

<b>APPLICATION NO</b>	<b>PA/2017/824</b>
<b>APPLICANT</b>	Colin Muscroft
<b>DEVELOPMENT</b>	Outline planning permission for residential development with all matters reserved except for access
<b>LOCATION</b>	Seven Lakes Industrial Estate, Access road to leisure complex and industrial site, Ealand, DN17 4JS
<b>PARISH</b>	Crowle
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from planning policy

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

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

Policy RD2 (Development in the Open Countryside)

Policy RD5 (Alternative Uses of Industrial and Commercial Sites in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy HE9 (Archaeological Evaluation)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

**Housing and Employment Land Allocations Development Plan Document: Policy EALE-1.**

## **CONSULTATIONS**

**Highways:** No objection, but recommend a number of conditions.

**Severn Trent Water Ltd:** Foul drainage is proposed to be discharged into the foul sewer; as there are current flooding issues in this area a sewer modelling study is required to determine the impact of the development upon the existing system and whether additional flows can be accommodated.

**Network Rail:** No objection. All drainage should be directed away from land in their undertaking, surface water drainage should not be constructed within 20 metres of the rail boundary and no drains should be constructed that may result in the rail network being undermined. Additional comments made in relation to proposed drainage, boundary treatments, excavations, landscaping and construction works in proximity to Network Rail land and the requirement to ensure this doesn't undermine Network Rail operations. In addition, there is a requirement for the dwellings to have adequate soundproofing to mitigate the potential noise disturbance generated by the passing of rail traffic.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings. No further recommendations.

**Environmental Health:** The submitted report has identified that the site's former uses as a builder's yard may have introduced contamination to the site, which is harmful to human health.

Furthermore, a number of piles of unknown material are located on site that may contain contaminated material. The site report also identified historical burning on site, which contained materials likely to result in contamination. Considering the above, the report recommends the requirement for further intrusive investigation. The report put forward outlines proposals for site investigation, which are considered acceptable in principle. Conditions are recommended in respect of contaminated land investigation and a noise impact assessment.

**Humberside Fire and Rescue:** It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

**Shire Group of IDBs:** No comments.

**Environment Agency:** No objection, but recommend a condition that the development be undertaken in strict accordance with the flood risk assessment, including the mitigation measures set out within the report. A discharge rate for surface water drainage to the North

Soak Drain of 100 litres/second (l/s) has been agreed and will liaise with the developer to discuss foul drainage proposals.

**Capital and Buildings:** Financial contributions are sought in relation to education for primary and secondary education which is a figure of £7,152 per dwelling; this figure is inflated annually on 1 April.

**Ecology:** The site has importance for open mosaic habitats and has potential for reptiles, foraging bats, nesting birds, foraging badgers, hedgehogs and a variety of invertebrates. If permission is ultimately granted, there will be a need to secure biodiversity enhancements in accordance with the National Planning Policy Framework and policy EALE-1.

**Strategic Housing:** As this is an outline planning application only, the type and tenure of the affordable housing units have not been decided upon and are part of the reserved matters to be determined at a later stage with the full permission. North Lincolnshire Council's current Interim Position Statement, which incorporates the affordable housing policy, requires 10% or two units of this development for affordable housing, through a Section 106 Legal Agreement with the details agreed at the full permission stage when the property types are submitted by the developer.

**Spatial Planning (Section 106 Officer):** With regard to affordable housing, the site falls within the area of Ealand, Crowle and therefore is classed as a rural settlement. Under current council policy, 10% of the dwellings are required to be provided as affordable units.

There are 29 dwellings shown on the indicative layout for this application and so for 29 dwellings, we would expect the provision of at least three dwellings to be affordable units. The requirement to ensure that the development incorporates affordable units is to be made as a covenant of a Section 106 agreement. The developer needs to confirm which plots will be the affordable units.

If the development is built out as per the indicative plan i.e. 29 dwellings, three of which are affordable, then an education contribution will be required for this scheme as the number of dwellings exceeds the current policy threshold of 25 dwellings for education provision.

Consideration must be given to Public Open Space provision required on the site or requirements for an off-site contribution. Under current council policy there is a requirement to provide 10 square metres per dwelling of casual open space (290 square metres for this development). The current indicative layout shows an area of open space well in excess of the policy requirement of approximately 2665 square metres. It is noted that this area has been set aside for a potential SUDS attenuation pond. More information will be required about the split between SUDS features and the open space if this is the case.

