

<b>APPLICATION NO</b>	<b>PA/2018/2186</b>
<b>APPLICANT</b>	Mr Shaun Hunt, Lincolnshire Lakes Ltd
<b>DEVELOPMENT</b>	Outline planning permission for 36 dwellings including new access road and adoptable sewage pumping station (appearance, landscaping, layout and scale reserved for subsequent approval)
<b>LOCATION</b>	Woods along Scotter Road, Scunthorpe
<b>PARISH</b>	Ashby Parkland
<b>WARD</b>	Burringham and Gunness
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to Section 106, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from development plan Objection by Statutory Consultee (Environment Agency) Objection by Ashby Parkland Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that *“At a very high level...sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

Paragraph 8 identifies the three overarching objectives in achieving sustainable development through the planning system. These objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- “(a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- (b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and*
- (c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste*

*and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

Paragraph 9 states that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” It also explains that it the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, 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 planning 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 the Framework as a whole.”*

Paragraph 12 states that *“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...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.”*

### ***Decision-making***

Paragraph 38 states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

Paragraph 47 explains the requirement in planning law that applications for planning permission must be determined in accordance with the local plan, unless material considerations indicate otherwise. It also requires decisions to be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or*

*planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

Paragraph 55 explains that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 56 states that 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.”*

### ***Delivering a sufficient supply of homes***

Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Paragraph 62 states that *“where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- (a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- (b) the agreed approach contributes to the objective for creating mixed and balanced communities.”*

Paragraph 63 states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. To support the re-use of brownfield land, where vacant buildings are being re-used or re-developed, any affordable housing contribution due should be reduced by a proportionate amount.

Paragraph 64 states that *“where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- (a) provide solely for Build to Rent homes;*
- (b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*

- (c) *is proposed to be developed by people who wish to build or commission their own homes; or*
- (d) *is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*

Paragraph 68 states that small and medium-sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. *“To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.”*

Paragraph 76 states that *“to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”* For major development involving the provision of housing, local planning authorities should also assess why an earlier grant of planning permission for a similar development on the same site did not start.

Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, *“housing should be located where it will enhance or maintain the vitality of rural communities.”* It goes on to explain that, where there are groups of smaller settlements, development in one village may support services in a nearby village.

### ***Promoting healthy and safe communities***

At paragraph 91 it states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- (b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
- (c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

## **Promoting sustainable transport**

Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- (a) *the potential impacts of development on transport network can be addressed;*
- (b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location and density of development that can be accommodated;*
- (c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- (d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- (e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

Paragraph 103 requires significant developments “*to be focussed in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes...However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking.*”

Paragraph 108 requires that when assessing specific applications for development, “*it should be ensured that:*

- (a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- (b) *safe and suitable access to the site can be achieved for all users; and*
- (c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 states that development should only be prevented or refused on highways grounds “*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

Paragraph 110 goes on to explain that within this context, “*applications for development should:*

- (a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

- (b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- (c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- (d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- (e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

Paragraph 111 requires all developments that will generate significant amounts of movement to be provided with a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

### ***Making effective use of land***

Paragraph 117 requires planning policies and decisions to “*promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*”

Paragraph 118 requires planning policies and decisions to:

- (a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- (b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- (c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- (d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
- (e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including*

*complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*

Paragraph 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs. *“In particular they should support proposals to:*

- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.”*

Paragraph 122 requires planning policies and decisions to support development that makes efficient use of land, *“taking into account:*

- (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- (b) local market conditions and viability;*
- (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- (d) the desirability of retaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- (e) the importance of securing well-designed, attractive and healthy places.”*

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. *“In these circumstances...local planning authorities should refuse applications which they consider fail to make an efficient use of land, taking into account the policies in this Framework.”* In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

### ***Achieving well-designed places***

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 127 goes on to explain that planning policies and decisions should ensure that developments:

- (a) *will function well and add to the overall quality of the area, not just for the short term but over lifetime of the development;*
- (b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- (d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- (e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- (f) *create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals...*“Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”*

Paragraph 129 states that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

Paragraph 130 states that *“permission should be refused development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”* Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 131 states that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise

the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

### ***Meeting the challenge of climate change, flooding and coastal change***

Paragraph 148 states that *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.”*

Paragraph 153 states that *“In determining planning applications, local planning authorities should expect new development to:*

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

Paragraph 155 states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

Paragraph 163 states that *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- (b) the development is appropriately flood resistant and resilient;*
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- (d) any residual risk can be safely managed; and*
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Paragraph 165 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

### ***Conserving and enhancing the natural environment***

Paragraph 170 explains that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- (a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- (b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- (c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- (d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- (e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- (f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Paragraph 175 explains that when determining planning applications, local planning authorities should apply the following principles:

- “(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

Paragraph 176 identifies that potential SPAs and SACs, listed or proposed RAMSAR sites and sites identified or required as compensation for adverse effects on habitat sites should be given the same protection as habitat sites.

Paragraph 177 explains that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

Paragraph 178 states that planning policies and decisions should ensure that:

- “(a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

Paragraph 179 makes it clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Paragraph 181 states that *“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified... Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*

Paragraph 183 makes it clear that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

### **Conserving and enhancing the historic environment**

Paragraph 187 requires local planning authorities to maintain or have access to a historic environment record, which should be used to assess the significance of heritage assets and predict the likelihood that currently unidentified heritage assets will be discovered in the future.

