

<b>APPLICATION NO</b>	<b>PA/2019/1414</b>
<b>APPLICANT</b>	L O'Riordan
<b>DEVELOPMENT</b>	Outline planning permission for residential development of up to 66 dwellings with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land to the rear of 99 North Street, Winterton, DN15 9QW
<b>PARISH</b>	Winterton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest  Member 'call in' (Cllrs Ralph Ogg, Helen Rowson and Elaine Marper – significant public interest)  Departure from the Development Plan  Objection by Winterton Town Council

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

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

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

## CONSULTATIONS

**Leisure:** A 'sports facility calculator' has been developed by Sport England for planning obligation purposes. A contribution of £56,974 is sought towards the improvement of leisure facilities in the catchment of the site. This includes The Pods Leisure Centre and Winterton Artificial Pitch.

**Environment Agency:** No objection.

**Humberside Fire and Rescue:** It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

**Anglian Water:** The foul drainage from this development is in the catchment of Winterringham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant permission. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to the sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

**LLFA Drainage:** No objection, but advise conditions requiring the submission and implementation of a detailed surface water drainage scheme for the site and a method of preventing surface water run-off from hard paved areas.

**Section 106 Officer:** The response from the education department to the above application is that contributions are required for primary places only. Therefore, if 13 of the units are affordable, 43 dwellings are eligible for education contributions.

The current contribution per dwelling is £2,973. Therefore,  $43 \times £2,973 = £127,839$  education contribution.

As the site is within a market town, current policy states that 20% of the development should provide for affordable housing. The provision can be on site, either as physical dwellings or off site, as a financial contribution. 20% of a development of 66 dwellings would be 13 dwellings. Depending on how the contribution is given to the council, the council would hope for the affordable housing to be retained in some form in perpetuity and this should therefore be requested through the S106.

To allow maximum development on site, leisure have requested an off-site contribution of £56,974.00 towards the catchment leisure facilities. For this development that would be The Pods Leisure Centre and outdoor sport at Winterton Artificial Grass Pitch to improve anticipated costs of building improvements and additional fitness and sports equipment.

Under council policy for a development of this size, the council would request the provision of an area of open space and a local equipped area of play (LEAP) on site. The area of

casual open space required for a development of this size is 10 square metres per dwelling. Therefore, 660 square metres of open space is required on this site; this can be either maintained by an estate management company or North Lincolnshire Council will maintain it for a sum of £26,210.60. The size of the local equipped area of play to be provided is 400 square metres. If the maintenance of the one LEAP is to be transferred to the council, the council would require a maintenance contribution of £54,106.00 to cover 10 years' maintenance.

**Shire Group of IDBs:** The above application lies within the IDB's (extended) district and indicates that the application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.

The planning application may relate to work in, on, under or near a watercourse within the Internal Drainage Board (IDB) Drainage District. Consent is therefore required from the IDB in addition to any landowner agreements for works, access, easements and planning permissions.

**Capital and Buildings:** Financial contributions of £2,973 per eligible dwelling will be sought for primary education places only. This figure is inflated annually.

**Highways:** The layout should be taken as indicative as amongst other things the use of lay-bys as shown is not acceptable. There is still also the issue with the visibility onto North Street to overcome, which will require the removal of the existing bush positioned within the highway verge at the traffic approach side. No objection subject to conditions.

**Environmental Health:** Recommend conditions in respect of contaminated land investigation, the provision of electrical vehicle charging points, construction and site clearance working hours and the submission of a construction environmental management plan.

**Historic Environment Record:** Further to the previous advice dated 1 October 2019, the applicant has undertaken archaeological assessment, including field evaluation, in accordance with paragraphs 189 of the NPPF and local planning policy HE9. The archaeological field evaluation comprised a geophysical survey followed by the excavation of trial trenches. The applicant has recently submitted the report of the trial trench excavations. The evaluation identified fragments of a possible enclosure that was undated but is likely to be of Iron Age/Roman date; preservation of the features was poor and it is concluded that the archaeological significance of the remains is low. No further archaeological work is recommended in connection with the development of this site.

## **TOWN COUNCIL**

Objects on the following grounds:

- It is located outside the development boundary.
- The housing allocation for Winterton has already been achieved through other developments.

