

Application Number: 2003/1575

Case Officer: Ron White

From: Clerk to Barton Upon Humber Parish/Town Council

Site Location: Land Off Waterside Road Barton-Upon-Humber

PLEASE TICK ONE BOX BELOW

The parish/town council has **no objections or comments**

OR

The parish/town council's **comments** are set out below/in the enclosed letter

OR

The parish/town council **objects** to the application for the reasons set out below/in the enclosed letter

OR

The parish/town council **supports** the application for the reasons set out below/in the enclosed letter

NORTH LINCOLNSHIRE COUNCIL	
DIRECTORATE OF PLANNING, TRAFFIC & PUBLIC RELATIONS	
DEVELOPMENT CONTROL SECTION	
19 NOV 2003	
DATE RECEIVED	
Acknowledged	Entered ✓
Copies to:	RW

Signed: *amcland*

On behalf of: Barton Town Council

Date: 18/11/03

BARTON-UPON-HUMBER TOWN COUNCIL

Mrs Ruth Hibbert,
Town Clerk,
Council Office,
Assembly Rooms,
Queen Street,
BARTON-UPON-HUMBER,
North Lincolnshire,
DN18 5QP.

Telephone 01652 633598
Fax 01652 637763
email:-bartontownclerk@tiscali.co.uk

Your Ref:- 2003/1575

Our Ref:- RH/CMC/331(a)(3)/134

18th November 2003

Dear Mr Welton,

Re: Planning Application 2003/1575 – Hugh Bourn Developments (Wragby)

I refer to the above mentioned submitted planning application, to which the Town Council would like to make the following comment: -

That the proposed development should include sufficient screening between the new development and the present industry adjoining the site, and the ditches on site filled in and have adequate drainage.

Yours sincerely,



Ruth Hibbert
Town Clerk

Mr M Welton, Acting Business Manager,
Development Control
Directorate of Environment & Public Protection
Church Square House
P O Box 42
SCUNTHORPE
North Lincolnshire
DN15 6XQ

NORTH EAST LINDSEY DRAINAGE BOARD

High Street
Ulceby
North Lincolnshire
DN39 6TG

Trevor Vessey
Chief Executive and Treasurer of the Board

Tel: 01469 588991/2
Fax: 01469 588916

Your Ref:

Our Ref: TV/GS

25th November 2003

Mr. Ron White
Case Officer – Planning
North Lincolnshire Council
Church Square
Scunthorpe
North Lincolnshire
DN15 6XQ

NORTH LINCOLNSHIRE COUNCIL DIRECTORATE OF ENVIRONMENT & PUBLIC PROTECTION	
DEVELOPMENT CONTROL SECTION	
27 NOV 2003	
DATE RECEIVED	
Not Acknowledged	Entered <input checked="" type="checkbox"/>
RW	
Copies to:	

Dear Mr. White

Town and Country Planning Act 1990

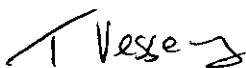
*Proposed : Planning permission to erect 41 dwellings with associated road, access,
parking landscaping and a play area*

Location : Land off Waterside Road, Barton upon Humber

Planning Application No. PA/2003/1575

I am in receipt of the above application and would advise that a condition of planning should be imposed whereby details of the surface water disposal arrangements must be submitted to the Board for approval and a written consent issued prior to site works commencing.

Yours sincerely



T. Vessey
Chief Executive and Treasurer of the Board

Lincolnshire Wildlife Trust



Our ref: HB/4201/TA02

Development Control Team
Directorate of Environment and Public Protection
North Lincolnshire Council.
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

20 November 2003

For the attention of: Ron White

Dear Sir

**Re: PA/2003/1575
Planning permission to erect 41 dwellings with associated roads, access,
parking, landscaping and a play area.
Land off Waterside Road, Barton-Upon-Humber.**

The application site is near to Barton & Barrow Clay Pits SSSI TA 005 230 – 080 244 and Barton Broads Wildlife Site TA 033 228, details of which are attached.

The Trust has not had sufficient resources to update records on all sites and evaluate them under new, rigorous criteria. The records relating to the Wildlife Site are dated 1977 and there may have been changes since that time.

The primary concern of the Trust is to ensure that works have no adverse effects on protected species or habitats

Yours faithfully

Heather Bingley
Conservation Manager

NORTH LINCOLNSHIRE COUNCIL DIRECTORATE OF ENVIRONMENT & PUBLIC PROTECTION	
DEVELOPMENT CONTROL SECTION	
28 NOV 2003	
DATE RECEIVED	
Checked by: <input checked="" type="checkbox"/> [initials]	Copies to:
Reference to: RW	

Banovallum House, Manor House Street, Horncastle, Lincolnshire LN9 5HF.
Fax: 01507 525732
e-mail: linctrust@cix.co.uk
e-mail: info@lincstrust.co.uk

Telephone: 01507 526667
website: www.lincstrust.co.uk

Director: S. E. Crooks

Nature Conservation from the Humber to the Wash

Protecting **Wildlife** for the Future



The Trust is a company limited by guarantee registered in England no. 461863 and is registered as a charity, no. 218895. VAT no. 613 9067 44

Date Notified: 28 April 1989

County: Humberside

Site Name: Humber Flats and Marshes: Barton and Barrow Clay Pits

Status: Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act, 1981, as amended

Local Planning Authority: Gleanford Borough Council

National Grid Reference: TA 005230-TA 090246

Ordnance Survey Sheet 1:50,000: 107 1:10,000: TA 02 SW, SE

Area: 435.3 (ha) 1,075.6 (ac)

First Notified: 1968*

Revised and renotified: 30th June 1986°
Revised: 1989°

Description:

Barton and Barrow Clay Pits comprise a series of disused, flooded clay-workings and adjacent intertidal mudflats on the south shore of the Humber Estuary between Chowder Ness and New Holland. A floodbank running the length of the site separates the predominantly freshwater clay-pits complex from the estuary.

The clay-pits are a mosaic of open water and extensive stands of reed *Phragmites australis*, with intervening rough grassland and scrub, of particular note for its breeding bird community which includes great-crested and little grebe, tufted duck, pochard, mute swan, water rail and kingfisher⁺, which have localised distributions in Britain, as well as many more widespread species. In addition, the bearded tit⁺, a nationally rare species largely confined to the extensive reed-beds of south-east England, has become well established in recent years.

In autumn, the reed-beds support a hirundine roost (150,000 birds recorded in September 1981), and the open-water areas are frequented by flocks of wintering wildfowl with up to 130 mallard, 125 pochard, 75 tufted duck and 40 goldeneye recorded in recent years. The intertidal mudflats provide feeding-areas for waders including dunlin, redshank, grey plover, curlew and bar-tailed godwit.

Many of the lakes are managed for angling and are stocked with coarse fish.

The narrow fringe of saltmarsh is predominantly high marsh dominated by sea couch grass *Elymus pycnanthus* with occasional stands of reed. Cord grass *Spartina anglica*, originally planted to encourage mudflat stabilisation, grows intermixed with sea club-rush *Scirpus maritimus* along most of the upper mudflat.

Other Information:

1. The saltmarsh and intertidal mudflats within the SSSI form part of an internationally important site listed under 'Humber Flats and Marshes' in "A Nature Conservation Review" edited by D A Ratcliffe (1977). Cambridge University Press. The site is also of international importance and fulfils the criteria for designation under the terms of the European Community Directive 79/409/EEC on the Conservation of Wild Birds as a

