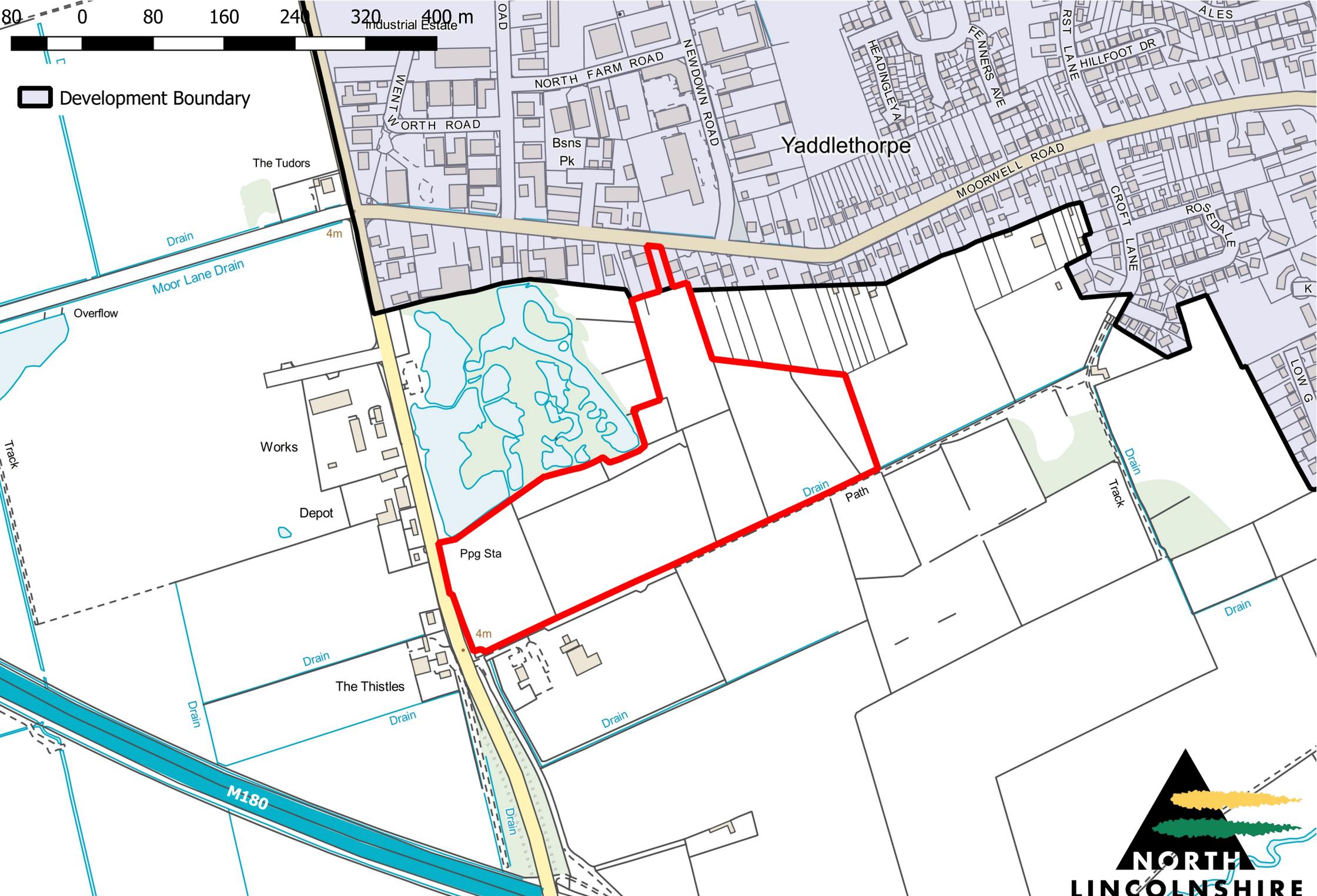
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 4**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

0 80 160 240 320 400 m

Development Boundary



PA/2018/1966

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