Paragraph 189 requires applicants to *“describe the significance of any heritage assets affected, including any contribution made by their setting.”*

Paragraph 190 states that *“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.”*

Paragraph 193 explains that, when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset’s conservation.

Paragraph 194 requires clear and convincing justification to be provided for any harm to, or loss of, the significance of a designated heritage asset.

Paragraph 195 *“where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.”*

Paragraph 196 states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”*

Paragraph 197 requires the effect of an application upon a non-designated heritage asset’s significance to be taken into account and where applications directly, or indirectly, affect non-designated heritage assets, *“a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Paragraph 198 states that *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”*

## ***Annex 1: Implementation***

Paragraph 212 explains that the policies in the NPPF are material considerations, which should be taken into consideration when determining planning applications.

Paragraph 213 goes on to explain that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Weight should be given to these policies according to their consistency with the Framework.

### **National Planning Practice Guidance (PPG)**

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

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC4 (Development Affecting Sites of Local Nature Conservation Importance)

Policy LC7 (Landscape Protection)

Policy LC11 (Areas of Amenity Importance)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy D14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Food Risk)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**Lincolnshire Lakes Area Action Plan:**

Policy SS1 (Delivering the Presumption in Favour of Sustainable Development)

Policy SS4 (Development Limits)

Policy H1 (Housing Distribution)

Policy H2 (Housing Requirements)

Policy SC1 (Education Requirements)

Policy F1 (Strategic Flood Mitigation Strategy)

**Housing and Employment Land Allocations DPD:**

Inset 36 – Scunthorpe

Policy PS1 (Presumption in Favour of Sustainable Development)

## CONSULTATIONS

**Highways:** Raise some concerns regarding sustainability and the provision of the proposed pedestrian crossing point.

Do not object to the proposed development in principle and recommend conditions should planning permission be granted.

**Spatial Planning:** The proposal is in the open countryside and contrary to the council's adopted development plan. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and it will be necessary to consider the impacts of granting permission when assessed against the policies of the Framework as a whole. The applicant will need to demonstrate why the development meets the three dimensions of sustainable development and need to be in accordance with the Lincolnshire Lakes Area Action Plan.

Obligations will need to be secured in respect of affordable housing, education, recreation and leisure should planning permission be granted.

**Archaeology:** Holding objection. Recommend that archaeological field evaluation should be undertaken prior to determination of the application.

**Ecology:** Believe that EIA should be required. There is clear potential for harm to viviparous lizards and water voles and for the loss of corn spurrey. The environment team does not support the proposals due to the loss and fragmentation of semi-natural habitats and the likelihood of impacts on protected and priority species and green networks. Recommend conditions should planning permission be granted.

**Environmental Health:** No objection subject to conditions in respect of land contamination, air quality and construction environmental management.

**Drainage:** No objection subject to conditions to secure an acceptable surface-water drainage scheme. Also make informative comments.

**Trees and Landscape:** Holding objection. Recommend additional information is sought to demonstrate the required distances between the trees and dwellings for the protection of roots and canopies and to consider shading from the trees.

**Leisure:** Request an off-site contribution of £45,000 be paid towards building improvements and replacement fitness equipment at The Pods.

**Education:** Educational contributions required for both primary and secondary school places. The calculation per dwelling, based on 2018/19 figures, is £7,865 and will be inflated annually.

**Public Health:** No objection.

**Environment Agency:** Initially raised issues with the ecological assessment provided with the application. The EA objected to the proposal owing to the likely effects on water voles and their habitat.

Following the submission of further representations on behalf of the applicant and re-consultation, the EA has, in a recent response dated 22 July, confirmed the withdrawal of

their objection subject to a condition to secure that the development is carried out in accordance with the submitted flood risk assessment.

**Lincolnshire Wildlife Trust:** Objects to the proposed development on the basis that there are likely impacts on the adjacent Brumby Common West Local Wildlife Site and on the network of semi-natural habitats in the area which have not been adequately mitigated or compensated for. Also raise concerns relating to potential impacts on common lizards and water voles.

**IDB:** No objection subject to a condition to secure a surface-water drainage scheme.

**Severn Trent Water:** A sewer modelling assessment will be required to determine what impact the generated flows from the site will have on the network and to determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events.

**HSE:** No objection.

**Cadent Gas:** No objection. Request an informative be included on any decision, making the developer aware of an existing IP gas pipeline running through the application site.

## **PARISH COUNCIL**

Objects to the application due to the impact that increased traffic generation, in particular HGV traffic, will have on existing residential properties. The parish council is also opposed to the loss of woodland and associated wildlife, which this proposed planning application will inevitably cause.

## **PUBLICITY**

The application has been advertised by site and press notices. Two letters of objection have been received citing the following concerns:

- The adjacent Lincolnshire Lakes project and nearby Quibell Park field development are already set to provide hundreds of new homes in the area.
- The water table in this area is so high that the land is a bog at the best of times and is on the edge of a floodplain.
- The site forms part of a larger woodland area which should remain woodland.
- Building on this site would be an unwelcome encroachment on a natural habitat for wildlife.
- Many creatures, including wild deer live in the woodland.
- Building on arable farmland should not be allowed.
- It is already difficult to access Scotter Road by car; another junction would add to the traffic problems on this stretch of the road.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been submitted as part of the planning application.