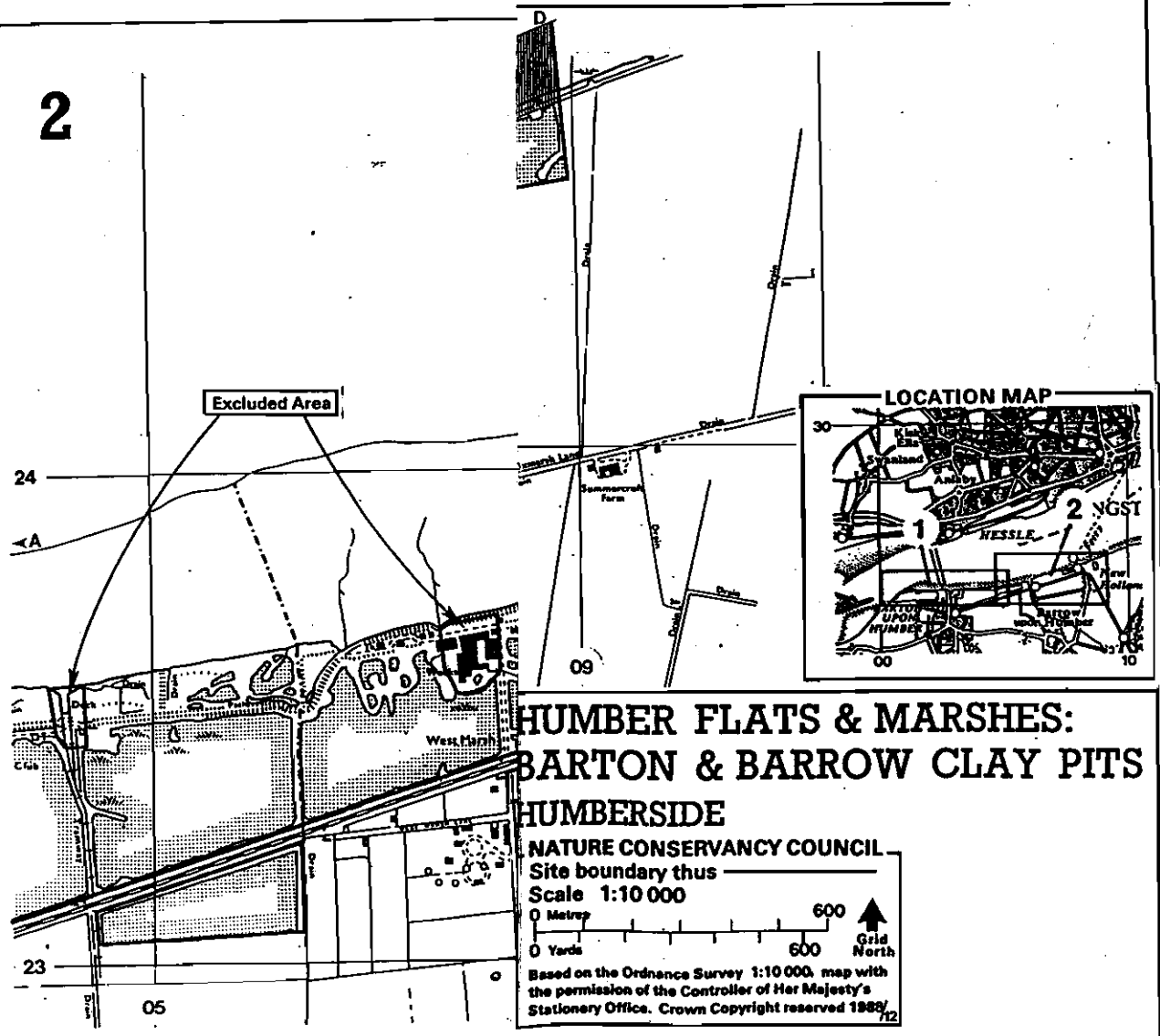
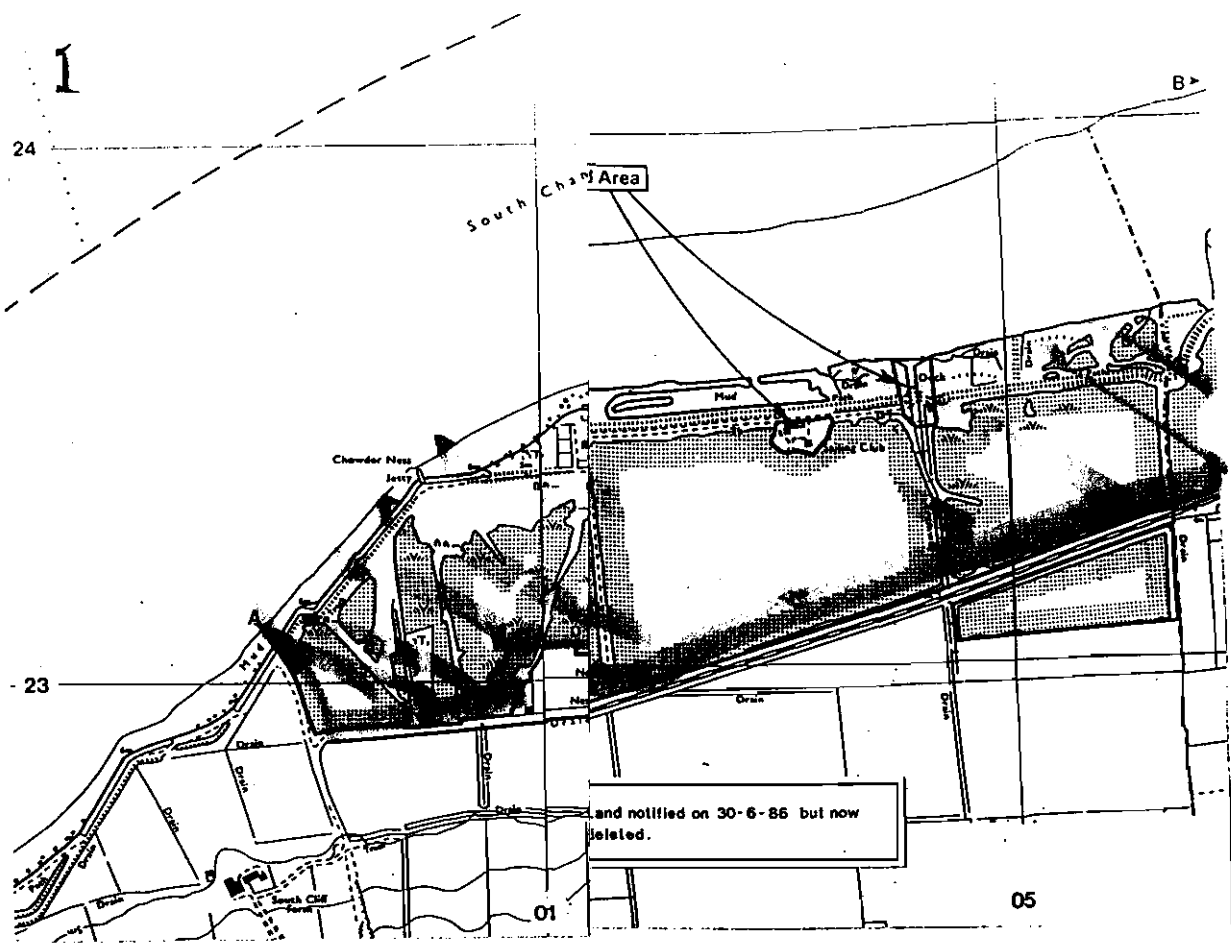
Special Protection Area, and for inclusion on the list of Wetlands of International Importance under the Ramsar Convention.

2. During the 1985/6 and 1989 revision, the boundary has been amended by both extensions and deletion.
3. Parts of the area are managed as nature reserves by the Lincolnshire and South Humberside Trust for Nature Conservation.

* Under Section 23 of the National Parks and Access to the Countryside Act, 1949.

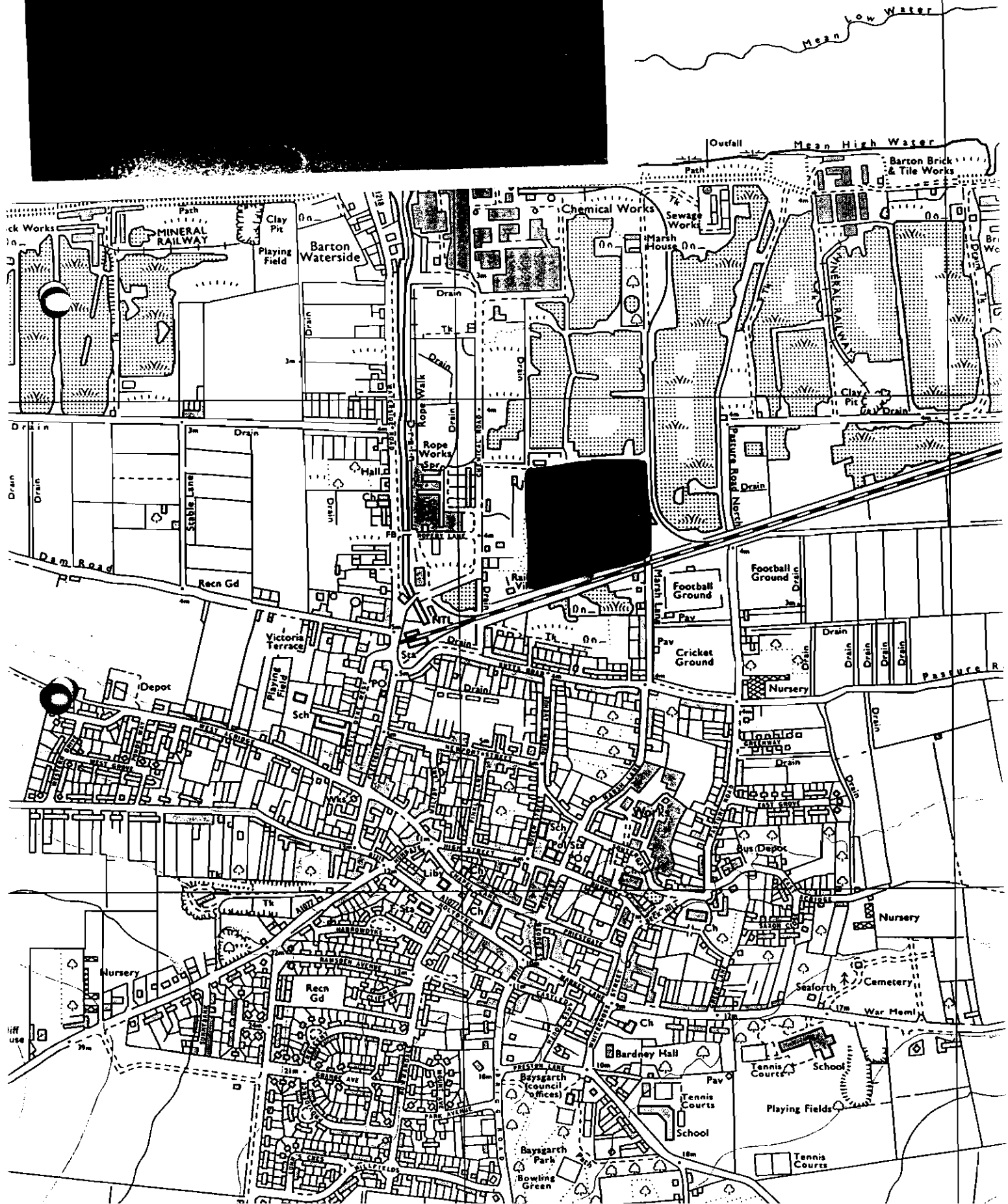
° Under Section 28 of the Wildlife and Countryside Act, 1981, as amended.

