

<b>APPLICATION NO</b>	<b>PA/2021/1755</b>
<b>APPLICANT</b>	Mr Tom Strawson, Quodos Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect 14 dwellings with associated access
<b>LOCATION</b>	Land off Main Street, Sturton, DN20 9DL
<b>PARISH</b>	Scawby
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to completion of a section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Member 'call in' (Cllr Neil Poole – significant public interest) Objection by Scawby Parish Council Significant public interest

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

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 Framework:

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

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Police HE5 (Development affected Listed Buildings)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

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 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

**Other relevant guidance:**

SPG8: Developer Contributions to Schools

SPG: Provision of Open Space in New Housing Developments

SPG: Scawby Village Design Statement

SPG3: Countryside Design Summary

**CONSULTATIONS** (in response to original and amended plans)

**Highways:** Whilst Main Street varies in width between the site access and the junction with the B1207, it appears to be wide enough to allow vehicles to pass each other. Also, due to its size, the development will only generate a small number of vehicle trips and will therefore not have an adverse impact on the highway network. No objections subject to conditions relating to access, visibility, car parking and turning, and submission of a construction traffic management plan and travel plan.

**Environment Agency:** Does not wish to comment on this application.

**LLFA Drainage:** The revised documentation still fails to provide the required detailed level of site investigation with respect to soakaway design and its possible interaction with groundwater. It is assumed the soakaways will be part of a section 38 agreement, but will be offered up by the developer to the council; as such, this detailed level of information is required to ensure that the soakaways are built to long-term effectiveness. The developer needs to be aware that a surface water drainage system may exist on the northern boundary of the site which could be utilised. This requires detailed investigation at detailed design stage. No objections subject to conditions and informatives relating to surface water disposal.

**Anglian Water:**

**Wastewater:** Foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat flows from 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.

**Used water network:** The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if

permission is granted. They will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (A full assessment cannot be made due to lack of information – the applicant has not identified a discharge rate.) They therefore request a condition requiring a phasing plan and/or on-site drainage strategy.

**Surface water disposal:** From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management. The local planning authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Recommend conditions relating to the submission of a drainage strategy and on-site foul drainage works

**Environmental Protection:** No Phase 1 report has been submitted with the application. The site has potential for contamination due to the former agricultural use. Recommend a contamination condition. The site is close to residential properties and therefore recommend conditions restricting site clearance and hours of operation and the submission of a construction environmental management plan (CEMP). Developments should be located and designed where practical to enable future occupiers to make green vehicle choices and promote sustainable modes of transport in accordance with Section 9 of the NPPF. To prepare for increased demand in future years, appropriate cable provision should be included in the development. In relation to air quality, a scheme for electrical vehicle charging points is recommended. The site is close to an existing farmyard. A noise assessment has been submitted which demonstrates that, with the installation of standard double glazing and trickle vents, the noise predicted inside the proposed residential dwellings is as follows:

- Daytime LAeq (07:00 – 23:00) - ≤ 35dB
- Night-time LAeq (23:00 – 07:00) - ≤ 27dB.

Environmental Protection request conditions to ensure that a scheme of window glazing and trickle vents as set out in the submitted noise assessment is installed in the dwellings and a verification report submitted.

**HER (Archaeology):** [Summarised] The application site is within an area of archaeological interest close to the site of Sturton Roman villa and prehistoric landscape features. Accordingly, the applicant commissioned an archaeological evaluation to assess the significance of any buried remains within the application site. The archaeological field evaluation comprised an initial geophysical survey followed by a programme of trial trenching to confirm the results. The evaluation identified archaeological remains at the north end of the site comprising two field ditches of probable medieval date. The HER has no objection to the current proposals but advises mitigation to offset the harm to any associated archaeological remains. Mitigation should comprise a programme of archaeological monitoring and recording to be undertaken during the construction groundworks within plot 1 and the adjacent access road. This mitigation strategy should be set out in a written scheme of investigation (WSI) and submitted prior to determination of the planning application. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI; pre-commencement conditions would only be necessary where a mitigation strategy and WSI is not in place.

**HER (Conservation):** No objection subject to conditions. This application affects the setting of Home Farm, a grade II listed building, immediately opposite on the other side of Main Street. The key impact is plot 1 on the street frontage which affects the setting of the listed building. The proposed building on this plot has been well designed as a traditional stone cottage that will sit well within the street scene. In addition, it is smaller in scale than Home Farm and having a simple traditional appearance will not detract from appreciating the listed building and its character. What will be important is the correct materials and detailing for the proposed housing which can be controlled by condition. As part of any approval of this application it is recommended that conditions are included requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation on all buildings. It is also recommended that the permitted development rights are removed from plot 1 as part of any approval to protect the listed building from any future harmful change.

**Ecology:** A bat survey is no longer required. The site offers little in the way of biodiversity enhancement. Biodiversity net gain cannot be achieved on the site. An off-site contribution for biodiversity net gain is recommended.

**Trees:** There is concern that two trees considered worthy of retention on the site (Category B – T11 and T12) are to be removed along with hedgerows H3 and H4 (B Category). T2, a lower category tree, is to be retained. The scheme does not appear to have taken into account the submitted arboricultural report. There is a loss of almost all vegetation off site and there would need to be extensive replacement green infrastructure to compensate for the loss. The proposed landscaping scheme should be conditioned to ensure planting takes place.