As a minimum, the council would expect the area of 290 square metres for casual open space. If the developer requires the council to adopt the open space at the size it is currently shown, we would require a 10 year maintenance contribution. This is calculated to be £2,502.33 per year x 10 years = £25,023.32. This can obviously be reduced down if some of the area is to be provided as an attenuation pond.

There is a requirement to provide an on-site play area, however I have looked at comments raised by Network Rail and certain safety features they would require if the provision of a play area shared the same boundary as the railway land. If a Local Area of Play cannot be accommodated on site, a contribution towards off-site provision can be requested. This

would be at a cost of approximately £1,672.28 x 10 years = £16,722.88. Therefore the total recreation contribution is currently £41,746.20.

**LLFA Drainage:** There are existing foul sewer flooding issues in the downstream catchment of Ealand & Crowle. In addition, there is an awareness that Severn Trent Water has advised pre-commencement conditions with respect to foul sewer modelling and capacity and agreement of discharge rates from this development. Recommend conditions in relation to the submission and implementation of a scheme for surface water drainage disposal.

## **TOWN COUNCIL**

No response received.

## **PUBLICITY**

The application has been advertised by site notice. No comments have been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has not provided any documentation which indicates that community consultation has been undertaken in advance of the application being submitted to the council.

## **ASSESSMENT**

Outline planning permission is being sought to erect 29 dwellings on a site which extends to 1.18 hectares in area and is located to the east of 7 Lakes Country Park. The means of access is the only matter to be considered at this outline stage, the remaining matters are reserved for subsequent consideration through the submission of a reserved matters planning application. The site is located outside the defined settlement boundary for Ealand and forms part of a wider piece of land granted planning permission for residential development at appeal; this land is also in the ownership of the applicant. Outline planning permission was granted at appeal under planning application references PA/2013/1256 and PA/2015/0481 for residential development on parts of the site located directly to the north and north-west.

The site is allocated in the Housing and Employment Land Allocations DPD as an employment site under policy EALE-1 for B1, B2 and B8 uses. Permission was granted in 1996 (2/1996/0110) for the erection of industrial units and infrastructure works, including roads (2/1996/0100), however only the latter permission was implemented with the construction of the roads and associated infrastructure.

**The main issues to consider in the determination of this application are the principle of residential development, flood risk and drainage, impact on amenity, highways and Section 106 contributions.**

### **Principle**

The application site is located outside of any defined settlement boundary and the proposal would represent a departure from the current local plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is considered necessary to consider two key issues:

**(i) Sustainability of the site/Housing land supply**

In relation to the sustainability of the site it is considered that significant weight should be afforded to the appeal decisions (APP/Y2003/A/14/2221377 and APP/Y2003/W/16/-3145930) which related to the adjacent site. In determining the appeal the relevant Inspector concluded that the adjacent site was situated in a sustainable location and made the following relevant observations:

In relation to planning application PA/2013/1256:

Whilst the distances and pedestrian access to local schools is not ideal, the range of facilities available in Ealand and the proximity of the railway station show to my mind that the site has good accessibility, particularly in the context of a rural area.

In relation to planning application PA/2015/0481:

*The three roles of sustainable development are mutually dependent and it is clear that the proposal would deliver economic, social and environmental benefits. Furthermore, the pattern of growth would be in a sustainable location, as agreed by both parties. The adverse impact on the spatial integrity of the development plan would be minimal and no other harm has been identified. Consequently, the adverse impacts arising from the development would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework as a whole. It would therefore amount to a sustainable form of development and would thus be consistent with saved policy CS2 of the CS and paragraph 14 of the Framework.*

Given the proximity of the current application site to those considered at appeal it is considered that direct parallels apply. The site must be considered sustainable in terms of location given the precedent set by the appeal decisions. The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of 29 new dwellings, including three affordable houses.

The development plan for North Lincolnshire comprises three parts: 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 rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

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. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

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 Ealand. There are no allocated housing sites within Ealand.

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, 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 focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Ealand and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing site and that housing applications should be considered in the context of the presumption in favour 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.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The North Lincolnshire Sustainable Survey 2016 ranks the settlement of Ealand as 34th out of the 79 settlements scored within the survey and is classified as a Larger Rural Settlement having four of the seven key facilities. Local facilities include a public house, village/church hall, post office and shop and a train station within easy reach of the site on foot, and a wider range of further services accessible by foot, bicycle and public transport readily available in Crowle. Therefore the proposal accords with the need to site 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. In terms of the environmental dimension, the development will partly result in the redevelopment of the site and offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

In addition, the design and access statement submitted with the planning application sets out the sustainability credentials of the proposal and tabularises the proximity of the site to various local services and facilities within walking and cycling distance; these are predominantly located within Ealand and Crowle. It also sets out the relative distances to modes of sustainable transport and enjoys pedestrian access to Ealand. It is therefore considered that the proposal would result in a broadly sustainable form of development.