## **PUBLICITY**

The application has been advertised by site and press notice. Fifteen letters of objection have been received raising similar issues to the town council, together with the following issues:

- the settlement boundary has been redrawn around Winterton
- impact on local services
- there is no requirement for additional dwellings in Winterton
- increase in vehicular traffic
- a holistic approach to residential development would be better
- not enough facilities to support additional population
- a number of housing developments have already recently been approved in Winterton
- impact on drainage
- devaluation of property prices
- impact on view
- overlooking
- loss of trees
- impact on the doctor's surgery (Winterton).

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been submitted with this application.

## **ASSESSMENT**

The application site comprises a rectangular-shaped agricultural field which extends to 2.3 hectares in area; it is located to the north of Newport Drive and to the west of North Street (B1207). The site lies outside of, but adjacent to, the defined settlement boundary for Winterton on its eastern and southern boundaries and is therefore within the open countryside. It is bordered by residential properties to the east and south, by a recreation ground and sports pavilion to the west and by agricultural fields to the north. The site is located wholly within Flood Zone 1 (Low Risk) of both the Environment Agency flood maps and the Strategic Flood Risk Assessment for North and North East Lincolnshire.

Outline planning permission is sought to erect up to 66 dwellings with associated gardens and off-street parking; all matters relating to means of access, layout, landscaping, scale and appearance are reserved for subsequent consideration through the submission of a reserved matters application.

**The main issues in the determination of this application are the principle of residential development (incorporating landscape impact), and impact upon residential amenity.**

## **Principle**

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the development plan for North Lincolnshire. In determining whether the principle of residential development outside the settlement boundary is acceptable, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and market towns such as Winterton. This policy states that the overall provision of housing will be divided amongst the market towns to enhance the level of services provided or to meet the needs of the settlements and their immediate area. 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 Winterton. There are four allocated housing sites within Winterton: two which have recently been granted planning permission (WINH-2 and WINH-3) and one which is under construction (WINH-1). Concern has been raised with regard to the level of services in Winterton and whether the volume of housing proposed for the town is sustainable or even required. Policy CS1 of the CS identifies Winterton as one of a number of market towns, which are considered to be important service centres serving the needs of local communities across North Lincolnshire. Policy CS1 confirms that an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities with an aspiration to deliver 2,171 dwellings in these settlements over the plan period. Policy CS8 further sets out that there is a requirement to deliver 277 dwellings in Winterton specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Winterton is a

sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

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, 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 focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Winterton and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

A recent review of the of the Five Year Housing Land Position Statement identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The revised Five Year Housing Land Supply Position Statement was due to be published in April 2020 but has yet to come forwards: therefore, any decisions made by the planning authority will need to take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

Planning policy guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework, i.e. **permission should be granted** unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

The Planning Statement submitted with this application states the following in respect of the council's five year housing land supply:

*It is understood that the Council's housing land supply has fallen well below the required 5-year supply. The Council has reacted positively to this by requesting sites to be brought forward in a 'call for sites' exercise. The Council are also in the latter stages of implementing a newly revised Local Plan, however at the time of writing this statement has not been formally adopted. On this basis the "Tilted Balance" approach as set out in paragraph 14 of the NPPF is appropriate due the local plan policies being out of date and the lack of 5-year housing land supply. Therefore, where the policies which are most determinative in an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

In terms of sustainability, the Planning Statement makes the following observations:

*The site is in a sustainable location. Winterton is the third largest of North Lincolnshire's Market Towns by population. The North Lincolnshire Core Strategy says that the Market Towns have a vital role to play in supporting North Lincolnshire's rural communities in terms of providing a range of housing, shopping, leisure, education, health and other services.*

*These towns equate to Local Service Centres in terms of the Regional Spatial Strategy and are highlighted in the council's Sustainable Settlement Survey, as being the most sustainable settlements outside the Scunthorpe urban area. Winterton has more facilities than Ulceby which has been subject to a recent Appeal allowed by the Inspectorate.*

and:

*This location would help discourage the future residents of the dwellings of using pollutant fuel vehicles in favour of environmental-friendly means of transport such as walking and cycling for many trips. Economic and community benefits would be accrued as the local shops, services and community buildings would be likely to be used by the occupiers of the new dwellings.*

