

<b>APPLICATION NO</b>	<b>PA/2017/181</b>
<b>APPLICANT</b>	Mr & Mrs Stuart Stafford, Tyrerite Scunthorpe Ltd
<b>DEVELOPMENT</b>	Outline planning permission for five residential plots with appearance, landscaping and scale reserved for subsequent approval
<b>LOCATION</b>	Land rear of 14 West End Road, Epworth, DN9 1LB
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Epworth Town Council Departure from policy Significant public interest
<b>POLICIES</b>	

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing

Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

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

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy LC5 (Species Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC14 (Area of Special Historic Landscape)

Policy R5 (Recreational Paths Network)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

## **Housing and Employment Land Allocations DPD**

### **CONSULTATIONS**

**Highways:** No objection, but recommend conditions and an informative relating to works within the public highway.

**LLFA Drainage:** No objection, but recommend conditions relating to the submission and implementation of a surface water management scheme, with consideration of SuDS.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** There are no board maintained watercourses in close proximity to the site. Consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the boards undertaking. Consent is required for the discharge of any foul drainage into the board's undertaking. Recommend a condition relating to the submission of a surface water drainage system. Brownfield sites should be limited to the greenfield rate.

**Ecology:** The site has the potential to support nesting birds, hedgehogs, reptiles and badgers. Do not wish the development of this site to lead to the displacement of tyre storage to another site of similar or higher biodiversity value. Recommend conditions requiring the submission and implementation of a biodiversity management plan.

**Environmental Health:** The proposals for the site, which is approximately 0.4 hectares in size, are for five residential plots; the site will therefore have a sensitive end use. The report identifies that the majority of the site is disused or used for the storage of tyres and scrap storage, including old vehicles. A disused residential property is also located on the site as well as the site formerly being used as an orchard with several outbuildings. The site has undergone several periods of construction and demolition. A site walkover has been carried out and made ground is noted at various points around the site, including fragments of possible asbestos cement sheet. Scrap metal and a disused oil drum are also noted. Recommend a condition requiring the submission of a contaminated land investigation report.

**Tree Officer:** A tree preservation order (TPO) has been made on the trees in the form of an Area Order.

**Public Rights of Way:** Concern is raised in relation to a rear access to the site being shown from the public footpath on the site layout plan. There is no recorded vehicular access to the rear of the applicant's land. A revised plan should be submitted showing the deletion of the reference to 'rear access' to the site.

## **Spatial Planning:**

### *CS3 Development Limits*

This proposal for housing development is on a site, the majority of which is outside the development limit of Epworth; the proposal is therefore contrary to Policy CS3.

### *CS8 Spatial Distribution of Housing Sites*

The planning application is contrary to CS8 as the Core Strategy principle for development is Scunthorpe and the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. Epworth is a market town but was not allocated any housing through Policy CS8 Spatial Distribution of Housing.

### *LC14 Area of Special Historical Landscape Interest*

The site is within an area designated as LC14, within which this development would not be permitted as it would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

### *Five Year Housing Land Supply*

The Design and Access statement mentions the Five Year Housing Land Supply and the appeal ref APP/Y2003/W/16/3145930 and, due to this, the applicant contends the site should be considered as a windfall site. The majority of the site lies outside the development limit of Epworth and is within the Open Countryside/LC14 Designation. In light of the Inspector's decision APP/Y2003/W/16/3145930 on Five Year Land supply in an Appeal Decision in Ealand (i.e. 4.9 years) the council has taken the decision to update and review the five year land supply statement and issue a new statement.

Housing policies CS3 and CS8 of the Core Strategy and saved Policy RD2 of the Local Plan were deemed out of date. This means that any planning application for housing development should be determined on the basis of NPPF paragraph 7 in favour of sustainable development.

**Historic Environment Record:** Further to the earlier memo dated 17 February 2017, the applicant has submitted a Heritage Statement dated 27 June 2017. The author has not consulted the HER during compilation of the report, contrary to the requirement of the NPPF, s128. The report is flawed because it is based on a misreading of historic landscape character and setting in this location and the conclusions of the report are disagreed with. Recommend refusal of planning permission as the development would adversely affect the character, appearance and setting of the historic landscape contrary to LC14 and Core Strategy policy CS6.