## **(ii) Provision of employment land**

The application site is allocated as an employment site in the Housing and Employment Land Allocations Development Plan Document (DPD). As an allocated employment site, its use for other purposes is prohibited by policy RD5 unless it can be proven that there is no demand for industrial units in this area and its continued allocation for industrial purposes is preventing the land from being brought into a worthwhile use. Within their design and access statement at paragraphs 7.3–7.5 the applicant's agent states the following in respect of the potential loss of employment land for residential use:

*The application site has been allocated for employment use since the adoption of the Structure Plan in 1993, an allocation that was retained in the 2003 Local Plan (ref. CIN-16), and in the new HELA DPD 2016 (ref. EALE-1). However, in that time the site has never been developed. The site was marketed as part of a wider parcel of land at 7 Lakes Industrial Estate under the ownership of Colin Muscroft over a 7 year period, but no interest received. In his decision letter, the appeal inspector for the first site at 7 Lakes Industrial Estate (APP/Y2003/A/13/2221377, 15th October 2014) accepted that this indicated very little interest in the site. He also noted that both parties accepted there was an oversupply of employment land in the district.*

*The Inspector for Mr Muscroft's second appeal at the site immediately to the north (APP/Y2003/W/16/3145930) accepted that the marketing undertaken also applied to all of the land at 7 Lakes Industrial Estate under Mr Muscroft's ownership. In terms of local provision of this type of employment site, allocation EALE-2 to the south of the canal offers a very similar offer and the loss of the 1.18 hectare site at 7 Lakes Industrial Estate will not leave a deficit of employment land in the local area either.*

It is accepted that North Lincolnshire Council can demonstrate a surplus of employment land and that the two recent appeal decisions on the other parts of the site have resulted in the potential for a use to be introduced (residential) onto the site which would be incompatible with industrial uses (if the site was developed for industrial uses). In addition, the applicant has previously demonstrated, to the satisfaction of two planning inspectors, that they have marketed the site for a period of time without any interest for industrial development and the site to the south of the railway line (which is allocated for industrial uses under policy EALE-2) will remain available as an employment site. The proposal would not therefore undermine the ability of the council to provide employment land in the immediate locality or wider council area.

## **Flood risk**

The site is shown to be located within zone 2/3a in accordance with the North Lincolnshire Strategic Flood Risk Assessment or SFRA. In accordance with national and local planning guidance, the applicant has undertaken a sequential test of alternative sites within the nearest settlement boundaries and has satisfactorily demonstrated that there are no reasonably available sites at lower risk of flooding to accommodate this development; these



sites are primarily discounted on the basis that they have a larger site area than the development site or they are located outside the defined settlement boundary for Crowle. Based on this information it is considered 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 to satisfy the exceptions test, this is contained within the FRA. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the construction of the dwelling will create jobs for local tradesmen, it will support local services and all materials will be sourced locally. In addition, it states that the redevelopment of the site will enhance the site, it will provide some affordable housing and has the potential to increase users of public transport to support its long-term provision. In order to pass the exceptions test a development must meet the following criteria.

Essentially, the two parts to the test require proposed development to show that it 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 and where possible reduce flood risk overall.

It is considered that the revised FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. No objection has been received from the Environment Agency in respect of flood risk and a condition is recommended that the development takes place in accordance with the mitigation measures set out within the FRA. In addition, it is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in this part of Ealand and will be of wider community benefit, in that it will support existing services within the defined Market Town of Crowle. Therefore the proposal is considered to provide wider sustainability benefits which outweigh flood risk. Subsequently the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy or the National Planning Policy Framework in terms of flood risk.

In terms of drainage, it is known there are localised flooding issues in this part of Crowle and Ealand parish. A surface water drainage scheme has been submitted in support of the application, this recommends that surface water be disposed of via a SuDS method which consists of infiltration through soakaways into an attenuation pond with an outfall to the North Soak Drain using a hydrobrake at a flow rate of 100l/s. The Environment Agency has raised no objection to this discharge rate from the development into the North Soak Drain. It is proposed that this pond (which is shown to be positioned within the open space) will also serve as surface water attenuation for the outline application being considered for residential development on the adjacent site to the west. In light of this requirement it is considered prudent to recommend a condition that a maintenance agreement is submitted for consideration; this will ensure that the surface water attenuation pond is maintained by both parties.

