

<b>APPLICATION NO</b>	<b>PA/2020/252</b>
<b>APPLICANT</b>	Partner Construction & Acis Group
<b>DEVELOPMENT</b>	Planning permission to erect 24 dwellings comprising 12 rent to home buy, 6 shared ownership and 6 open market dwellings
<b>LOCATION</b>	Land to the east of Hillside Road, Broughton
<b>PARISH</b>	Broughton
<b>WARD</b>	Broughton and Appleby
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Richard Hannigan – significant public interest)  Objection by Broughton Town Council
<b>POLICIES</b>	

#### **National Planning Policy Framework:**

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

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

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

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

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

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

Paragraph 57: Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

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

**North Lincolnshire Local Plan:** DS1, DS7, DS11, RD2, H10, C1, T2, T19, HE9, LC4, H5

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS19, CS22, CS26

## **CONSULTATIONS**

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

**Drainage:** No objections subject to conditions that would require the submission of an agreeable surface water drainage strategy.

**Environment Agency:** No comments to make.

**Environmental Protection:** No objections subject to the imposition of conditions relating to land contamination, electrical vehicle charging points and those to mitigate impacts to residents during construction.

**Anglian Water:** The foul water network has capacity. Generic comments made in relation to surface water drainage strategy pointing the applicant towards building regulations approved document H.

**Archaeology:** No objections.

**Ecology:** No objections subject to the imposition of conditions.

**Spatial Planning:** This proposal is to erect 24 dwellings comprising 12 rent to home buy, 6 shared ownership and 6 open market dwellings. As stated in the adopted Core Strategy policy CS9, the Rural Exception site section allows planning permission to be granted for the release of small rural exception sites within or adjacent to the development limits for 100% affordable housing where a local need has been clearly identified. Under the provisions of NPPF paragraph 54 it allows for a limited number of market housing as part of the wider scheme. The number of market housing should be kept to a minimum with the number substantiated through detailed testing.

## **TOWN COUNCIL**

The town council has stated:

*It was resolved that the council should object. It was felt it was the incorrect location and the infrastructure would not support it. It was felt there were better areas in Broughton to be built on first. It was agreed affordable housing was needed in Broughton.*

## **PUBLICITY**

The application has been advertised by site and press notices. A number of objections have been received which are summarised below:

- development outside boundary/character/sustainability issues
- highway safety.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has submitted information on the community involvement that was carried out. This is contained within the Stephenson Halliday document dated December 2019.

A public consultation event was carried out at Broughton Village Hall in 2018. The comments from the public are noted in the above document as well as the plans presented at that event.

## **ASSESSMENT**

### **Update**

**This application is a resubmission of PA/2019/267. The application was heard by members and refused on the following grounds:**

1. *Insufficient evidence has been provided to prove that there is a demonstrable need for the proposed affordable housing to serve the settlement of Broughton. The proposal is therefore contrary to policy CS9 of the North Lincolnshire Core Strategy.*
2. *The proposal would introduce a significant amount of built form on a greenfield site outside the identified development boundaries for Broughton that would urbanise the existing rural landscape to the detriment of the scenic quality and local character of the*

*landscape. The proposal is therefore contrary to policies CS2 of the North Lincolnshire Core Strategy and policies RD2 and LC7 of the North Lincolnshire Local Plan.*

The submission includes a housing needs survey which states that there is a clear need for affordable housing in Broughton. The applicant has also submitted a landscape master plan as well as more detailed information about the type of planting.

### **Site characteristics**

The site is located outside the development boundary for Broughton as identified by the Housing and Employment Land Allocations DPD 2016. It abuts a site marked by the same plan as a 'Site of Importance for Nature Conservation'. It is also located within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011. At present it is an agricultural field measuring approximately 0.85 hectares and access is proposed via Hillside Road.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **viability**
- **obligations**
- **highway safety**
- **drainage**
- **ecology**
- **archaeology**
- **environmental issues**
- **air quality**
- **land contamination**
- **character and amenity.**

### **Principle of development**

Policy CS9 of the North Lincolnshire Core Strategy is concerned with affordable housing. The policy is split into two parts: firstly, it relates to the percentage of affordable units that should be provided as part of any market dwelling led schemes; and secondly, it sets out provisions for fully affordable schemes known as 'rural exception sites'. The policy states in relation to the latter:

*Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.*

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is twofold with the first part setting out in principle what types of developments are acceptable. In this instance paragraph 'iii' is relevant; it states '...affordable housing to meet a proven local need' is considered as an acceptable form of development. The latter part of policy RD2 seeks to mitigate those development types that are considered acceptable. It states the following:

- (a) The open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries.
- (b) The proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan.
- (c) The development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.
- (d) The development would not be detrimental to residential amenity or highway safety.
- (e) Account is taken of whether the site is capable of being served by public transport.
- (f) The development is sited to make the best use of existing and new landscaping.

