

APPLICATION NO	PA/2018/1716
APPLICANT	Mr Mark Graves, Maltgrade Ltd
DEVELOPMENT	Outline planning permission for up to 48 residential dwellings with all matters reserved for subsequent approval
LOCATION	B1207 Station Road, Hibaldstow
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Subject to the Heads of Terms under Section 106, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: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 57: Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in

the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

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

North Lincolnshire Core Strategy:

CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

CONSULTATIONS

Spatial Planning: This proposal for residential development is 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. The application should consider any adverse impacts of granting permission when assessed against the policies within these frameworks taken as a whole or specific policies indicate that the development should be restricted. The applicant will need to demonstrate why the development meets the three dimensions of sustainable development.

Natural England: No comments.

Environment Agency: Raises concerns relating to the disposal of foul sewage and has put forward a pre-commencement condition.

Education: The calculation per dwelling is £7,152 (subject to an inflation raise as of 1 April 2019).

Humberside Fire and Rescue: No objections but provided generic information in terms of access for fire services and water supplies for firefighting.

Anglian Water: No objection subject to consultation on any attached drainage conditions.

Environmental Protection: No objections subject to conditions relating to land contamination and environmental management during construction, including hours and conditions to improve air quality.

Drainage Team: No objections subject to conditions to mitigate surface water drainage.

Highways: No objections subject to the imposition of conditions.

Ecology: No objections subject to the imposition of conditions.

Archaeology: A holding objection has been issued depending upon results of a completed field evaluation in order to adequately assess the potential impact of the development on the archaeological significance.

Public Transport: Public transport state ‘...I would support the comments already made by Strategic Planning in their response to this application.

In addition, I would add the following comments. The site is contrary to policy CS2: Delivering More Sustainable Development. The site is not located so as to minimise the need to travel and encourage any journeys that remain by walking, cycling and public transport.

The Travel Plan acknowledges that bus service frequencies are limited as are the destinations served; they are certainly not at a level that encourages their use. The second bullet of CS2 states that it should be located where it can make best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints.

The current school bus situation is that the buses heading to secondary schools in Brigg are already at capacity. Further development would, in all likelihood, generate additional school traffic requiring at least an additional bus to be provided. The above comments are also relevant to policy CS25.’

PARISH COUNCILS

Hibaldstow Parish Council: Objects to the planning application as it is outside the settlement boundary for Hibaldstow. The parish fully supports the comments made by the Environment Agency, Public Transport and Economy and Growth, and Spatial Planning Officers.

Scawby Parish Council: Objects to this planning application for the following reasons:

- (a) Increased traffic generation through Scawby village would be unacceptable.
- (b) Pedestrians walking to Scawby Primary School do not have a safe route as the railway bridge has no safe walkway and this would raise a safety issue.
- (c) Increased traffic would use Manton Lane which is not maintained and not suitable for a heavy flow of traffic, and the access to the A15 from Manton Lane is dangerous; this may result in Manton Lane being closed, which is not desirable.

PUBLICITY

The proposal has been publicised by means of multiple site notices as well as press advertisements in line with article 15 of the DMPO 2015 (and subsequent revisions).

The application has received numerous objections, some representations and some in support. The bullet points below summarise the material topics that were expressed by local residents, though this list is not exhaustive.

Objections

- outside the development boundary
- highway safety impacts
- increase in congestion
- strain on services
- impacts upon residential amenity
- character impacts
- ecology issues
- amenity/environmental impacts during construction
- loss of village feel
- urban sprawl
- enlargement of settlement
- drainage issues
- loss of agricultural land.

Support

- contribution to economy
- provision of housing for those families that would like to stay in the village.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has demonstrated that the community has been engaged with the process, details of which are contained within the document 'Station Road, statement of community involvement' dated July 2018.

ASSESSMENT

Proposal

The applicant seeks outline planning permission for the erection of 48 dwellings with all matters reserved for subsequent approval.

Site characteristics

The site abuts Station Road to the east and Manton Lane to the north, and is located outside the development boundary for Hibaldstow as identified by the Housing and Employment Land Allocations DPD 2016. The perimeter of the site is lined by hedging making views from Station Road improbable; the planting is less dense along Manton Lane. A route of overhead lines runs diagonally across the site. The site also abuts the settlement boundary (it effectively dissects it) both to the north and to the south. The site is located across the road from playing fields and an LC11 allocated area.

Principle of development

Outline planning permission is sought for a residential development of 48 dwellings with all matters reserved for subsequent approval. The application site falls outside the existing development boundary for Hibaldstow.

The development plan for North Lincolnshire comprises three parts: 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. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. 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 Hibaldstow. There are no allocated housing sites within Hibaldstow.

LP 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 Hibaldstow 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 Vs 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: economic, social and environmental.