**Severn Trent:** No objection, but recommend a condition requiring the method of foul and surface water drainage to be submitted for consideration.

## **TOWN COUNCIL**

Object on the following grounds:

- it is outside the settlement boundary and doesn't meet the criteria for exceptions within the policy

- Epworth is not identified for additional housing development
- there is no proven need for this type of development
- impact on the historic landscape
- there is local opposition to the development
- it is not a previously developed site
- removal of a hedge and trees covered by a Tree Preservation Order.

## **PUBLICITY**

A site notice has been displayed. Fifteen letters of objection have been received (five of which are from the same address). These letters raise similar issues to those raised by Epworth Town Council, together with the following issues:

- the information submitted with the application is misleading
- the application will have no impact on the applicants as they reside elsewhere
- facilities and services within Epworth are at capacity
- increase in traffic and parking
- insufficient parking provision
- the site is not in a sustainable location in terms of proximity to bus stops
- impact on wildlife
- this is not a brownfield site
- it is a underhand way of developing the site for housing
- it provides an opportunity for further land to be developed in the future
- there is no need for housing
- it was previously a small holding and orchard
- this application questions the validity of settlement boundaries
- impact on view
- removal of trees
- noise and disruption from construction works
- impact on public footpath
- devaluation of property prices.

One letter of support has also been received.

## **ASSESSMENT**

The application site comprises a piece of land to the rear of a detached residential property known as 14 West End Road in Epworth. The majority of the land is located outside the defined settlement boundary for Epworth on land classed as the Isle of Axholme Area of Special Historic Landscape under policy LC14 of the North Lincolnshire Local Plan (NLLP). For the purposes of planning the land is located in the open countryside. The site extends to 0.3 hectares in area and is bordered by a line of mature trees along its northern and western boundaries and by a hedge along the eastern boundary. Outline planning permission is being sought to erect five dwellings on the site with access and layout being considered at this stage. The site is located within flood zone 1 of the North Lincolnshire Strategic Flood Risk Assessment and as such is not considered to be at high risk of flooding.

Of note is planning application PA/2016/476 which was a certificate of lawful development for the storage and distribution of tyres; this was approved on 19 October 2016.

**The main issues to consider in the determination of this application are the principle of development (incorporating impact on the LC14 land), and its impact upon settlement character and residential amenity.**

### **Principle**

Outline planning permission is being sought for a residential development of five dwellings with associated access roads and garden space. Matters to be considered at outline stage are access and layout. With the exception of part of the proposed access road, the majority of the application site is located outside the defined settlement boundary for Epworth, within the open countryside.

The development plan for North Lincolnshire comprises three parts. These are: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP). Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that market towns will continue to provide important services for the area's rural communities and support the higher level services in Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Epworth. There are no allocated housing sites within Epworth.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Epworth and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent Supreme Court judgement (Suffolk Coastal DC Vs Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with policy 47 of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 49 of NPPF triggers the 'tilted balance' in paragraph 14 of the Framework whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development as set out in paragraph 7 of the Framework. These are: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. There are local facilities (including a convenience store and public house) within easy reach of the site on foot and a wider range of further services accessible by bicycle and foot within Epworth town centre which is a 20 minute walk. In addition there is public transport available within Epworth town centre. Therefore the proposal accords with the need to locate development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability. The proposal would also result in the redevelopment of a brownfield site (used for tyre storage and distribution) located on the edge of the settlement boundary for Epworth.

In terms of the environmental dimension, the development will clearly result in the redevelopment of a brownfield site (removal of tyre storage site) and part of the garden land which belongs to 14 West End Road, this is considered to be an environmental benefit. The majority of the rear part of the site is designated as an Area of Special Historic Landscape under policy LC14 of the LP; the development of dwellings on this designated landscape is an environmental disbenefit. The site is bordered by a line of mature trees along its northern and western boundaries, by a mature hedge to the east and by the existing dwelling to the south; it is a relatively enclosed site.