The application does not explore alternative sites; however, as stated within the first report, given the scale of the scheme and the appreciation of the existing built form of Broughton, a residential development for 24 dwellings would not likely be achieved within the settlement boundary. The applicant has submitted a robust application with a full suite of documents that make up the design solution. The ecology report which preserves a buffer between the proposed built form and the woodland, as well as the contextual analysis of the design and access statement explain how points B–F of policy RD2 are complied with. Importantly, included with this application is a housing needs survey.

Paragraph 77 of the NPPF is concerned with rural housing and states that 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'

North Lincolnshire Council cannot at present demonstrate a five-year land supply for the delivery of housing. There is a clear shortfall within the area of housing of all types. The proposal is for 18 affordable dwellings with 6 market dwellings required in order to make the scheme deliverable and this is supported by a viability statement written by Partner. The applicant has submitted a planning statement which includes a section on affordable dwellings. The statement explains how the tenure type and mix has been driven from dialogue with the council's Strategic Housing officer and based upon the housing needs survey. The proposal is also a result of pre-application advice where the location and constraints related to it were underlined and not considered unacceptable. Both the town council and housing officer agree that there is a requirement for affordable dwellings within Broughton. The housing officer also believes the housing needs survey to be fully robust.

The submission has therefore sufficiently evidenced the need for affordable housing in the area and the requirement for the specific tenure split that has been proposed through both

pre-application discussion as well as the material contained within the planning statement and housing needs survey. The proposal for a 75/25 split of affordable and market dwellings is, therefore, (subject to agreement with the viability information and the other sections of this report) considered to align with policy CS9 of the North Lincolnshire Local Plan and RD2 of the North Lincolnshire Core Strategy, as well as paragraph 77 of the NPPF and is considered acceptable in principle.

## **Viability**

Paragraph 77 of the NPPF is concerned with Rural Exception sites and is quoted above. It allows for a proportion of market dwellings in order to support the delivery of the wider affordable housing. Paragraph 57 is concerned with viability and it states:

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

The council's Section 106 officer has reviewed the applicant's viability information on the first submission and considers it correct. The fiscal parameters have not changed on this application and it is therefore agreed again. The council has therefore adopted the stance that there is a requirement for 6 market dwellings in order to make the whole proposal deliverable. The timing of occupation of these units will be secured within the Section 106.

## **Planning obligations**

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

1. meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing, maintenance payments, highway infrastructure, nature conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or
2. mitigates the impact(s) of the development; and/or
3. offsets the loss of any significant amenity or resource through compensatory provision elsewhere; and/or
4. provides for the ongoing maintenance of facilities provided as a result of the development.

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

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
  - (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development.

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

### **Affordable housing**

The proposal is for a rural exception site and complies with policy CS9 as well as paragraph 77 of the NPPF. This element of the proposal will be secured and reaffirmed through the Section 106 process.

### **Public open space**

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

The applicant has agreed to provide £5,622.60 as an off-site contribution. This will be secured through a Section 106 agreement.

### **Education**

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

An amount of £4,650 per dwelling is agreed for secondary schools. This will be secured through a Section 106 agreement and a total of £27,900.00, based upon 6 market dwellings.

### **Obligations summary**

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, as well as policies C1 and HC10 of the North Lincolnshire Local Plan and paragraph 56 of the NPPF.

## Highways

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

The applicant seeks the erection of 24 dwellings and has submitted full plans. The council's Highways department has made an assessment of the scheme and has no objections subject to the imposition of conditions. A point has been reiterated that was raised on the first application about impact upon existing residents during construction, and given the situation with land ownership, this allows for construction vehicle to enter through Wressle Road. A condition has been put forward to reflect and overcome this issue. Other conditions relate to mitigating the development once complete and are also considered to pass the tests of conditionality.

