

APPLICATION NO PA/2017/192

APPLICANT Mrs S Blair

DEVELOPMENT Planning application to vary condition 4 of PA/2016/1532 regarding the fencing off of the existing access track to the east of the site and non-use during the construction period

LOCATION Land rear of Charnwood Park Estate, Charnwood Homes, Ferry Road West, Scunthorpe, DN15 8UF

PARISH Flixborough

WARD Burton upon Stather and Winterton

CASE OFFICER James Roberts

SUMMARY **Grant permission subject to conditions**

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllr Elaine Marper – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 – at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 32 – decisions on planning proposals should ensure that safe and suitable access to the site can be achieved for all people.

North Lincolnshire Local Plan:

Policy T2 – Access to Development

Policy DS1 – General Requirements

Policy DS11 – Polluting Activities

CONSULTATIONS

Highways: No objections.

PARISH COUNCIL

No comments received.

PUBLICITY

Neighbouring properties have been notified. Five letters of objection have been received raising the following concerns:

- There is no reason why access cannot be obtained through the existing caravan park.
- The proposed access route is not suitable.
- The proposal will be detrimental to safety.
- The proposal will have a negative impact on neighbouring living conditions.
- The original condition was acceptable and nothing has changed in the interim.
- The proposal has not been well thought out.
- The applicant does not have the right to use the access track.

One letter of support has been received, confirming that the resident has no objections to the scheme.

ASSESSMENT

The application site comprises an existing vehicle repair facility containing a number of commercial buildings. The site is accessed via a track leading from Ferry Road West which runs adjacent to the rear boundaries of the residential properties to the north. To the west of the application site is an existing static home park which benefits from a separate access point. The majority of the developed land in the surrounding area is occupied by residential uses.

Full planning permission has previously been granted (PA/2016/1532) for the change of use of land to provide an extension to an existing residential static home park. The approved scheme allowed 10 static homes within the site. The approved extension would be directly linked to the existing park and would utilise the existing access point to the west of the site.

In granting permission the council's Planning Committee determined to impose a condition to ensure that construction traffic could not utilise the access track from Ferry Road West. Condition 4 read as follows:

“The development hereby approved shall not be occupied until the existing access track to the east of the site has been fenced off as shown on approved plan BDS-2016-10-01. The fencing shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority. At no time shall the excess track be used by residents or visitors to access the extended caravan park, nor shall it be used during the construction period.

Reason: In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.”

The applicant seeks to vary this condition to allow for access during the construction period.

The main issues in the determination of this planning application are highway safety and residential amenity.

Highways

The proposal only relates to the means of access to the site during the construction period. There is no desire from the applicant to use the track as the means of access to the site once the extended caravan park is in use.

It is accepted that using the existing access track during the construction stage would result in an intensification in movements along this track. However, given the scale of the proposed development, there is no reason to suggest that the track is not capable of accommodating such an increase. The council's Highways team has offered no objections on grounds of highway safety. The access track was previously used to serve a vehicle repair garage and it would appear capable of accommodating the construction vehicles that would likely arise during the construction period.

Furthermore, it is considered that it would be a potentially safer solution than forcing construction vehicles to access the site through the existing caravan park, in close proximity to existing static caravans. The proposed solution would therefore result in betterment in this regard and it is considered that the suggested variation to the condition would be beneficial in relation to highway safety.

Impact on residential amenity

It is acknowledged that the use of the existing access track would result in construction vehicles coming in closer proximity to properties on Ferry Road West than would otherwise be the case. However, this would be counterbalanced by the beneficial effects of not forcing construction vehicles directly past the existing static caravans (some of which are privately owned).

Sufficient controls would remain in place to ensure that the construction hours would be controlled to an acceptable standard (7am to 7pm Monday to Friday and 7am to 1pm on Saturdays, with no working on Sundays or public/bank holidays) in accordance with the previous recommendation of the Environmental Health team. It is considered that an appropriate balance would be struck between the protection of residential amenity and the need to support appropriate housing development. It is therefore considered that the variation of condition would be acceptable in this regard.

Other issues

The following issues have also been raised by objectors:

- The applicant does not have the right to use the access track – *no evidence has been supplied to demonstrate that the applicant does not have a right of access over the land. Any boundary dispute is a civil matter.*

Conclusion

For the reasons set out above it is considered that the proposed variation of condition would not have an unacceptable impact on highway safety or residential amenity. It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance.

RECOMMENDATION **Grant permission subject to the following conditions:**

1.

The development must be begun before 14 December 2019.

Reason

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

2.

The development hereby approved shall be carried out in accordance with the following approved plans: BDS - 2016 - 10 - 01, J-D1917.00_R0_CA Issue 2 and Flood Risk Assessment 2015/1902.

Reason

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

3.

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

Part 1: Site Characteristics

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

4.

The development hereby approved shall not be occupied until the existing access track to the east of the site has been fenced off as shown on approved plan BDS - 2016 - 10 – 01. The fencing shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority. At no time shall the access track be used by residents or visitors to access the extended caravan park, other than during the construction period.

Reason

In the interests of vehicular and pedestrian safety and to accord with policy T2 of the North Lincolnshire Local Plan.

5.

The development shall be carried out in accordance with the approved Flood Risk Assessment reference 2015/1902 revision B prepared by EWE Associates Ltd dated 7 December 2015, in particular setting finished floor levels no lower than 4.4 metres AOD (above Ordnance Datum). The approved static homes shall be permanently anchored to the ground prior to occupation and shall be retained as such for the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

6.

No more than 10 static homes shall be sited within the extension to the static home park hereby approved.