+ Wildlife and Countryside Act, 1981, Schedule 1.



**HUMBER FLATS & MARSHES:
BARTON & BARROW CLAY PITS
HUMBERSIDE**

NATURE CONSERVANCY COUNCIL
 Site boundary thus ———
 Scale 1:10 000
 0 Metres
 0 Yards
 600
 600
 Grid North



I N T E R

OFFICE

MEMO

**DIRECTORATE OF
COMMUNITY SERVICES**



To: Ron White, Development Control Officer
From: Patric Butler, GIS Officer

Tel: 01724 297852

Our Ref: PA/2003/1575 Waterside Rd, Barton

Date: 1st December 2003

Re: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area. Land off Waterside Road, Barton

The above application is over 0.5 hectares, which therefore requires provision of public open space.

I had an initial enquiry regarding this area from Pelham Homes on 17th September 2002 and a further meeting with Ian Hutchinson on 5th November 2002, copies of which were sent to William Hill.

My response based on the NPFA standard and existing provisions was that a Local Area of Play should be included within this development with associated buffer zone of at least 5.0 metres between the activity zone and ground floor windows of the nearest property. It was indicated on my second meeting that open dykes on this site could not be piped and therefore fencing would be erected with a shrub planting buffer to screen this and also near-by commercial premises.

There is a need to provide a LAP on this development of approx 100 m² that would cater for the younger children (4-6 years of age). It should comprise of a safety surface/hard area containing:- 1 No Springer Animal, 1 No Junior Slide, and a Hopscotch (laid in safety surface material of different colours to highlight the squares & numbers)

A 1.2m high galvanised steel bow top fence (coloured green) should be installed on the boundary of the LAP with 2 No matching 1.2m wide self-closing gates (opening inward) and also to include a matching 3.0m wide maintenance gate access.

2 No seats, together with 2 No litter bins should be located within this area to cater for carers. In respect of installation of seats, litter and dog bins, it is requested that the following manufacturers and types are used:-

Litter Bin - Wybone ASB\50 Black, post mounted type (50Ltr)
Dog Bin - Iles Waste Systems T1707 Green, post mounted type (40Ltr)
Seats - Earth Anchors - Rootfast

Playground equipment needs to be installed to BS EN 1176 part 1-7 and the safety surface material needs to be a wet pour type (Safety Tiles will not be accepted) to BS EN 1177 in conjunction with BS 7188

All playground equipment to be of metal construction and all major playground manufacturers are accepted i.e. Kompan, Record, Sutcliffe, SMP and Proludic, wooden play units are not suitable.

An informal area of 150 m2 should also be provided, within the above area so that soft play can take place, and which will also act to form part of the buffer zone needed. This to include approximately 100 m2 of grass with 50 m2 of shrub and tree planting.

All aspects within this public open space provision need to comply with Disability Discrimination Act 1995, therefore you are requested to ensure due diligence to secure compliance with this act or any amendment thereof.

2 No seats, together with 2 No litter bins should be located within this area to cater for carers. In respect of installation of seats, litter and dog bins, it is requested that the following manufacturers and types are used:-

Litter Bin - Wybone ASB\50 Black, post mounted type (50Ltr)
Dog Bin - Iles Waste Systems T1707 Green, post mounted type (40Ltr)
Seats - Earth Anchors – Rootfast

I have included within the commuted sum, landscape maintenance along the dykes, which I have estimated at approx 250 m2.

General landscaping on the public open space which also includes any area within the LAP, LEAP or NEAP needs to conform to the following British Standards or amendments thereof.

BS 7370 Grounds Maintenance – Parts 1 – 5

BS 3882 Recommendations and classification of Topsoil

BS 3936 Nursery stock (all parts)

BS 4043 1989 Code of Practice for Transplanting Root-balled Trees

BS 4428 1989 Code of Practice for General Landscape Operations

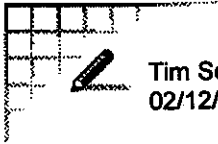
BS 5709 Gaps, Gates and Stiles – Specification

Construction of hard surface areas/footpaths to Design Bulletin 32 relevant to Local Authority guidelines

Once design plans for the above are available they need to be viewed and discussed with Neighbourhood Services Manager/POS Co-ordinator in order that any anomalies can be corrected as this may affect the commuted sum.

The commuted sum estimate for this area, based on the provisions stated above would be £4091.60per annum x 10 years = £40916.00

Patric Butler
GIS Officer/POS Co-ordinator



Tim Sowerbutts
02/12/2003 14:35

To: Ron White/EPP/NorthLincs@NorthLincs
cc:


Subject: App. 2003/1575

There are a number of design details which are unacceptable in highway terms, in particular: -

- Access to plot nos 3,11,18,33 & 38.
- Lack of traffic calming features.
- Pedestrian crossings at the junction with Waterside Rd, plots 11 - 18 & plot 18/19 - play area.
- Footpath arrangements near plot 33 & extension beyond ramps at plot 17 & 32.

Can you let the applicants know so that we can agree suitable revisions.

Tim S

NORTH LINCOLNSHIRE COUNCIL PLANNING & ENVIRONMENTAL PROTECTION		 NORTH LINCOLNSHIRE COUNCIL
I N T E R	MEMO	
O F F I C E	08 DEC 2003	DATE RECEIVED
	<input type="checkbox"/> Acknowledged <input type="checkbox"/> Emailed <input type="checkbox"/> Forwarded	Copies to:

**To: Development Control
Contact: Ron White**

From: Ian Wicks, Environmental Protection Officer

Our Ref: PA/2003/1575

**Subject: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area
Land Off Waterside Road, Barton upon Humber**

Date: 8 December 2003

I note the above application seeks to develop a brownfield site for residential use.

The site, is also neighbouring land which has various existing and historical uses associated with it. As such, there is a potential for the land to be affected by contamination as a result of the previous and current uses both on and close to the site.

Therefore, before I can comment fully on whether the premises are suitable for residential use, I would ask that the applicant provide the following:

A desk top Phase 1 report which examines all available records identifying the nature of activities that are likely to have contaminated the site, the environmental setting of the site including geology, hydrogeology hydrology and the present and future potential receptors. A review of any contamination studies (desk based or intrusive) and or remediation works relating to the site should also be provided in order that the Council can satisfy itself that contamination issues have been satisfactorily addressed prior to development taking place.

Note to applicant: The applicant should be strongly advised to contact the Environmental Protection Section for advice on how to carry out this report.

In addition, there is potential for the proposed dwellings to be affected by noise from the neighbouring industrial uses. As such, I would ask that the applicant carry out a noise assessment to determine the potential impact from

neighbouring sources and provide details of any noise mitigation works proposed as a result of the findings of noise assessment. In carrying out the noise assessment, the applicant should have regard to recognised standards and, in particular, "PPG24 – Planning and Noise" and "BS4142:1997 – method for rating industrial noise affecting mixed residential and industrial areas"



Ian Wicks
Environmental Protection Officer

FAX TRANSMISSION



Directorate of Community Services
 Cottage Beck Road
 Scunthorpe
 North Lincolnshire
 DN16 1TS

Tel No:- (01724)297838
 Fax No:- (01724)297837

FROM:	Patricia Gibson	ATT. OF:	Ron White
TO:	Environment & Public Protection Planning	PHONE:	
		FAX:	01724 297871
DATE:	16/12/03	No OF PAGES: (include this one)	4

MESSAGE:

WATERSIDG ROAD, BRISTON
 PA/2003/1575

Ron
 PLEASE FIND ATTACHED MEMO & PLAN
 FOR ABOVE ALLOCATION IN RESPECT OF PUBLIC
 OPEN SPACE.

Patricia

INTER**MEMO****OFFICE****DIRECTORATE OF
COMMUNITY SERVICES****To: Ron White, Development Control Officer****From: Patric Butler, GIS Officer****Tel: 01724 297852****Our Ref: PA/2003/1575 - 1 Waterside Rd, Barton Date: 15th December 2003****Re: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area. Land off Waterside Road, Barton**

Further to my comments dated 25th November 2003, I have discussed the provision of informal play space on the above application with Ian Hutchinson and seen a layout drawing showing the proposed location.