## **ASSESSMENT**

### **Site**

The application site is a roughly L-shaped parcel of land located to the west of the Scunthorpe and Bottesford urban area. The site measures approximately 3.1 hectares in area and comprises an area of open arable farmland, which is surrounded by woodland to the north, east and west. To the south the site is bounded by arable farmland, allocated and consented for development as part of the Lincolnshire Lakes development.

### **Constraints**

The site is located within the Lincolnshire Lakes Area but is located wholly outside any of the defined development boundaries set out in the Lincolnshire Lakes Area Action Plan DPD. The site is also located wholly outside the development boundary for the Scunthorpe and Bottesford urban area as defined by the Housing and Employment Land Allocations DPD. Therefore, the site is located within the open countryside for the purpose of planning.

The site is located wholly within flood zone 2/3a of the Strategic Flood Risk Assessment for North and North East Lincolnshire and as such is considered to be at risk of flooding.

The site itself is not designated as being of special ecological or landscape importance; however, the adjacent areas of woodland are locally designated as being a local wildlife site and of nature conservation importance (western area of woodland), and amenity importance (eastern area of woodland). The eastern area of woodland is also covered by a TPO, which covers a large number of the trees in a band running adjacent to Scotter Road.

### **Proposal**

This application seeks outline planning permission for a residential development of 36 2/3-storey houses, with access considered and all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval.

The outline proposals are for 36 'executive' family dwellings, with a mix of 4, 5 and 6-bedroom properties. The exact numbers of each house type will be confirmed at reserved matters stage. Given the site area, the proposal to erect 36 dwellings would result in a relatively low density of 12.1 dwellings per hectare and properties are anticipated to have garden areas of approximately 300 square metres.

An indicative layout has been submitted as part of the outline submission; however, layout is kept as a reserved matter and will be subject to approval at the reserved matters stage.

Access is being considered as part of the outline application and is proposed to be gained via Scotter Road to the east. The access will make use of the existing bell-mouth and upgrade and extend the gravel access track leading from it to an adoptable standard. The new road features 2 metre pedestrian footways to either side and incorporates turning heads to allow refuse vehicles and emergency services to access the site and leave in a

forward gear. Access to the woodland area to the west will be provided by a pedestrian gate and track.

## **Planning history**

Historically, the application site was subject (as part of a wider parcel of land) to numerous refusals of planning permission for light industrial and warehousing development under references: 6/1981/0023, 7/1981/0040, 6/1982/0056 and 7/1982/0072. Given the nature of the proposed development and the age of the refusals, it is considered that these historical decisions have little relevance to the current application.

More recently PA/2014/0760 and PA/2014/0765 granted consent for the construction of a new access point on Scotter Road and confirmed that the authority's prior approval would not be required for the construction of a road for forestry purposes.

There have been no previous applications for residential development of the site.

**The main issues to consider in the determination of this application are whether the principle of development is acceptable and whether the proposals would have an unacceptable impact with regard to ecology, flood risk or highway safety.**

## **Principle**

Outline planning permission is sought for a residential development of 36 dwellings with associated access roads and open space. All matters are reserved with the exception of access. The site falls wholly outside of any defined development boundary, within the open countryside.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for North Lincolnshire comprises 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 (2011) (CS), the Housing and Employment Land Allocations DPD (2016) (HELAP) and the Lincolnshire Lakes Area Action Plan (2016) (AAP). The most relevant development plan policies in respect of establishing the principle of residential development on this site are considered below.

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that Scunthorpe will be the focus for the majority of new development and growth and that well-designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built-up area.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe followed by urban extensions to the west of the town, which will be promoted alongside the Lincolnshire Lakes project. Brownfield sites and sites within development boundaries are the primary focus and greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to sustainable communities and is acceptable in terms of its environmental impact. Flood risk is identified as a determining factor in the distribution and location of housing.

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 the Scunthorpe and Bottesford urban area.

Similarly, policy SS4 of the Lincolnshire Lakes AAP restricts built development within the AAP area to the allocated built development limits. The expansion or alteration of the built development limits will only be considered where detailed assessments demonstrate that technical factors (flood risk, archaeology, biodiversity etc.) necessitate a change. The application site is located wholly outside the defined development limits for the Lincolnshire Lakes area and the AAP confirms that development in these areas will be strictly controlled as per saved policy RD2 of the LP.

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 Development Plan documents. The application site is entirely outside of defined development boundaries and is therefore in breach of policies CS2, CS3 and CS8 of the CS, RD2 of the LP and SS4 of the Lincolnshire Lakes AAP.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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 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.*

Footnote 7 of paragraph 11 clarifies that policies will be considered to be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In such circumstances the presumption in favour of sustainable development should apply.

A 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 are restricted to policies that are specifically related to the delivery of housing and 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 latest position on the council's five-year housing land supply is set out in the council's '*Assessment of Five Year Housing Land Supply – 1 April 2016 to 31 March 2021*'. This document confirms that, including a 20% buffer, the council can only demonstrate a 3.9 year supply of housing. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing and that the policies which are most important for determining the application are out-of-date in accordance with paragraph 11 of the NPPF.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and (as there are no Framework policies protecting assets or areas of importance on the site) development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

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

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing as well as affordable housing (in line with policy CS27). Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. As North Lincolnshire's main retail and service centre, there are local facilities and employment opportunities within easy reach of the site on foot and a wide range of further services accessible by bicycle, with public transport also readily available.