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

## Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flooding, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage; both are relevant. Policy CS19 states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

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

The site is located within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011. The applicant has submitted both an FRA and drainage strategy. Following the most recent information received, the LLFA has confirmed they have no objections subject to the imposition of a condition that would mitigate surface water drainage. Whilst there is ongoing dialogue about an appropriate strategy, the LLFA are of the option that a strategy is achievable even if it is a different strategy than is currently proposed. There have been numerous meetings and the applicant has stated that if their preferred strategy cannot be considered acceptable then they would look to the LLFA for guidance.

Both the Environment Agency and the Ancholme Internal Drainage Board have been consulted and have no objections/comments, with the latter offering standard advice. Anglian Water has also made comment that they have no objection and that there is sufficient capacity in the catchment of Broughton (Humber) Water Recycling Centre that will have available capacity to accept the additional flows. Furthermore, a notification of intention to connect to the public sewer under Section 106 of the Waters Industry Act should be sent to Anglian; the act provides further mitigation in relation to foul sewage.

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

## **Ecology**

Policy CS17 of the Core Strategy, as well as paragraphs 9 and 118, relate to biodiversity. Paragraph 118 states in part that a net gain for biodiversity should be achieved. The site is also located adjacent to a local nature reserve and policies LC3, LC4 and LC5 of the North Lincolnshire Local Plan are relevant.

The site abuts the East Wood Local Wildlife Site which is protected by policy LC4. The applicant has shown on a block plan that there is a buffer area left and this is driven by the findings of the ecology report and landscaping documents.

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

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

## **Archaeology**

Core Strategy policy CS6 Historic Environment states that 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'Development proposals should provide archaeological assessments where appropriate'.

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

The council's archaeologist has made an assessment of the submitted heritage statement and agrees with the conclusions. The officer states that there is no objection to the proposal and no further archaeological work is required as part of the development of the site. The proposal is therefore considered to be in accordance with policies CS6 and HE9 and is considered acceptable.

## **Environmental issues**

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not

pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

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

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

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

Policy CS18 is concerned with Sustainable Resource Use and Climate Change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant; they are:

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

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

### **Land quality**

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

The applicant has submitted a ground investigation report (3425OR03Rev1/2018) to the Environmental Protection department and the council's Environmental Protection team has made an assessment. The department finds the report acceptable in principle; however, the preliminary risk assessment (desk study) which underpins the site investigation has not been provided. A full scheme of contamination conditions is therefore required in order to mitigate any potential impacts; these will be attached.

Given the aforementioned mitigation, this proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

## Character and amenity

Policy H5 of the North Lincolnshire Local Plan is concerned with new housing development. The first part of the policy sets out what is considered acceptable in principle (the policy fails to acknowledge the acceptability of rural exceptions sites that are considered acceptable by RD2). The second part of the policy sets out a criteria-based assessment against which to test proposals for housing. It states:

‘All new housing developments should meet the following criteria:

- (a) Development should be well related to existing infrastructure including education, community and health facilities, roads, footpaths and cycleways, public transport services, water supply and other utilities.
- (b) The development does not result in the loss of important open space.
- (c) The development is in keeping with the scale and character of the settlement.
- (d) Development of more than three dwellings can reasonably be expected to commence within the lifetime of the local plan.
- (e) The scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole.
- (f) Any development has an adequate and appropriately designed access which will not create any traffic or road safety hazard.
- (g) Adequate parking within the curtilage of the site is provided in order to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.
- (h) The development should ensure the conservation and retention of features of particular architectural, historic, archaeological, landscape, nature conservation importance or existing features which make an important contribution to the character or other amenity of the site or the surrounding area.
- (i) Provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space.
- (j) Development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.
- (k) Proposals do not result in unacceptable ribbon development.
- (l) Adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwellings could expect to enjoy.
- (m) Where appropriate and/or necessary new development should include substantial and suitable landscaping.’

The applicant proposes a mix of two and three-bedroom dwellings, some bungalows and some two-storey. The schedule of materials has been supplied and shown on plan 004

Rev D. The housing mix and palate of materials are considered to be sympathetic to the wider area. The scheme is well designed offering space about dwellings, both proposed and existing; this results in the provision of adequate private amenity and also limited overshadowing. Furthermore, all openings are carefully considered and located in a position that would not give rise to an acceptable level of overlooking.