The size of the LAP equates to 233 m², which I feel now sufficiently satisfies our public open space requirement and the NPFA standard.

It provides sufficient area to create both a LAP activity area of 100 m², informal area containing 102 m² of grass and 31 m² shrub/climber planting which will also act as a buffer zone between the activity zone and adjoining properties.

The boundaries between the LAP and adjoining properties should be of brick construction and to 1.8 m high, to help provide security and privacy. A Shrub border of approx. 31 m² shall be provided and planted with climbers and shrubs. This to help deter ball games and to provide the necessary buffer zone. (Suggested shrub and climber species shown on attached drawing)

Please find attached drawing showing a suggested layout to the scale of 1:200

The LAP on this development is to be approx 100 m² that will cater for the younger children (4-6 years of age). It should comprise of a safety surface/hard area containing:- 1 No Springer Animal, 1 No Junior Slide, and a Hopscotch (laid in safety surface material of different colours to highlight the squares & numbers)

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BS 3882 Recommendations and classification of Topsoil

BS 3936 Nursery stock (all parts)

BS 4043 1989 Code of Practice for Transplanting Root-balled Trees

BS 4428 1989 Code of Practice for General Landscape Operations

BS 5709 Gaps, Gates and Stiles – Specification

Construction of hard surface areas/footpaths to Design Bulletin 32 relevant to Local Authority guidelines

Once design/landscape plans for the above are available they need to be viewed and discussed with Neighbourhood Services Manager/POS Co-ordinator in order that any anomalies can be corrected as this may affect the commuted sum.

The commuted sum estimate for this area, based on the provisions stated above would be £3910.12 per annum x 10 years = £39101.24

The cost code for above is C9206 9099

Patric Butler
GIS Officer/POS Co-ordinator

FROM : Panoramic TAD/FAX

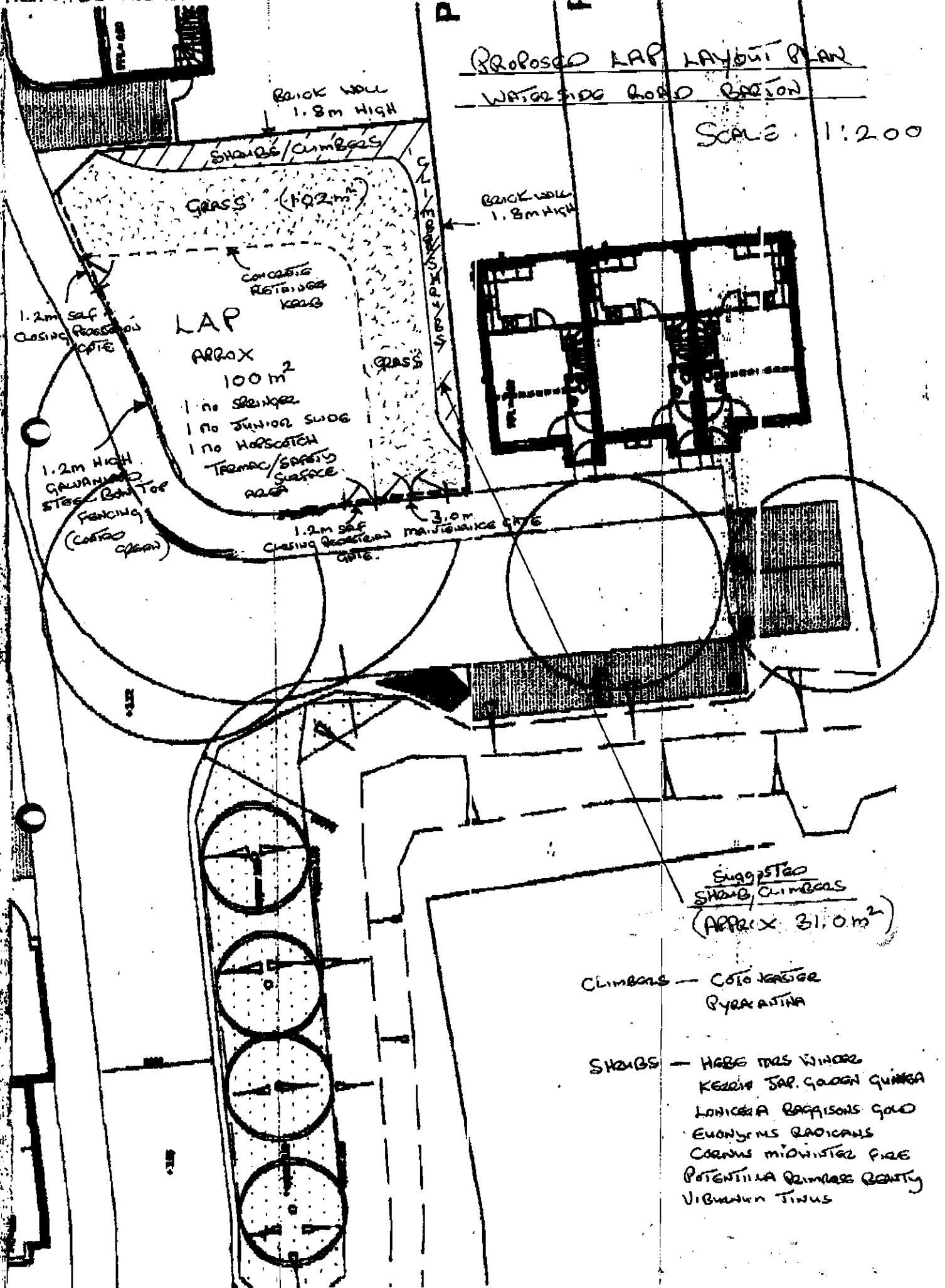
PHONE NO. : 011552640550

Dec. 11 2003 01:06PM P81

PROPOSED LAP LAYOUT PLAN

WATER SIDE ROAD SECTION

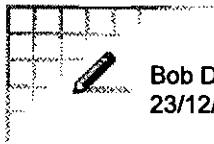
SCALE 1:200



SUGGESTED
SHRUBS/CLIMBERS
(APPROX. 31.0 m²)

CLIMBERS — COTO VERDE
PYRACANTHA

SHRUBS — HABE TRE VINOZE
KERRIA JAP. GARDEN QUINCE
LONICERA BASSINIS GOLD
EUONYMUS LAOICANS
COENUS MIDWINTER FIRE
POTENTILLA QUINCE BEAUTY
VIBURNUM TINUS



Bob Dawson
23/12/2003 14:35

To: Ron White/PL/NorthLincs@NorthLincs
cc: Andrew Taylor/PL/NorthLincs@NorthLincs, Tim Allen/PL/NorthLincs@NorthLincs

Subject: Application 2003/1575 41 dwellings, Waterside Road, Barton on Humber

Ron, I have had a quick look at this application and think that Andrew should have the opportunity to comment on it for two reasons.

The existing drains on the site may contain protected species ?

The proposals for surface water may impact on the SSSI'S and the SPA'S and the application would benefit from his comment and possibly formal assessment.

Andrew is on leave until 5th Jan.

Bob

PLANNING & REGENERATION : DEVELOPMENT CONTROL

INTER

MEMO



OFFICE

TO: Claire Startin, Strategic Co-ordinator

MY REF: 2003/1575
Contact: Ron White

DATE: 10 August 2005

SUBJECT: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area - Land off Waterside Road Barton Upon Humber

Attached is a copy of a memo which I have received from Val Wilcockson (Principal Solicitor) with an extract from the draft 106 agreement for this application. I should be pleased to receive your views on the question that has been raised about social housing tenancies.

Ron White
Senior Planning Officer

PLANNING & REGENERATION : DEVELOPMENT CONTROL

INTER

MEMO



OFFICE

TO: Val Wilcockson, Principal Solicitor, Pittwood House

MY REF: 2003/1575
Contact: Ron White

DATE: 29 July 2005

SUBJECT: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area - land off Waterside Road Barton Upon Humber

Further to our conversation here is the information which you need in order to set up this section 106 agreement:

1. Copy of the planning application form
2. Site location plan
3. Letter from Patric Butler regarding the local area of play and open space provision with the commuted sum
4. Letter from John Galbraith (Education) with details of developer contributions to be sought
5. Letter from Hugh Bourn Homes with 6 copies of a plan showing the plots to be allocated for social housing

If there is any other information you require please let me know.

Ron White
Senior Planning Officer

PLANNING & REGENERATION : DEVELOPMENT CONTROL

INTER

MEMO



OFFICE

TO: John Galbraith – Education & Personal Development

MY REF: 2003/1575
Contact: Ron White

DATE: 01 July 2005

SUBJECT: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area - land off Waterside Road, Barton Upon Humber

Attached is a copy of a layout for a proposed major housing development at land off Waterside Road, Barton on Humber which falls within the category requiring developer contribution for schools. I should be pleased if you would provide me with the sum required based on your calculations so that it can be entered into a section 106 agreement.