In respect of foul drainage it is proposed to utilise and upgrade the existing pumps within the pumping station on the site and into the public sewer. Severn Trent has commented that the flooding issues result in the requirement for sewer modelling to be undertaken. In light of this request it is considered prudent to recommend a condition that details of the method of foul drainage are submitted for consideration, to include sewer modelling to ensure there is capacity within the system.

## **Residential amenity**

The proposal seeks outline planning permission for means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, and orientation and scale of the dwelling, would be considered at reserved matters stage; the potential loss of residential amenity arising from this subsequent planning application would also be assessed at that stage of the planning process. Notwithstanding this, an indicative plan has been submitted with this application, which shows that there will be sufficient land within the site to provide two off-street parking spaces per dwelling and an area of private amenity space to the rear, together with the provision of a visitor parking area capable of accommodating a minimum of 11 spaces. Given the proximity to the railway line, and accounting for the comments made by Environmental Health, it is considered prudent to recommend a condition requiring a noise impact assessment to be undertaken; this will set out any noise mitigation measures which may be required to be incorporated into the design of the scheme.

## **Transport**

As previously discussed, the sustainability of the site has been considered and found to be acceptable. In particular the site has good access to public transport links and some local services are within reasonable walking distance. The location of the site therefore complies with national and local objectives of creating sustainable patterns of development. The means of access to the site is to be considered at this outline application stage and Highways have offered no objections to the proposal on grounds of highway or pedestrian safety. It is considered that the use of the site for residential purposes would not result in an intensification in vehicular movements above and beyond those which would be likely under the employment land allocation. Furthermore, the indicative layout clearly demonstrates that sufficient space exists within the site to provide adequate parking and turning facilities. It is therefore considered that the scheme could be developed for residential purposes without resulting in unacceptable harm to vehicular or pedestrian safety.

## **Developer contributions**

Given the scale and nature of the proposed development, any approval of this application would require the completion of a section 106 agreement to ensure appropriate contributions towards education, open space and affordable housing provision and to ensure the delivery of the open space. The applicant has offered no objection to such requirements during the application process.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act (1990) to secure £7,052 per dwelling to fund the provision of both primary and secondary education infrastructure at Crowle Primary School and North Axholme Academy, maintenance of the on-site area of public open space and the provision of three affordable houses, the committee resolves:**

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

- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 3 October 2019 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits and provision of affordable housing; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, 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 layout, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Site 3 - Illustrative Site Plan and Location Plan - Site 3.

Reason

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

6.

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.

7.

No above-ground works 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.

8.

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.

9.

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

Reason

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

10.

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.

11.

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.

12.

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.

13.

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.

14.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

15.

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.

16.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Howard J Wroot Chartered Surveyor dated 28 April 2017, including the following mitigation measures detailed within the FRA:

- finished floor levels to be set no lower than 4.45 metres above Ordnance Datum (AOD) as stipulated within sections 5.1 and 6
- appropriate flood resilient design to a level of 5.75 metres AOD to be incorporated into the design of the development as indicated within section 6.2.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

17.

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, 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 protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with policy DS7 of the North Lincolnshire Local Plan.

18.

No above-ground works shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

- BS 4142:2014 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise.
- BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration.
- Calculation of Railway Noise (1995)
- ETSU-R-97 The Assessment & Rating of Noise from Wind Farms.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

#### Reason

To ensure that the amenities of future occupiers are protected in accordance with policies H5 and DS1 of the North Lincolnshire Local Plan.

19.

No above-ground works 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 reptiles, water voles, hedgehogs, badgers and nesting birds during vegetation clearance and construction works;
- (b) details of bat roosting features to be installed in at least seven new dwellings;
- (c) details of at least eight bird nesting features to be installed to support a variety of species, including swift and house sparrow;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees, shrubs and wildflowers of high biodiversity value;
- (g) prescriptions for biodiversity enhancement in drainage features;



- (h) prescriptions for a habitat buffer along the North Soak Drain, incorporating measures to exclude domestic cats;
- (i) a commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;
- (j) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

20.

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 twentieth 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.

21.