**Education:** For the proposed 15 dwellings S106 contributions are recommended for both primary and secondary schools as the projections for both schools in the catchment area (primary – Scawby Academy and Sir John Nelthorpe) are anticipated to be full to capacity. The scheme is now for 14 dwellings and therefore no education contributions are required.

**S106 Officer:** Contributions for affordable housing, recreation/leisure, open space and biodiversity net gain are required. The scheme is for 14 dwellings and under C1 and SPG8 no developer contributions are required.

**Recycling:** General guidance in relation to bin types and sizes, pulling distances for residents and crew, and access requirements for a refuse vehicle.

**Humberside Police:** No objections.

**Humberside Fire and Rescue:** General comments in relation to access for the fire service and water supplies for fire-fighting.

## **PARISH COUNCIL**

The proposed development is outside the current development building line and is therefore unacceptable development. The proposed development is situated within a hamlet, on a greenfield site – the design and appearance of the proposed development is not in keeping with the original settlement. Threat of surface water flooding to existing properties and amenities. The flood authority has expressed concerns regarding the threat of surface water flooding this proposed development could cause. The proposed site has a history of surface water flooding – developing this site will provide a greater threat to neighbouring properties and amenities. The existing facilities to cope with surface water flooding have

proven not to be adequate. Currently properties within the vicinity of the proposed development are suffering with surface water caused from flash flooding. A further 14 properties using the existing facilities will cause flooding problems and surface water problems to existing properties. The proposed development will cause a loss of privacy to the immediate neighbouring properties.

## **PUBLICITY**

Both the original and amended plans have been publicised by site and press notices. Twenty-eight responses have been received in total to the original and amended plans. One formal letter of objection on behalf of residents of Main Street, Sturton has also been submitted. These letters raise the following material planning issues:

- the site is unsuitable for residential development
- the site is in open countryside
- no weight can be given to the emerging local plan allocation for residential development on the site
- the council has a five-year housing land supply
- contrary to policies CS1, CS2, CS3 and RD2
- adverse impact on residential amenity
- overlooking/loss of privacy
- out of character/backland development
- Main Street is narrow and poor quality
- surface water flooding
- increase in traffic
- increased noise, disturbance and light pollution
- loss of wildlife
- highway safety will be compromised
- adverse impact on the adjacent listed building
- loss of biodiversity, including bat roosting sites, trees and hedges
- impacts on adjacent trees have not been considered in the arboricultural report
- the trial trenching is inadequate
- contrary to SPG7 Scawby Village Design Statement
- strain on utilities and local services, including the school and sewage system

- flooding
- loss of agricultural land
- change of development boundary
- draft emerging local plan allocation is for 11 dwellings
- no affordable housing proposed
- other residential schemes in the vicinity have been refused.

One letter of support has been received raising the following matters:

- new development
- well-designed dwellings.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant states that discussions were held with residents adjoining the site, the parish council and ward councillors, and the applicant attended a parish council meeting to discuss the proposal.

## **ASSESSMENT**

### **The proposal**

The proposal is for the erection of 14 dwellings: 12 detached and 2 semi-detached. Each has its own car parking and garage spaces. The dwellings are a mix of designs set around a 'horse shoe' cul-de-sac arrangement with private drives. The dwellings have good-sized gardens. In terms of design, plot 1 on the site frontage is a 4-bedroom detached dwelling constructed of stone to reflect the other traditional stone buildings on this part of Main Street. Plots 2, 10 and 14 are detached 4-bedroom dormer bungalows. Plots 3, 4, 6 and 8 are detached two-storey hipped roof dwellings comprising 4 bedrooms. Plots 5 and 7 are 4-bedroom detached dwellings with linked utility and garage. Plots 9 and 11 are detached dwellings with a single-storey utility room. These are three-storey dwellings with rooms in the roof space comprising 6 bedrooms. Plots 12 and 13 are semi-detached dwellings linked by garages. They are two-storey dwellings comprising 3 bedrooms. The detached garages comprise linked garages or detached garages, some of which are single gable-end garages and some are double garages with half hipped roofs to reduce bulk.

### **The site**

The site comprises 1.21 hectares and is a paddock containing a number of fruit and ash trees and hedges. It is known as locally as being within Sturton, and is closely related to Scawby. The site is outside the development boundary of Scawby, within the open countryside, and has a field access onto Main Street. The site is, however, adjacent to the existing development on Main Street. The site wraps around the long curtilage of the neighbouring property to the east known as Pas De Chat, which is a dormer bungalow. The site is adjacent to the rear boundaries of Cobbles Close and Holmesfield on Main Street, and Tunbridge, Oberland and The Paddock on Station Road. It shares its western boundary with Sturton Cottages and the Sturton Nurseries site. This area of Main Street comprises a

mix of housing types and designs with traditional and more modern development. Traditional materials used on the older buildings comprise red brick and stone. To the north, opposite the site, is Home Farm, a late 19th century grade II listed building. To the south is Sturton Nurseries which is being redeveloped for 5 dwellings, and further south is Manor Farm, a farming enterprise. The site is within flood zone 1 and in an area of archaeological interest.

## **Planning history**

There is no relevant planning history for the site. It is allocated for housing in the emerging draft local plan under policy H1P-30 for 24 dwellings. The application site also includes land to the south that is not part of the housing allocation under H1P-30. The emerging draft local plan is anticipated to be submitted to the Planning Inspectorate at the end of October 2022. There are unresolved objections to this proposed allocated site and therefore little weight can be given to this allocation at the present time. However, the council considers this site appropriate for residential development in principle.

## **Principle**

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Allocations DPD.

Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

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 outside the defined development limit for Scawby and therefore within the open countryside.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

Local plan 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 for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy. 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).

Core Strategy policy CS7 requires that a density range of at least 30–35 dwellings per hectare should be achieved on residential development sites within rural settlements and the countryside. The proposals would achieve a density of 12 dwellings per hectare, which is considerably below this density range, but which takes into account the low-density nature of the surroundings and their character. The pattern of development and plot dimensions reflect some of the development in the surroundings and therefore, taking into account the Scawby Village Design Statement, the density proposed is considered appropriate for this site and its context.

There is, therefore, a development plan presumption against housing development in this location. The proposal is not in accordance with the development plan, and so there is a clear breach of the strategic planning policies contained within the Core Strategy as outlined above.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless: (iii) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (iv) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. The proposal comprises 14 dwellings, which is a major development and will provide a significant contribution towards the council's five-year housing land supply of deliverable sites. The developer is a local developer with a track record in housing delivery in our area. There is no suggestion that this application is speculative – the developer is keen to deliver the site and is currently constructing a housing site in Scawby. The development will bring forward the following benefits:

**Economic:** Temporary small-scale employment opportunities during the construction process as well as benefits for local suppliers and businesses during that period; longer-term employment benefits which a typical residential property may bring, including repairs

and maintenance, as well as other works required; potential for new residents to shop locally and use local services. The dwellings will provide additional council tax which is a financial benefit.

**Social:** The local authority area currently has a shortfall in housing supply. The development will provide much needed housing within the area contributing to the overall land supply. The scheme is well designed with a mix of housing types and designs. An off-site affordable housing contribution will be used to provide affordable housing for residents in Scawby/North Lincolnshire. Whilst Scawby is a rural settlement it does contain a number of services and facilities and so there will be an increase in people who could shop and use other services locally. The site is within walking distance of the Co-op and local school, for example, and close to a bus stop providing public transport links to the larger settlements of Brigg and Scunthorpe.

**Environmental:** The proposed development will improve the built environment in this location by its high standard of design. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. An S106 financial contribution towards off-site biodiversity net gain has been agreed to mitigate its loss on the site. Landscaping will be provided on the site, together with SuDS features.

Given the existing nature of the site, it is not considered there would be significant harm in economic, social or environmental terms from developing it.

Paragraph 47 of the NPPF states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. An overarching principle and the 'golden thread' running through the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of Scawby: in essence the site represents a suitable and logical infill site which is bounded on three sides by existing residential development and their gardens. It must also be noted that the site is allocated in the draft new local plan for housing under policy H1P-30 for 24 dwellings which is to be submitted to the Planning Inspectorate shortly for examination. There is a clear indication that the council considers this site to be an acceptable location for residential development.

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. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

It is considered that, in principle, the proposal would represent appropriate development within the countryside, subject to there being no adverse impacts that would significantly and demonstrably outweigh the benefits. An assessment will now need to be made on the technical aspects of the development.

## Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

In terms of highway impacts, the access to the site is from Main Street, Sturton leading southwards into the site in a 'horse shoe' shape forming a cul-de-sac arrangement. Each dwelling will have its own drive and parking spaces including garages. Comments from residents that Main Street is unsuitable to accommodate the additional traffic generated by the proposal and that highway safety will be compromised are noted. Highways have been consulted on the proposals have no objections subject to conditions relating to the access arrangements, visibility and car parking. These conditions will be imposed on any permission granted. There is no evidence to suggest that Main Street cannot accommodate the additional vehicle movements associated with the proposals. The site is close to a bus stop which provides links to Scunthorpe and Brigg and is therefore accessible by public transport. Scawby contains a number of facilities and services that are within walking/cycling distance of the site. Subject to conditions, therefore, the proposal aligns with policies CS25 of the CS, and policies T2 and T19 of the NLLP.

## Flood risk and drainage

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. A flood risk assessment and drainage strategy has been submitted with the application. The Environment Agency has been consulted and does not wish to comment on the application. In terms of flood risk the proposal complies with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, as the site is within flood zone 1, the proposed development is considered to be acceptable.

In terms of foul water, this is proposed to discharge into Anglian Water's foul sewer. Anglian Water have been consulted on the proposals and have commented that 'the foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat the flows from 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 planning permission.' Anglian Water recommend a planning condition requiring a foul water strategy for the site to be submitted to the council for approval. Subject to the imposition of the requested condition in terms of foul water, the proposal will align with policy DS14 of the NLLP.

In terms of surface water, the LLFA and Anglian Water have commented on the proposals. The surface water disposal for the site will be infiltration by soakaways. Both statutory consultees recommend conditions requiring the submission of a surface water disposal strategy to be submitted to the council for approval. These recommended conditions will be imposed on any planning permission. Comments and photographs from residents with respect to surface water flooding are noted. The Government's flood risk maps for surface

water show the site at very low risk of surface water flooding with Main Street at low risk of flooding from surface water. It is considered that a surface water disposal strategy, and conditions to ensure surface water does not run from the site into the highway or from the highway into the site, will ensure potential surface water run-off is mitigated.