In terms of the environmental dimension, the development will clearly result in the loss of greenfield land, which is an environmental disbenefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a consideration. As mentioned above, three sides of the site are bounded by woodland and the other side by open fields with existing field boundaries. Therefore the site is comparatively well contained.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for development

in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. Given the fact that the site is comparatively enclosed and lies close to the defined development limits of the Scunthorpe and Bottesford urban area and the Lincolnshire Lakes urban extension it is considered that the landscape impact would be limited in this instance. This is something which can be further mitigated at the reserved matters stage when the layout and landscaping of the proposal is considered.

The site is not designated as being of specific ecological importance; however it does sit directly adjacent to areas of established woodland, with the woodland block to the west being an important Local Wildlife Site. The council's ecologist has confirmed that, whilst the site itself is of limited biodiversity value, the development of the site would result in fragmentation of semi-natural habitats and green networks. The potential for harm to viviparous lizards and water voles has also been identified. These environmental impacts weigh against the development and are discussed in greater detail in the ecology section of this report below.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the development would generate clear and significant social and economic benefits and these benefits must be weighed against the identified potential for environmental harm when determining whether or not the proposal constitutes sustainable development. This will include consideration of whether any identified harm can be mitigated.

## **Ecology**

Paragraphs 170 and 175 of the NPPF recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or compensated for, planning permission should be refused. The NPPF also confirms that opportunities to incorporate biodiversity in and around developments should be encouraged.

The application site consists of arable farmland adjacent to Brumby Common West Local Wildlife Site, an area of mixed broadleaved woodland and lowland dry acid grassland priority habitats along Scotter Road. There are also bodies of open water in close proximity to the site. Given these habitats, Natural England's standing advice would suggest that there is potential for impact on protected species and/or groups.

As the site lies adjacent to a Local Wildlife Site (Brumby Common West) (LWS) the local planning authority is required to take account of the LWS status when determining the application. Policy LC4 of the LP is the most relevant development plan policy in this respect. This policy states that development likely to have an adverse impact on a site of local nature conservation importance will not be approved unless it can be demonstrated that there are reasons for the proposal that outweigh the need to safeguard the nature conservation value of the feature. Where development is permitted, the use of conditions or obligations to ensure the protection and enhancement of the site's nature conservation value and other appropriate compensatory measures will be considered.

An ecological assessment report (Landscape Science Consultancy Ltd 2018) was submitted in support of the planning application and the council's ecologist has confirmed that the survey methods used and survey effort deployed are broadly appropriate for the site. The ecologist confirms that the reptile survey was carried out at a suboptimal time of year. Nevertheless lizards were recorded using the application site and adjacent habitats. No water vole field signs were recorded; however, in 2012 "high activity" was recorded along the southern boundary of the site (Nicholas Pearson Associates 2012). No evidence of great crested newts from nearby ponds was found. The arable plant corn spurrey, currently listed as "vulnerable" in the UK, was recorded on site.

The arable land that forms the application site is clearly of lower intrinsic biodiversity value than the adjacent parcels of land. However, in this regard the council's ecologist has confirmed that development of this land would result in fragmentation of the surrounding habitats and would present a significant barrier to movement for remaining plants and animals. The ecologist asserts that plant and animal populations that become isolated are more susceptible to localised extinction events and that the development could result in loss of species in the remaining woodland and grassland in the long term.

The council's ecologist also raises concerns relating to the off-site effects of residential development on surrounding habitats, including fly tipping, recreational disturbance of wildlife, fires, physical erosion of habitats and predation of wildlife by domestic pets. In terms of impact on protected species, it is suggested there is potential harm to viviparous lizards and water voles from killing/or disturbance in the site clearance phase. Once the dwellings are occupied there is potential for these species to be killed by domestic cats and subject to killing and disturbance through increased recreational activity such as dog walking. These concerns reflect those raised by the Environment Agency (EA) in their consultation responses to the planning application detailed below.

On 30 November 2018 the EA raised an objection to the planning application based on the likely effects that the development would have on water voles and their habitat. At this time the EA considered that insufficient information had been provided to assess the risks posed. These concerns were based on records from 2012 that showed that water voles were present on the site and knowledge that water voles are present in high numbers on adjacent land to the south and west. Concerns were raised in respect of the Ecological Appraisal submitted in support of the application and the constraints in the water vole survey methodology.

Water voles are a fully protected species under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. Therefore, it is a criminal offence to damage, destroy or block access to their places of shelter or disturb them in a place of shelter or protection.

England's Biodiversity Strategy identifies priority species, including water voles, which are listed as being of 'principal' importance under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Local planning authorities have responsibilities under NERC to have regard to those species in their decision-making because of their duty to conserve biodiversity (s40).

The EA confirmed that in their opinion there is potential for harm to water voles during construction and ongoing harm once dwellings are occupied as a result of increased recreational activity on site, such as dog walking and the threat of killing posed by domestic

cats. They further stated that the application did not include adequate information on measures proposed to protect water voles in this location and on the potential cumulative impact of this development and the Lincolnshire Lakes project.