No development shall take place until a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Drainage Assessment, Prepared by EWE Associates, Final Rev A, dated October 2018.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased and set. SuDS should be considered within the design of the surface water drainage scheme.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

22.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

23.

No above-ground works 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.

24.

No above-ground works 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.

25.

No development shall take place until a scheme for the disposal of foul 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. The scheme shall include sewer modelling data to ensure there is sufficient capacity within the existing sewerage system.

Reason

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

26.

No authorised development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. This shall include details of mitigation measures for the control of pollution including noise, vibration, dust and light. All construction work shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

27.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

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

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

Reason

To protect residential amenity.

### **Informative 1**

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

### **Informative 2**

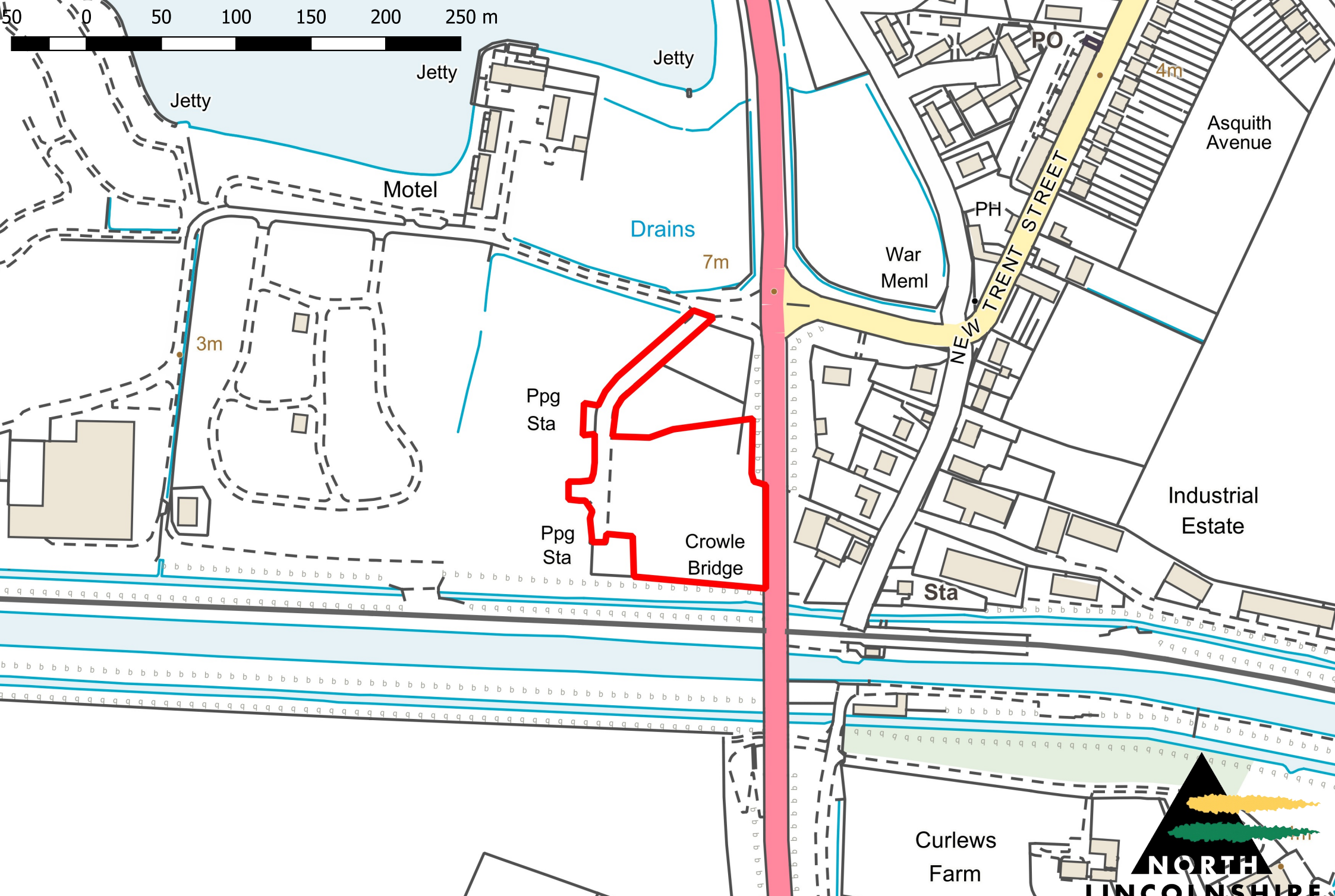
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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 3**