Parking provision is provided at an acceptable level and Highways have no objection. Furthermore, there is no requirement for a bin storage condition given that all dwellings have access to the rear.

In terms of wider character there will clearly be an impact upon the open countryside simply by the introduction of built form in this location. The impact, however, is mitigated by the well-designed scheme, complementary palate of material, housing mix and the fact that the proposal abuts the settlement boundary. The Landscape Masterplan also shows how the built form will be softened into the wider environment. The social benefits derived from this proposal would far outweigh any harm created to the visual amenity of the countryside.

It is therefore considered that the proposal would not impinge upon existing or future residential amenity rights to a level that would warrant refusal. The scheme is well designed and, given its location close to the development boundary, it would not carry unacceptable impacts that would detract from the countryside vernacular in this location. The proposal accords with policies H5 of the local plan and CS5 of the North Lincolnshire Core Strategy.

### **Trees and landscaping**

Policy LC12 of the North Lincolnshire Local Plan is concerned with the protection of trees, woodland and hedgerows. It states that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built up areas. Policy LC4 is also relevant as the site abuts the Site of Importance for Nature Conservation'.

The previous application was refused on the basis that it would urbanise the existing rural sense of place and to some degree this is unavoidable given that it is intended that 24 dwellings are erected on the greenfield. However, a scheme has been submitted to show how these impacts will be mitigated. The applicant has provided a buffer from the ancient woodland and this has been driven by both comments at the pre-application stage as well as the ecology report. An arboricultural report, as well as methodology for protecting trees, has been submitted. All built form is outside the root protection area of trees and the mitigation measures during construction are considered appropriate. Therefore, approval of these measures, along with landscaping plans, will ensure there is no development within the root protection area and that roots are also protected during construction.

The proposal is considered to accord with policies LC12 and LC4 of the North Lincolnshire Local Plan.

## Heads of terms

Affordable dwellings	18 affordable dwellings
Education	£27,900.00
Public open space (contribution)	£5,622.60

## Conclusion

The proposal is for a rural exceptions site with the viability for 6 clearly demonstrated. Furthermore, both the housing officer and the town council agree that there is a requirement for/shortage of affordable housing in Broughton. All pre-commencement conditions have been agreed with the applicant. All other conditions are outlined within this report.

## RECOMMENDATION

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the obligations set out in the ‘Heads of Terms’ table within 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 31st January 2021, the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 001B; Proposed Block Plan 005C; Proposed Site Layout 002S; Hard Landscape Layout 003H, Proposed External Materials Plan 004D; Landscape Details R/2130/2E; R/2130/3; R2130/IF; Tree Protection Plan AMS TPP D, Arboricultural Method Statement Rev D; House Types F136-1 Rev A; F114 - 1; F113 - 1; F112-1.

Reason

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

3.

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.

4.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

5.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

6.

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.

7.

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.

8.

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

Reason

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

9.

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.

10.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

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

11.

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

- an approved access point to the development, which shall in the first instance be taken directly from Wressle Road avoiding residential properties on Town Hill Drive and Hillside Road;
- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;

- storage of materials; and
- and traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required;

has been submitted 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 interest of highway safety and to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

**12.**

No development shall take place until a protected species method statement has been submitted to and approved in writing by the local planning authority. The method statement shall include details of measures to avoid harm to reptiles, hedgehogs and nesting birds during vegetation clearance and construction works.

**Reason**

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

**13.**

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

- (a) prescriptions for the installation of bat bricks or bat boxes on at least five new dwellings, concentrating on those nearest to East Wood Local Wildlife Site;
- (b) prescriptions for the installation of nest boxes on at least five new dwellings and on retained trees and hedgerows;
- (c) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (d) prescriptions for landscaping using trees, shrubs and hedge plants of high biodiversity value;
- (e) prescriptions for the creation and management of a landscape buffer around East Wood Local Wildlife Site, comprising tree and shrub species recorded in East Wood and Far Wood;
- (f) prescriptions for the control of invasive species, including Indian Balsam and variegated yellow archangel;
- (g) restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats;

- (h) measures to avoid fly-tipping and other factors that would harm habitats and species;
- (i) providing a wildlife gardening leaflet for each new resident;
- (j) proposed timings for the above works in relation to the completion of the buildings.