Following the objection by the EA, the applicants commissioned a further water vole survey, which was undertaken in February 2019 and found no signs of water voles being present on site. Following re-consultation, the EA provided an updated consultation response on 2 May 2019 confirming that they wished to uphold their initial objection despite the additional information provided. The reasons for this were that the second survey was undertaken outside of the recommended survey season for water voles and that the survey was not undertaken via walking/wading in the watercourse, which is considered the most appropriate method. The EA also maintain their concerns that insufficient information has been provided with regard to cumulative impact and potential for domestic cats and increased recreational activities to kill/disturb water voles.

The applicant and their ecological consultant has responded to this most recent objection and confirmed that the water vole surveys carried out were conducted with due regard for Best Practice guidance, but with deviations and amendments as required to respond to conditions on the site. Given the limitations imposed by vegetation on site, the timing of the surveys was chosen to be in peak survey season (June) and again at the beginning of the active season (February) when vegetation was low enough to allow inspection for burrows, trails and other signs which would have been present irrespective of territorial behaviour expected later in the season. The ecological consultant has confirmed that the surveyors walked the ditch in places (where possible) and in other places moved up and down the bank sides in a manner which allowed for an equivalent degree of inspection. The ecological consultant has confirmed that the methods used allowed for a comprehensive survey of the water courses and that the surveys are sufficient to provide a proportionate and appropriate degree of confidence that water voles were not present at the time of the survey.

It is considered that the water vole surveys have been carried out by qualified ecologists, in line with best practice and these surveys showed no voles present on the site. The EA's concerns hinge on the fact that surveys undertaken in 2012 identified the presence of water voles. However, it is possible that a population of water voles that was present in 2012 (seven years ago) is no longer present. In this regard it is considered appropriate that the recent surveys undertaken on behalf of the applicant are deemed to be the most up-to-date information that would take precedence over the previous seven years old information. Consequently there is reasonable evidence to suggest that voles are not currently present on site.

Notwithstanding the above, the applicant's ecologist has acknowledged that the southern boundary ditch does appear to provide suitable habitat for water voles, even if not occupied at the time of survey. Given the historic presence of the species in the area, it is possible that occupancy may change over time with re-colonisation of currently vacant habitats. In accordance with the precautionary principle, the following mitigation measures are proposed to account for potential future re-occupation of the site:

- full retention of aquatic ditches with only minor modifications (footbridge)

- a further pre-commencement water vole survey to be carried out to determine whether the water body still continues not to support the species, with additional mitigation measures to be put in place if a population is confirmed
- a stand-off from the most suitable ditch (on the southern boundary) equivalent in size to the existing margin, thereby retaining existing vegetation and potential foraging habitat that exists between the ditch and the arable field and providing a buffer to prevent disturbance from new residents
- the ditches on the eastern and western boundaries, will be retained outside of gardens to maintain these features for potential future dispersal and use as peripheral habitat
- run-off from the development will be treated prior to discharge in order to prevent pollutants or other negative impacts from arising.

In addition to the mitigation measures proposed by the applicant's ecologist, the council's ecologist has recommended conditions to secure further mitigation and biodiversity enhancement should planning permission be granted. These would secure a species protection plan detailing measures to avoid harm to protected and priority species during vegetation clearance and construction works, and a biodiversity management plan detailing biodiversity enhancements to be provided as part of the development.

With regard to cumulative impact, it is noted that this application is for a stand-alone development of 36 dwellings. An indicative masterplan has been submitted, which highlights areas of land within the applicant's ownership that may be subject to future applications. However, no proposals have been formulated or submitted for consideration in respect of future phases of development and these may never be forthcoming. As there are no details of proposed development on these separate parcels of land it is not deemed necessary to carry out a cumulative impact assessment at this time. Should additional development proposals be forthcoming in the future, then this would be the appropriate time to assess the cumulative impacts.

The EA were again re-consulted with regard to the response from the applicant's ecological consultant and with respect to the conditions recommended to mitigate the ecological impact of the development. Following this final round of consultation, the EA has issued a final consultation response dated 22 July 2019 confirming that they withdraw their objection to this application subject to the conditions recommended by the council's ecologist being included on any approval and subject to a further condition requiring works to be undertaken in accordance with the submitted flood risk assessment.

For the reasons outlined above and giving due consideration to the EA having now removed their objection to the application, it is considered that, through the conditions and measures detailed above, the impact of the development on protected and priority species can be suitably mitigated. Whilst there may still be some residual harm to sites of nature conservation importance, it is considered that the benefits of the scheme with regard to housing delivery to meet a proven shortfall would outweigh this harm, which is not considered to be significant.

## **Highway safety**

Ashby Parklands Parish Council and local residents have raised concerns regarding the impact of increased traffic on the local highway network. Specific concern is raised regarding HGV traffic during construction.

The council's highways department has been consulted on the application and raises some questions regarding the ability of the site to be accessed via sustainable methods of transport. These relate primarily to the lack of pedestrian footway on the western side of Scotter Road and crossing facilities in the vicinity of the site access to enable safe crossing to the footpath and cycleway on the eastern side.

Notwithstanding these questions, highways officers have confirmed that traffic generation from the site will not be significant and that there are no objections to the proposals in principle. Conditions are recommended to mitigate the impact of the development on the local highway network and ensure that there will be no unacceptable impact on road safety. In particular, a condition is proposed to ensure that a suitable and safe pedestrian crossing facility is provided to facilitate the crossing of Scotter Road.

Subject to the conditions recommended by highways officers, it is considered that the proposed development would have no unacceptable impact on highway safety.