The impact on the designated landscape under policy LC14 of the LP is a key consideration. An objection has been received from the Historic Environment Record on the grounds that the land forms part of the enclosure of former strips from the open field and comprises long back gardens and paddocks and the development has the potential to result in a significant adverse change to the character of the Early Enclosed Land and to the setting of the Ancient Open Strip Fields.

The proposed development would alter the character and appearance of the countryside and land which forms part of the LC14 designation. However, that would apply to any site located on the edge of a built-up area, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. Given the fact that the site is well enclosed and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance. It is accepted that the proposed development would have harm on the designated landscape; however, this would be limited to the area located between the rear of the dwelling and to the course of the public footpath (No. 48) and would not encroach into the larger network of ancient strip fields to the north. There are examples of existing residential and commercial development which extends into the LC14 land; this includes Shepherds Croft to the south-east and Torne Valley to the east.

Furthermore, the impact of the proposed housing development on those using the footpath to the north will be relatively limited as the mature trees along the northern boundary will screen built development in the short to medium distance and long distance views will be of a residential development visible against the built backdrop of existing residential properties located along West End Road. This is an impact of the development which can be further mitigated at the reserved matters stage when the landscaping for the proposal is considered.



The council's ecologist has confirmed that the site is currently of limited biodiversity value and that, subject to conditions, the development is unlikely to have an adverse impact on protected species. The site is not designated as being of specific ecological importance, nor is it adjacent to such an area. It is considered that the conditions recommended by the ecologist (by way of a biodiversity management plan) will ensure biodiversity enhancement from the development, this accords with the guidance in the NPPF.

Although there would be some harm to the character and appearance of the area and the designated landscape and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance to the extent that the environmental dimension of sustainable development would not be achieved; particularly as the site is relatively well enclosed (in terms of existing boundary vegetation and built form) and the proposal would result in the redevelopment of a brownfield site which is currently used for the storage of tyres.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

### **Settlement character**

The pattern of residential development around which development is proposed is characterised by detached properties set back from the highway with deep rear gardens, some of which extend to 150 metres. To the south-east and north-west of the site are examples of properties which comprise modern detached properties located in a cul-de-sac setting. The prevailing height of dwellings along West End Road is two-storey; however, there are a number of detached bungalows located along the southern side.

Given the depth of these rear gardens (particularly along the northern side of West End Road) and the distance from existing properties, it is considered that the development will result in an appropriate scale of residential development which infills a section of garden land between West End Road and the public footpath to the north. The development will not be viewed in isolation, it will be viewed against the built context of a modern housing estate located directly to the north-west and against existing properties located along West End Road.

The introduction of a modern housing development immediately to the north-east of a modern housing estate is therefore considered to assimilate with the character and appearance of neighbouring residential properties. There is sufficient separation distance from neighbouring residential properties and space within the site for a development of this scale (five dwellings) to be provided and which could be considered as being in keeping with the character and appearance of the area.

A revised site layout plan has been submitted by the applicant's agent. This plan provides a detailed overview of the layout of the site and demonstrates that five dwellings, with

associated parking and gardens, can be accommodated on the site, together with space for an access road and turning areas. Although no scale parameters have been submitted with the planning application, it is considered that the introduction of two-storey dwellings will be consistent with the prevailing height of existing properties close to the site.

### **Residential amenity**

This is an outline planning application with all matters (other than means of access and layout) reserved for subsequent consideration. Issues relating to the scale, height, window arrangement and potential for loss of residential amenity would be assessed as part of any subsequent reserved matters planning application. As stated previously, the plan shows that five dwellings can be accommodated on the site and has sufficient separation distance to the nearest residential properties located on West End Road to the south.

It is inevitable that the construction period will result in some level of disruption to nearby residential properties through noise and general disturbance; however, this will be relatively short-term without harming the long-term amenity of residents. The layout plan shows that each dwelling will be served by a minimum of two off-street parking spaces, an area of private amenity space to the rear and that an internal access road which is 3.1 metres can be accommodated on the site; this is considered acceptable on both residential amenity and highway safety grounds. Given the extent of proposed parking provision, the proposed development is not considered to give rise to additional cars being parked within the highway. There is provision within the site for a turning area; this ensures that vehicles can enter and exit the site in a forward manoeuvre.