Ron White
Senior Planning Officer

I N T E R

MEMO



O F F I C E

LEGAL AND DEMOCRATIC SERVICES

To: Ron White
Development Control
Church Square House, Scunthorpe

Your Ref: 2003/1575

Copy to:- Linda Morton : Development Control
Church Square House, Scunthorpe

From: Val Wilcockson : Principal Solicitor

Our Ref: VW/CH

Date: 4 August 2005

Ext. 6215

RE: PLANNING PERMISSION TO ERECT 41 DWELLINGS WITH ASSOCIATED ROADS ETC LAND OFF WATERSIDE ROAD, BARTON-UPON-HUMBER

Thank you for your memorandum dated 29 July 2005.

I now attach draft Section 106 Agreement for your comments.

As the developer has expressed a preference for shared ownership social housing units, it may be that not all of the provisions relating to social housing tenancies are applicable. Would you please check this with housing and let me know. If the provisions are applicable, we will need to define this surrounding area in order to complete the proviso to clause 3.

I will also require some sort of a timescale to insert in clause 5 - when do these areas of open space commuted sums etc need to be provided?

I look forward to hearing from you in due course.

Val Wilcockson
Principal Solicitor

Enc

NORTH LINCOLNSHIRE COUNCIL PLANNING AND REGENERATION SERVICE		
DEVELOPMENT CONTROL SECTION		
08 AUG 2005		
DATE RECEIVED		
Acknowledged	Entered <input checked="" type="checkbox"/>	Copies to
Referred to:	RW	

Timescale

when 75% of the houses have been occupied then commuted sum should be obtained. The open space should be completed when the last house has been built.

DATED

2005

NORTH LINCOLNSHIRE COUNCIL

AND

HUGH BOURN DEVELOPMENTS (WRAGBY) LIMITED

PLANNING OBLIGATION

(Relating to Land off Waterside Road, Barton-upon-Humber)

**Mike Wood LL.B.
Head of Legal & Democratic Services
Pittwood House
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB**

THIS PLANNING OBLIGATION is made the _____ day of

Two Thousand and Five

BETWEEN NORTH LINCOLNSHIRE COUNCIL of Pittwood House Ashby Road Scunthorpe in the District and County of North Lincolnshire ("the Council") of the first part and **HUGH BOURN DEVELOPMENTS (WRAGBY) LIMITED** whose registered office is at Louth Road Wragby Market Rasen in the County of Lincolnshire ("the Covenantor") of the second part

WHEREAS:

- (1) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 for the area within which the site hereinafter referred to is situate
- (2) The Covenantor is the Owner in fee simple in possession free from incumbrances of land at Waterside Road Barton-upon-Humber in the County of North Lincolnshire shown outlined in red on the site plan annexed hereto ("the site")
- (3) By a written application dated the 15th day of October 2003 and bearing the application number 2003/1575 the Covenantor applied to the Council for permission to erect 48 dwellings with garages and associated works on the site ("the development")
- (4) Subject to the completion of the Planning Obligation the Council is minded to grant the permission

NOW THIS DEED WITNESSETH as follows:

1. **THIS DEED** is made in pursuance of section 106 of the Town and Country Planning Act 1990 and is a Planning Obligation for the purposes of that section
2. **THE COUNCIL** is the Local Planning Authority by whom the provisions of this Planning Obligation are intended to be enforceable. For the avoidance of doubt, a person who is not a party to this Deed shall have no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any of its terms

3. **THE COVENANTOR** hereby covenants with the Council to the intent that this covenant shall be enforceable against any person deriving title from him to his said interest or any lesser interest in all or part of site as follows-

- i) Not to cause or allow the occupation of any of the dwellings erected on Plots 10, 11, 12, 34, 35 and 36 shown edged red on drawing number SL-529(A) annexed hereto ("the dwellings") other than by a person who satisfies the qualifications set out in Schedule I to this Agreement
- ii) Not to dispose of or cause or allow the disposal of any of the dwellings other than to a Registered Social Landlord or by way of
 - a) shared ownership lease; or
 - b) assured tenancy agreement complying with the guidance given by the Housing Corporation under Section 36 of the Housing Act 1996; or
 - c) any right to acquire that may arise under the Housing Act 1996 or any statutory re-enactment thereof and to a person who satisfies the qualifications set out in Schedule I to this Agreement.

is this necessary?

PROVIDED THAT if within six weeks of any dwelling becoming available for occupation whether on practical completion of the development at any time or subsequently the Covenantor is unable to fill any vacancy arising in accordance with the above terms, then the Covenantor may with the prior written consent of the Council (such consent not to be unreasonably withheld or delayed) allocate any vacant dwelling to any person who is in need of such accommodation and who immediately prior to such allocation has been resident for at least twelve months in the [define surrounding area] or who has a strong local connection with any of these parishes or, in the event that the Covenantor is unable to fill any vacancy within a further period of six weeks, then the Covenantor may with the prior written consent of the Council (such consent not to be unreasonably withheld or delayed) allocate any vacant dwelling to any person who is in need of

such accommodation and who satisfies the qualifications set out in the Schedule I hereto other than that relating to the local connection and in considering the grant of such request the Council shall be entitled to have regard (inter alia) to the steps taken by the Covenantor to comply with the above terms and to the terms for the disposal of the dwelling proposed by the Covenantor

- iii) to take all reasonable and prudent steps to avert the repossession of the site or any dwelling erected thereon by any chargee or mortgagee or the exercise by any chargee or mortgagee of a power of sale and for these purposes in the event of default under the security or likely default to co-operate fully with the Council and the Housing Corporation to arrange a transfer of site with sitting tenants to another Registered Social Landlord or (at the Council's option) to the Council and in particular shall inform the Council immediately in the event of the Owner's receiving notification from such chargee or mortgagee of any breach or alleged breach by the Owner of any of its obligations under its security

4. **SUBJECT** to and without prejudice to the powers and requirements of the Housing Corporation under the Housing Act 1996 in the event of a default under any security referred to in clause 3(iii) clause 3(ii) shall not prevent the sale of the site or any dwelling erected thereon by the chargee or mortgagee in the exercise of its power of sale provided that the chargee or mortgagee shall have first followed the procedure set out as follows:

- i) the chargee or mortgagee shall give not less than three months prior written notice ("the notice") to the Council of its intention to exercise its power of sale to enable the Council in consultation with the Housing Corporation to secure the transfer of the site to another Registered Social Landlord or to the Council
- ii) the Council shall then have three months from the date of receipt of notice within which to respond indicating that arrangements for the transfer of the site can be made in such a way as to safeguard the social housing character of the site and of

any dwelling

- iii) if within the three months the Council does not serve its response to the notice then the chargee or mortgagee shall be entitled to exercise its power of sale free from the restrictions set out in clause 3(ii)
- iv) if within three months of the date of receipt by it of the notice the Council serves its response indicating that arrangements can be made to secure the transfer of the site to another Registered Social Landlord or to the Council then the chargee or mortgagee shall co-operate with such arrangements and use its best endeavours to secure such transfer
- v) the Council shall in formulating or promoting any such arrangements as referred to above in consultation with the Housing Corporation give full consideration to protecting the interest of the chargee or mortgagee in respect of moneys outstanding under the charge or mortgage
- vi) if the Council or the Housing Corporation or any other person cannot within 12 months of the date of service of its response under sub-clause (iv) above secure such transfer then provided that the chargee or mortgagee shall have complied with its obligations under sub-clause (iv) above the chargee or mortgagee shall be entitled to exercise its power of sale free of the restrictions set out in clause 3(ii)
- vii) if the chargee or mortgagee does not wish to exercise its power of sale at any time after the giving of the notice or the Council does not wish to continue with the exercise of its powers under sub-clause (iv) above after the giving of its response under sub-clause (ii) above that party shall give to the other not less than seven days written notice of its intention to discontinue

5. **THE COVENANTOR** hereby further covenants with the Council to the intent that this covenant shall be enforceable as aforesaid that prior to ? *jurisdiction please*

- i) to provide areas of open space in the positions shown hatched green on drawing number SL-529 (A) annexed hereto
- ii) to landscape the areas of open space in accordance with the details set out in Part ^{II} 1 of Schedule ~~2~~ to this Agreement
- iii) to provide a Local Area of Play in the position shown cross-hatched brown on drawing number SL-529 (A) annexed hereto
- iv) to equip the Local Area of Play in accordance with the details set out in Part 2 of Schedule ^{II} 2 to this Agreement
- v) to transfer the areas of open space and local area of play to the Council
- vi) to pay to the Council the sum of £39,101.24 towards the future maintenance of the open space and local area of play
- vii) to pay to the Council the sum of £156,472 as a contribution to enable additional educational facilities to be provided, the need for which is a direct consequence of the development

6. **IT IS HEREBY AGREED AND DECLARED** as follows:

- (i) No person shall be liable for any breach of the covenants restrictions or obligations contained in this Planning Obligation occurring after he has parted with his interest in the land or the part in respect of which such breach occurs;
- (ii) This Planning Obligation shall come into effect upon its execution and the covenants on the part of the Covenantor herein contained shall ensue for the term of the perpetuity period which for the purposes of this Planning Obligation shall be the period of eighty years from the date hereof;
- (iii) For the purposes of this agreement the following terms shall have the following

meanings:

"strong local connection" shall mean an individual resident in the parish or district for at least twelve months or with a family connection with a long term resident of the parish or district or a person providing an important local service and needing to live in or near the parish or district or a person having long standing links with the community

"individual" shall mean one individual occupying the dwelling as a sole tenant or two or more individuals occupying the dwelling as joint tenants but shall not include a corporate or unincorporated body

(iv) This Planning Obligation is a Land Charge and shall be registered as such

7. **THE COUNCIL** shall upon the written request of the Covenantor or any successor in title of the Covenantor at any time after the obligations of the Covenantor hereunder have been performed or otherwise discharged issue written confirmation thereof.