## **Flood risk/drainage**

The site includes small areas of Flood Zones 2 and 3 of the Environment Agency flood maps and is located wholly within Flood Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment. Therefore the site is considered to be at risk of flooding.

Paragraph 155 of the NPPF seeks to direct development away from areas at highest risk of flooding and confirms that, if development is necessary in these areas, it should be made safe for its lifetime without increasing flood risk elsewhere. In this regard the Framework, at paragraphs 158, 159 and 160, sets out the sequential and exceptions tests that apply to residential developments (more vulnerable land use) located within areas at risk of flooding.

The sequential test requires the applicant to demonstrate that there are no sites at a lower risk of flooding that are reasonably available and appropriate for the proposed development. The applicant has provided a sequential test as part of the submitted FRA. This relies on the fact that the application site is located within an area highlighted by the Western Urban Extension Exemption Test Strategy (2010) as being suitable for a large-scale urban extension (Lincolnshire Lakes) and that there are no potential development sites within this area at a lesser risk of flooding. On this basis, the FRA concludes that there are no sequentially preferable sites and that the sequential test is passed.

The submitted FRA also includes consideration of the exceptions test. Paragraph 160 of the NPPF confirms that for the exceptions 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...

In terms of wider sustainability benefits, the FRA states that the development would give an opportunity for residential development in North Lincolnshire, which would contribute towards meeting the area's housing requirement.

A site-specific assessment of flood risk is provided within the FRA and it is asserted that there is little risk of flooding to the site and that flood risk will be further reduced by mitigation measures set out in section 4 of the report. The FRA concludes that the sustainability benefits of the development far outweigh the flood risk to the site subject to implementation of appropriate mitigation measures and as such the exceptions test is considered to be passed.

The Environment Agency has been consulted and has raised no objection to the development in respect of flood risk. They confirm that the FRA meets the requirements of the NPPF.

With regard to drainage, the council's drainage team has been consulted as well as Severn Trent Water and the Scunthorpe and Gainsborough Water Management Board (IDB). None of the consultees have raised objections to the development subject to conditions to secure the submission and implementation of an acceptable drainage strategy.

## Obligations

Heads of terms have been agreed with the applicant and the obligations that will be secured via Section 106 to mitigate the impact of the development are as follows:

- **Affordable housing** – 20% affordable housing. As the proposal is for four, five and six-bedroom dwellings, it is likely that this will be met via an off-site contribution; this will be subject to negotiation and agreement with the applicant. The obligation would equate to seven affordable dwellings.
- **Recreation** – An area of open space and a local area of play (LAP) will be required to be provided on the site. The area of casual open space required for a development of this size is 10 square metres per dwelling, equating to 360 square metres. The required size of the LAP is 100 square metres. If the maintenance of the open space and LAP is to be transferred to the council then a maintenance contribution of £45,168.20 will be required to cover 10 years' maintenance. Trigger points for the payments and details for the layout of the play area/public open space would be agreed through negotiating the Section 106 requirements.
- **Education** – Education contributions are required in respect of both primary and secondary school places. The calculation per dwelling (excluding any affordable dwellings) based on 2018/19 figures is £7,865; this figure will be inflated annually.
- **Leisure** – An off-site contribution of £45,000 is required for building improvements and replacement fitness equipment at The Pods leisure centre.

The planning obligations outlined above are considered to meet the necessary tests set out in paragraph 56 of the NPPF in that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

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

### **Other matters**

The council's archaeologist has issued a holding objection and requested that a field survey and trial trenching should be undertaken prior to determination of the application to allow an appropriate assessment of the impact of the development on heritage assets to be undertaken. However, given the fact that the proposals are in outline form only and that the layout of the development is left open for future approval, it is considered that suitable archaeological assessment can be secured by condition. Should important archaeological remains be discovered on site then appropriate mitigation can be secured by the conditions and if necessary the eventual layout of the development can be designed to avoid particularly sensitive areas.

The council's tree officer has also issued a holding objection and has requested further arboricultural information to determine the necessary root and canopy protection zones and the distance that will need to be retained between dwellings and existing trees to avoid unacceptable shadowing. Given the size of the site and the relatively small number of dwellings proposed it is considered that the proposed development could be designed to avoid unacceptable impact on adjacent trees. Again, it is noted that layout is a reserved matter and as such the location of dwellings is not yet confirmed; however, the indicative layout submitted with the application shows that significant separation distances can be achieved between existing trees and the proposed dwellings. Conditions can be used to secure suitable tree protection measures during construction.

Cadent Gas has provided comments on the application in respect of an existing IP gas pipeline that runs through the application site. Cadent has raised no objection to the planning application but has requested that an informative is placed on the decision notice to notify the applicant/developer of the necessary plant protection measures.

### **Conclusion**

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being located outside of defined development limits where residential development is not normally supported. However, the development plan does contemplate some greenfield development outside of development boundaries, specifically to the west of Scunthorpe. Furthermore, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the 'tilted balance' set out in paragraph 11 of the NPPF, the development must be considered acceptable and should be approved.

### **Procedural matter**

Due to the outstanding EA objection against the application, it is necessary to re-consult with this body to ascertain whether they intend to refer the application to the Secretary of State (SoS) to determine whether the application should be 'called in'. The SoS has the

power to take over ('call in') planning applications rather than letting the local authority determine them. The secretary of state will normally only do this if the application conflicts with national policy in important ways, or is considered to be of national significance.