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

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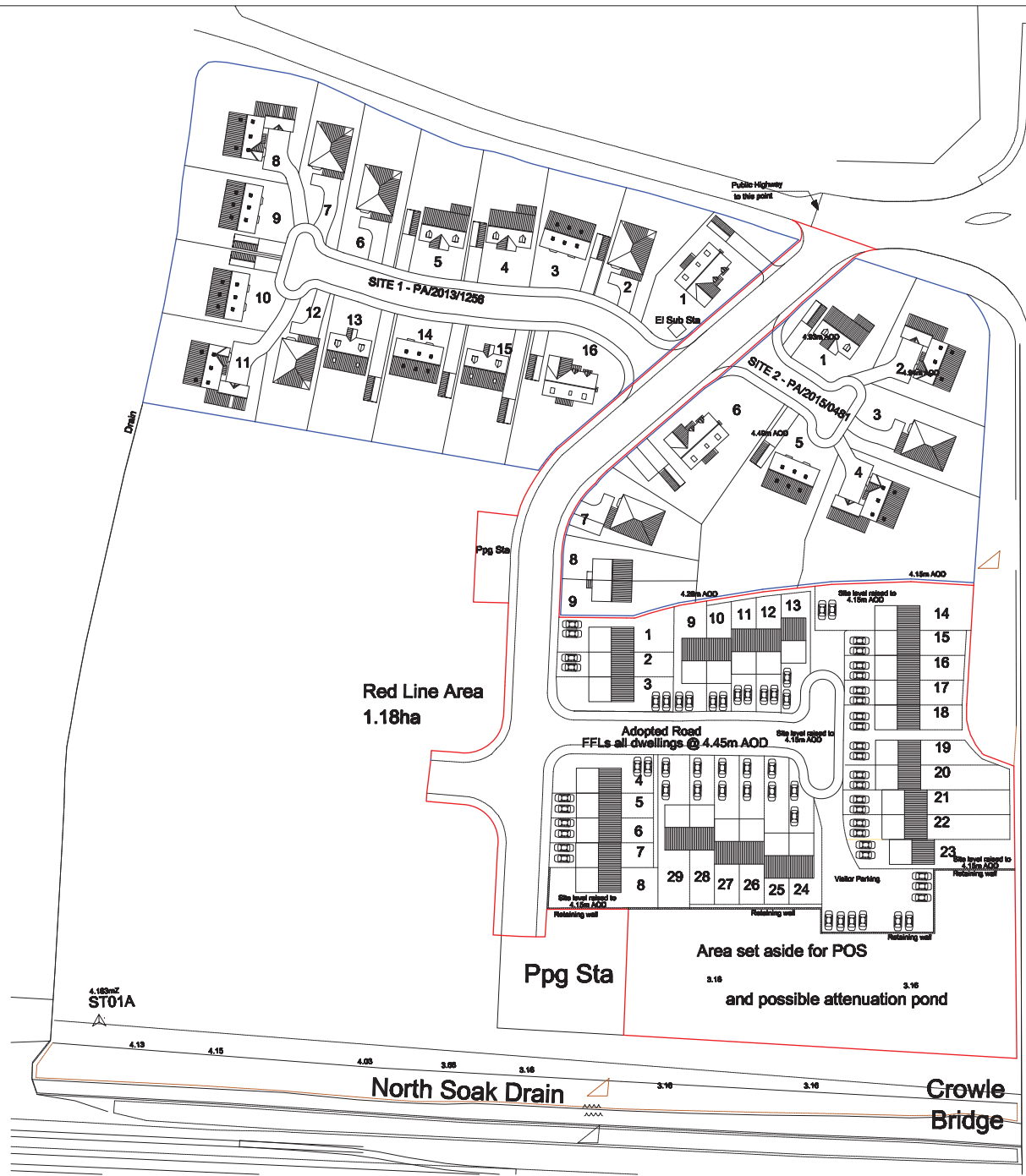



PA/2017/824

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# PA/2017/824 Indicative layout (not to scale)



Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road Ealand Scunthorpe DN17 4JN Tel/Fax: 01724 710174  Email: howard@howardjwroot.com	Client Mr C Muscroft	Proposal Residential Development	Drawing Site 3 - Illustrative Site Plan	Address 7 Lakes Industrial Estate Ealand, Scunthorpe, DN17 4JS	Date 14/3/2017	Ref 148-17 S3	Scale 1:500	Sheet 1 of 2
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