8. **THE COVENANTOR** hereby warrants that no other person has any interest in the land.

IN WITNESS whereof these presents have been duly executed as a deed by the parties hereto the day and year first before written

SCHEDULE I

The qualifications referred to in Clause 3 are that the person

- i) is an individual;
- ii) is considered by a Registered Social Landlord in accordance with its rules to be in need of the accommodation provided by the dwellings;
- iii) is not able easily to compete in the open market for housing accommodation in the district of North Lincolnshire and who immediately before taking up occupation of one of the dwellings had a strong local connection with the parish

of Barton-upon-Humber

- iv) intends to occupy and subsequently occupies the dwelling as his only or principal home

SCHEDULE II

PART 1

Landscaping on the areas of open space must conform to the following British Standards or amendments thereof:

- BS 7370 Grounds Maintenance Parts 1 to 5
- BS 3882 Recommendations and Classifications of Top Soil
- BS 3936 Nursery Stock (All Parts)
- BS 4043 1989 Code of Practice for Transplanting Root-Ball Trees
- BS 4428 1989 Code of Practice for General Landscape Operations
- BS 5709 Gaps, Gates and Stiles Specification

All hard surface areas and footpaths are to be constructed to Design Bulletin 32 relevant to Local Authority guidelines.

PART 2

The following equipment should be provided on the Local Area of Play:

1 Springer Animal

1 Junior Slide

Hopscotch (laid in safety surface material of different colours to highlight the squares and numbers)

Two seats - earth anchors - root fast

Two litter bins - Wybone ASB\50 black, post mounted type (50 litre)

Dog bins - Iles Waste Systems T1707 green, post mounted type (40 litre)

A 1.2 metre high galvanised steel bow topped fence coloured green should be installed on the boundary of the Local Area of Play with two matching 1.2 metre wide self closing gates (opening inward) and a matching 3 metre wide maintenance gate access.

**THE COMMON SEAL of
NORTH LINCOLNSHIRE COUNCIL**
was hereunto affixed in the presence of:

Authorised Signatory

**THE COMMON SEAL of
HUGH BOURN DEVELOPMENTS (WRAGBY) LIMITED**
was hereunto affixed
in the presence of:

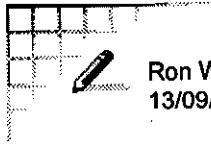


Waterside Road

4.5m x 90m Junction Visibility

4.5m x 90m Junction Visibility

37 to 40
41 to 43
SEMI I
PLOT N
08 & 09
13 & 14
15 & 16
29 & 30
07
DETAIL
PLOT I
Extract from
SL-52-1111
1.2m
with 2
and S
In/11 P



Ron White
13/09/2005 14:55

To: Patric Butler/NE/NorthLincs@NorthLincs
cc:

Subject: Section 106 agreement application no 2003/1121 - residential development off Falkland Way Barton

Val Wilcockson is drafting the agreement up for this development but again as with the Waterside Road application needs to know when the open space commuted sum needs to be provided remember this is an outline. Would it be the same as the application with commuted sum paid on 75% of houses occupied and p.o.s. c completed when last house built



Neighbourhood & Environmental Services
 Cottage Beck Road
 SCUNTHORPE
 DN16 1TS

FAX NOTIFICATION

TO: RON WHITE
 ORGANISATION: Planning & RECONSTRUCTION - Church Sq
 FAX NUMBER: 01724 297871
 DATE: 5th Oct. 2005
 FROM: Patricia Butler Neighbourhood and Environmental Services
 FAX NUMBER: 01724 297837 TEL NO: 01724 297852
 NO OF PAGES TO FOLLOW: 3

MESSAGE: Development - Waterside Road Station
(Hugh Boward)

Hi Ron
 Please find attached I have sent
 to David Ingleton with regard to the
 latest layout drawings of the ROS (SL-S29CB)
 (April 2005)
 I have discussed these changes with him and
 about his comments in one case.
 I have spoken to JPL re S106 and asked
 for extra changes to make to specification, but
 believe the changes mentioned in this memo
 will not affect the Agreement.

Regards
Patricia



Val Wilcockson



03/10/2005 15:26

To: Claire Startin/SHS/NorthLincs@NorthLincs
cc: Mike Welton/PL/NorthLincs@NorthLincs, Ron White/PL/NorthLincs@NorthLincs

Subject: Section 106 Waterside, Barton

Just to note that you have issues with this agreement.

Patric Butler has also a few unresolved queries. His contact is David Inglemells of Hugh Bourn Developments .

As mentioned, it would be helpful if we could get together with Mike Welton to agree some standard clauses for inserting in future agreements.

Regards, Val

INTER

OFFICE

MEMO

**DIRECTORATE OF
COMMUNITY SERVICES**

**NORTH LINCOLNSHIRE COUNCIL
PLANNING AND REGENERATION SERVICE
DEVELOPMENT CONTROL SECTION**

03 MAY 2005

DATE RECEIVED

Acknowledged

Entered

Referred to

Copies to

**NORTH
LINCOLNSHIRE
COUNCIL**

RW

To: Ron White, Development Control Officer
From: Patric Butler, GIS Officer

Tel: 01724 297852

Our Ref: PA/2003/1575 - 2 Waterside Rd, Barton **Date: 27th April 2005**

Re: Planning permission to erect 41 dwellings with associated roads, access, parking, landscaping and a play area. Land off Waterside Road, Barton

I write in answer to your recent correspondence, regarding the amendment that has been made on the above application. The new location of the proposed LAP and Public Open Space is satisfactory, however due to the scale of the drawing, it is difficult to determine exactly what some of the lines represent.

I have therefore created a sketch drawing (see attached Plan 1 – Not to Scale) in order that the following queries can be resolved:-

PLAN 1

The 1.8 m high brick wall and associated shrub planting at the location shown is satisfactory.

1. It appears that the 1.2 m high bow top green galvanised steel fence goes around the whole of the LAP area, apart from the wall section – **please can you confirm if this is this correct?**
2. The section of 1.2 m high bow top, which appears to run along the North side of the LAP, from the end of the 1.8 m high wall to the front of the adjoining properties gives rise to concern. At this height I believe that possible ball games could give rise to reduced privacy and annoyance to adjoining residents – **could this be altered in any way?**
3. The provision of one pedestrian self-closing gate is **not acceptable**, the minimum requirement is two self closing gates to specification shown below, this to give children, who are being bullied, an alternative way out. Also there is a need to provide a 3.0 m wide maintenance gate at the location shown, in order to allow maintenance equipment access to the site.

4. After development is completed, **please advise** who will be responsible for maintenance to the dyke, which surrounds this public open space on two sides – **Internal Drainage Board?** - This cannot be maintained by Neighbourhood Services.
5. The LAP on this development is to cater for the younger children (4-6 years of age). It should comprise of a safety surface/hard area containing:- 1 No Springer Animal, 1 No Junior Slide, and a Hopscotch (laid in safety surface material of different colours to highlight the squares & numbers) – We are also prepared to discuss alternative equipment layouts.

A 1.2m high galvanised steel bow top fence (coloured green) should be installed on the boundary of the LAP with 2 No matching 1.2m wide self-closing gates (opening inward) and also to include a matching 3.0m wide maintenance gate access.

2 No seats, together with 2 No litter bins should be located within this area to cater for carers. In respect of installation of seats, litter and dog bins, it is requested that the following manufacturers and types are used:-

Litter Bin - Wybone ASB\50 Black, post mounted type (50Ltr)
Dog Bin - Iles Waste Systems T1707 Green, post mounted type (40Ltr)
Seats - Earth Anchors – Rootfast

Playground equipment needs to be installed to BS EN 1176 part 1-7 and the safety surface material needs to be a wet pour type (Safety Tiles will not be accepted) to BS EN 1177 in conjunction with BS 7188

All playground equipment to be of metal construction and all major playground manufacturers are accepted i.e. Kompan, Record, Sutcliffe, SMP and Proludic, wooden play units are not suitable.

All aspects within this public open space provision need to comply with Disability Discrimination Act 1995, therefore you are requested to ensure due diligence to secure compliance with this act or any amendment thereof.

