

<b>APPLICATION NO</b>	<b>PA/2023/1034</b>
<b>APPLICANT</b>	Mr and Mrs J Chapman
<b>DEVELOPMENT</b>	Outline planning permission to change the use of existing vacant brownfield commercial land to residential housing land and erect up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments, all matters reserved for subsequent consideration
<b>LOCATION</b>	51 to 55 Waterside Road (former Osgerby Haulage and Warehousing), Barton upon Humber, DN18 5BH
<b>PARISH</b>	<b>BARTON UPON HUMBER</b>
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to an S106, approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barton upon Humber Town Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

- H5 New housing development
- H8 Housing design and housing mix

H10 Public open space provision in new housing developments

T1 Location of development

T2 Access to development

T6 Pedestrian routes and footpaths

T8 Cyclists and development

T19 Car parking provision and standards

LC1 Special Protection Areas, Special Areas of Conservation and Ramsar sites

LC2 Sites of Special Scientific Interest and National Nature Reserves

LC3 Local nature reserves

LC4 Development affecting sites of local nature conservation importance

LC5 Species protection

LC6 Habitat creation

HE5 Development affecting listed buildings

HE9 Archaeological evaluation

DS1 General requirements

DS3 Planning out crime

DS7 Contaminated land

DS11 Polluting activities

DS13 Groundwater protection and land drainage

DS14 Foul sewage and surface water drainage

DS16 Flood risk

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Spatial distribution of housing sites

CS8 Overall housing provision

CS9 Affordable housing

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS22: Community facilities and services

CS23 Sport, recreation and open space

CS25 Promoting sustainable transport

CS27 Planning obligations

**Housing and Employment Land Allocations Development Plan Document:**

PS1 Presumption in favour of sustainable development

**Barton upon Humber Neighbourhood Development Plan:**

- **Barton Design Code Submission**
- **Barton upon Humber Housing Needs Assessment**

The Barton Neighbourhood Development Plan (BNDP) has undergone examination and following careful consideration of the recommended modifications outlined in the [Examiner's Report](#), along with their justifications, the council has resolved to accept these changes as specified in the [Decision Statement](#). The BNDP will now proceed to referendum and therefore carries significant weight in decision-making. Relevant policies are:

BNDP1 High quality design

BNDP2 Accessible and adaptable dwellings

BNDP3 Home working

BNDP4 Sustainable design and construction

BNDP5 Housing mix

BNDP6 Space standards

BNDP7 Building for a healthy life

BNDP11 Green infrastructure and biodiversity

BNDP12 Tree planting

BNDP13 Archaeology

BNDP14 Flood resilience

BNDP17 Residential parking

BNDP18 Pedestrian and cycle connections

### **Other relevant legislation**

Conservation of Habitats and Species Regulations 2017

## **CONSULTATIONS**

### **Highways:**

**Original plans:** The principle of residential development in this location is acceptable from a highways perspective. The proposed site is in a relatively sustainable location, within walking and cycling distance of Barton Interchange for bus and rail services, the town centre and employment opportunities.

We note that the application is for outline planning permission with all matters reserved and therefore have assumed that the proposed site layout is indicative. The access road is shown as 6m wide, narrowing to 5m wide. The rationale for these widths is unclear as we would generally expect such an access road to be 5.5m, with footways on either side. The radii on the bends need to be smooth curves they are currently shown as more angular.

There is an existing footway across the site frontage, although this would benefit from some improvements and construction works.

We would therefore recommend conditions are applied to any planning permission that you may be minded to grant. The recommended conditions relate to access, visibility, parking and highway improvements

**Amended plans:** We have reviewed the additional information submitted. Although layout is reserved and the submitted layout is indicative, we do have some reservations about some of the proposed parking provision – particularly plots 28 to 30 and 32 to 33, which appear to be served by a parking court – and how well used this facility will actually be, or whether it will lead to inappropriate parking on the access road. We appreciate that this is an issue to be determined as part of any reserved matters planning application but recommend that it is considered as part of the final layout.

**Active Travel:** No comments.

### **Environment Agency:**

**Original plans:** In the absence of an acceptable flood risk assessment (FRA) we object to this application.

**Amended plans:** The revised FRA satisfactorily addresses the concerns set out in our consultation response of 2 November 2023. Subject to the imposition of the conditions below, we therefore withdraw our previous objection. Recommended conditions:

- The development shall be carried out in accordance with the approved flood risk assessment.

- The ground floors of the dwellings hereby approved shall be used for garages, storage, WCs, utility rooms, bath/shower rooms only and for no other, habitable, accommodation.
- Notwithstanding the provision 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 to the dwellings to provide additional habitable/living accommodation shall be erected.

The EA also advise that a flood risk emergency plan for the development is obtained and that the sequential test will need to be applied and passed.

#### **North East Lindsey Drainage Board:**

**Original and amended plans:** The site is in flood risk 2/3 (now zone 3) and is therefore at high risk of flooding. An FRA is included in the application; however, it does not include appropriate mitigation. Object due to no access for maintenance of the watercourse. Recommend conditions that no development shall commence until the LPA [local planning authority], in consultation with the LLFA [Lead Local Flood Authority], has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should be agreed. Access should be agreed with the LPA and the third party responsible for the maintenance. A maintenance strip is left in the initial documentation.

#### **Drainage (Lead Local Flood Authority):**

**Original plans:** Object. The outline planning application does not provide a principle drainage strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100-year storm event plus CC based on SuDS principles, including adoption/maintenance proposals. Although this application is outline, the indicative layout does not appear to make space for SuDS on the development. Consequently, the proposal fails to comply 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 NPPF [National Planning Policy Framework].

**Amended plans:** The revised drawing still fails to provide outline storage quantities/calculations for the 100-year flood event. However, it appears to make space available for SuDS features on the site. Based on the above, and given the status of the (outline) application, the LLFA Drainage team withdraw their objection to the proposed development subject to the imposition of planning conditions and informative comments in relation to the submission of a surface water drainage scheme, implementation and details to prevent surface water run-off from the site onto the highway and vice versa.

Whilst the amended drawing refers to attenuation and discharge, no method of how that will be achieved is shown on the amended drawing other than permeable paving; please provide further amendments which depict the flow path and travel method to outfall to allow further consideration of this application.

#### **Anglian Water:**

**Original plans:** Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account

and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable, then the sewers will need to be diverted at the developers' cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons, therefore, it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

The foul drainage from this development is in the catchment of Barton On Humber Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. 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, we are unable to provide comments on the suitability of the surface water management.

**Amended plans:** No further comments.

#### **Environmental Protection:**

##### **Original plans:**

*Contamination:* Recommend a Phase 1 assessment is submitted. In the absence of this assessment, a full contamination condition is proposed.

##### **Amended plans:**

*Contamination:* This department agrees with the recommendations that an intrusive ground investigation is required to assess the potential contaminant linkages identified within the CSM [conceptual site model]. Recommends the full contamination condition.

*Noise:* The proposed site is immediately adjacent to industrial premises and therefore there is the potential for adverse impact from activities on site. In order to determine the noise impact on the proposed development from nearby industrial premises, this department would recommend that a noise impact assessment is undertaken prior to determination. The proposed development is situated in close proximity to residential dwellings. Noise, dust and light generated during the development phase have the potential to impact residential amenity. To prevent local residents and other sensitive receptors from being affected during the construction of the proposed development, conditions are

recommended in relation to restriction on working hours and operations, and submission of a CEMP [construction environmental management plan].

*Noise (comments on noise assessment):* Uncertainties in the submitted noise assessment in relation to a BS4142:2014 assessment not having been undertaken, there is only one day and night providing background and ambient data for the site, and the report states monitoring has been undertaken over an entire weekend and weekday; however, the dates of the monitoring include three weekdays, two of which have been removed. No weekend monitoring has been undertaken.

*Noise (comments on updated noise assessment):* The report has been updated and addresses the comments made by this department. No objection subject to conditions requiring the mitigation measures proposed to be installed/implemented on the site and the submission of a verification report.

**Archaeology:** There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further archaeological investigations are required.

**Historic England:** Does not wish to offer advice.

#### **Conservation:**

**Original plans:** The vacant site at present is an eyesore and provides a negative setting to the identified heritage assets. Development of the site in a sympathetic fashion, subject to the design, materials, scale, form and massing of proposed dwellings, would be supportable; alongside a scheme of landscaping, development here could improve the setting of the listed buildings. In the area bounding Waterside Road and adjacent 43 to 49 Waterside Terrace, the proposal for a small terrace is in keeping with the character of this area and is a supportable form of development here. The dwellings in the space behind are potentially less impactful on heritage assets, though assessment of views of the mill tower, which are now prevalent across the vacant site and are considered to contribute positively to the experience of the mill's significance, need further exploration, and if necessary, thought needs to be given to maintaining glimpse views of the mill tower if the site is to be developed. The information that would be given in reserved matters applications at a later date will allow for fuller assessment over the impact on heritage assets and establish whether the application will meet requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy HE5 of the local plan.

**Amended plans:** The outline application is for erection of 38 dwellings on a brownfield site. The site is situated adjacent to 43 to 49 Waterside Road, a group of grade II listed buildings; further away but viewed in conjunction with the site is the nearby listed windmill. The noting of the preservation of a positive view of the listed windmill tower through the proposed development from close to plot 19, a view which is also notable from St Chad's Way, is a positive feature of the development.

The general principle put forward here regarding the heights of plots 1 to 5 that would infill the site between the listed terrace and terrace of houses starting at no. 57 is acceptable. The reduced height would ensure the new building would not visually detract from the presence of the listed terrace in the street scene. There is room for improvement of this through the slight stepping back of the new terrace from the pavement; this would create further visual separation mitigating impact on the setting of the listed terrace.