Given the lack of objection by the relevant drainage body, the Environment Agency and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

### **Character, appearance and visual impact**

In terms of character, appearance and visual impact of the development, it has been designed to respect the character of the rural area. Plot 1 is a stone cottage that reflects the other traditional stone cottages in Sturton and is located on the site frontage. Plot 1 will be viewed essentially as an infill plot along Main Street. The access will be visible from Main Street with the remainder of the development set well back and therefore not particularly visible from Main Street, with adjoining dwellings providing some screening. There will be glimpses of the dwellings from Station Road, but the impact will be mitigated in part by existing properties and by the distance the plots are from Station Road. In terms of design, a well-designed scheme has been submitted with a mix of house types and garaging that reflect the rural character of Sturton and align with the SPG: Scawby Village Design Statement. Sturton does have a rural character, but within Sturton there is a mix of traditional and more modern properties with a full range of housing types.

Sturton and the surrounding area is not covered by any formally designated landscape areas. The character of this part of Sturton will obviously change as the site will no longer be a paddock extending into the open countryside, but this well-designed scheme does respect the character and appearance of the area. Conditions will be used to ensure landscaping on the site which will mitigate some of the visual impacts of the development. The careful use of materials and boundary treatments will also ensure the rural character of the development and Sturton is retained and a high quality development is achieved on the site. The proposal therefore aligns with policies CS5, CS7 and CS16 of the CS, and policies RD2, H5, H8 and DS1 of the NLLP.

### **Archaeology**

The site is in an area of archaeological interest close to the site of the Sturton Roman villa and prehistoric landscape features. The geophysical survey and archaeological trial trenching that the applicant commissioned has revealed only two ditches exposed at the north of the site. One of the ditches yielded a single sherd of pottery which has been identified as being 13th to 15th century in date. The other ditch was undated but possibly associated with the first. The presence of medieval pottery suggests that this ditch is probably not associated with the nearby Roman villa. The results of the archaeological investigations indicate that the application site contains few remains of any archaeological significance and these remains do not merit preservation in situ. Conditions are proposed requiring appropriate mitigation measures to be adopted to offset the harm and preserve the archaeological evidence of the site by record. Such measures should comprise a programme of monitoring, excavation and recording commonly known as a 'watching brief' during all groundworks associated with the proposals in the area of plot 1 and the adjacent

access road. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. Subject to archaeological conditions, the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and paragraphs 205 of the NPPF.

Comments from residents that insufficient trial trenching was carried out on the site are noted. However, as a result of the trial trenching carried out by the applicant and taking into consideration other archaeological investigations carried out in the area, HER are satisfied that the archaeological evaluation carried out on the site is acceptable. This archaeological evaluation is sufficient to describe the significance of the heritage assets that the development has the potential to impact, and for the planning authority to consider in their decision making. HER (the council's expert in archaeology) has carefully assessed the archaeological evaluation and has no objections to the proposal subject to conditions in relation to archaeology.

### **Impact on the listed building**

There are two listed buildings adjacent to the site: Manor Farm and Home Farm. Manor Farm is over 100m from the application site and it is not considered that the proposed development will affect the setting of this listed building due to the distance it is away from the site and intervening land uses. Home Farm is opposite the site to the north. This is a substantial 19<sup>th</sup> century Victorian building comprising red brick, pantile hipped roof and sash windows. It is enclosed by a brick wall topped with ridge bricks. This building is set back from Main Street. The development will be visible from Home Farm and the open aspect Home Farm currently has across the paddock will be reduced.

The proposed access to the site and plot 1 will be the closest built form of the development to Home Farm. The access road and site frontage will be softened by extensive green verges, and landscaping can be conditioned on the site. Plot 1 is a two-storey dwelling, but will be constructed of stone and similar in appearance to Cobbles Close to the east. The front elevation to plot 1 has a traditional cottage style with the stone and sash windows. The sash windows are a key feature of Home Farm. Plot 1 is much smaller in scale than Home Farm and is set well back from Main Street. Plot 1 has front garden and extensive verge on the site frontage that further reduces the impact on the setting of Home Farm. The boundary treatment on the site frontage comprises estate fencing which will retain the open frontage of the site. The existing boundary hedge to the west side of plot 1 is to be retained.

Plot 1 is essentially seen as an 'infill' plot along the existing frontage pattern of development along Main Street. The remainder of the development is set much further south into the development which reduces the impact on the setting of Home Farm. On balance, due to the location of the main access, the good design and location of plot 1 that respect the distinctive character of this part of Main Street and the siting of the remaining development further south away from Home Farm, it is not considered that the proposed development will result in any significant harm to its setting. This view is endorsed by the council's Heritage Officer who considers that the impact the proposal has on the setting of Home Farm is acceptable subject to conditions including requiring the facing and roofing materials, and details of windows and doors, to be submitted to the council for approval. These conditions are recommended to be imposed on any planning permission. The proposal therefore accords with policy HE5 of the NLLP, policy CS6 of the CS and paragraphs 190, 195, 197 of the NPPF.

## Residential amenity

In terms of residential amenity, the site lies between Pas De Chat, a dormer bungalow, and Sturton Cottage, a two-storey dwelling. The site also shares a boundary with Cobbles Close and Holmesfield on Main Street, and Tunbridge, Oberland and The Paddock on Station Road. The proposed access will run adjacent to Pas De Chat, which has a stone wall and fence that rises to approximately 1.8m along the eastern boundary. Pas De Chat has a small secondary window in its western elevation. The access road is approximately 6.8m from Pas De Chat. It is not considered that the proposed access road would cause demonstrable noise and disturbance to Pas De Chat due to the existing boundary treatment and distance the access road is from this property. However, a condition will be used to ensure details of the boundary treatment, including its height and materials, are submitted to the council for approval. Plot 1 is over 14m from Pas De Chat and a small secondary dining room window is proposed at ground floor and an en-suite window at first floor. The en-suite window can be conditioned to be obscure glazed. The ground floor secondary window will be partially screened by the existing boundary wall to Pas De Chat. This secondary window will look onto the front drive of Pas De Chat and therefore no direct overlooking will be caused to that property. Plot 2 is over 30m from Pas De Chat. Plot 2 has habitable windows in its front elevation which face into the garden of Pas De Chat, but this is not the property's 'private garden' area as Pas De Chat's rear garden area is over 50m in depth. Adjacent to the rear boundary to Pas De Chat is a single garage which will be screened by the large existing outbuilding in Pas De Chat's garden. Plot 11 is over 36m from Pas De Chat. Due to the siting of plot 11 in relation to Pas De Chat no direct overlooking into this property or the private garden area will be caused.