#### Reason

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

#### 14.

The protected species method statement 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 construction of the 20th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

#### Reason

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

#### 15.

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

#### Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;

- groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

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

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

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

16.

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

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

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures;

Light: The CEMP shall set out the particulars of–

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors;

Dust: The CEMP shall set out the particulars of–

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

Reason

In the interests of amenity and in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

17.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No operation shall take place on Sundays or public/bank holidays.

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

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

Reason

In the interest of amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

18.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with policy CS18 of the North Lincolnshire Core Strategy.

19.

No development shall commence until details of the foul water drainage strategy have been submitted to and agreed in writing with the local planning authority. The scheme of foul drainage shall thereafter be retained.

Reason

To ensure that adequate means exist for the disposal of foul water and to accord with policy DS14 of the North Lincolnshire Local Plan.

20.

No property shall be occupied until a detailed surface water drainage scheme for the site has been submitted to and approved 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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

21.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 20 above, shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

22.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy and paragraph 163 of the National Planning Policy Framework.

### **Informative 1**

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

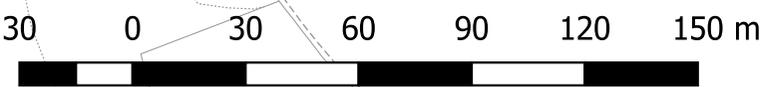
### **Informative 2**

The developer should note:

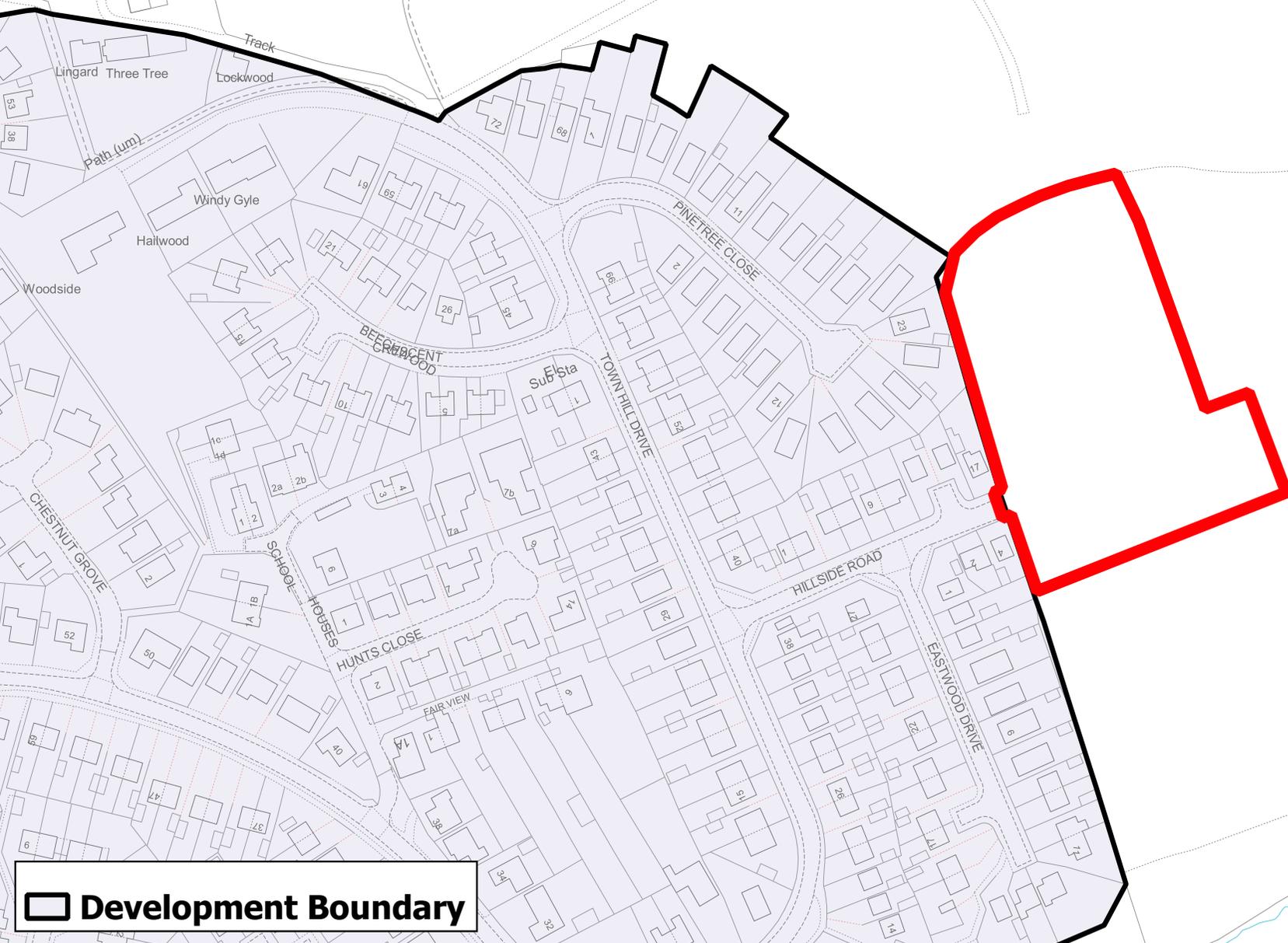
- provision of cut off drain on the northern boundary to be installed and connected into the approved drainage system; and
- consideration should be given to the location of dropped crossings adjacent to the highway (exceedance flood routing); mitigation works to be provided.