The form of plots 1 to 5 looks to mirror that of the listed terrace through mirroring of the part-hipped, part-pitched roofscape, and use of a feature glazing on plot 1 to mirror the shopfront feature of 49 Waterside Road. This, as a principle, is acceptable as a design approach to integrating a new development in this setting. The general design of these plots (proposed red brick and red clay pantile roof tiles, which is typical of the Lincolnshire vernacular, and subject to securing the detail of materials) again, is a generally acceptable principle.

With regard the indicative design of fenestration and doors, the use of windows and doors of a contemporary style is not appropriate here and would harm the setting of the terrace of listed buildings. An appropriate design approach here would be to draw from the many examples of good quality Georgian houses found within Barton-upon-Humber to provide authentic Georgian-style dwellings comprising panelled doors, sash windows and suitable sills, lintels etc.

Principally, the design of plots 1 to 5 would have the most visible impact on the significance of the listed terrace. The wider development would alter the setting of the listed buildings but the impact would be less harmful on its setting, though it should be noted, alongside other new development around Mill View, the addition of further contemporary style dwellings will cause cumulative harm.

The provision of a scheme with a cohesive and consistent design scheme that respects the significance of identified heritage assets and the well-defined historic character of buildings within the wider town of Barton-upon-Humber must be sought here to avoid the further addition of a discordant modern development. The design in its present iteration will harm the significance of the listed buildings. The level of harm is less than substantial, however would be consequential if not addressed through design revisions. The proposal contravenes the requirement of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor does the design meet relevant local plan policies HE5 or CS6. Under national planning policy, great weight should be given to the conservation of the heritage assets – the relevant paragraphs here are 205, 206 and 208.

### **Natural England:**

**Original plans:** (Summarised) As submitted, the application could have potential significant effects on the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and the Humber Estuary Site of Special Scientific Interest (SSSI). Natural England requires further information to determine the significance of these impacts and the scope for mitigation. The following information is required as part of the Habitats Regulations Assessment: Further information relating to potential impacts on the Humber Estuary designated sites from recreational pressure/disturbance, water quality, and in-combination impacts.

**Amended plans:** No objection subject to appropriate mitigation. Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar;
- damage or destroy the interest features for which the Humber Estuary Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Mitigation measures for recreational disturbance impacts, as outlined in sections 6.6 and 8 of your Habitats Regulations Assessment (October 2025). This primarily comprises a financial contribution to a Strategic Access Management and Mitigation Strategy (SAMMs)
- Mitigation measures for water quality impacts, as outlined in sections 7.5 and 8 of your Habitats Regulations Assessment (October 2025). We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

**Ecology:** A Habitats Regulations Assessment will be required. The surveyor found no evidence of protected or priority species on site. The proposal will lead to a measurable net loss of 2.21 habitat units on site, contrary to policy CS17 and NPPF 186 d). A Section 106 agreement will be required to secure off-site habitat units.

**Humberside Police:**

**Original plans:** No objection. Provide advice on designing out crime to be considered and identified at reserved matters stage.

**Amended plans:** No objection.

**Humberside Fire and Recue Service:** Generic advice in relation to access for the fire service and provision of water supplies for fire-fighting.

**Citycare CCG:** On behalf of the NHS North Lincolnshire Health Care Partnership, we would like to request consideration for Section 106 funding in relation to the planning application for 38 dwellings at Osgerby Haulage Repair Garage, Barton upon Humber. The nearby surgeries in Barton upon Humber, including West Town Surgery and Central Surgery are already under pressure due to limitations with space. Therefore, any increase in new housing is likely to impact requests for new patient registrations, potentially increasing the list size and demand for clinical services.

We suggest the methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £864.03 per dwelling:

£864.03 x 38 housing units = £32,833.14.

Should the S106 funding be successful, it would be used to potentially increase space for the delivery of primary care services and wider community services, which will benefit local patients. Whilst the proposal is one housing development in the local area, the cumulation of all new housing proposed will add to the pressure already faced by the nearby practices. We hope this request is reasonable at the scale in relation to this application.

**Strategic Housing:** An appropriate mix of housing is necessary to secure mixed and balanced communities where people's needs and aspirations for new housing are met. Housing mix refers to both the size of the property (number of bedrooms) and the type of housing, whether detached, semi, terraced or apartments, including adaptive and accessible properties.

The housing mix proposed for this development is as follows:

- 1 bedroom = 0 units
- 2 bedroom = 10 units
- 3 bedroom = 20 units
- 4+ bedroom = 38 units.

The North Lincolnshire Housing and Economic Needs Assessment 2020 proposes the following bedroom mix:

- 1 bedroom = 8.1%
- 2 bedroom = 22.5%
- 3 bedroom = 53.1%
- 4+ bedroom = 16.3%.

The mix of properties on the development is in acceptable conformity.

### ***Affordable housing***

Policy CS9 states a requirement to provide 20% affordable housing in this locality, therefore 8 dwellings. There is no information on the application regarding the affordable housing.

The North Lincolnshire Housing and Economic Local Needs Assessment 2020 concluded that North Lincolnshire requires 69% of affordable homes should be social/affordable rented housing and 31% should be intermediate housing.

## ***Housing need***

North Lincolnshire has an ageing population which means that it is important that more homes are constructed at an adaptable standard to give greater choice and the opportunity for older people to remain in their homes, whilst supporting and encouraging the provision of specialist and older person housing when appropriate.

The council's Specialist and Supported Housing Position Statement sets out the following objectives in relation to housing for people with physical disabilities:

- Increased number of new homes are developed that include adaptable homes to Part M4(2) Building Regulations.
- Increased number of new homes are developed that include adaptable homes to Part M4(3) Building Regulations.

### **S106 Officer:**

***Affordable housing:*** There is a requirement for 20% affordable housing in Barton. This equates to 8 dwellings to be provided for affordable housing. The application form states that all 38 dwellings are for market sale. We do request that 8 of these are provided as affordable housing. The tenure of these affordable dwellings should be discussed and agreed with the Strategic Housing Development Officer to be secured within the S106 agreement.

***Education:*** Based on current 2023/24 figures, the education contribution for development in Barton is as below:

- Amount per dwelling for primary: £4,807
- Amount per dwelling for secondary: £5,795.

Therefore, if both primary and secondary contributions are sought, then the total education contribution per market dwelling amounts to £10,602 per dwelling (affordable dwellings are excluded from the education payment).

***Recreation:*** A total contribution of £43,540 is required if this application is successful towards the anticipated costs, which are broken down as follows:

- £7,978 towards improvements to the natural grass pitches and all-weather provisions that serve Sub area 7
- £9364 towards outdoor changing room facilities
- £13,467 for swimming facilities
- £12,255 towards sports hall and fitness improvements, and
- £476 for improvements to indoor bowling facilities.

***Informal open space:*** For a development of this size, 10sqm per dwelling of informal open space is required on site, totalling 380sqm on site. For the council to acquire this open space, we would request a contribution of £16,277.80 to cover the maintenance of the land

for a period of 10 years. The Proposed Indicative Site Plan shows that no informal open space is provided on site. The council will request a contribution of £16,277.80 to use towards the improvement and maintenance of other recreational areas within Brigg.

**Area of play:** On a development of this size, there is usually a requirement to provide a Local Area of Play (LAP) on site. No LAP is proposed on the site layout plan. The council are willing to accept an off-site contribution towards the improvements, upgrades and maintenance of existing play parks within Barton. An off-site contribution for a LAP equates to £33,668.

**Biodiversity:** A biodiversity net gain must be secured on site. If this cannot be done through conditions on site, it may need to be included in a Section 106 agreement. The brownfield nature of the site is noted, and it is likely that no financial contribution towards biodiversity net gain will be required.

**Health:** On behalf of NHS North Lincolnshire Health Care Partnership, we would like to request consideration for Section 106 funding in relation to the planning application for 38 dwellings in Barton. We suggest the methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £864.03 per market dwelling.

**Public transport:** Not requested on a development of this size.

**Community asset:** Barton Town Council have requested an S106 contribution towards the renovation and upgrading of the Assembly Rooms which is a valuable and well-used community asset in the centre of Barton. The amount requested by Barton Town Council is yet to be confirmed.

If any of the above contributions, once confirmed through the application process, are challenged on the grounds of making the scheme unviable, a full viability assessment will need to be carried out.

**Further comments:** The conclusion of the independent viability review has concluded that the scheme can viably support an S106 contribution of £221,000. This is based on 0% affordable housing provision.

## TOWN COUNCIL

**Original plans:** Committee have raised the following concerns – there are no floor plans of the houses and no elevations. The design is unimaginative and of very high density. There are no communal green spaces. However, it is positive to see a brownfield site potentially being re-developed and if the application is to be approved at any time then the town council would respectfully request some S106 funding to be considered for the renovation and upgrading of the Assembly Rooms, a valuable community asset in the centre of town that recreationally benefits a huge number of people and community groups within the town and neighbouring parishes.

**Amended plans:** Committee noted there were two less houses and in addition a play area. There is still no communal green area included and the previous objections still stand. However, it is positive to see a brownfield site potentially being re-developed and if the application is to be approved at any time then the town council would respectfully request some S106 funding be considered for the renovation and upgrading of the Assembly

Rooms, a valuable community asset in the centre of town that recreationally benefits a huge number of people and community groups within the town and neighbouring parishes.

**Amended plans/additional information:** Members were concerned that the developer cannot afford to fund an S106 agreement or include affordable housing in the scheme. No change to original comments.