Sturton Cottage is a modest two-storey dwelling. It is 18m from plot 1. Plot 1 has no habitable windows in its western elevation. Although plot 1 will be visible from Sturton Cottage no overlooking will be caused. Plot 1 has been designed as a cottage and will not be overbearing in terms of its scale and design. The impact on Sturton Cottage is judged to be acceptable.

Cobbles Close is a brick and stone, traditional cottage located tight to the road frontage of Main Street. Plot 11 is adjacent to its rear boundary. There is a distance of over 46m between plot 11 and Cobbles Close. Plot 11 has been designed as a two-storey dwelling with rooms in the roof space lit by rooflights. Due to the distance between these properties no demonstrable overlooking will be caused and the dwelling will not be overbearing on Cobbles Close.

Holmesfield is modern bungalow. Plot 10 is located to the rear of Holmesfield approximately 24m from it. Plot 10 has been designed as a dormer bungalow with rooflights in the roof space and a living room, bathroom and bedroom window on the ground floor in the rear (north) elevation. Boundary treatment can be conditioned to ensure privacy between plot 10 and Holmesfield is safeguarded.

Tunbridge on Station Road is a bungalow. Plot 10 is to the rear of Tunbridge and is a dormer bungalow with no windows in the eastern elevation. There is a separation distance of approximately 23m between plot 10 and Tunbridge. As a result of the design of plot 10 and its siting, no loss of residential amenity will be caused to Tunbridge.

Oberland on Station Road is an L-shaped bungalow. Plot 9 is a two-storey dwelling with rooms in the roof space. Plot 9 is located to the rear of Oberland, as is the proposed double garage to serve plot 9 and plot 8. In terms of separation distance, there is over 22m from

plot 9 to the rear extension of Oberland and over 30m to the main dwelling. Plot 9 will be visible from Oberland but again, due to its siting and design, there would not be any demonstrable overlooking into the private garden area of this dwelling, nor would plot 9 be overbearing on Oberland. In terms of the garage block, this is located across a small part of the rear boundary of Oberland and has been designed with a half hip roof to reduce its bulk, and its overall design is appropriate to the rural area. The rear of this garage block will be visible from Oberland but, due to its siting and design, no loss of residential amenity will be caused to Oberland.

The Paddock on Station Road is a bungalow. Plot 8 is a two-storey hipped roof dwelling. There are no windows in the eastern elevation. The Paddock will have a view of the eastern elevation of plot 8 and part of the detached garage block which serves plots 8 and 9. There is almost 30m from the flank wall of plot 8 to the dwelling, The Paddock. Again, due to the distance, and design and siting of plot 8 no demonstrable harm will be caused to The Paddock.

Wolds View on Station Road sits within a substantial plot. This property shares its northern boundary with the application site. Plots 7 and 8 are sited parallel to this boundary but are set well back from it. These plots will look over the substantial garden area of Wolds View but not the private garden area of Wold View and therefore no demonstrable harm to the amenity of this property will be caused.

A detailed assessment has been made of the impact the proposed development will have on adjoining residents. It is considered that no demonstrable harm will be caused to existing residential amenity by the development. In terms of future occupiers of the dwellings, no amenity issues will be caused as each plot has its own significant garden space and there is no direct overlooking between the proposed plots. The scheme has been well designed and its impact on residential amenity is acceptable. The proposal aligns with policies CS5 and CS7 of the CS, and policies H5, H8 and DS1 of the NLLP.

## **Trees**

An arboricultural report and arboricultural impact assessment has been submitted with this application. A number of trees and hedgerows will be removed on the site to facilitate this development. These trees are not protected as they are not within a conservation area or covered by tree preservation orders. These trees have been assessed and only two are Category B trees (moderate quality) and all the hedgerows are Category B (moderate quality). The arboricultural report is acceptable to assess the quality of trees on the site and the impact of the development. Some of the existing boundary hedgerows are shown to be retained. The comments from the tree officer are noted about the loss of trees and hedgerows on the site, as is the fact that the applicant is proposing a substantial planting scheme to mitigate their loss. There is concern from Highways and the council's ecologist over the proposed wildflower mix as common knapweed is proposed adjacent to the road which can, if allowed to grow as proposed, overhang the highway resulting in maintenance and visibility issues. As a result, it is proposed to impose a condition requiring a new landscape plan to be submitted to the council for approval which the council's ecologist and Highways will be consulted on. Any landscaping for the site will need to be significant, proposing new trees and hedging to mitigate the loss of trees and hedges on the site, along with existing boundary hedging to be retained. Subject to this condition, the proposal would align with policies LC12 of the NLLP, and CS5 and CS16 of the Core Strategy.