The site is in Hibaldstow which is a larger rural settlement and scored 34 points in the North Lincolnshire Settlement Survey (2016) and was 13th overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features that make up sustainability which are:

- a primary school and/or a secondary school;

- doctor's surgery, clinic or health centre;
- a supermarket or general convenience store that meets the day-to-day needs (particularly for food shopping);
- public house;
- walking distance to nearest major area of employment or 30 minutes public transport travel time;
- hourly bus service;
- village or community hall.

Hibaldstow contains 5 out of the 7 key facilities and services.

It is considered the additional dwellings would contribute to the support of existing services and amenities, not only within Hibaldstow but also within the market town of Brigg which is within close proximity. The applicant has submitted travel plans as well as a justification of the site sustainability by demonstrating how it would assimilate into the local context within the detailed design and access statement.

In determining the sustainability of the proposed development, an assessment, not only upon principle, but also on the technical elements of the proposal, is required, as well as any contributions required to mitigate the development to determine whether any adverse impact would result 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 proposed development 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, seek to ensure that the proposal meets the reasonable cost of new infrastructure, mitigates its impacts, offsets loss and provides ongoing maintenance of facilities.

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.

Viability statement

Paragraph 57 of the NPPF states the following:

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

The applicant has submitted a viability statement and asked the local authority to consider.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% 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 submitted a viability assessment that has been assessed by the section 106 officer. The statement proposes three discounted market dwellings. This contribution level does not comply with the above policy which would require 5 (4.8 at 10%), however it is in accordance with paragraph 57 given the agreed viability statement. Furthermore, the offer represents starter homes which would fall under the 'Affordables' definition.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states that "(iii)...On sites of less than 0.5ha, the developer will be expected to make an appropriate commuted payment to off-site recreational open space provision within the catchment area and to contribute to future maintenance in accordance with supplementary planning guidance." This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

A contribution of £52,423 has been captured for the provision of public open space, whilst a management company will be responsible for the ongoing maintenance. A further £21,000 has also been captured for village hall improvements.

Education

Policy C1 of the North Lincolnshire Local Plan 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 £336,144 for primary and secondary places has been secured.

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.

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 the erection of 48 dwellings and has submitted indicative plans as well as a travel plan. The council's highways team have reviewed the information and have offered some advice for the scheme at the detailed design stage. The application is for outline only with all other matters reserved for a later date/stage and the highways officer has no objections to the principle of development but has put forward a series of conditions to mitigate externalities brought about by the scheme. The conditions relate both to securing highway safety standards as well as more sustainable elements that concern the submission and monitoring of a travel plan.

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

Flooding and drainage

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

The scheme relates to a major development and the applicant has submitted a flood risk assessment. The site is located within Flood Zone 1 in accordance with the North and North East Lincolnshire SFRA 2011 and is therefore in an appropriate location for development.

The applicant has submitted a drainage and SuDs strategy to accompany the submission. The council's drainage team as Lead Local Flood Authority (LLFA), the Environment Agency (EA) and Anglian Water have all made comment. The LLFA has stated that the applicant makes reference to this being Phase 1 and that Phase 2 works to the west of this development site are planned in the future. The LLFA would like to see a full overarching drainage strategy plan provided for both phases detailing the long-term proposals.

The indicative layout shows 10 properties fronting Station Road. Drainage grids/channels are currently situated on Station Road as the main method to drain the carriageway at this current rural location (greenfield/arable use). Mitigation measures need to be incorporated into the final design if this layout is chosen. Section 10.3 of the submitted flood risk assessment suggests an Anglian Water Surface Water Outfall – there isn't one within the vicinity of the development. It would appear that there is no positive surface water drainage outfall within the vicinity of this greenfield site. Notwithstanding these comments the LLFA has no objection subject to the imposition of conditions.

The EA has made comment and draws the developer's attention to comments during an earlier pre-application response in relation to foul sewage. They have stated that a condition is required to mitigate. Similarly, Anglian Water has put forward two conditions: one relating to surface water and one relating to foul sewage mitigation. Conditions preventing development until both surface and foul water drainage have been submitted to and agreed with the local planning authority will therefore form part of any mitigation.

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

Archaeology

Policy CS6 of the 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 of the North Lincolnshire Local Plan states that 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. 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. The Historic Environment Record has been consulted and has stated that a field evaluation should also accompany the desk-top study. The field evaluation should comprise a geophysical survey and the excavation of trial trenches. The insufficient information has led to HER issuing a holding objection stating that, should the application be determined at this stage, it should be for refusal.