*The proposed site falls directly adjacent to the development boundary and although some harm is acknowledged on the open countryside this is outweighed by the benefits of the development. Taking the above into consideration, the principle of development for the residential development with regards to the sustainability of the location, the low flood risk and the provision of up to 66 high quality family homes with some affordable dwellings, on balance is tilted in favour of development.*

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. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy in terms of contribution towards local services and amenities. The North Lincolnshire Sustainable Survey 2019 ranks the settlement of Winterton as 6<sup>th</sup> out of the 79 settlements scored within the survey and it is classified as a Market Town, having all seven key facilities. It is therefore noted that Winterton is a sustainable settlement in respect of its number of key facilities and the application site is within walking and cycling distance of these facilities/services, including both the primary and secondary school, and Winterton market place. In addition, there is a regular bus service to the market town of Barton and the main employment centres of Scunthorpe and Hull, where a wider range of services and amenities are available.

In terms of the environmental dimension, the development will clearly result in the loss of greenfield land in agricultural production, 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. The site is bordered by housing to both its eastern and southern boundaries, and by a mature line of trees and a sports pavilion along its western boundary. Therefore, the site is well contained by existing development and importantly will not extend any further north than the existing residential properties to the east and north-east of the site. There will therefore be no significant encroachment of the built form of the settlement into the countryside.

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 its housing need. Given the fact that the site is comparatively enclosed and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance. To further mitigate potential landscape impact, a condition is recommended to secure the retention of the line of trees along the western boundary of the site, as they form screening to the site and

mitigation from the adjacent recreation ground. Overall, the site is considered to be of low environmental sensitivity and the magnitude of change to the character of the landscape and public views will be low. Although there would be some degree of harm to the character and appearance of the area and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance and the environmental dimension of sustainable development is therefore considered to be achieved in this case.

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 proposal represents sustainable development in the context of the Framework, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

### **Residential amenity**

The proposal seeks outline planning permission with all matters reserved for subsequent consideration through the submission of a reserved matters application. Matters relating to the position and heights of windows, orientation of the dwellings, separation distances to existing houses and the external appearance and scale of the dwellings would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent application would be assessed at that stage of the planning process.

Notwithstanding this, an indicative site plan has been submitted with this application which shows that separation distances of 16–17 metres to properties on Newport Drive can be achieved; however, this is only indicative and the dwellings proposed along the southern edge of the site could easily be moved further north to achieve an acceptable separation distance of 20 metres between respective habitable room windows. The indicative layout plan shows a mix of houses with sufficient space to the front to provide a minimum of two off-street parking spaces and an area of private amenity space to the side/rear together with a centrally located area of open space which would have natural surveillance from the proposed dwellings that surround it.

Given that sufficient separation distances to existing residential development (20 metres) can easily be achieved, it is considered that the proposed dwellings (irrespective of scale) would not result in unacceptable loss of residential amenity through the effects of overlooking or having an overbearing impact.

### **Other issues**

A number of objectors have raised concerns in relation to the development resulting in an increase in surface water flooding. The applicant has submitted additional drainage modelling information, together with additional drainage drawings, and the initial objection from LLFA Drainage has been removed following its receipt. Conditions are recommended by LLFA Drainage requiring the submission and implementation of a method of surface water drainage disposal, which considers the incorporation of SuDS (Sustainable Urban Drainage) measures. A proposed method of surface water disposal has been put forward within the flood risk assessment which includes options for infiltration, SuDS and then a

pumped option to the land drain on Leys Lane. This follows a hierarchical approach to surface water drainage disposal as advocated in the consultation response from Anglian Water. The conditions recommended by LLFA Drainage are considered both necessary and reasonable to ensure the development is acceptable in flood risk and drainage terms.