General landscaping on the public open space which also includes any area within the LAP, LEAP or NEAP needs to conform to the following British Standards or amendments thereof.

BS 7370 Grounds Maintenance – Parts 1 – 5
BS 3882 Recommendations and classification of Topsoil
BS 3936 Nursery stock (all parts)
BS 4043 1989 Code of Practice for Transplanting Root-balled Trees
BS 4428 1989 Code of Practice for General Landscape Operations
BS 5709 Gaps, Gates and Stiles – Specification
Construction of hard surface areas/footpaths to Design Bulletin 32 relevant to Local Authority guidelines

PLAN 2

The public open space adjacent to No 71A Waterside Road shows an area of shrub planting, this should be deleted from layout, grass only preferred.

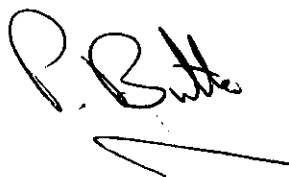
Once design/landscape plans changes have been made, amended plans need to be viewed and discussed with Neighbourhood Services Manager/POS Co-ordinator in order that any anomalies can be corrected as this may affect the commuted sum.

There is no change to the commuted sum estimate for this area, based on the provisions I have discussed – this still remains at £3910.12 per annum x 10 years = £39101.24.

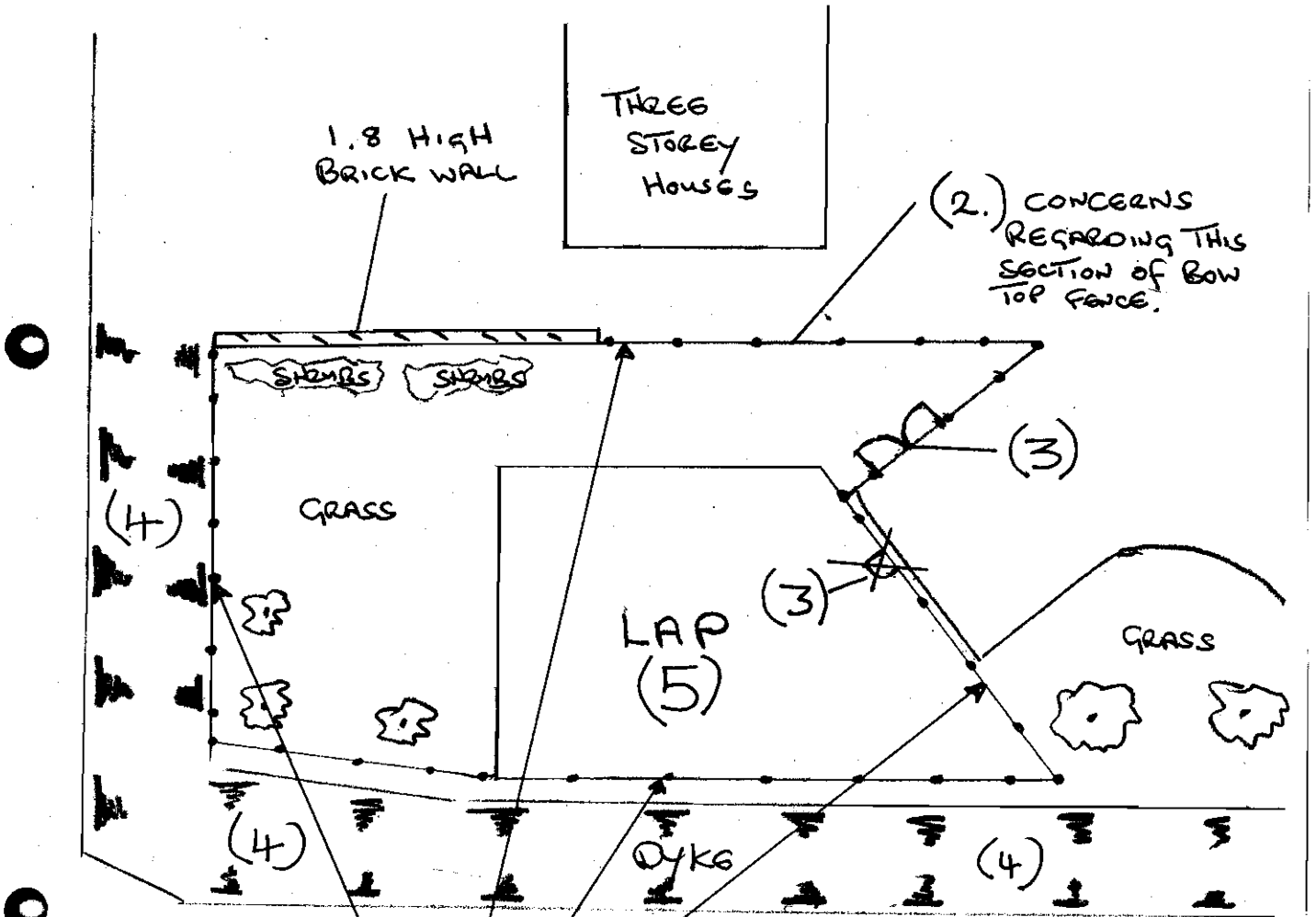
The cost code for the above is C9206 9099

However should there be any changes, particularly where dykes or other items which have not been discussed in this memo, the commuted sum may change.

Patric Butler
GIS Officer/POS Co-ordinator



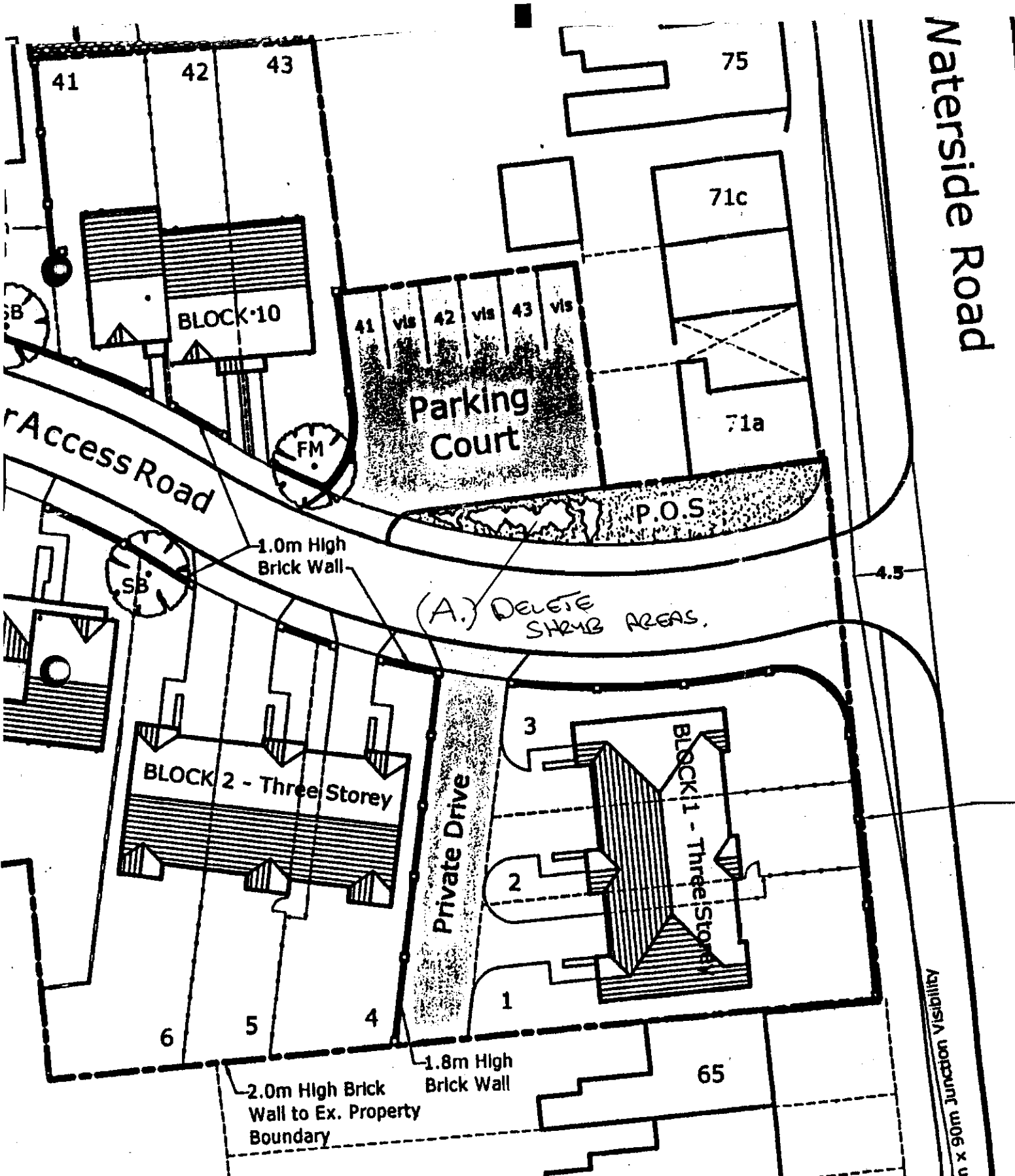
PLAN 1

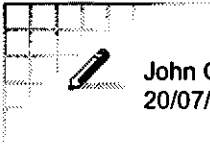


(1) 1.2 m HIGH GREEN GALVANISED STEEL BOW TOP FENCE.

