

<b>APPLICATION NO</b>	<b>PA/2008/0338</b>
<b>APPLICANT</b>	Keigar Homes Ltd
<b>DEVELOPMENT</b>	Outline planning permission to erect 60 dwellings
<b>LOCATION</b>	Land off Island Carr Road, Brigg
<b>PARISH</b>	<b>BRIGG</b>
<b>WARD</b>	Brigg and Wolds
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Brigg Town Council

## **POLICIES**

**Regional Spatial Strategy for Yorkshire and the Humber:** Policy H4 (Provision of Affordable Housing) states that, 'The region needs to increase its provision of affordable housing. Plans, strategies, programmes and investment decisions should ensure the provision of affordable housing to address the needs of local communities.'

Policy H5 (Housing Mix) states that, 'Plans, strategies, investment decisions and programmes should ensure the provision of homes for a mix of households that reflect the needs of the area, including homes for families with children, single persons and older persons, to create sustainable communities.'

**North Lincolnshire Local Plan:** Policy ST2 (Settlement Hierarchy) – Brigg is categorised as a principal growth settlement.

Policy ST3 (Development Limits) – the site is within the development boundary of Brigg and the policy states that the primary focus for housing development will be in the Scunthorpe and Bottesford urban area, and to a lesser extent the principal settlements of Barton-upon-Humber and Brigg.

Policy H2 (Proposed Housing Sites) – the site is allocated in the development plan as a mixed use site providing for, amongst other uses, 60 dwellings with residential development limited to the upper floors only.

Policy H3 (Previously Used Land) – the development of previously used land and vacant buildings will be preferred in sequence to the take-up of greenfield sites in the locality.

Policy H5 (New Housing Development) – this policy sets out criteria for the development of new housing sites and states that planning permission for new housing development will be permitted providing that it is located within the principal growth settlements of Barton-upon-Humber or Brigg, or the medium growth settlements, and such development will be reasonably expected to commence within the lifetime of the local plan. The policy then sets out 13 additional criteria against which all housing development should be considered.

Policy H8 (Housing Design and Mix) – this is an outline application and therefore this will be one of the matters reserved for subsequent approval.

Policy H19 (Housing Density) – the proposal provides for the allocated density in the development plan (policy H2 refers).

Policy H10 (Public Open Space Provision in New Housing) states that any new development shall make provision for additional residents by providing additional public open space.

Policy MX1 (Mixed Use Development) schedules sites allocated in the plan for mixed use development and at MX1-12 Island Carr North is designated as a site where C3 (dwelling houses) and/or B1 (business) and/or D2 (assembly and leisure) uses, with residential uses at or above first-floor level to the extent of 60 dwellings, will be permitted.

Policy T1 (Location of Development) – development proposals which generate a significant volume of traffic movement will be permitted provided that they are located:

- (i) in the urban area of Scunthorpe and Bottesford, Barton-upon-Humber, Brigg and other areas identified for development on the South Humber Bank and Humberside International Airport;
- (ii) where there is good access to rail, water and air transport or to the North Lincolnshire strategic road network;
- (iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

Policy T2 (Access to Development) – all developments must be provided with a satisfactory access.

Policy T3 (Transport Assessments) – developers of major schemes will be required to provide transport assessments.

Policy C1 (Educational Facilities) – where major new housing proposals will result in an increased demand for educational facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act in order to secure the provision of or contribution towards new or extended facilities.

Policy DS1 (General Requirements) – a high standard of design is expected in all developments in both built-up areas and in the countryside, and proposals for poorly designed developments will be refused. All proposals will be considered against criteria relating to the quality of design, amenity, conservation and resources.

Policy DS2 (Planning Benefits) – where development is acceptable in principle, under the policies of this plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities. Planning obligations will be sought where they would enhance development proposals providing that they are necessary to the granting of planning permission, relevant to planning, directly related to the development to be permitted, and the benefits sought are reasonably related in scale and kind to the development concerned.

Policy HE9 (Archaeological Evaluation) – where development proposals affect sites of known or suspected archaeological importance an archaeological assessment will be required prior to the determination of a planning application.