### **Informative 3**

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.



# Broughton



 Development Boundary

## PA/2020/252

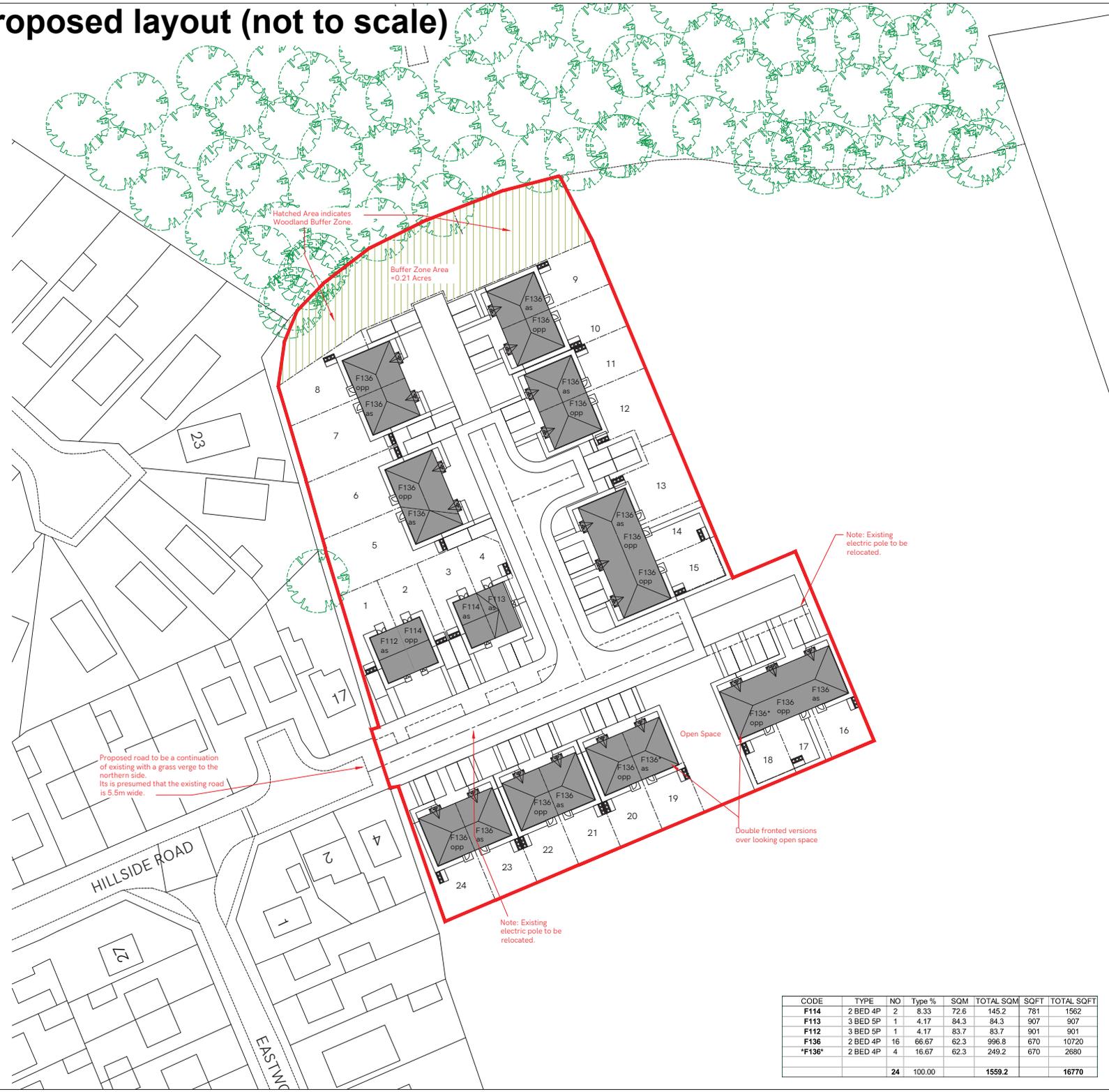
# North Lincolnshire Council

# PA/2020/252 Proposed layout (not to scale)

Note:  
Do not scale from this drawing.  
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All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.



**TOTAL SITE AREA**  
= 2.23 Acres - 0.90 Hectares



- S RLB AMENDED AT ENTRANCE FOLLOWING EMAIL FROM CD 20.02.19. AS AND OPPS ADDED. PATHS AND FENCES ADDED FOLLOWING MEETING WITH PARTNER 15.02.19. 21.02.19
- R OPENING FOR SOUTHERN ACCESS ADDED RE EMAIL FROM MS ON 04.02.19 04.02.19
- Q WOODLAND BUFFER ZONE NOTE AMENDED. 03.12.18
- P BUFFER ZONE AREA ADDED. 30.11.18
- O ROAD EXTENDED TO EASTERN BOUNDARY 26.11.18
- N HT MIX AMENDED AND ADDITIONAL LAND TAKEN TO THE SOUTH EAST AND WEST CORNERS 19.11.18
- M WOODLAND INCORPORATED INTO THE RLB AREA 17.10.18
- L F136 HOUSE BLOCK AND ASSOCIATED PATHS AMENDED 25.09.18
- K DRAINAGE EASEMENT ADDED AND ASSOCIATED PLOTS MOVED 20.09.18
- J MARKET PROPERTIES CHANGED TO F136 BUNGALOWS 18.09.18