Reason

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

7.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

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

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

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

Reason

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

9.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (i) details of measures to avoid harm to bats, hedgehogs and nesting birds during demolition, vegetation clearance and construction works;
- (ii) details of nest boxes and bat roosting features to be installed in retained trees;
- (iii) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (iv) prescriptions for the retention, planting and aftercare of native trees and shrubs of high biodiversity value;
- (v) proposed timings for the above works in relation to the installation of caravans.

Reason

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

10.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the installation of the 6th mobile home, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

11.

The hedge to be planted between points A and B on the approved site plan (reference BDS- 2016 - 10 - 01) shall comprise a double staggered row of hawthorn planted at a height of around 0.3 to 0.5 metres at a density of not less than five per metre, with approximately 450 millimetres between plants in the same row, and 300 to 400 millimetres between the two rows. The hedge trenches shall be dug to a minimum depth of 400 millimetres and a width of 600 millimetres, with the plants put into the ground at the same depth as they have previously been grown in the nursery. All plants shall be well heeled in after planting and watered in during dry weather. The planted hedgerow shall be protected from rodent damage with spiral tree guards or the use of rabbit netting/fencing to either side which shall be retained until at least the plants are well established (approximately three to five years). Weed control shall be undertaken for at least the first three years after planting.

Ten whips shall be planted in the positions shown on the approved plan to create interest/improve screening and add to the ecological value of the site. All plants shall be well heeled in after planting and watered in during dry weather. They shall be protected from rodent damage with tree guards which shall be retained until at least the plants are well established (approximately three to five years). Weed control shall be undertaken for at least the first three years after planting. The ten trees shall be:

1, 2, 4 and 7: field maple

3, 6 and 9: rowan

5 and 8: hornbeam

10: pedunculate oak.

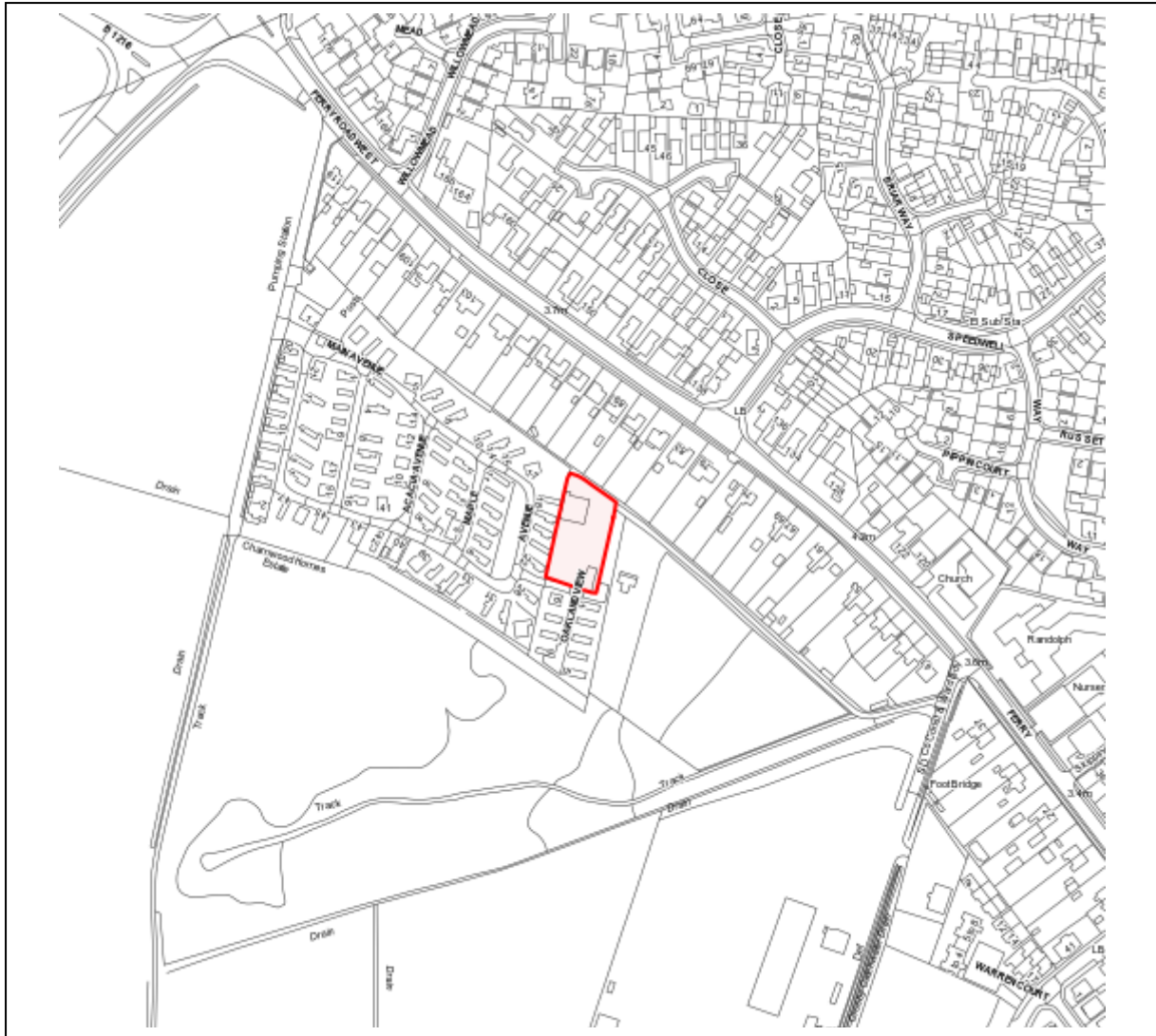
Reason

In the interests of visual amenity and to promote ecological betterment, and to accord with policies DS1 of the North Lincolnshire Local Plan and CS17 of the North Lincolnshire Core Strategy.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.

PA/2017/192 – Site Location



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