Policy DS7 (Contaminated Land) – in the case of proposals for development on land known to be or strongly suspected of being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

Policy DS16 (Flood Risk) – development will not be permitted within flood plains where it would:

- (i) increase the number of people or buildings at risk;
- (ii) impede the flow of flood water;
- (iii) impede access for the future maintenance of water courses;
- (iv) reduce the storage capacity of the flood plain;
- (v) increase the risk of flooding elsewhere;
- (vi) undermine the integrity of the existing flood defences;

unless adequate protection or mitigation measures are undertaken.

Policy DS11 (Pollution Activities) – this is a general policy which relates to many types of pollution but includes the assessment of developments against an existing or proposed noise nuisance.

**Interim policy relating to climate change and energy consultation in relation to new buildings:** In June 2010 the council adopted a policy that requires any development of more than 10 dwellings to be built to specific codes in the Code for Sustainable Homes in order to reduce the level of carbon emissions. This policy requires, with the passage of time, an improved level in the method of construction of residential properties to achieve this objective.

In August 2010 the council adopted an **interim policy relating to the delivery of affordable homes**. This policy states that new residential housing development of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible for those unable to compete in the general housing market. This policy seeks to achieve the following proportion of affordable housing: Scunthorpe urban area and market towns – 20%; rural settlements – 10%.

A target of 70% of affordable homes will be provided for rent, with the remainder provided as an intermediate tenure, to be agreed on a site by site basis.

Wherever possible, affordable housing should be provided on site but an off-site contribution may be acceptable where:

- (a) management of the affordable housing on site cannot be secured effectively; or

- (b) affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.

## **CONSULTATIONS**

**Highways:** No objections, but advise conditions be imposed to ensure that a satisfactory access is provided from the site to the strategic highway network and that the roads within the site are ultimately constructed and made up to a standard to ensure adoption and maintenance at the public expense in the future (numbers 5 to 19).

**Environment Agency:** Following protracted negotiations, the Environment Agency is now satisfied that this development can proceed providing suitable conditions are imposed to ensure that the site does not pose a risk of flooding to occupiers of any new dwellings, nor does it increase the risk of flooding elsewhere in Brigg.

**North Lincs and Goole Hospital Trust:** No objections.

**Fire Brigade:** No objections.

## **TOWN COUNCIL**

Object to the development on the following grounds:

### **'Flood risk**

Despite the mitigating steps offered by the applicant vis-à-vis the creation of a reservoir to contain excess water in the event of severe and sustained rainfall, it would appear that the Environment Agency does not consider that the proposed reservoir is of sufficient size to accommodate the volume of surface water and rainfall that would previously have been absorbed by this land.

Therefore, it is reasonable to anticipate that existing neighbouring properties would be at increased risk of flooding.

Indeed, I am enclosing a copy of a letter from NFRN Mutual Ltd, provided by Mr Paul Bhatti (the newsagent on Bridge Street), which demonstrates that insurance against flood risk is already being denied due to the risk of flood in this vicinity.

Therefore, how are residents of the proposed properties going to secure adequate insurance cover; and surely, it would be irresponsible to allow properties to be built which will be unable to secure adequate flood risk insurance cover.

The town council is extremely concerned with regard to the risk to public safety from storing water in an open reservoir within a residential development; but there is also the added consideration that, in the event of periods of drought, the reservoir would be depleted and dry up, which would surely create a foul stench that would be completely unpleasant and intolerable for people living and working in that vicinity; and for those using the new river for leisure and recreation purposes.

The town council does not, therefore, consider the creation of a reservoir to be a viable solution to mitigate the risk of flooding in this area.

## **Sewerage**

As stated in previous correspondence, Brigg Town Council has had sight of photographic evidence from the Brocklesby Ox Residential Park, showing that foul sewage backed up the drains at that location during previous heavy rainfall. Members are therefore extremely concerned that any further pressure placed on the sewers and drains would have a detrimental effect on both existing and new residents; and that the residents of the park homes, many of whom are elderly, are at increased risk of such occurrences.

## **Traffic**

Should this development receive approval without measures being taken to address the issues with regard to traffic flow, then the town council firmly believes that it will only be a matter of time before a serious accident occurs; and even more so if an increased number of families are attempting to join the traffic via Kiln Lane, to deliver their children to school, or to go to work.

As you must be aware, the multiple junctions within the short stretch of highway between the junction of Island Carr Road and Ancholme Way, combined with the exit/entrance to the residential caravan park, the petrol station, and the two agricultural merchants, make it an impossible task to attempt to right turn out onto Bridge Street.