## **PUBLICITY**

The application has been advertised by site and press notices. The amended plans have been advertised by site notice. In response to the original and amended plans 4 letters of objection have been received raising the following matters:

- object to the one-way system going into St Chad's Way
- unsafe access
- nowhere for children to play
- flooding
- hammer-piling should not be used for the foundations
- more housing types should be provided on the site
- the site should be for community use.

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

- revitalising a brownfield site
- renovation of the Assembly Rooms in Barton.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **RECENT PLANNING HISTORY**

PRE/2020/27: Proposed housing development of 21 dwellings

PA/1998/0482: Planning permission to erect security gates and fencing to parts of north and east boundaries – approved 19/05/1998.

## **SITE CONSTRAINTS**

The application site is within the development boundary of Barton upon Humber as defined by the Housing and Employment Land Allocations Development Plan Document (HELA DPD). It is approximately 0.81 hectares and is L-shaped.

The site is regarded as brownfield land (previously used land) and has been placed on the council's brownfield register. It was a former commercial haulage yard and the majority of it comprises hardstanding areas. The site is broadly level and slightly lower than Waterside Road. It is fenced with galvanised steel palisade fencing, plus two small sections of brick

walling. The site is surrounded to the north and south by old and new block and terrace style housing. To the east is The Ropewalk and to the west are commercial/warehousing premises.

The site is close to a number of listed buildings which include 43 to 49 Waterside Road, and the windmill and adjacent house to the west, all grade II. The site has limited potential for archaeological remains.

The site is also close to the Humber Estuary, which is a designated Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and Site of Special Scientific Interest (SSSI).

The site lies within flood zone 3 (sea) in the updated Environment Agency's flooding maps and is therefore at high risk of flooding.

## **ASSESSMENT**

### **Proposal**

This is an outline application for change of use of existing vacant brownfield commercial land to residential housing land and the erection of up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments, and all matters reserved for subsequent consideration.

### **The main issues associated with this proposal are:**

- **the principle of the development**
- **highway matters**
- **flood risk and drainage**
- **design and scale**
- **impacts on heritage assets**
- **environmental issues**
- **design/impacts on living conditions/residential amenity**
- **ecology/biodiversity**
- **viability and S106 obligations.**

### **Principle of the development**

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP), adopted in May 2003; the North Lincolnshire Core Strategy (NLCS), adopted in June 2011; and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) which was adopted in March 2016. Material considerations

exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

In addition, the Barton upon Humber Neighbourhood Development Plan 2024–2039 has been submitted to North Lincolnshire Council for examination. Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In this case, substantial weight can be given to the Barton upon Humber Neighbourhood Development Plan 2024–2039 as it is at an advanced stage of preparation, there is only an unresolved objection to local green spaces and the plan is consistent with the NPPF.

Policy CS1 of the CS focuses on supporting market towns as thriving places to live, work and visit, and as important service centres to serve the needs of local communities across North Lincolnshire. This includes providing important services for rural communities, an appropriate level and range of new housing development to support market towns as sustainable communities, and encouraging small and medium-scale employment opportunities to provide local jobs. This outline application comprises up to 34 dwellings with associated roads, driveways, gardens, landscaping and boundary treatments within the market town of Barton upon Humber. The proposed residential use is therefore in line with the spatial strategy and is supported in principle by policy CS1 of the CS. Policy CS2 of the CS states, 'In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

1. previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions;
2. previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs;
3. small-scale developments within the defined development limits of rural settlements to meet identified local needs.'

The site is a brownfield site within the development boundary of the market town of Barton upon Humber. It therefore conforms with policies CS2 and CS3. The principle of housing development in this location is therefore acceptable.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40 to 45 dwellings per hectare on sites within the market towns. However, this policy also states that, whilst housing developments should make efficient use of land, the density of new

developments should be in keeping with the character of the area. The proposed development (up to 34 dwellings) results in a density of approximately 42 net density per hectare, which aligns with policy CS7.

The proposal conforms with policy CS8 as the Core Strategy focus for housing development is Scunthorpe and the market towns, which includes Barton upon Humber. The site is a brownfield site with all the proposed dwellings lying within the development limits of the settlement. The proposal therefore conforms with policy CS8 criteria.

The proposal does therefore comply with the council's strategic housing policies set out in the development plan. It should also be noted that, following a recent appeal decision, it is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; the housing policies are therefore considered out of date and carry limited weight. As such, the 'tilted balance' set out in paragraph 11. d) of the NPPF is engaged – presumption in favour of sustainable development. The 'tilted balance' applied to the decision-making process requires that permission be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The NPPF is a material consideration in determining this application, and this matter will be discussed in the 'material considerations' section below.

In terms of strategic policies, the proposal is compliant. An assessment of the technical merits of the proposal are discussed below.

### **Highway matters**

Highways have been consulted on the proposals and have raised no objections. The site is in a very sustainable location close to public transport links (within walking distance of the Barton bus and rail interchange) and within walking and cycling distance of the town centre.

Access is reserved for future consideration. The indicative layout does show a parking court arrangement to serve 5 plots which Highways have some reservations about. However, the site layout is only indicative at this outline stage. The car parking arrangements will be assessed within the layout of any reserved matters application submitted.

Highways have proposed a number of planning conditions relating to access, car parking, highway improvements to the footway on the site frontage, and the submission of a construction and traffic management plan. It is recommended all the proposed highway conditions are imposed on the outline planning permission if granted. Subject to the aforementioned conditions, the proposal is considered to be acceptable in highway terms and aligns with policies T1, T2, T6, T8, T19 and DS1 of the NLLP; CS1, CS2, CS5 and CS25 of the CS; BNDP17 and BNDP18 of the Barton upon Humber Neighbourhood Plan; and chapter 9 of the NPPF (paragraphs 109, 110, 115, 117 and 118).

### **Flood risk and drainage**

Policies CS19 of the CS and DS16 of the NLLP relate to flood risk, as does BNDP14 of the Barton upon Humber Neighbourhood Plan. Policies CS18 and CS19 of the CS, DS14 of the NLLP, and BNDP14 of the Barton upon Humber Neighbourhood Plan relate to drainage. The NPPF (section 14) is also relevant. A flood risk and drainage assessment has been submitted with the application to assess the development's risk from flooding and the suitability of the site in terms of drainage. In addition, documents have been submitted in

relation to SuDS. The Lead Local Flood Authority (LLFA), Environment Agency (EA), Anglian Water (AW) and internal drainage boards have all been consulted on the proposals.

### ***Flood risk***

Turning first to flood risk, the site is within flood zone 3 of the EA's updated flood risk maps (issued March 2025) and within the council's SFRA, and is classified as 'more vulnerable' development in terms of flood risk. An amended FRA has been submitted to the local planning authority which the EA considers to be acceptable subject to a series of conditions including finished first-floor levels to be set no lower than 6.25 metres above Ordnance Datum, all habitable accommodation to be at first-floor level or above and removal of permitted development rights for extensions. All the conditions recommended by the EA are recommended below.

The proposal is for 'more vulnerable' development in a high flood risk zone; there is, therefore, a requirement for the sequential and exceptions tests to both be applied and passed. This is set out within the NPPF, PPG and policy CS19 of the CS.

The site is located within the development limit of Barton upon Humber and the area of search will be within the development limit of Barton upon Humber. The applicant has submitted a sequential test to the local planning authority and has assessed comparable, available sites within Barton upon Humber within a lower flood-risk zone. Based on a land sales search, there are no sites available which can accommodate the scale of development proposed at a lower risk of flooding. It is therefore considered that the sequential test is passed in this case.

The exceptions test then needs to be applied. The applicant has provided information in support of the planning application within the planning statement. This supporting information sets out how the development is considered to be sustainable in terms of proximity and support to local services and transport links. In terms of community benefits, the planning statement highlights the proposal would widen the local housing stock, make use of a vacant, brownfield site, and support and retain local services. The site is adjacent to housing, and housing on the site would be more appropriate than industrial development. The FRA states the finished floor levels of the proposed dwellings will range from 3.65m to 4m (AOD) with no habitable accommodation on the ground floor. Appropriate openings within the front and rear walls of the building are required which would allow flood waters to enter and exit the buildings. The exceptions test is passed as it has been demonstrated, particularly as the council cannot demonstrate a 5-year housing land supply, that this proposal for redeveloping this brownfield site for housing, located in a highly sustainable location, will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime without increasing flood risk elsewhere.

To summarise, it is considered that the revised FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere and no objections, subject to planning conditions, have been received from the EA. Both the sequential and exceptions test have been passed for the proposed development. The proposal, in terms of flood risk, therefore aligns with policies CS19 of the CS, DS16 of the NLLP and BNDP14 of the Barton upon Humber Neighbourhood Plan, the NPPF and PPG.

## ***Surface water drainage and SuDS***

In terms of surface water disposal and SuDS, the applicant has submitted drainage information including plans showing the location of SuDS. The application is in outline form with the 'layout' a reserved matter so exact drainage details are not known at this stage. The submitted information shows surface water to be connected to an attenuation feature then discharged into the open drain/ditch to the western boundary.

The LLFA, EA and AW have been consulted on all the submitted information and no objections have been raised subject to planning conditions to secure an acceptable surface water disposal scheme for the site including future maintenance, access for maintenance of the watercourse and discharge rate. The IDB objects to the application as no adequate access for maintenance of the watercourse is shown to the western boundary. The indicative layout has been amended to show a maintenance strip. As the application is in outline form, a planning condition will be used to secure this maintenance strip which will need to be shown within any subsequent reserved matters submission together with access and maintenance details for this water course.