PA/2003/1575 WATERSIDE ROAD BARTON

PLAN 2





John Galbraith
20/07/2005 16:37

To: Ron White/PL/NorthLincs@NorthLincs
cc:

Subject: re planning application 2003/1575

further to your memo dated 1 July 2005, I am confirming that SPG 8 -developer contributions for schools should be sought for both primary and secondary places due to the high demand being caused by new houses in the barton area.
we predict that extensions will be required to primary schools and the secondary school in barton to meet demand.

please ensure that the recommendation to committee states that contributions will be sought to improve existing schools.

primary 10.25 pupils x £6832 = £70,028
secondary 8.2 pupils x £10542 = £86,444

total is £156,472 or £3816.39 per house.

the contributions can be paid on completion of each 10 th house in 4 payments.

please advise if you need a memo response as well

J. Galbraith



To: John Galbraith/EL/NorthLincs@NorthLincs
cc: Mike Welton/PL/NorthLincs@NorthLincs, Ron White/PL/NorthLincs@NorthLincs

Subject: 2003/1575: Waterside Road, Barton

I've received some proposed amendments to the section 106 agreement.

The developer wants to pay the education contribution are as follows:

20% prior to the occupation of the first dwellinghouse

40% prior to the occupation of the twentieth dwellinghouse

40% prior to the occupation of the thirty-seventh dwellinghouse.

Is this acceptable? Some of the other amendments are unacceptable, so I've no problem with sticking to the original terms, if that's what you want.



Val Wilcockson

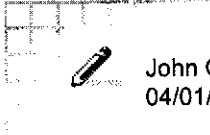


12/12/2005 15:22

To: Ron White/PL/NorthLincs@NorthLincs
cc: Mike Welton/PL/NorthLincs@NorthLincs


Subject: Hugh Bourn Development (Wragby) Ltd: Waterside Road, Barton 2003/1575

I've received some proposed amendments to the above agreement. The developer does not want to pay the recreational contribution. I've told them that's not negotiable. They have proposed amending the provisions relating to affordable housing which, at this stage, I'm taking up with Claire Startin, and to the education contribution, which I'm taking up with John Galbraith. The developer's solicitor has, however, indicated that the proposal is now for 43 units, not 41. The application on file clearly says for 41 units. If the developer intends to construct an additional two houses, will this affect the rest of the agreement and do we need a fresh application?



John Galbraith
04/01/2006 12:12

To: Val Wilcockson/LD/NorthLincs@NorthLincs
cc: Mike Welton/PL/NorthLincs@NorthLincs, Ron White/PL/NorthLincs@NorthLincs

Subject: Re: 2003/1575: Waterside Road, Barton 

apologies for delay in responding.
i agree we stick with our original terms.otherwise the last 40% is dependant on the last qualifying house being occupied on site

john
Val Wilcockson



Val Wilcockson



12/12/2005 15:29

To: John Galbraith/EL/NorthLincs@NorthLincs
cc: Mike Welton/PL/NorthLincs@NorthLincs, Ron White/PL/NorthLincs@NorthLincs

Subject: 2003/1575: Waterside Road, Barton

I've received some proposed amendments to the section 106 agreement.

The developer wants to pay the education contribution are as follows:
20% prior to the occupation of the first dwellinghouse
40% prior to the occupation of the twentieth dwellinghouse
40% prior to the occupation of the thirty-seventh dwellinghouse.

Is this acceptable? Some of the other amendments are unacceptable, so I've no problem with sticking to the original terms, if that's what you want.

Our Ref : AN/2003/009452-2/1
Your Ref : 2003/1575



**ENVIRONMENT
AGENCY**

Date : 03 February 2004

Development Control Team
North Lincolnshire Council
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

NORTH LINCOLNSHIRE COUNCIL DIRECTORATE OF ENVIRONMENT & PUBLIC PROTECTION	
DEVELOPMENT CONTROL SECTION	
05 FEB 2004	
DATE RECEIVED	
Acknowledged letter	Copies to:
referred to: RW	

Dear Sir/Madam

**ERECTION OF 41 NO. DWELLINGS WITH ASSOCIATED ROADS, ACCESS,
PARKING, LANDSCAPING, AND PLAY AREA:
WATERSIDE ROAD, BARTON-UPON-HUMBER, NORTH LINCOLNSHIRE.**

I refer to my previous letter dated 28 November 2003 relating to the Agency's objection to the above application as no Flood Risk Assessment had been submitted.

I can confirm that an amended Flood Risk Assessment (FRA) has now been submitted to support the application. However, the Agency considers that the details contained in the amended FRA submitted by Kirton Consulting forwarded to the Agency on 2 January 2004 still do not adequately address the risks cited in my letter of 28 November 2003 (copy enclosed).

Specifically, the revised FRA has minor amendments to that of the first version which again does not suitably address the 'breach' scenario, nor the rapid inundation zone of the Barton Haven/tidal River Humber which may affect the site. The Agency programme for flood defence improvement works to the Barrow Haven have been postponed until 2005/06, whereby funding will again be reviewed, with no guarantees that the improvement works will be implemented.

Accordingly, the Agency **MAINTAINS** its previous objection in principle to the proposed development.

If you are minded to approve the application contrary to our objection, your attention is drawn to paragraph 65 of PPG25 which advises that the Agency should be re-notified, for you to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations.

In the event that the applicant appeals a refusal of the planning application or non-determination the Agency would be prepared to fully support the local planning authority and provide evidence at any public inquiry or informal hearing.

Please could you forward a copy of the Decision Notice to the Environment Agency for the purpose of monitoring in line with DEFRA High Level Targets.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact Nick Feltham on the number below.

Yours faithfully



ROGER ASHFORD
Area Customer Services Manager

Direct Dial: 01522 785865 Fax: 01522 785868
email: nick.feltham@environment-agency.gov.uk



Our Ref : AN/2003/009452-1/1
Your Ref : 2003/1575

Date : 28 November 2003

Development Control Team
North Lincolnshire Council
Church Square House
PO Box 42
Scunthorpe
North Lincolnshire
DN15 6XQ

NORTH LINCOLNSHIRE COUNCIL & PLANNING DEPARTMENT	
DEVELOPMENT CONTROL SECTION	
02 DEC 2003	
DATE RECEIVED	
Authorised by: <input checked="" type="checkbox"/>	Copies to:
Reviewed by: RW	

Dear Sir/Madam

**ERECTION OF 41 NO. DWELLINGS WITH ASSOCIATED ROADS, ACCESS,
PARKING, LANDSCAPING, AND PLAY AREA:
LAND OFF WATERSIDE ROAD, BARTON-UPON-HUMBER,
NORTH LINCOLNSHIRE.**

Thank you for referring the above application, which was received on 26 November 2003.

The Agency **OBJECTS IN PRINCIPLE** to the proposed development as no technical information or Flood Risk Assessment (FRA) has been provided with the application in relation to flood risk, and for the following reasons:

The site is shown to be within the indicative tidal floodplain of the Barton Haven/tidal River Humber as detailed on the Environment Agency 2001 Indicative Floodplain Maps issued to your Council.

- Notwithstanding the fact that the proposed development site lies within flood zone 3 'high risk' described in paragraph 30 (table 1) of Planning Policy Guidance Note 25 Development and Flood Risk (PPG25), it is the Agency's opinion that the site is located within the 'rapid inundation zone' which would be affected by fast flowing floodwater in the event of a breach or overtopping of the adjacent Barton Haven flood defences. With reference to paragraph 69 of PPG25 "further development on land protected by defences would be extremely vulnerable in the event of any overtopping or breaching of those defences, because of the speed of flooding in such circumstances. A breach occurring as a result of a storm or tidal surge, for example, might involve high risk of loss of life".
- Further information held by the Agency indicates that the current approximate standard of defence afforded to the site is 1:10 years. PPG25 advocates that new development should be provided with a 1:200 year standard in areas at risk of tidal flooding.

Cont/

- It is the Agency's understanding that the emerging Strategic Flood Risk Assessment (SFRA) being jointly prepared by North and North East Lincolnshire Councils will classify the site as 'high risk', and therefore potentially unsuitable for this type of development at this location.

If you are minded to approve the application contrary to our objection in principle, your attention is drawn to paragraph 65 of PPG25 which advises that the Agency should be re-notified, for you to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations.

In the event that the applicant appeals a refusal of the planning application or non-determination the Agency would be prepared to fully support the local planning authority and provide evidence at any public inquiry or informal hearing.

Please could you forward a copy of the Decision Notice to the Environment Agency for the purpose of monitoring in line with DEFRA High Level Targets.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact Nick Feltham on the number below.

Yours faithfully



ff. **ROGER ASHFORD**
Area Customer Services Manager

Direct Dial: 01522 785865 Fax: 01522 785868
email: nick.feltham@environment-agency.gov.uk