- I MARKET PROPERTIES ADDED AND SITE MOVED TO ALLOW 1.8M GAP 13.09.18
- H BUNGALOW ROOF TYPE AMENDED & PLOTS 17 & 18 MOVED 300MM EAST 30.08.18
- G PLOTS 17 & 18 CHANGED TO BUNGALOWS 25.07.18
- F FURTHER AMENMENTS FOLLOWING EMAIL FROM MS ON 18.7.18 19.07.18
- E 4 NO. BUNGALOWS ADDED FOLLOWING REQUEST FROM CLIENT 26.06.18
- D UNIT TYPES ALTERED FOLLOWING EMAIL FROM MS ON 14.3.18 15.03.18
- C 4 UNITS ADDED TO SOUTH OF ACCESS ROAD. 12.03.18
- B VISITOR BAYS OMITTED FURTHER TO ADVICE FROM HIGHWAYS 24.10.17
- A AMENDMENTS FURTHER TO EMAIL DATED 02.10.17 FROM JC 13.10.17

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PROJECT:  
**Land off Hillside Road  
Broughton**

TITLE:  
**Proposed Site Layout**

CODE	TYPE	NO	Type %	SQM	TOTAL SQM	SOFT	TOTAL SOFT
F114	2 BED 4P	2	8.33	72.6	145.2	781	1562
F113	3 BED 5P	1	4.17	84.3	84.3	907	907
F112	3 BED 5P	1	4.17	83.7	83.7	901	901
F136	2 BED 4P	16	66.67	62.3	996.8	670	10720
*F136*	2 BED 4P	4	16.67	62.3	249.2	670	2680
		<b>24</b>	<b>100.00</b>		<b>1559.2</b>		<b>16770</b>

DRAWING PURPOSE: Planning DATE OF DRAWING: 09.2017 DRAWN BY: SL  
SCALE: 1:500 SHEET SIZE: A2 REVISION: S  
PROJECT NO: 427 DRAWING NO: 002