The proposed planning conditions relating to surface water disposal are recommended below. In terms of surface water, the proposal is considered to be acceptable and aligns with policies CS18 and CS19 of the CS, DS14 of the NLLP and BNDP14 of the Barton upon Humber Neighbourhood Plan, and paragraphs 170 and 173 to 182 of the NPPF.

## ***Foul water***

The applicants intend foul water to be collected into a pumping station then pumped off site into the nearest Anglian Water sewer. The application is in outline form with the 'layout' a reserved matter so exact foul drainage details are not known at this stage.

Anglian Water have commented that the foul drainage from this development is in the catchment of Barton On Humber Water Recycling Centre that will have available capacity for these flows. In terms of the used water network, the sewerage system at present has available capacity for these flows and if the developers wish to connect to their sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers and it is recommended that the applicant contacts Anglian Water for further advice on this matter.

Anglian Water have also commented that the development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot easily be relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

The comments from Anglian Water are noted. There is capacity in the system to accept the foul flows from this development. Any reserved matters application will need to take into

consideration the public sewer on the site. In response to the matter of proposed dwellings located over 15m from the existing pump station located outside the application site, this is noted and is also a matter that will need to be addressed through any subsequent reserved matters application.

To ensure that satisfactory foul water drainage can be achieved on the site, planning conditions are recommended requiring a scheme for foul drainage for the site to be submitted to the council before development takes place. Anglian Water will be consulted on any foul water details submitted. Therefore, subject to the recommended condition, the proposal would align with policy DS14 of the NLLP.

### **Design and scale**

The design and scale of the dwellings are unknown at this stage as all matters are reserved; however, they need to incorporate the flood risk mitigation measures required by the EA. In this case, this means that the dwellings will need to be designed with non-habitable accommodation on the ground floor to comply with condition 30 below, which has been recommended by the EA.

The FRA states that the finished floor levels of the proposed dwellings will range from 3.65m to 4m (AOD) and existing ground levels are shown on the plans ranging from 3.6–3.9m. The EA recommends a condition requiring the first floor to be set no lower than 6.25m above Ordnance Datum (condition 28 below).

These conditions recommended by the EA will result in the dwellings being either three-storey or two-and-a-half-storey with rooms in the roof space. It should be noted that 43–49 Waterside Road to the south of the site are all three-storey buildings. To the north of the site on Waterside Road are two and three-storey dwellings. Some properties within the more recent St Chad's development are also three-storey. Therefore, it is considered that a well designed development, preferably comprising two-and-a-half (with rooms in the roof space) or three-storey dwellings, would not be out of character with the area, providing the overall design complies with planning policy, including impacts on the adjacent listed buildings. In principle, two-and-a-half-storey dwellings (with rooms in the roof space) or three-storey dwellings to meet the recommended flood risk conditions would be acceptable on the site. The proposal, subject to an appropriately designed scheme submitted at reserved matters stage, would comply with policies DS1, H5, HE5 and H8 of the NLLP, CS5 and CS7 of the CS, and chapter 12 of the NPPF.

### **Impacts on heritage assets**

Policy HE5 of the NLLP relates to development affecting listed buildings or the setting of listed buildings and policy HE9 relates to archaeological evaluation. Policies CS5 and CS6 of the CS are also relevant, as is chapter 16 of the NPPF. It should be noted at this stage that there are no detailed designs of the proposals as these matters are all reserved for future consideration. The applicants have submitted illustrative drawings of the proposed development on the site along with a Heritage Statement as required for validation purposes. Heritage impacts of the proposed residential development on the site still need to be assessed.

### **Archaeology**

Policy HE9 of the NLLP relates to archaeological evaluation and policy CS6 of the CS relates to the historic environment. Policy BNDP13 of the Barton Neighbourhood

Development Plan is also relevant, as is chapter 16 of the NPPF, relating to conserving and enhancing the historic environment. The council's archaeologists (HER) have been consulted on the proposals and raise no objections. There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. As a result, no further archaeological investigations are required and the proposals are acceptable in terms of archaeology.

### ***Listed buildings***

The designated heritage assets adjacent to the site comprise 43 to 49 Waterside Road – a group of terraced housing (grade II listed buildings) and the windmill and adjacent house to the west, also a grade II listed building.

The illustrative layout has demonstrated that the layout and heights of the proposed dwellings would preserve a positive view of the listed windmill and the view from St Chad's Way. The illustrative layout also shows the heights for the plots fronting Waterside Road would infill the site between the listed terrace and terrace of houses starting at 57 Waterside Road. The heights of the proposed frontage plots would need to ensure the new building would not visually detract from the presence of the listed terrace in the street scene. The scheme could be improved by potentially a slight stepping back of the new terrace from the pavement, creating further visual separation and mitigating the impact on the setting of the listed terrace; these principles will be sought through any subsequent reserved matters application. Flood risk mitigation measures required need to be taken into consideration at design stage and any two-and-a-half/three-storey dwellings proposed will need to ensure that the development will not detract from the setting of adjacent listed buildings. The illustrative scheme shows the proposed frontage plots designed to mirror the listed terrace through mirroring the part-hipped, part-pitched roofscape, and use of feature glazing on plot 1 to mirror the shopfront feature of 49 Waterside Road. This, as a principle, is acceptable as a design approach to integrating a new development in this setting and will again be sought within any future reserved matters application.

Principally, the design of plots 1 to 5 has the most visible impact on the significance of the listed terrace. The wider development would alter the setting of the listed buildings but the impact would be less harmful on their setting, though it should be noted, alongside other new development around Mill View, the addition of further contemporary style dwellings will cause cumulative harm. The provision of a scheme with a cohesive and consistent design scheme that respects the significance of identified heritage assets and the well-defined historic character of buildings within the wider town of Barton upon Humber must be sought here through any reserved matters application to avoid the further addition of a discordant modern development.

The council's conservation officer considers that 'The design in its present iteration will harm the significance of the listed buildings, the level of harm is less than substantial. The proposal contravenes the requirement of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor does the design meet relevant local plan policies HE5 or CS6. Under national planning policy, great weight should be given to the conservation of the heritage assets – the relevant paragraphs here are 212-215'. First of all, the application is in outline form and therefore the overall design, through the reserved matters themselves, is not known at this stage.

The harm to the setting of the adjacent listed buildings is less than substantial harm. The PPG, which is a material consideration in determining planning applications, advises: 'Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.' In terms of where this 'harm' sits within the category of less than substantial harm, the proposal sits on a moderate scale. The redevelopment of this vacant site with buildings will affect the setting of the adjacent listed buildings, in how they are seen/experienced and this will also be cumulatively with the more modern developments built out on St Chad's Way and Hewson's Mill. The site is vacant with only hardstanding and fencing visible on the site. Any form of redevelopment of this site would affect the setting of the adjacent listed buildings in terms of how they are viewed, seen and experienced. The public benefits of securing residential development will boost the council's housing land supply and provide additional housing in Barton upon Humber which will benefit the community of Barton. The redevelopment of this commercial site with residential properties, subject to an acceptable design, would improve the visual appearance of the site and improve the amenity of nearby residents in terms of reduced noise and disturbance. Therefore, in terms of paragraph 215 of the NPPF, the public benefits of the proposal outweigh the less than substantial harm (moderate extent of harm in this category of harm) caused to the setting of the adjacent listed buildings.

In terms of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.' In this case the listed buildings adjacent to the site will remain in situ and no works are proposed to the listed buildings themselves. In terms of setting, this is defined in the NPPF (Annex 2) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.' The setting of the adjacent listed buildings will change due to the site being redeveloped and cumulatively with the built residential developments on St Chad's Way and Hewson's Mill. However, the views of the windmill can be retained through careful design at reserved matters stage. Similarly, any frontage development on Waterside Road will need to be designed to be subservient, with some visual separation to the terrace of listed buildings and mirroring some of the features on the listed terraces such as hipped roof and feature glazing for example. Subject to an acceptable design at reserved matters stage, the proposals would preserve and potentially enhance the setting of the adjacent listed buildings.

To conclude, in terms of heritage assets, there are no impacts on archaeology. In terms of impacts on the adjacent listed buildings (heritage assets), there will be less than substantial harm (moderate scale of harm on this category) on the setting of these listed buildings. It is considered that the public benefits of redeveloping the site with residential development would outweigh the less than substantial harm (moderate extent of harm in this category of harm) caused to the setting of the adjacent listed buildings subject to an acceptable scheme being submitted at reserved matters stage. On balance, therefore, the proposal aligns with policies HE5 of the NLLP and CS6 of the CS, paragraphs 212, 213 and 215 of the NPPF, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Environmental issues**

### ***Contamination***

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. A commercial unit previously occupied the site with additional buildings on the site and hardstanding areas. A contamination report has been submitted with the application which has identified potentially contaminative land uses in the close surrounding area as a rope works to the northeast, brickyard and clay pit to the east, station and cycle works to the southeast, gas works and gas holders to the south and south west, a warehouse, works and depot to the west and south-west, and an orchard to the north.

The report has identified the site to be underlain by superficial Tidal Flat Deposits (TDF), with Ferriby Chalk the underlying bedrock. The TDF is classified as an unproductive aquifer, whilst the underlying Ferriby Chalk is a principal aquifer. The site is located in a groundwater source protection zone 3. Borehole records close by indicate the groundwater in the chalk aquifer is fully artesian. The report has also identified several potential sources of historical contamination.