The proposal, without the additional information, is contrary to the aims of policies CS6 of the North Lincolnshire Core Strategy and HE9 of the North Lincolnshire Local Plan. Therefore, at this stage, it cannot be determined whether or not there are adverse archaeological impacts that would outweigh the benefits of the development. The proposed number of dwellings is capped at 48, however the applicant could submit a lower amount. This is important given that insufficient information has been submitted to determine where archaeological issues/presence of findings would impede the amount of and siting of built form on site. It is considered, given the application is only in outline form, with no definite number of dwellings (other than up to 48), in this instance conditions could potentially mitigate. However, the applicant should note that the amount and location of any built form on site would be determined by what is found during field evaluation; this would then form a basis for the future design solution.

Environmental issues

Policy DS11 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 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.

Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the Core Strategy.

Climate change

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 CO₂ 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 to mitigate the impact upon air quality generated by the development.

Ecology

Policy CS17 of the Core Strategy, as well as paragraphs 9 and 118 of the NPPF, relate to biodiversity. Paragraph 118 states in part that a net gain for biodiversity should be achieved. The applicant has submitted an ecological assessment which concludes that the site overall is of low ecological value.

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 bird/bat boxes being utilised across the scheme, as well as information on the species of planting (where native species would be appropriate), will be requested and controlled through planning conditions which include the submission of a biodiversity management plan.

The proposal is therefore in accordance with policy CS17 of the Core Strategy and paragraph 170 of the NPPF.

Character and amenity

Policy CS5 is concerned with rising design standards in North Lincolnshire whilst H5 of the local plan is concerned with new housing developments; both are considered relevant.

It is considered that, in terms of character, the proposal would unify the settlement of Hibaldstow which is currently dissected by the Housing and Employment Land Allocations DPD 2016. Whilst there would be a loss of agricultural land, it would not have wider impacts given the views towards Hibaldstow are already of built form in this area. In terms of impacts upon existing properties, it is considered that there is scope to achieve an acceptable level of amenity by way of separation distances and positioning of openings. Materials and the details of the design are yet to be considered and these would be subject to assessment under the aforementioned planning policies.

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

Conclusion

It is considered that, subject to a field evaluation to determine any archaeological findings which may dictate the amount of built form and where it is sited, the proposal, at this stage, does not carry any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal.

Heads of Terms

Planning obligations	
On-site open space	The open space will be managed via estate management company
Education	£336,144 for primary and secondary
Off-site open space	£52,423
Contribution to village hall improvements	£21,000
Affordable housing	3 discounted market sale units

RECOMMENDATION

Subject to the above ‘Heads of Terms’ under Section 106 of the Town and Country Planning Act (1990), 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), the means of access thereto 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, the means of access to 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.

No dwelling directly served from Station Road shall be occupied until the existing footway fronting the whole of the site has been widened and improved in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

6.

No dwelling on the site fronting Station Road shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in

accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

7.

No development shall take place within the site 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 in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

8.

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.

9.

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.

10.

No dwelling within 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.

11.

No development shall begin on any area of shared private driveway within the site until details of the method of construction, including drainage and lighting arrangements, have been agreed in writing with the local planning authority and no dwelling served by the driveway shall be occupied until it has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

12.

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.

13.

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.

14.

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.

15.

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.

16.

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.

17.

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.

18.

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.

19.

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.

20.

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.

21.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. The applicant must:

- (a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site and will not increase the risk of flooding off-site;
- (b) provide principle/detailed design (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of any surface water drainage scheme, including details of any attenuation system and its discharge rates, and investigation into the condition of the existing outfall and proposed arrangements;
- (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime;
- (d) provide details of the timetable and any phasing of implementation for the drainage scheme.

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 structures in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

22.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 21 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 structures in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

23.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policy DS14 of the North Lincolnshire Local Plan.

24.

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 protect the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

25.

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 locality for people living nearby 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. The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework (NPPF) and in accordance with policy CS18 of the North Lincolnshire Core Strategy.

27.

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

- (a) details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works;
- (b) details of at least 10 bat roosting features to be installed in the new dwellings;

- (c) details of nesting sites to be installed to support swifts and house sparrows;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (g) details of a wildlife gardening leaflet to be provided to each new resident;
- (h) details of wetland habitat to be created as part of sustainable drainage;
- (i) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

28.

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 40th dwelling, 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 North Lincolnshire Core Strategy.

29.

Prior to the submission of the first reserved matters, the applicant shall submit the results of archaeological field evaluation (stage one) and have agreed in writing by the local planning authority an archaeological mitigation strategy (stage two), that provides the following:

Stage One

- the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area comprising geophysical survey followed by the excavation of trial trenches in accordance with a brief provided by the North Lincolnshire Historic Environment Record
- an assessment of the impact of the proposed development on the archaeological remains
- the submission of an updated Written Scheme of Investigation for the approval in writing of the local planning authority setting out mitigation proposals that include the following:

Stage Two

- measures to ensure the preservation in situ or 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 strategy
- 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 strategy, 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 North Lincolnshire 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 evaluation strategy is required in order to assess the archaeological significance 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 Stage Two archaeological 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.