Should members be minded to grant planning permission, this re-consultation must be undertaken prior to a decision being issued and if the application is 'called in' then the application will ultimately be determined by the Secretary of State. If the EA decides not to refer the application, or if the SoS decides not to 'call in' the application, then the local planning authority will be free to issue the decision.

## **RECOMMENDATION**

**Subject to completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, public open space, education contributions and leisure contributions as set out in the "Obligations" section of this report, 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 obligation;**
- (iii) if the obligation is not completed by 31 January 2020 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of the development being contrary to policies CS9 and CS27 of the North Lincolnshire Core Strategy because of inadequate provision of infrastructure to meet the identified needs generated by the development; 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 development hereby permitted shall be carried out in accordance with the following approved plans: (D)01, (D)10, (D)11.

Reason

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

6.

No development shall take place until details showing all within-highway works on Scotter Road, including:

- any amendments to the geometry of the existing vehicular access to the site;
- provision of footways; and
- the provision of a suitable and safe pedestrian crossing facility;

have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety and to comply with policy T12 of the North Lincolnshire Local Plan.

7.

No more than 10 dwellings shall be occupied until all works approved under the condition 6 above have been completed.

Reason

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

8.

The proposed footway connection to the south of the site into the larger lakes development shall be provided prior to the occupation of the penultimate dwelling on site in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking 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 facilities shall be retained.

Reason

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

10.

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.

11.

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

Reason

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

12.

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.

13.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

14.

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

Reason

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

15.

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

Reason

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

16.

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.

17.

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 hydrogeological context of the development. This must be based upon the submitted Flood Risk Assessment, Drainage Strategy and drawing and in conjunction with the updated flood risk assessment and drainage strategy for the Lincolnshire Lakes Development Area Action Plan.

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 policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

18.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 17 above, completed prior to the occupation of any dwelling,

and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing by 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 policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

19.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 11663/12, William Saunders, August 2018). In particular, finished floor levels shall be set no lower than 3.4 metres above Ordnance Datum (AOD) as referenced in section 4.2.

#### Reason

To ensure that the development is safe from flooding and does not increase flood risk to adjacent land in accordance with policy DS16 of the North Lincolnshire Local Plan and policy CS19 of the North Lincolnshire Core Strategy.

20.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to water voles, bats, hedgehogs, viviparous lizards, badgers and nesting birds during vegetation clearance and construction works.

#### Reason

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

21.

Within six months of 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:

- details of at least one bat loft to be installed in one or more new dwellings adjacent to existing woodland;
- details of bat boxes and bat bricks to be installed on at least nine houses;
- details of swift boxes and sparrow terraces to be installed on at least nine houses;
- details of nesting sites to be installed to support a variety of other species including house martin and garden birds;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;

- prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- prescription for the creation and management of enhanced bat foraging corridors;
- details of wetland habitat to be created and managed as part of sustainable drainage;
- details for the sensitive management of retained ditches;
- prescriptions for a habitat buffer along the southern site boundary, incorporating measures to exclude domestic cats;
- procedures for monitoring and ongoing management of created habitats;
- measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- 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.

#### 22.

The species protection plan and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 32nd 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 species protection plan and biodiversity management plan.

#### Reason

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

#### 23.

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

Reason

To protect the existing trees on the site.

24.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

25.

No above-ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any of dwellings are occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

**Informative 1**

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

**Informative 2**

Severn Trent Water advises that, although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building. Should you require further information, please contact Severn Trent Water on 02477 716843 or at [planning.APEast@severntrent.co.uk](mailto:planning.APEast@severntrent.co.uk).

**Informative 3**

Cadent Gas has advised that there is a 250 millimetre IP gas pipeline running through the development site. Specific plant protection measures will need to be adopted which will possibly include protection for the IP gas pipeline under the proposed road. Cadent Gas easements will require protection during construction and completion, and any measures Cadent deem necessary must be adhered to.

**Informative 4**

Records indicate that the proposed development site is bounded by, or has running through it, a watercourse. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must immediately be reported to the LLFA Drainage Team on 01724 297522 prior to any further construction works being carried out.

The proposals show a new access and connections into the above watercourses. This must be consented by the local Internal Drainage Board (Scunthorpe & Gainsborough Water Management Board) through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