The preliminary conceptual site model (CSM) has identified potentially contaminated soils associated with current and known historical site uses, contaminated groundwater resulting from soil contamination, potential for contamination originating from off-site sources, asbestos-containing materials within made ground, and permanent ground gases and vapours from soil contamination as potential sources of contamination. The CSM has assessed the risk to human health from contaminated soils as low to moderate, contaminated groundwater as low to moderate, off-site sources as low to moderate, asbestos-containing materials as moderate to very high and ground gases as moderate.

The CSM has identified potential pollutant linkages considered to require further risk assessment and investigation. The report recommends a detailed ground investigation is required comprising trial pits and boreholes to allow the observation of the thickness and composition of made ground and sampling of soils for potential contaminants including heavy metals, speciated PAHs, TPH, BTEX, VOC, free cyanide and asbestos.

As a result, Environmental Protection are recommending that an intrusive ground investigation is required to assess the potential contaminant linkages identified within the CSM or a full contamination condition is imposed on any planning permission. Subject to the imposition of the full contamination condition outlined above, the proposal is acceptable with regard to contamination and would align with policy DS7 of the NLLP.

### ***Noise***

Policies DS1 and DS11 of the NLLP relate to noise, along with policy CS5 of the CS. The site is close to a number of commercial uses and therefore there is the potential for adverse impact from activities on site. The applicant has submitted noise reports with the application. These noise reports have been assessed by Environmental Protection. The most recent noise report submitted confirms that noise mitigation will be required. This includes double-glazing configurations, a 2.1m acoustic fence between the industrial estate and plots 15 to 23, and switching the parking and garden areas to the western properties. Environmental Protection are therefore raising no objections in terms of noise but are recommending a series of noise-related planning conditions to mitigate noise impacts to the proposed dwellings and during construction works.

Environmental Protection are recommending specific noise mitigation measures as stated above. However, all matters are reserved so the layout and appearance of the development are not known at this stage. The noise assessment does demonstrate that with careful designing of the dwellings and the layout of dwellings on the site the development would be acceptable in terms of noise. Therefore, subject to noise mitigation conditions that are recommended below, the proposal is considered to be acceptable in terms of noise and the proposal therefore aligns with policies DS1 and DS11 of the NLLP, policy CS5 of the CS and paragraph 200 of the NPPF.

In terms of impacts on adjoining residential properties during construction works, in order to safeguard residential amenity, Environmental Protection are recommending conditions to control working hours for construction, demolition and site clearance and the submission of a CEMP [construction environmental management plan] to the local planning authority for approval. These conditions are recommended below and will ensure residential amenity is safeguarded during construction of the development. In this regard the proposal complies with policies DS1 and DS11 of the NLLP.

### **Design/impacts on living conditions/residential amenity**

In terms of design and residential amenity, taking into account the 'illustrative plans', it is considered that a scheme could be designed and laid out on the site to ensure that overlooking and privacy issues for adjacent properties are avoided, and the scheme could be designed to be in character with the area and to safeguard the setting of adjacent listed buildings. These matters would be assessed at 'reserved matters' stage.

Details of the housing mix would be subject to a planning condition to align with policies CS7 of the CS and BNDP5 of the Barton Neighbourhood Plan. All new dwellings will need to achieve NDSS [nationally described space standard] as a minimum to meet Building Regulations and align with policy BNDP6 of the Barton Neighbourhood Plan. Within any reserved matters application, the developer will need to demonstrate within the layout how the proposal can support and facilitate homeworking to align with BNDP3 of the Barton Neighbourhood Plan and to encourage accessible and adaptable dwellings to align with policy BNDP2. The proposed dwellings, through any reserved matters application, would also have to demonstrate sustainable design and construction and would need to be accompanied by an independent Building for a Healthy Life assessment to meet the requirements in policies BNDP4 and BNDP7 of the Barton Neighbourhood Plan. The proposal would accord with policies CS5 of the CS; H5, H8 and DS1 of the NLLP; and BNDP5, BNDP6, BNDP3, BNDP4 and BNDP7 of the Barton Neighbourhood Plan.

### **Ecology/biodiversity**

Chapter 15 of the NPPF, and policies CS5 and CS17 of the CS; LC1, LC2, LC5, LC6 and LC12 of the NLLP; and BNDP11 of the Barton upon Humber Neighbourhood Plan relate to ecological matters.

The site is in very close proximity to the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, and the Humber Estuary Site of Special Scientific Interest (SSSI). In light of this, Natural England (NE) have been consulted on the proposals along with the council's ecologist. NE consider that the application could have significant effects on the Humber Estuary SAC, SPA and Ramsar site, and the Humber Estuary SSSI.

The application requires a Habitats Regulations Assessment (HRA) to be carried out as set out in The Conservation of Habitats and Species Regulations 2017. This is to determine whether the project (proposed development) is considered likely to have a significant effect on a protected habitats site (SAC, SPA, Ramsar site, SSSI) (either individually or in combination with other plans or projects) then, if so, an appropriate assessment (AA) of the implications for the site, in view of the site's conservation objectives, must be undertaken by the council as competent authority. NE is consulted on the AA and the council has to take into consideration any comments made by NE on the AA. Where it cannot be concluded that there will be no adverse effects on a site's integrity, there is a need to consider potential mitigation. A competent authority (NLC) may only take account of mitigation measures intended to avoid or reduce the harmful effects of a plan or project as part of an appropriate assessment itself. In this case the proposal is considered to have a significant effect on a protected habitat site and therefore an Appropriate Assessment (AA) has been undertaken by the council's ecologist.

The proposal is for residential development. This will increase recreational disturbance on the Humber Bank by people visiting this area and also by walking dogs in this sensitive area. In order to mitigate impacts the council has prepared an Interim Strategic Access Management and Monitoring Strategy (SAMMS). The interim SAMMS is essentially a payment per dwelling that is secured through an S106. The S106 contribution for the SAMMS will secure a number of measures to mitigate impacts of recreational disturbance on the Humber estuary and includes a part-time facilitation officer, signage, dog waste bins, interpretation boards, and access improvement projects for example.

These mitigation measures within the interim SAMMS, secured through an S106, are also included with the AA. NE also consider there would be impacts from the development on water quality. Mitigation of impacts on water quality is to be dealt with through planning conditions to secure an acceptable surface water drainage scheme for the site, details of an acceptable construction surface water management plan, and an acceptable water quality scheme for the development.

NE has commented on the HRA/AA and has no objections to the proposals subject to appropriate mitigation set out in the AA (SAMMS payment through an S106 and planning conditions in relation to water quality) being secured.

Subject to the agreed AA, SAMMS (secured through an S106) and planning conditions to address water quality, the proposal is considered to be acceptable and would align with chapter 15 of the NPPF, policies CS5 and CS17 of the CS; LC1, LC2, LC5 and LC6 of the NLLP; BNDP11 of the Barton upon Humber Neighbourhood Plan, and the Conservation of Habitats and Species Regulations 2017.

In terms of biodiversity net gain (BNG), the site has limited biodiversity value as it is covered by hardstanding. The site has been appropriately surveyed and no evidence of protected or priority species was found. The mandatory 10% BNG does not apply to this application as it was submitted in 2023 before BNG became mandatory.

The council's ecologist has assessed the Biodiversity Metric 4.0 and Biodiversity Net Gain Assessment report and has concluded that there is a net loss of 2.21 habitat units, representing a net change of -70.99%. As the baseline value is 3.11 habitat units, the post-intervention value would need to be 3.14 habitat units to deliver a measurable net gain of 1%. The applicants propose to pay for off-site habitat units to deliver a net gain. This would need to be  $3.14 - 0.90 = 2.24$  habitat units. The off-site habitat creation, and management

for 30 years, can be secured by an S106 agreement. 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. However, the latter may be the only realistic option on this occasion. The ecologist is also recommending planning conditions to secure biodiversity enhancement and a species protection plan to be submitted to and approved by the local planning authority. Subject to planning conditions and BNG, the proposal would align with policies CS17 of the CS and BNDP11 of the Barton upon Humber Neighbourhood Plan, and the NPPF.

### Viability and S106 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 58 of the National Planning Policy Framework 2021.

The proposed S106 contributions for a fully compliant and viable development of this size, type and location are set out in the table below:

Contribution	Amount
Affordable housing	20% – 7 dwellings
Education	<p><b>Based on 34 market dwellings:</b></p> <p>Primary – £163,438</p> <p>Secondary – £197,030</p> <p>Total – £360,468</p> <p><b>Based on 27 market dwellings</b> (7 affordable in fully policy compliant scheme):</p> <p>Primary – £129,789</p>

	<p>Secondary – £156,465</p> <p>Total – £286,254</p>
Recreation	<p>£43,540 is required if this application is successful towards the anticipated costs, which are broken down as follows:</p> <ul style="list-style-type: none"> <li>• £7,978 towards improvements to the natural grass pitches and all-weather provisions that serve Sub area 7</li> <li>• £9,364 towards outdoor changing room facilities</li> <li>• £13,467 for swimming facilities</li> <li>• £12,255 towards sports hall and fitness improvements</li> <li>• £476 for improvements to indoor bowling facilities</li> </ul>
Informal open space	<p>10sqm per dwelling of informal open space is required on site, totalling 380sqm on site</p> <p>For the council to acquire this open space, we would request a contribution of £16,277.80 to cover the maintenance of the land for a period of 10 years.</p>
Local area of play (LAP)	<p>An off-site contribution for a LAP equates to £33,668. This will be used towards the improvements, upgrades and maintenance of existing play parks within Barton.</p>
Biodiversity	<p>To be secured on/off site</p>
Health	<p>£864.03 per market dwelling</p>
Community asset	<p>Barton Town Council have requested an S106 contribution towards the renovation and upgrading of the Assembly Rooms which is a valuable and well-used community asset in the centre of Barton.</p>

### **Viability**

The developer does not consider the site is viable for all the S106 contributions above and has submitted a viability assessment to the council which has been independently assessed.