### **Other issues**

Devaluation of property prices and impact on view are not material planning issues and therefore will not be assessed in this case. The block plan submitted with the planning application shows the provision of a rear access into the site from the public footpath to the north. Notwithstanding the content of this plan, it is considered prudent to recommend a condition that the public right of way and the access not be used by vehicular traffic at any time; this will prevent the propulsion of a motor vehicle along the public footpath.

The tree officer has confirmed that an area Tree Preservation Order (TPO) has been made on this site; however, this TPO has yet to be formally confirmed by the council. Notwithstanding this, a tree report has been submitted with the planning application; this recommends the removal of the mature hedge along the eastern boundary of the site. In addition, a revised site layout plan has been received; this shows the realignment of the access road to ensure that the root protection area and the canopy of the trees along the western boundary are not compromised. Trees T13–T15 (an ash and two sycamores) are already impacted upon by the existing driveway and may require future removal. Given that there is sufficient residual space in which to accommodate the development without compromising the majority of the trees, and that the trees will be retained to the northern and western boundaries (to aid screening and landscaping), it is considered that a suitably worded tree protection condition is appropriate in this case.

### **Conclusion**

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being located outside of defined development limits where residential development is not normally supported. However, the proposal is considered to

constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing and redevelopment of a brownfield site must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the 'tilted balance' set out in paragraph 14 of the NPPF, the development must be considered acceptable and should be approved.

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

1.

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

**Reason**

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

2.

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

**Reason**

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

3.

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

**Reason**

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

4.

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

**Reason**

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

5.

The existing vehicular access to the site shall be improved within highway limits 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.

6.

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

Reason

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

7.

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.

8.

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.

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

10.

No development shall begin until details of the private driveway, including construction, drainage, lighting and, where appropriate, signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. 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.

11.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, 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 throughout the construction period.

#### Reason

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

12.

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

#### Part 1: Site Characteristics

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;

- adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

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

#### Part 4: Reporting of Unexpected Contamination

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

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

#### Reason

To ensure that risks from land contamination to 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.

13.

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:

- (a) details of measures to avoid harm to badgers, hedgehogs, reptiles and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of nest boxes and bat roosting features to be installed;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

14.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 4th dwelling hereby approved, 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.

15.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To define the terms of the permission and in the interests in safeguarding the existing trees on site during development, to comply with policy LC12 of the North Lincolnshire Local Plan.

16.

Notwithstanding the submitted block plan (Drawing 922017 1 of 2) no vehicular access shall be formed from the public footpath into the rear of the site (the northern boundary) at any time. In addition no motor vehicles shall be propelled along Public Footpath 48 at any time.

Reason

To define the terms of the permission and to ensure that the public footpath is not used as a separate vehicular access to the site in accordance with policy R5 of the North Lincolnshire Local Plan.

17.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

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 dwelling(s) 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.

19.

No development shall take place until a scheme for the management and disposal of surface water drainage has been submitted to and agreed in writing by the local planning authority. The scheme shall include consideration for the incorporation of SuDS and its adoption and maintenance arrangements. The surface run-off shall be limited to the greenfield rate. The development shall be undertaken in accordance with the agreed scheme and none of the dwellings shall be occupied until they are connected to the agreed system.

Reason

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

20.

The development hereby permitted shall be carried out in accordance with the following approved plans: 922-17 1 of 2 (16/3/18) and 922-17 2 of 2.