A number of objections have also been received on grounds of highway and pedestrian safety, increases in traffic volume and the suitability of the existing highway network to accommodate the development proposals. A Transport Statement has been submitted with the application, which submits that the proposal is predicted to generate 32 two-way vehicular movements during the morning peak time and 30 two-way vehicular movements during evening peak times. The document submits the following observations in its conclusion at paragraph 5.3.3:

*The proposals are expected to generate a maximum of 32 two-way vehicle trips at the site access junction during the AM peak hour. This is not notably in excess of the previous 30 two-way trip threshold for assessment, therefore it is considered that the proposed development would not be expected to have a significant impact on the operation of the local highway network.*

Based on the development proposals and the information contained within the submitted Transport Statement, Highways have raised no objection on highway or pedestrian safety grounds subject to conditions.

A number of objections have also been received raising concerns about the potential impact of additional dwellings upon local services in Winterton, in particular the schools and doctor's surgery. If permitted, it would be incumbent on the developer to enter into a Section 106 legal agreement to agree to pay financial contributions to mitigate the effects of the development proposals upon local services. Such contributions would be sought towards open space provision/maintenance, education and leisure, to secure 20% of affordable housing on-site and to provide on-site open space, together with a financial contribution for its future maintenance; such contributions would comply with the relevant planning policies and supplementary planning guidance and would mitigate the impact of the development upon local infrastructure.

Impact on view and devaluation of house prices is not a material planning issue and will not be assessed in this case. There is no designated green belt in North Lincolnshire.

## **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 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 14 of the NPPF, the development must be considered acceptable and should be approved.

## **Pre-commencement conditions**

In accordance with the requirements of the Town and Country Planning (Pre-commencement conditions) Regulations 2018, all recommended pre-commencement conditions have been agreed with the applicant/agent; these require the submission of a construction traffic management plan, contaminated land investigation report and a construction environmental management plan prior to the commencement of any works on site.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure 13 affordable units on site, 660 square metres of casual open space on site, a LEAP of 400 square metres on site, a total open space maintenance contribution of £80,316.60, a contribution of £56,974 towards leisure improvements at The Pods Leisure Centre and Winterton Artificial Playing Pitch, and a contribution of £2,973 per eligible dwelling towards primary school places in Winterton, 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 18 December 2021 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 CS22 of the North Lincolnshire Core Strategy, policy H10 of the North Lincolnshire Local Plan, and Supplementary Planning Guidance 8 and 10, due to inadequate provision of affordable housing, open space and maintenance of open space, and inadequate contributions towards primary school education and leisure facilities; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

Reason

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

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

4.

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

Reason

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

5.

No 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.

6.

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 the 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.

7.

No above-ground works shall take place until details of:

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

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

Reason

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

8.

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.

9.

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.

10.

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

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- 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 interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

11.

No above-ground works shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and

(ii) the number and location of vehicle parking space(s) on the site;

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

**Reason**

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

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 other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

**Reason**

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

14.

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.

15.

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

**Reason**

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

16.

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.

17.

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

Reason

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

18.

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

Reason

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

19.

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

20.

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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, 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.

21.

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) the location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

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

#### Reason

To ensure the site is safe for future users and construction workers and to safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

22.

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

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

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

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

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

#### Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

23.

No above-ground works shall take place until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control:

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

and contemporaneous electrical standards, including:

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

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

#### Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

24.

No above-ground works shall take place until a detailed surface water drainage strategy for the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and must be based on the Flood Risk Assessment submitted with this planning application prepared by PHC Ltd, Final dated 19th July 2019. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1:100 year critical storm (including an allowance for climate change) will not exceed the run-off rate from the existing site. It should also include details of how the scheme is to be maintained and managed for the lifetime of the development. Should infiltration not be feasible then alternative sustainable drainage solutions should be used.

#### Reason

To prevent the increased risk of flooding, to improve water quality and to ensure the implementation of sustainable drainage infrastructure in accordance with policies DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and guidance in the National Planning Policy Framework.

25.

The drainage scheme shall be implemented in accordance with the details submitted to satisfy condition 24 above, completed prior to the occupation of any dwelling within each

phase or sub-phase of the development, and maintained for the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

#### Reason

To prevent the increased risk of flooding, to improve water quality and to ensure the implementation of sustainable drainage infrastructure in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and guidance in the National Planning Policy Framework.

26.

The development hereby permitted shall be carried out in accordance with the following approved plans: LWHS 002.

#### Reason

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

27.

The line of trees along the western boundary of the site shall be retained at all times and shall form part of the landscaping scheme for any future reserved matters application submission.