Paragraph 59 of the NPPF states, 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.' Within policy CS27 the supporting text states, 'It is important that development costs, including the cost of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation (other

than those essential to allow the development to proceed) then this could be the subject of negotiations. In such cases, the developer will have to demonstrate non-viability via an “open book” approach.’

The applicant has concerns that the S106 contributions required would make the scheme unviable. As a result, the applicant has submitted a viability report. This has been independently assessed by a professional expert in this field who has concluded that the scheme can only viably support an S106 contribution of £221,000. The assessor also considers that the ‘Council may want to consider some form of clawback arrangement within the S106 agreement whereby a further open book appraisal will need to be completed after the scheme has been completed and if the clawback triggers are exceeded a further financial contribution in lieu of affordable housing and shortfall in the current S106 ask becomes payable to the Council.’ This is because a sensitivity testing, although not required for viability purposes, has demonstrated that the scheme could be more viable and therefore able to support other S106 obligations and/or affordable housing, subject to changes in construction costs and sales values.

As the application is in outline form, with dwelling types and exact housing numbers unknown at this stage, construction costs and sales values may vary. A ‘clawback’ mechanism is therefore recommended within the S106 to ensure that, if the scheme does become viable once the development is occupied (see trigger point in heads of terms below) then the council can seek S106 contributions from the developer to mitigate the impacts of the development in accordance with the planning policies mentioned above.

It is clear that the scheme is not viable for all the S106 contributions required for a site of this size and nature. The council therefore has to decide where the £221,000 would best be apportioned. In this case it has been decided that the most important/most needed S106 contributions required to mitigate impacts of the development are contributions towards education, informal open space, LAP, recreation, SAMMS and community facilities.

The SAMMS contribution must be secured through the S106 to allow the application to comply with the Habitat Regulations (AA), policies LC1 and LC2 of the NLLP and CS17 of the CS, and the NPPF, in order to mitigate impacts on the SAC, SPA, Ramsar and SSSI, and therefore this contribution is required. BNG cannot be provided on the site/off site due to viability issues. In this case 10% mandatory BNG is not required as the application was submitted before 2024.

The table below shows the heads of terms for the S106 required to mitigate impacts of the development, which the applicant’s agent has agreed to:

### Education

<b>Contribution</b>	A contribution of £140,952 towards primary and/or secondary school provision at the relevant catchment schools
<b>School(s)</b>	Primary and/or secondary schools within the catchment area
<b>Trigger point</b>	50% on occupation of the 10 <sup>th</sup> dwelling 50% on occupation of the 20 <sup>th</sup> dwelling

<b>How long the council has to spend the contribution</b>	10 years
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### Informal open space

<b>On-site contribution</b>	<p>A minimum of 10sqm per dwelling of informal open space should be provided on site.</p> <p>The informal open space should be maintained in perpetuity by a private management company. The management company should be set up prior to the sale of the 1<sup>st</sup> dwelling.</p> <p>The open space shall be delivered on site and transferred to the private management company prior to the sale of the penultimate dwelling on the site.</p>
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### Area of play

<b>Off-site contribution</b>	An off-site contribution of £33,668 towards improvements at Dam Road playground, Baysgarth Park or Waters Edge playground/Humber Bridge park
<b>Trigger point</b>	On occupation of the 5 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution</b>	10 years

### Recreation

<b>Recreation contribution</b>	<p>A total contribution of £37,266 is required towards:</p> <ul style="list-style-type: none"> <li>• improvements to the natural grass pitches and all-weather provisions that serve Sub area 7</li> <li>• outdoor changing room facilities that serve Sub area 7</li> <li>• swimming facilities at Baysgarth Leisure Centre</li> <li>• sports hall and fitness improvements at Baysgarth Leisure Centre</li> <li>• improvements to indoor bowling facilities.</li> </ul>
<b>Trigger point</b>	Prior to the occupation of the 20 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution</b>	10 years

## Strategic Access Management and Mitigation Strategy (SAMMs)

<b>SAMMs contribution</b>	<p>Approximately £121 per dwelling for 34 dwellings, giving a total of £4,114, to be spent on mitigating the impacts of recreational disturbance along the Humber, providing one or a combination of the following:</p> <ul style="list-style-type: none"> <li>• part-time facilitation officer</li> <li>• the development and procurement of appropriate signage, interpretation boards, and access improvement projects (planting, fencing, footpath improvement/diversion) to respond to monitoring outputs – 5 interpretation boards to be provided at each survey location (Alkborough Flats, Whitton Foreshore, Chowder Ness Viewpoint, Waters Edge and East Halton Skitter)</li> <li>• bird habitat monitoring surveys and subsequent analysis</li> <li>• signage (route direction/'no fouling'/'dogs on lead' etc)</li> <li>• route management (fencing, screening, planting, drainage, widening etc)</li> <li>• dog waste bins</li> <li>• habitat protection and improvement (natural screening, litter picking etc)</li> <li>• footfall counters to record visitor numbers at key sensitive locations</li> </ul>
<b>Trigger point</b>	<p>On occupation of the 1<sup>st</sup> dwelling</p>
<b>How long the council has to spend the contribution</b>	<p>10 years</p>

### Community facilities

<b>Community facilities contribution</b>	<p>A contribution of £5,000 towards infrastructure improvements to encourage community events at the Assembly Rooms</p>
<b>Trigger point</b>	<p>On occupation of the 5<sup>th</sup> dwelling</p>
<b>How long the council has to spend the contribution</b>	<p>10 years</p>

### Clawback mechanism

<b>Clawback mechanism</b>	<p>To allow a further open book appraisal which shall be carried out at an agreed trigger point throughout the</p>
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	development. If the clawback triggers are exceeded, a financial contribution in lieu of affordable housing, the remainder of the education contribution and/or health contribution may become payable to the council.
<b>Trigger point</b>	On occupation of 25 dwellings

It is acknowledged that the development will only result in contributions towards education, informal open space, LAP, recreation, SAMMS and community facilities due to viability issues. However, this is a brownfield site in a sustainable location and the re-development of housing on the site will provide a number of benefits including homes for residents, contributing to the council's housing supply, support services and facilities in Barton upon Humber, and visually enhancing the site. A significant amount of S106 contributions (£221,000) will still be provided to mitigate impacts of the development. In addition, a clawback mechanism has been agreed with the agent to allow the council to seek further S106 contributions should the development be viable for any further/additional S106 financial contributions once the development has been completed. The scheme therefore complies with the relevant policies in the NPPF and Core Strategy, which confirm that there can be flexibility with regard to obligations that would make a scheme financially unviable. The heads of terms set out above have all been agreed with the agent.

### **Other material considerations**

The council cannot demonstrate a 5-year housing land supply of deliverable sites. As a result, paragraph 11. d) of the NPPF is engaged in this case – 'Presumption in favour of sustainable development'. Paragraph 11. d) advises 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

In this case the first limb of paragraph 11. d) i. does not apply to this application and is therefore not engaged. Paragraph 11. d) ii. does apply to this application. There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

### ***Economic***

Investment in construction and related employment would represent a benefit whilst the dwellings and associated infrastructure were being constructed. The additional population would provide support to the local economy in terms of residents using the facilities, businesses and services located in Barton upon Humber. The proposed dwellings would also generate council tax revenue for the council.

## **Social**

In terms of the social benefits, the proposal would make a substantial contribution to the council's housing land supply. S106 contributions towards education, informal open space, LAP, recreation, SAMMS and community facilities would also be secured, although these contributions are required to mitigate impacts of the development proposals.

## **Environmental**

In terms of the environmental dimension, the proposal will bring a redundant brownfield site back into use. The site is currently in need of regeneration and developing the site for housing would improve its appearance and has the potential, through good design, to improve the setting of adjacent listed buildings. The use of the site for housing, rather than its former commercial use, would improve the amenity of nearby residents in terms of reduced noise and disturbance.

The site is in a highly sustainable location close to a number of public transport links including the train station and bus stops. It is within walking distance of Barton town centre. The proposals do make effective use of this brownfield site and will yield up to 34 dwellings on this site. Whilst, due to viability issues, affordable housing will not be provided, 34 market dwellings will be provided to increase NLC's housing supply. A well-designed scheme can be achieved on the site through any subsequent reserved matters application. Overall, the proposal is considered to constitute sustainable development.

## **Other matters**

Comments from consultees and third parties have largely been addressed within the relevant sections of this report. Comments about a one-way system into St Chad's Way are not relevant to this application. Access has been dealt with within the highway section of this report. The scheme does not provide for a LEAP but there are parks and open space very close to the development, including Waters Edge Country Park. The S106 includes financial payment towards existing parks in Barton. Noise from construction would be temporary and is dealt with by a planning condition requiring the submission of a CEMP. Housing types would be known at reserved matters stage and planning conditions can be used to secure a housing mix that aligns with the council's most up-to-date Housing Needs Assessment (HENA). The site is not designated for community use in the development plan. Housing will be provided on site to meet the housing needs of Barton and the wider North Lincolnshire area. The letters of support are supportive of the regeneration of a brownfield site and an S106 contribution towards Barton Assembly Rooms.

## **Pre-commencement conditions**

All pre-commencement conditions attached to this recommendation have been agreed with the applicant and therefore accord with the requirements set out by the Planning Pre-commencement Regulations 2018.