## Reason

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

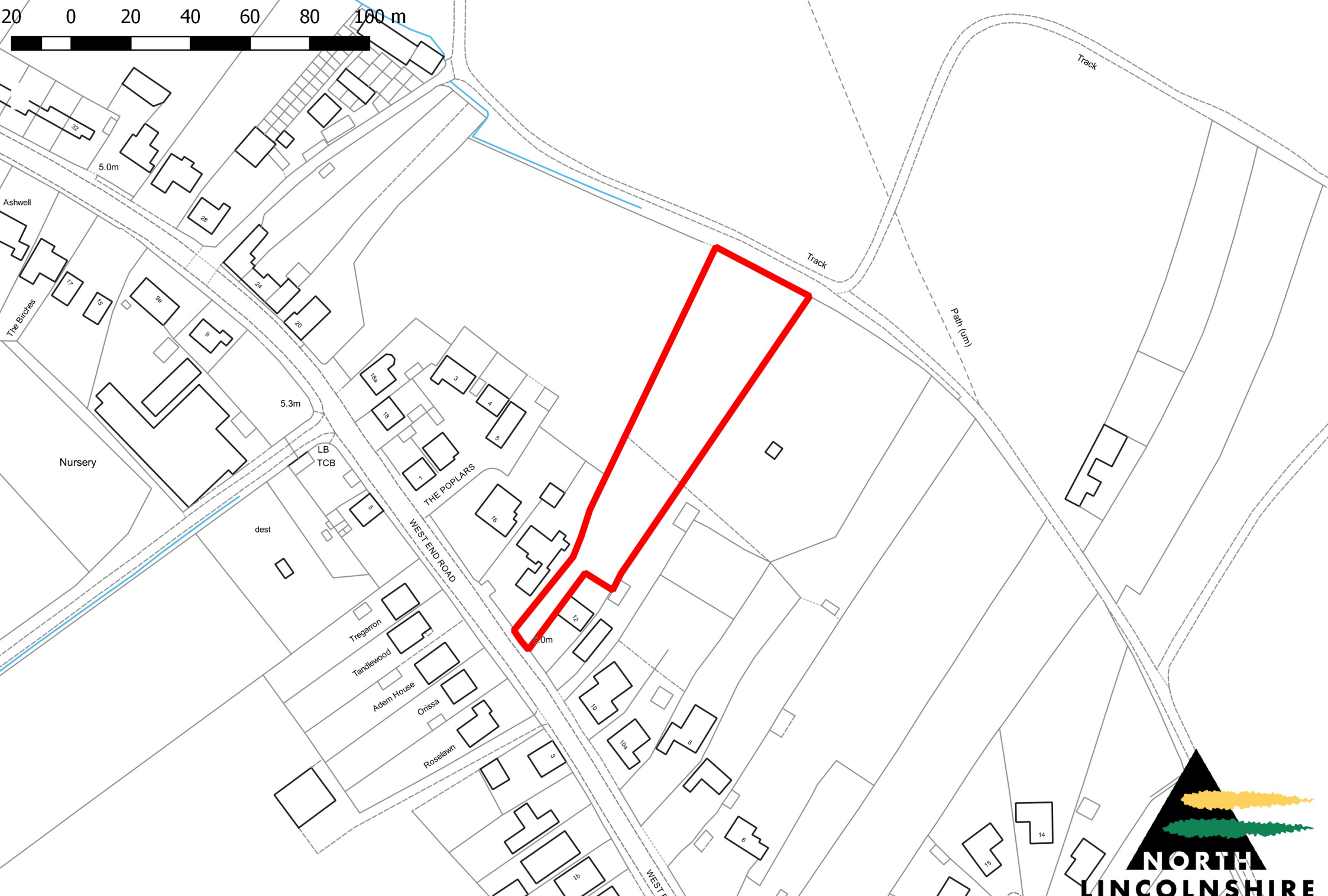
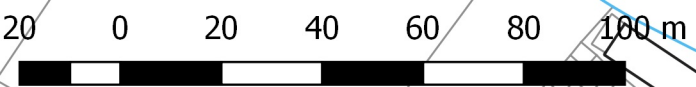
### **Informative 1**