#### **Informative 5**

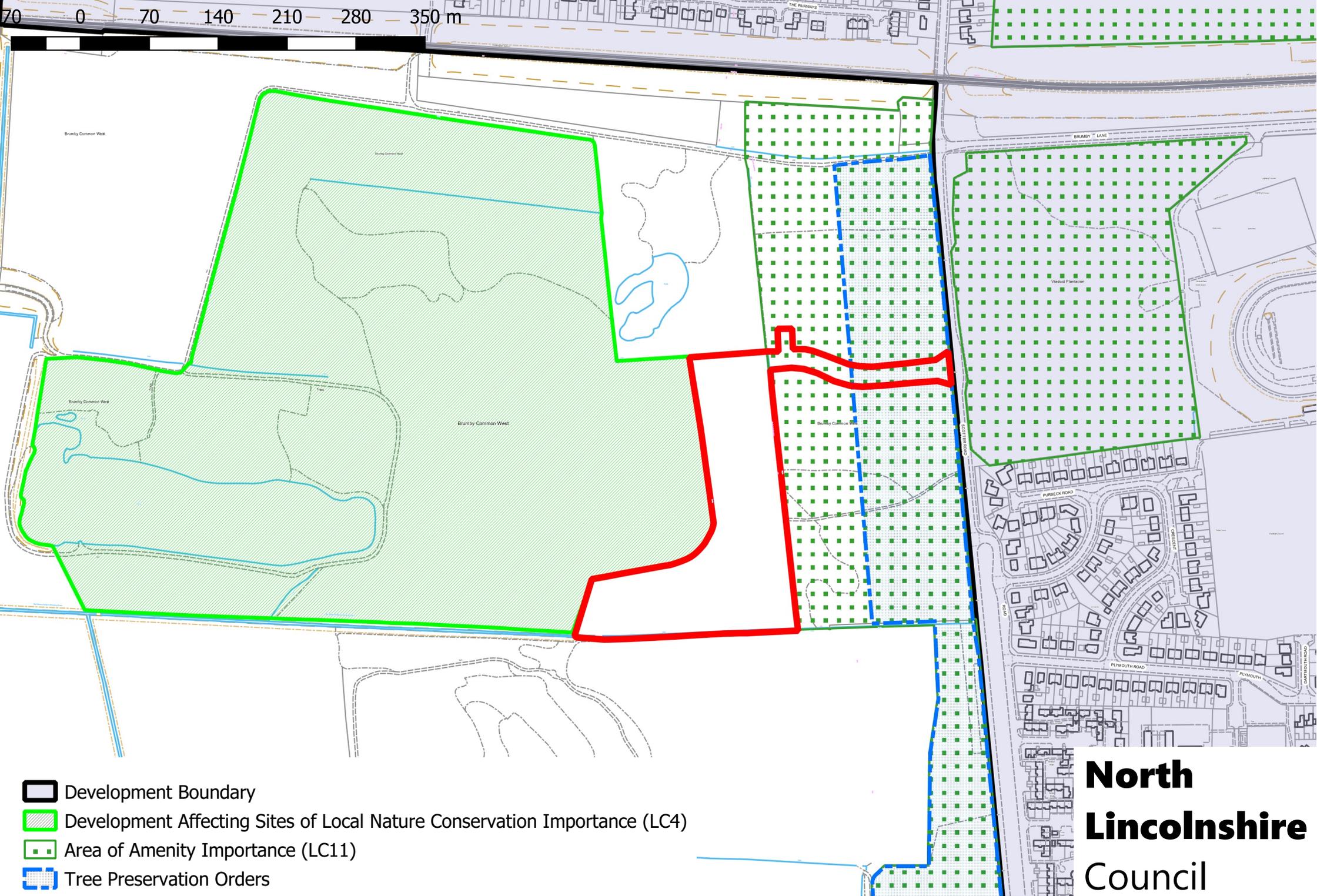
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 6**

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.

70 0 70 140 210 280 350 m



-  Development Boundary
-  Development Affecting Sites of Local Nature Conservation Importance (LC4)
-  Area of Amenity Importance (LC11)
-  Tree Preservation Orders

**North  
Lincolnshire  
Council**

**PA/2018/2186**

# PA/2018/2186 Indicative layout (not to scale)

William Saunders is the trading name of Wm Saunders Partnership LLP. Wm Saunders Partnership Limited (a limited liability partnership) is registered in England and Wales with the Registration Number OC 38852. The Registered Office is Sheppard Lockton House, Colferris Way, Newark on Trent, Nottinghamshire, NG24 2TN.

This drawing & any design thereon is the copyright of Wm Saunders Partnership LLP and must not be reproduced without their written consent.

Contractors must verify all dimensions, levels and co-ordinates of the site before commencing any work or making any shop drawings; no dimensions to be taken from drawing.



Rev	Description	Drn	VfG	Date
B	Pumping station & road	OE	CD	08/18
A	Issued for Planning	OE	CD	07/18
-	Issued for Planning	IR	CD	02/18

As outlined in section 2.3 of the CIB Industry Guidance to Designers, insignificant risks can usually be ignored, as can risks arising from routine construction activities, unless the design compounds or significantly alters these risks. In accordance with CDM Regulations 8, 9 and 11, only significant risks relating to the design features shown on this drawing have been identified and are annotated thus: **(I)**

No significant risks have been identified.

Significant risks have been identified: refer to notes on drawing for information on residual risks and any control measures to be employed.

Refer to the current Designer's Risk Assessment sheets for further details.

Designer's Signature: CD Date: 07/18

Drawing Status: **PLANNING**

**william saunders**  
 architecture: engineering: building consultancy

Sheppard Lockton House Tel: 01636 704361  
 Colferris Way, Fax: 01636 702809  
 Newark-on-Trent, Nottinghamshire, NG24 2TN. W: wms-saunders.co.uk

Also of Leeds, Cardiff & Wivksworth.

Project: **Scotter Road, Scunthorpe (Lincolnshire Lakes)**

Client: **HG Homes**

Title: **Proposed Site Layout - Residential Area**

Discipline	Project Number	Drawing Number	Revision
Arch	11663	(D)03	8

**SITE INFORMATION**

36 no. 4/5/6 Bedroom Properties with Double Garages  
 GIA - 215 - 258sqm per unit  
 Average garden size - approx 300sqm  
 Site Area = 7.36 acres / 2.98 hectares  
 Density = 12.1 dwellings/hectare