## **Planning balance and conclusion**

The proposal has been subject to a full assessment, giving due consideration to responses from technical consultees and third parties. The applicant has also agreed to the heads of terms set out above, which are required to make the development acceptable in planning terms, as well as meeting the other tests for obligations. The material points raised in consultation and third party responses have been considered under the relevant sections in

this report, whilst other issues raised may be more pertinent to be considered at the reserved matters stage when the actual appearance, layout, scale, access and landscaping of the scheme can be assessed in more detail. It is noted that BNG cannot be provided on the site so there is a slight breach of policy CS17 in this regard, although biodiversity enhancement can be obtained on the site through planning conditions. The recommended planning conditions and associated S106 agreement mitigate impacts of the development and ensure it is acceptable in planning terms.

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 a well-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. In addition, the scheme is considered to be policy compliant subject to the S106 contributions and planning conditions to mitigate impacts of the development.

## **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 contributions towards education, informal open space, LAP, recreation, SAMMS and community facilities, the committee resolves:**

- (i) it is minded to grant permission for the development;
- (ii) the decision be delegated to the Planning Development Manager on completion of the obligation;
- (iii) if the obligation is not completed by 30/04/2026 the Planning Development Manager be authorised to refuse the application on grounds of lack of financial contributions towards education, LAP, recreation, SAMMS and community facilities to mitigate impacts of the development and lack of open space on the site; and
- (iv) the permission so granted be subject to the following conditions:

1.

The development for which permission is hereby granted must not be begun before details showing the access, appearance, landscaping, layout and scale (hereinafter referred to as 'the reserved matters') have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved reserved matters details.

Reason

The application is made in outline only and the specified details are required to be approved before development can commence.

2.

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

Reason

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

3.

The development hereby permitted must be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.

Reason

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

4.

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

- Site location plan DWG: 202308-01.

Reason

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

5.

All reserved matters applications for 'layout' submitted pursuant to this outline permission shall include a housing mix statement setting out an appropriate mix of dwelling sizes, types and tenures to be provided on site that will contribute to a mixed and balanced housing market. The housing mix statement shall address the needs of the local area and of older people, as set out in the local housing evidence base, including the most up-to-date strategic housing market or needs assessment for the area at the time of the submission of the relevant reserved matters.

Reason

To contribute to mixed and balanced communities and a balanced housing market.

6.

All reserved matters applications for landscaping and layout submitted pursuant to condition 1 above shall include the following details:

- a specification for proposed planting, including species
- details of all proposed finished levels or contours
- means of enclosure
- car parking layouts
- all vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting etc)

- proposed and existing functional services above and below ground (for example, drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc)
- retained historic landscape features and proposals for restoration, where relevant.

Reason

To ensure the development is appropriately landscaped in the interest of good design and the visual amenity of the area.

7.

All planting, seeding, and/or turfing in the details of landscaping approved pursuant to condition 1 above shall be carried out in the first planting and seeding season following the development first having been brought into use. Any trees or plants which, within a period of five years from the development being brought into use, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason

To ensure the development is appropriately landscaped in the interest of good design and the visual amenity of the area.

8.

The residential development hereby permitted shall not comprise more than 34 dwellings (use class C3).

Reason

To define the terms of the permission in the interests of good planning.

9.

No development shall take place until details of:

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

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

Reason

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

10.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

11.

No development shall take place until details of the footway improvements across the site frontage have been submitted to and approved in writing by the local planning authority. Thereafter, prior to the occupation of any dwelling on the site, the approved scheme shall be implemented on the site in accordance with the approved details.

Reason

In the interests of highway and pedestrian safety.

12.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full-height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

13.

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.

14.

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.

15.

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.

16.

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.

17.

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.

18.

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.

19.

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.

20.

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

Reason

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

21.

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.

22.

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.

23.

Any reserved matters applications for layout submitted pursuant to condition 1 above shall include a detailed surface water drainage scheme for the site. The scheme for the provision of surface water drainage for the site shall be submitted to and approved in writing by the local planning authority following consultation with the lead local flood authority (LLFA) and be based upon the principles outlined in the following document: Flood Risk Assessment JAG/AD/JF/49096-Rp001-REV A 12/2023. The scheme shall follow sustainable drainage principles, giving priority to SuDS, be in line with North Lincolnshire Council's SuDS guidance and demonstrate compliance with the surface water drainage hierarchy, providing evidence if infiltration or discharge to a watercourse is not feasible. The scheme shall ensure that surface water run-off does not exceed agreed greenfield rates, and it shall include the layout of SuDS features, attenuation areas, exceedance flow routes, discharge points, and evidence through hydraulic modelling that the system can manage the 1 in 100-year storm plus climate change allowance. The scheme shall also set out arrangements for ongoing management and maintenance in accordance with DEFRA Non-Statutory Technical Standards or any update at the time of approval. The approved drainage scheme shall be implemented prior to the occupation of any dwelling and maintained thereafter in accordance with the approved details.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy, and to safeguard the Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

24.

The development hereby permitted shall not be first brought into use until effective methods of preventing surface water run-off from hard paved areas within the site onto the highway, and from the highway onto the developed site, have been provided in accordance with details which have first been submitted to and approved in writing by the local planning authority. The approved methods shall thereafter be retained for the lifetime of the development.

Reason

In the interests of highway safety, to prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures.

25.

The development hereby permitted shall not be first brought into use until a water quality scheme has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that surface water drainage has been designed in accordance with the National Standards for Sustainable Drainage Systems (DEFRA, 2025) taking into account North Lincolnshire Council's SuDS guidance, ensuring that water quality is adequately treated. The scheme shall address the four pillars of SuDS, including water quantity, water quality, amenity and biodiversity, and shall provide evidence that the proposed SuDS features meet water quality objectives using the CIRIA Simple SuDS

indices or an equivalent method. The approved scheme shall be implemented prior to the first occupation of the development.

Reason

To ensure that surface water is managed, to maintain and improve water quality to avoid adverse water quality effects on the Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

26.

No development shall commence until a construction surface water management plan has been submitted to and approved in writing by the local planning authority. The plan shall set out measures to manage surface water run-off and pollution during the construction phase, including temporary drainage arrangements where necessary. The approved plan shall be implemented throughout the construction period and until such time as the permanent drainage system is in place.

Reason

To prevent surface water flooding and pollution during construction, in accordance with the National Planning Policy Framework, and to safeguard the Humber Estuary SAC/Ramsar habitats and habitats used by SPA/Ramsar interest features in accordance with policies LC1 and LC2 of the North Lincolnshire Local Plan.

27.

No dwelling shall be occupied until details of a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Thereafter, only the approved scheme shall be implemented on the site and no dwelling shall be occupied until it is connected to the approved foul drainage scheme.

Reason

To ensure a satisfactory foul water drainage scheme for the site.

28.

The development shall be carried out in accordance with the approved flood risk assessment (20 December 2023, ref. JAG/AD/JF/49096-Rp001-Rev A by Alan Wood and Partners) and the following mitigation measures it details:

- finished first floor levels to be set no lower than 6.25 metres above Ordnance Datum (AOD)
- all habitable accommodation to be at first-floor level or above
- flood resilience measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy CS19 of the North Lincolnshire Core Strategy.

29.

The ground floors of the dwellings hereby approved shall be used for garages, storage, WCs, utility rooms and bath/shower rooms only and for no other, habitable, accommodation.

Reason

To ensure there is no sleeping or vulnerable living accommodation on the ground floor, to protect the inhabitants of the property from the risk of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy.

30.

Notwithstanding the provision 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 to the dwellings to provide additional habitable/living accommodation shall be erected.

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy CS19 of the North Lincolnshire Core Strategy.

31.

The development hereby permitted shall not be brought into use/occupied until a flood warning and evacuation plan (FWEP) has been submitted to and approved in writing by the local planning authority. The details submitted shall include (but not be limited to) proposals for flood warnings and associated site-specific actions, signage and emergency access/egress. The plan shall be implemented in accordance with the approved details before the development is first brought into use/occupied and thereafter for the lifetime of the development.

Reason

To ensure that the development remains safe for its users over its lifetime.

32.

Prior to the occupation of the development, the scheme of mitigation measures detailed in technical document 'E2 Consultants Limited, Noise Impact Assessment of 51 – 55 Waterside Road, Barton Upon Humber, DN18 5BG, dated June 3, 2024' or equivalent as agreed by the local planning authority, shall be installed in full and maintained thereafter.

Reason

To protect residential amenity.

33.

Following installation of the mitigation measures detailed within condition 33 above, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

## Reason

To protect residential amenity.

34.

No development hereby permitted shall take place until a phase 1 desk study and a written report of the findings of an investigation and risk assessment, in addition to any assessment provided with the planning application, have been submitted to and approved in writing by the local planning authority.

The phase 1 desk study shall identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters relevant to the site, establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the desk study shall set objectives for intrusive site investigation works/quantitative risk assessment (or state if none required). A non-technical summary shall be provided.

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether it originates on the site, and be undertaken by competent persons. The written report must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health; existing or proposed property (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).

The desk study and investigation and risk assessment must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

## Reason

To ensure the site is safe for future users and construction workers.

35.

The development hereby permitted shall not start until a detailed remediation scheme based on the findings of the report approved pursuant to condition 34 above, 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 historic environment, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall 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.

The detailed remediation scheme so approved shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the approved remediation scheme. The local planning authority must be given two weeks' written notice of the developer's intention to commence the remediation scheme works.

Reason

To ensure the site is safe for future users and construction workers.

36.

No development further to that required to carry out the approved remediation scheme shall take place until a verification report that demonstrates the effectiveness of the remediation carried out pursuant to condition 35 above, has been submitted to and approved in writing by the local planning authority.

Reason

To ensure the site is safe for future users and construction workers.