## **Ecology/biodiversity**

An ecology survey and a biodiversity metric calculation has been submitted with the application. The site is a greenfield site containing trees, hedgerows and grassland. These are to be removed to facilitate the development resulting in a net loss of existing habitat. Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted.

In this case, a residential scheme of 14 dwellings and associated development is proposed and it has not been possible to provide net gain on the site. As a result the applicant has agreed to provide an off-site financial contribution for biodiversity net gain of £58,000. This is calculated as follows: loss of 2.90 habitat units x £20,000 = £58,000.

On further reflection, the council's ecologist does not consider that a bat survey is required for the ash tree on the site which is covered in ivy as this has been surveyed as having low potential for a bat roost. Conditions are recommended to secure enhancements such as landscaping, bat bricks and nest boxes, which brings the proposal broadly in line with policy CS17 of the Core Strategy.

## **Land contamination**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The site is agricultural land and although it is no longer in production, with the site referred to as a 'paddock', it does have potential for contamination. A condition will therefore be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place, and the proposal will align with policy DS7 of the North Lincolnshire Local Plan.

## **Air quality**

Policy CS18 is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.

The council's Environmental Health department has assessed the proposal and has proposed a condition requiring a scheme for electric vehicle charging points to be submitted to and agreed in writing with the local planning authority prior to development. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

## **Noise**

Policy DS11 of the NLLP relates to noise. Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

A noise assessment has been submitted with the application due to the surrounding farming enterprise. Environmental Protection has been consulted on this report and proposes planning conditions that will mitigate noise from the adjacent farming enterprise and therefore the proposal will align with paragraph 187 of the NPPF and policy DS11 of the NLLP in terms of noise. Environmental Protection also proposed conditions which included a verification report to ensure that the noise mitigation measures, which comprise double glazing and trickle vents, are installed in the dwellings. This appears to be unreasonable bearing in mind that only 'standard double glazing and trickle vents' are required and therefore this proposed condition does not meet the five tests set out in paragraph 55 of the NPPF and is not recommended to be imposed on any planning permission. A condition relating to the noise mitigation measures themselves (double glazing and trickle vents) will be imposed on any planning permission to safeguard the amenity of future occupants of the dwellings in terms of noise and therefore the proposal will still fully align with policy DS11 of the NLLP.

## **Planning obligations**

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

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

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

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below, all of which the applicant has agreed to.

### ***Affordable housing***

Policy CS9 is concerned with affordable housing. Scawby is a rural settlement and policy CS9 seeks to ensure that 10% of the dwellings constructed on the site will be affordable. This equates to 1 affordable dwelling on the site. Alternatively, in this case, an off-site contribution towards affordable housing would also be acceptable as the council accepts that there are difficulties for Registered Providers to 'take on' 1 affordable house in a stand-alone development within a rural area. The applicant has agreed an off-site financial contribution towards affordable housing. The intention is for this contribution to be spent within the first five years in Scawby and if this is not achievable then the contribution will be spent within North Lincolnshire. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

### ***Public open space***

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant. In this case the applicant has agreed a financial contribution of £6,302.60 to be spent on improvements to the open space and parks in Scawby. The proposal therefore aligns with policy H10 of the North Lincolnshire Local Plan, and policies CS22 and CS23 of the Core Strategy.

### ***Leisure***

A contribution for leisure is required to mitigate the impacts the development will have on leisure facilities in Scawby and Brigg by providing a financial contribution to improve/expand sporting facilities. The contribution will be used towards developing a new 3G artificial grass pitch (AGP) to serve the wider Brigg locality (which includes the development site), for improvements towards natural turf pitches at Scawby Playing Fields, and for sports hall and fitness equipment to meet additional demand. This accords with policies CS22 and CS23 of the Core Strategy.

### ***Biodiversity***

It has not been possible to provide biodiversity net gain on the site due to the removal of some of the existing hedgerows, trees and grassed areas. As a result the applicant has agreed to provide an off-site financial contribution for biodiversity net gain of £58,000. This is calculated as follows: loss of 2.90 habitat units x £20,000 = £58,000. This will mitigate the impacts of the loss of biodiversity net gain on the site and the proposal will, subject to this contribution, align with policy CS17 of the Core Strategy.

### ***Obligations summary***

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9, CS22 and CS23 of the North Lincolnshire Core Strategy, H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

## Other matters

Comments in relation to agricultural land are noted. The site is agricultural land classification grade 2. However, the land is not in arable use and is a paddock. The area is surrounded by swathes of grade 2 and above agricultural land and therefore the loss of this relatively small area of land is acceptable in this regard. Issues of other development being refused in the vicinity of the site are noted. Each planning application is judged on its planning merits. There is no evidence to suggest that the existing infrastructure could not support this development.

## Pre-commencement conditions

All pre-commencement conditions have been agreed with the applicant.

## The planning balance

When applying the planning balance to this application, it is clear that due to the council's lack of a five-year housing land supply there is a need for housing in North Lincolnshire. Not only will this application significantly address this shortfall but there are significant benefits associated with this well-designed residential development. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from the well-executed and designed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

## Conclusion

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. On balance, the proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions and planning obligations set out below.