30.

No development shall take place until the applicant, or their agents or successors in title, has provided the local planning authority with written confirmation that they have secured the implementation of the programme of archaeological work set out in the approved Written Scheme of Investigation for archaeological mitigation (Stage Two).

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire 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 evaluation strategy is required in order to assess the archaeological significance 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 Stage Two archaeological 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.

31.

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 North Lincolnshire 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 evaluation strategy is required in order to assess the archaeological significance 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 Stage Two archaeological 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.

32.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within one year of 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 North Lincolnshire 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 evaluation strategy is required in order to assess the archaeological significance 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 Stage Two archaeological 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.

33.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.

Informative 1

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

Informative 2

Please contact Northern Power Grid in relation to the re-routing/building in the proximity of overhead lines.

Informative 3

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

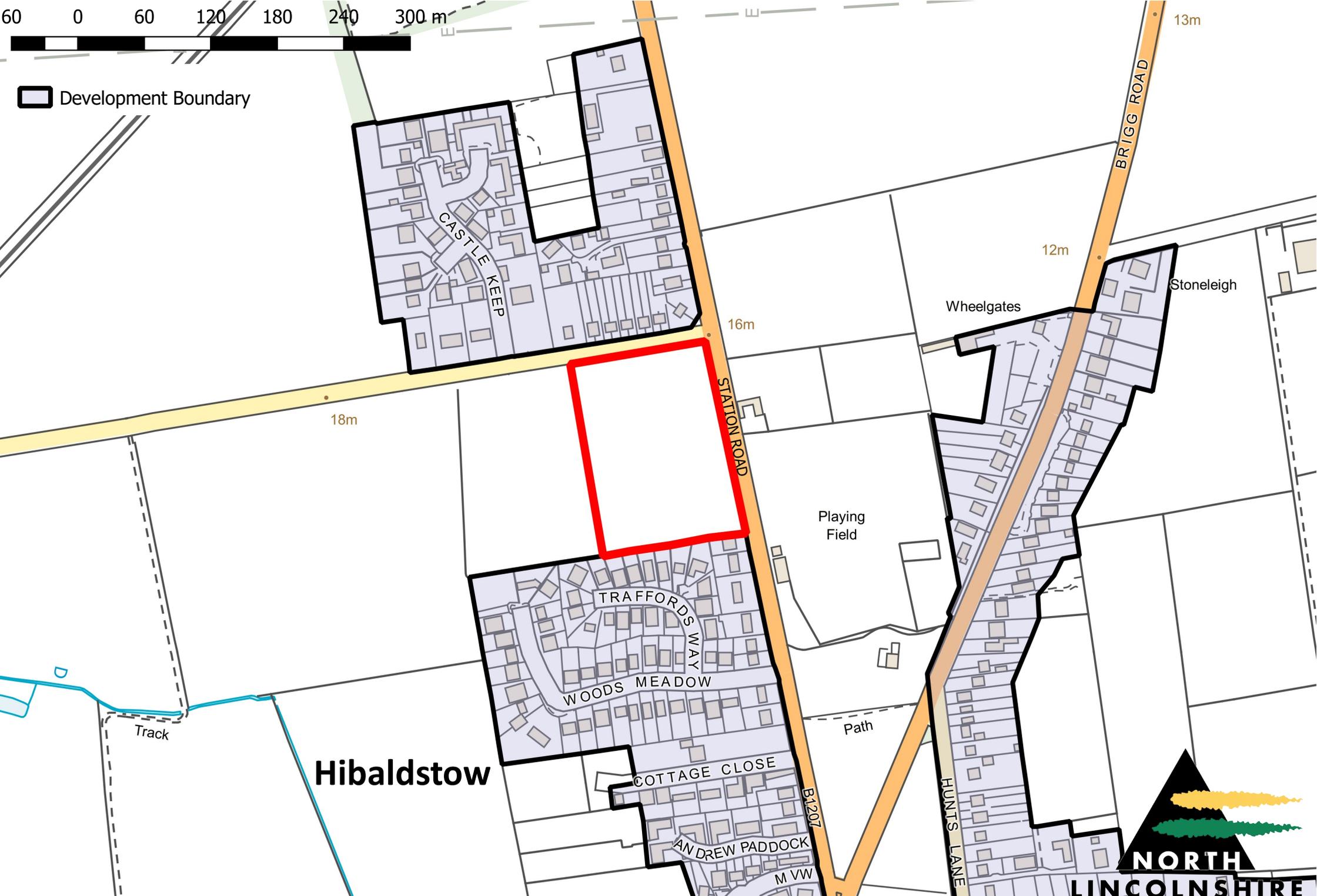
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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

60 0 60 120 180 240 300 m

Development Boundary



PA/2018/1716

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