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

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

### **Informative 2**

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/2017/181**

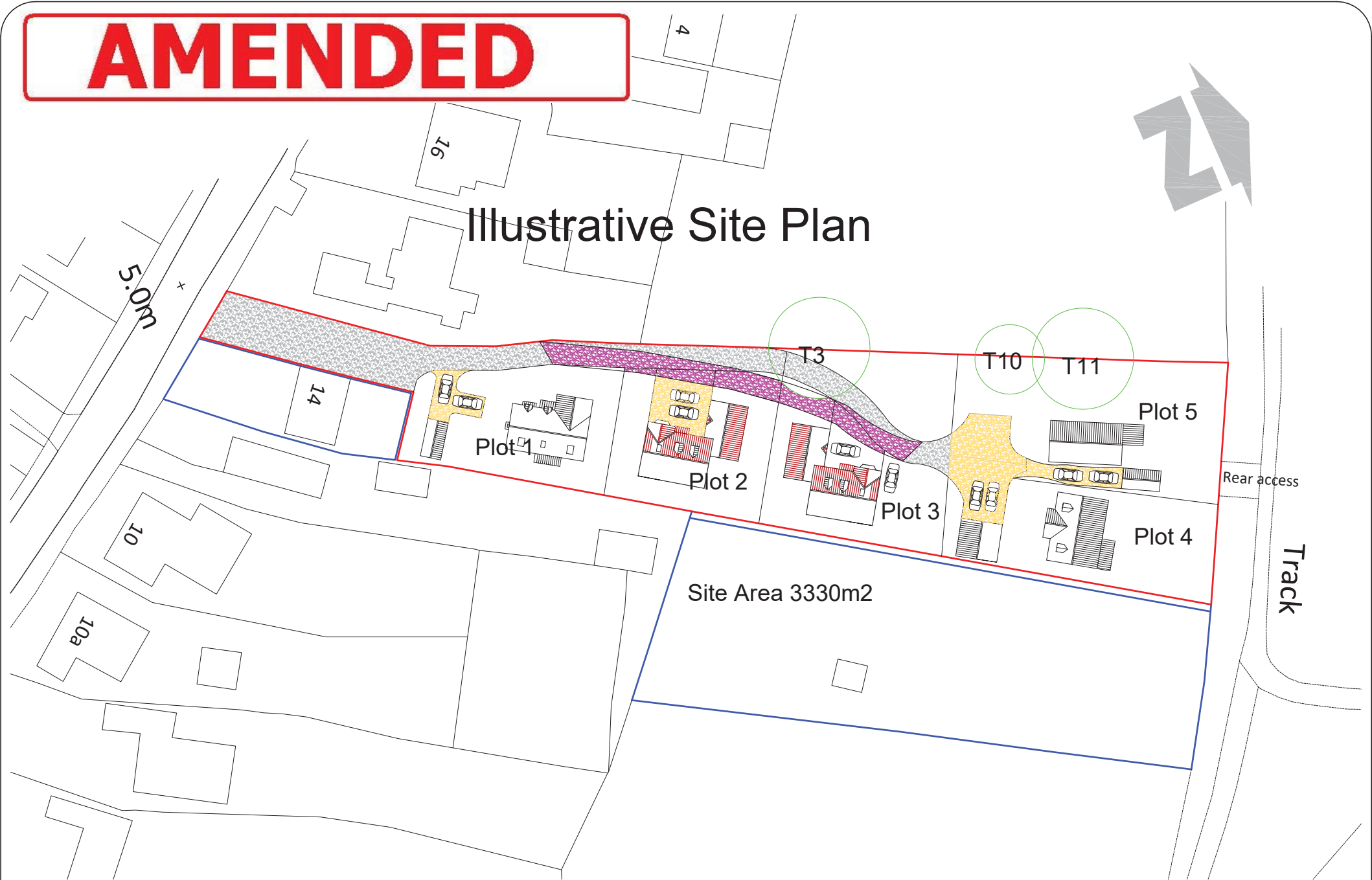
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**AMENDED**



Illustrative Site Plan



Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr & Mrs Stuart Stafford		Proposal	Proposed Residential Development at land R/O 14 West End Road, Epworth, DN9 1LB	
		Date	16/3/18	Dwg No			
		Scale	1:500	Ref No	922-17	Drawing	