## Heads of terms

### *Affordable housing*

Number of dwellings or commuted sum	£74,105.20
Trigger point	On occupation of the 6 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	5 years within Scawby 5 further years within North Lincolnshire

### **Open space**

Off-site open space	£6,302.60 to be spent on improvements to the open space and parks in Scawby
Trigger point	On occupation of the 10 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### **Leisure**

Contribution amount	A total contribution of £13,889 is required if this application is successful. Broken down as follows: <ul style="list-style-type: none"><li>• £771 towards developing a new 3G artificial grass pitch (AGP) to serve the wider Brigg locality, which includes the development site</li><li>• £8,105 for improvements towards natural turf pitches at Scawby Playing Fields</li><li>• £5,013 for sports hall and fitness equipment to meet additional demand</li></ul>
Trigger point	On occupation of the 10 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### **Biodiversity**

Contribution amount	A total contribution of £58,000 is required if this application is successful
Trigger point	On occupation of the 8 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for off-site contributions towards affordable housing in Scawby/North Lincolnshire, open space, leisure facilities and biodiversity net gain, the committee resolves:**

- (i) it is mindful to grant permission for the development;**

- (ii) **the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) **if the obligation is not completed by 2 May 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits, and no affordable housing and biodiversity net gain contributions; and**
- (iv) **the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

- Proposed Site Plan (received 4 August 2022)
- Proposed Block Plan 1339/0003 Rev C
- House Type E 1339/0011
- House Type D 1339/0009 Rev A
- House Type C1 1339/0007 Rev A
- House Type A 1339/0005
- House Type B 1339/0004
- House Type C2 1339/0008
- Garage Types 1339/0010
- Existing Block Plan 1339/0002
- Site Location Plan 1339/0001
- Noise Impact Assessment Report dated 11/04/2022.

Reason

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

3.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow

over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

5.

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.

6.

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

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

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

Reason

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

7.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

8.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

Reason

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

9.

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.

10.

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.

11.

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.

12.

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

Reason

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

13.

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.

#### 14.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) 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 to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

#### Reason

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

#### 15.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

16.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on the site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

17.

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

#### Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

18.

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

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

19.

No development shall take place until a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase or prior to the occupation of any dwelling, the foul water drainage works relating to that phase or dwelling must have been carried out in complete accordance with the approved scheme.

## Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 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

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

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

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

### Part 2: Submission of Remediation Scheme

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

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Part 3: Implementation of Approved Remediation Scheme

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

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

### Part 4: Reporting of Unexpected Contamination

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

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

### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

21.

Construction, demolition 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, demolition 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 safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

22.

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) the 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) the 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) the 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 safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

23.

A scheme for the provision of electrical vehicle charging points shall be 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 before any dwelling is occupied 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 accordance with policy CS18 of the Core Strategy.

24.

Prior to the occupation of the development, the scheme of window glazing and trickle vents to be installed in the approved dwellings as detailed within Section 5.0 of report reference 'Environmental Noise Solutions Limited, NOISE IMPACT ASSESSMENT FOR PROPOSED RESIDENTIAL DEVELOPMENT AT LAND TO THE SOUTH OF MAIN STREET, STURTON, SCAWBY, DN20 9DL, Project No: NIA/10269/22/10410/v3 Sturton, Dated 24th August 2022' shall be implemented in complete accordance with these details and maintained thereafter.

Reason

To safeguard the amenity of future occupiers of the approved dwellings in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

25.

No above-ground works shall take place until samples of the external facing materials (brick and roof tile) to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the dwellings are in keeping with its surroundings in the interests of visual amenity and to preserve the setting of the adjacent listed building, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

26.

Before any above-ground works take place, scaled drawings at 1:10 or 1:20 of the external doors and windows to be installed in the approved dwellings, and the colour/staining of the windows and doors, shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall be installed in the approved dwellings and thereafter retained.

Reason

To ensure that the dwellings are in keeping with their surroundings in the interests of visual amenity and to preserve the setting of the adjacent listed building, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan and policies CS5 and CS6 of the Core Strategy.

27.

Notwithstanding the details of the fencing shown on the approved site plan, before any dwelling is occupied, full details of the positions, design, materials, colour and type of boundary treatment to be built/planted on the site shall be 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 and acceptable boundary materials on the site in accordance with policies HE5, H8 and DS1 of the North Lincolnshire Local Plan and policies CS5 and CS6 of the Core Strategy.

28.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected or alterations carried out to plot 1, nor any buildings installed within the curtilage, (Classes A, AA, B, C, D, E, F and H of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) other than those expressly authorised by this permission.

Reason

To preserve the setting of the adjacent listed building in accordance with policy HE5 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

29.

Before any dwelling is first occupied, all bathroom, en-suite and WC windows shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties, and the privacy of future occupants of the approved dwellings, in accordance with policy DS5 of the North Lincolnshire Local Plan.

30.

No above-ground works shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include

indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

**Reason**

To enhance the appearance of the development in the interests of amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

31.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed, or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

**Reason**

In the interests of the amenity of the locality in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

32.

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

- (a) details of at least 5 bat roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts and house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of heritage fruit tree varieties, trees, shrubs and flowering plants of high biodiversity value;
- (f) details to confirm that the measures proposed will provide at least 1% biodiversity net gain in accordance with the Biodiversity Metric 2.0;
- (g) proposed timings for the above works in relation to the completion of the buildings.

**Reason**

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

33.

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

10th dwelling, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

#### Reason

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

34.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features within the area of plot 1 and the adjacent access road
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories such as North Lincolnshire Museum and the ADS digital archive
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

35.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 days before commencement. Thereafter, the

archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

36.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

#### **Informative 1**

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

#### **Informative 2**

The applicant's attention is drawn to the comments made by the LLFA, Anglian Water and Humberside Fire and Rescue Services.