#### Reason

To define the terms of the permission, in the interests of visual amenity and to ensure existing planting on the site is retained to provide mitigation along the boundary with the recreational field in accordance with policies DS1, RD2 and LC12 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

#### **Informative 1**

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

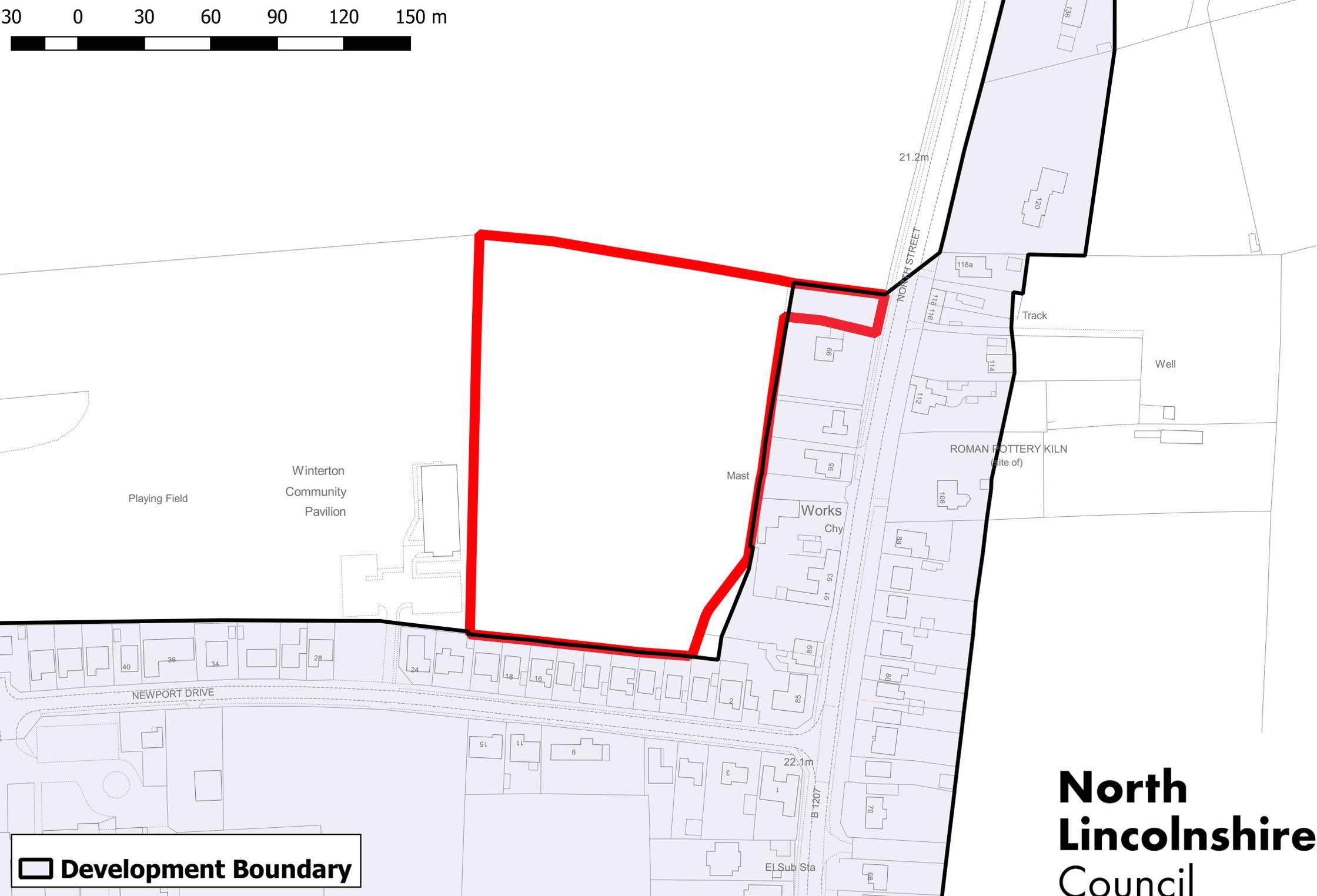
#### **Informative 2**

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 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.



 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2019/1414**