37.

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 condition 34 above and, where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 35 above, 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 condition 36 above.

Reason

To ensure the site is safe for future users and construction workers.

Reason

To ensure the site is safe for future users and construction workers.

38.

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 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 protect residential amenity.

39.

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. Thereafter only the approved CEMP shall be implemented on the site for the duration of the development. 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) The 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.

40.

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

Reason

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

41.

No development shall take place until a species protection plan (SPP) has been submitted to and approved in writing by the local planning authority. The SPP shall include details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works. Development shall be carried out only in accordance with the SPP so approved.

Reason

To conserve protected and priority species in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

42.

The development hereby permitted shall be carried out in strict accordance with a biodiversity management plan which has first been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of at least six roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts, house sparrows, house martins and other bird species, comprising at least 10 nest boxes in total;
- (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) details of road gullies and road drainage designed to minimise harm to amphibians;
- (f) prescriptions for the planting and aftercare of trees of high biodiversity value, appropriate to the location and soil type;
- (g) proposed timings and phasing proposals for the above works in relation to the occupation of the dwellings.

All approved features shall be retained thereafter for the lifetime of the development.

Reason

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

## **Informatives**

1.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted highway. Therefore, prior to any construction, utility or service works within the highway boundary, you must contact the Network Management Team by emailing [network.management@northlincs.gov.uk](mailto:network.management@northlincs.gov.uk) to obtain the necessary permissions, licences and permits.

All permits are subject to network coordination requirements and must adhere to the appropriate timescales set out in current legislation. A site meeting may be required as part of the approval process. Collaboration between service providers will be encouraged to minimise disruption and ensure efficient use of the highway network.

2.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 39 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.

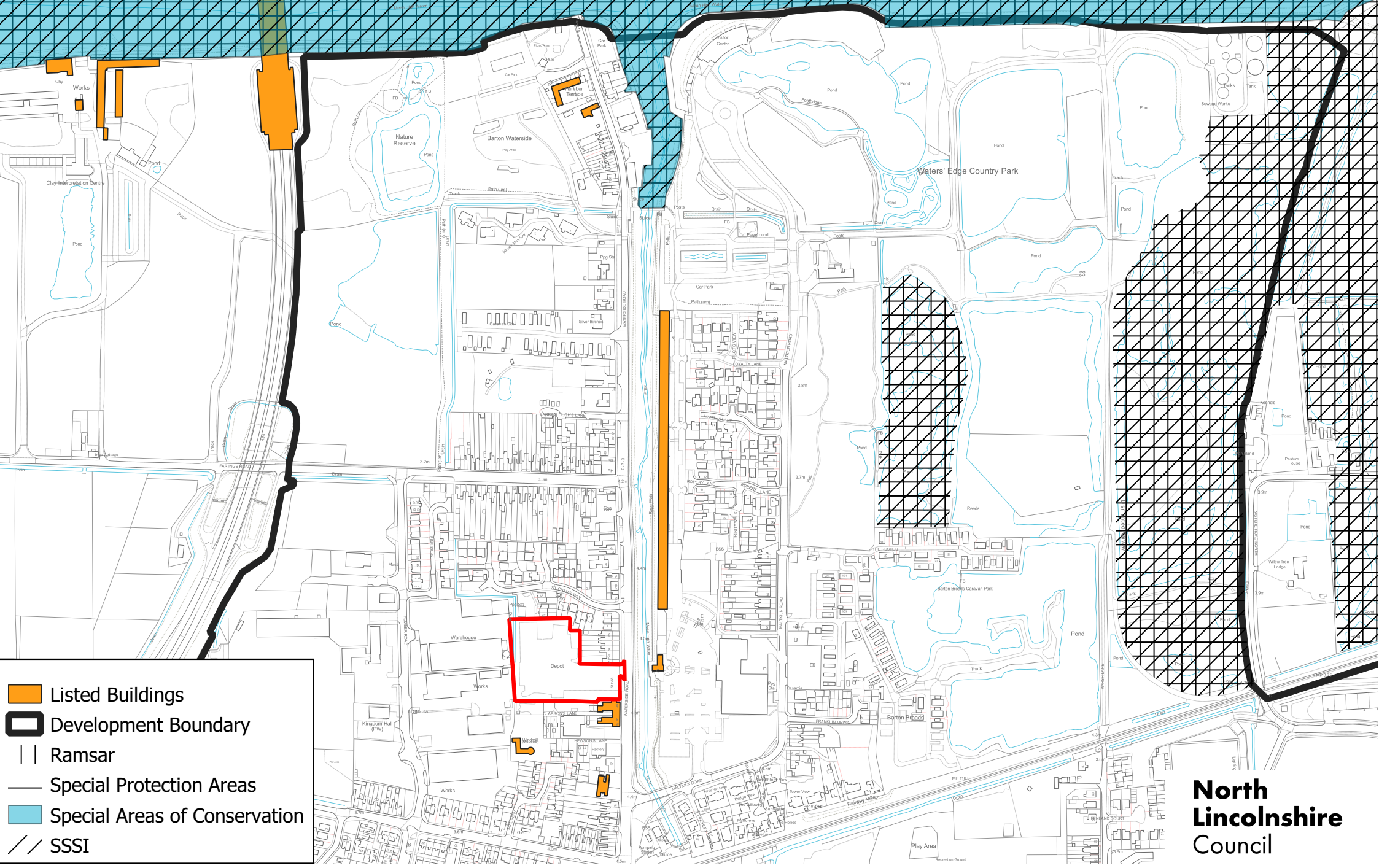
3.

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

4.

The applicant's attention is drawn to the comments made by Humberside Police, Humberside Fire and Rescue Service, the Environment Agency, North East Lindsey Drainage Board and Anglian Water.

0 50 100 150 200 250 m



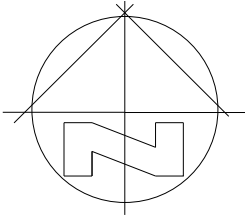
-  Listed Buildings
-  Development Boundary
-  Ramsar
-  Special Protection Areas
-  Special Areas of Conservation
-  SSSI

**North  
Lincolnshire  
Council**

**PA/2023/1034**

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# PA/2023/1034 Indicative layout (not to scale)



## Proposed Indicative Site, Block, Landscape, Drainage & Levels Plan.

Scale: 1:500 @ A3.

### Open Drain/Ditch:-

Note - The forward going maintenance of the Open Drain / Ditch is to be incorporated into the Management / Maintenance Regime / Company Annual Maintenance Plan for the Development.

### Proposed Services:-

**Foul Water:-** To be collected into pump station and pumped off site to nearest Anglian Water approved gravity sewer.

**Surface Water:-** To be collected into attenuation device and then discharged into the existing open drain / ditch on west side of Site at agreed discharge rate and with requisite permissions and improvements.

### Green Open Space:-

This has been included in the Layout - See Layout.

### House Type & Mix:-

This indicative layout proposes a house mix of 2,3 & 4 Bed 3 storey and four storey in roof void All dwellings to have garages and utilities on First Floor and all other accommodation on 2nd, 3rd & 4th floors.

Date	Drawn	Revision
10.06.24	KJT	OPEN DRAIN NOTE ALTERED.
05.06.24	KJT	DESIGN DEVELOPMENT.
24.04.24	KJT	DESIGN DEVELOPMENT.
23.04.24	KJT	DESIGN DEVELOPMENT.
18.04.24	KJT	DESIGN DEVELOPMENT.
12.04.24	KJT	DESIGN DEVELOPMENT.
08.04.24	KJT	DESIGN DEVELOPMENT.
22.03.24	KJT	DESIGN DEVELOPMENT.
06.12.23	C	DESIGN DEVELOPMENT.
29.11.23	KJT	DESIGN DEVELOPMENT.
02.05.23	KJT	DESIGN DEVELOPMENT.



No.6, Orchard Fields, Healing, N.E.Lincs, DN41 7AF.

Tel: 07813 006079

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Proposed Housing Site at: 51 to 55 Waterside Rd, Barton Upon Humber, North Lincs, DN18 5BG.  
For:- Mr & Mrs J Chapman.

### PROPOSED INDICATIVE SITE, BLOCK, LANDSCAPE, DRAINAGE & LEVELS PLAN.

Drawn: Keir Taylor	Date: 10.04.23	Scale: 1:500 @ A3
Checked:	Drawing No: 202308-03	Revision: L.
Approved:		



### Key:-

- New Poplar Trees.
- New Vertical Accented Apple & Cherry Trees.
- New Field Maple Trees.
- New Landscaped Borders, with low level planting of Lavender and Heather.
- New 215mm Thick, 1.8m High Screen Brick Walls.
- New 215mm Thick, 0.8m High Brick Walls.
- New 1.8m High Timber Feather Edge Boarded Screen Fence.
- Extent of New Road and Footpaths to be Adopted.
- Extent of Private Drive Roads, with SUDS Storage under.
- Grassed Green Open Space with SUDS Storage and Feature Beech Tree.

Note - Any Dimensions shown on this drawing are approximate.

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Note - All new dwellings of this proposal are to be 3 & 4 Storeys high ( 4th Storey in roof void ) and have Garage & Utilities only on ground floor, all other accommodation to be on 2nd floors and above. All ground floor Garages are accessed from the front of the dwellings for properties 06 to 34 ( which will discourage road side parking in front of them) and from the rear for properties 01 to 05. Properties 01 to 05 are envisaged to be 2 bedroom dwellings, where the ground floor garage is not intended to store a car in it, rather bicycles, mopeds, motorcycles etc i.e. which can be walk into garage via / through the rear garden.