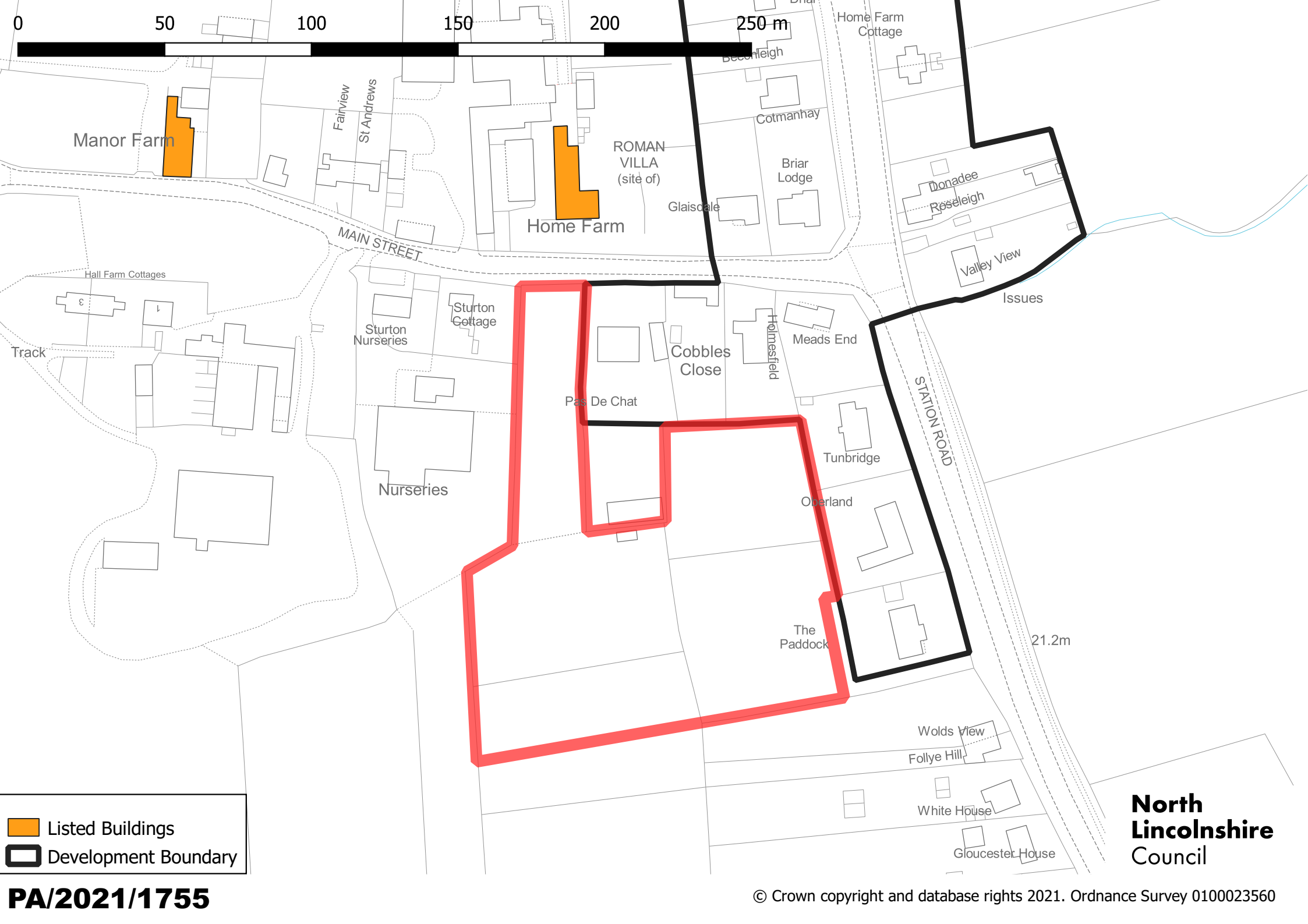
#### **Informative 3**

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

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 4**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**North  
Lincolnshire  
Council**

**AMENDED**



**PROPOSED BLOCK PLAN**  
 Scale - 1:500



**KEY :**

- Ownership Boundary:
- Site Boundary:

**NOTES :**

1. Prior to the commencement of work, the contractor and client are to check on-site all exterior dimensions, boundary positions and details to verify and agree upon. Any errors, omissions or design changes should be reported immediately to enable amended plans to be prepared and submitted for approval.
2. The contractor will be responsible for locating all hidden services that may be affected by the proposal and stopping off or diverting as necessary. Drainage runs shown are assumed and must be checked on site before work commences.
3. The requirements of the "Party Wall Act 1996" will apply to certain schemes. The "Building Owner" will in writing inform and agree with the "Adjoining owner(s)" if the proposed work affects the Party Wall or is within 3 meters of the foundations of the nearby building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
4. All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must task before proceeding.
5. This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing. All dimensions in millimeters. Written dimensions to be checked on site.
6. Drawings subject to Planning Approval & Building Control Approval.

Drawing Title:	<b>PROPOSED BLOCK PLAN</b>		
Project:	<b>HOUSING DEVELOPMENT</b>		
Location:	<b>MAIN ROAD, STURTON NORTH Lincs</b>		
Drawing Number:	Revision:		
<b>1339/0003</b>	<b>C</b>	1:50 / A2	
Project Stage:	Drawn By:	Checked By:	Date:
Planning			
web: <a href="http://hydearchitecture.com">hydearchitecture.com</a> tel: 01472 869061 email: <a href="mailto:info@hydearchitecture.com">info@hydearchitecture.com</a>			