As this is the only route into and out of Brigg, congestion will naturally occur at peak times, and it is exactly those times when any new residents would be trying to join or cross the traffic, which will only serve to exacerbate the problem.

The town council is also aware that the owner of the Brocklesby Ox Caravan Park has a right of way across Kiln Lane for the purpose of delivering and removing static park homes; and this exercise can result in Kiln Lane being blocked for several hours while homes are exchanged, manoeuvred and unloaded. This would clearly create conflict between him and the new residents, whose only means of access/exit will be via Kiln Lane.

The detrimental impact on existing homes and businesses due to roads being heavily congested for a sustained period due to the construction traffic which would only be able to access the site via Bridge Street, is also an issue which must be given serious consideration.

Businesses in a small town like Brigg (which is managing to survive despite the pressures on the economy almost everywhere else in the country) could certainly not sustain a lengthy and protracted period, where shoppers and visitors could not easily access the town due to the inevitable increase in heavy goods vehicle movements.

## **Local services**

Members have asked me to register their concerns with regard to schools and health services, and whether there is the capacity within existing services to cope with a significant increase in demand for places. It is understood that Brigg Primary School was oversubscribed this year, so how will the school cope with the inevitable increased demand that new housing development.'

## OTHER CONSULTATION RESPONSES

**Environment Team:** Note that standard methods for searches for protected species have been carried out on the site and these have proved satisfactory. The submitted protected species assessment makes key points which the team have responded to and have come to the conclusion that appropriate conditions can satisfactorily deal with the provisions of PPS9 (Biodiversity and Geological Conservation). In this guidance it states that, 'Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.' The Environment Team go on to say that conditions should be used to ensure that the landscaping enhances biodiversity and that provision should be made within the layout for bats and swifts which are regularly seen in the area.

**Public Open Space Co-ordinator:** After considering the design and access statement submitted with this outline application, the co-ordinator feels that the proposed layout is unsatisfactory and unsuitable for the purpose of siting a local equipped area of play (LEAP). His suggestion is not to provide an on-site public open space or LEAP, but to ask for the equivalent off-site commuted sum to improve facilities and play opportunities at the nearby existing Almond Grove play area which is just a two minute walk away from the development. This play area is in need of some investment and is close to the development. It would offer good play provision with some improvements and play equipment additions. The commuted sum requested is £61,053.17.

**Environmental Protection Team:** This proposal has been considered from two viewpoints: noise and contaminated land. Dealing with the noise issue first, various measurements have been taken and assessments made, and a full noise assessment report has been submitted. The report recommends various mitigation measures relating to acoustic fencing and glazing specifications for any housing on the site. Following a full assessment of the report and successful negotiations with the applicants' agents' the Environmental Protection team have no objections to the proposal providing that the report's mitigation measures are strictly adhered to.

In respect of contaminated land, standard conditions are considered appropriate to deal with the issue of any contamination that may be found during excavation in the construction phase of the development.

**Archaeologist:** Following negotiations and the submission of further reports from the applicants' agents the archaeological issue has now been resolved and subject to appropriate conditions being imposed, no objections are substantiated to this development on archaeological grounds.

**Strategic Housing Officer:** Refers to the interim policy for the provision of affordable housing and confirms that in Brigg, as a market town, 12 of the units on the site require to be affordable and this can be dealt with by the imposition of an appropriate condition.

**Education:** When consulted on this application the Education department requested commuted sum payments for both secondary and primary school places based on the number of dwellings to be constructed. Over the years this application has been with the council negotiations have taken place with the applicants with regard to this and other requirements of the council. This has resulted in the developers putting forward a case that this site has exceptional requirements in terms of the amount of on-site work that is

required, not only to build dwellings in the ground conditions that pertain at the site but also to carry out mitigation measures as required by the Environment Agency to make this site suitable for development. All of this additional work increases the cost of developing this site. As a brownfield site this site should be developed in preference to greenfield sites and helps the council meet targets for the release and development of brownfield land in advance of such greenfield locations. Accordingly, it is considered that it is unreasonable to insist that the developers pay both primary and secondary commuted sums and that it would be more reasonable to ask them only to contribute to the increase in the primary school education requirement. This figure amounts to £139,440 which is calculated at the rate of £2,905 per dwelling excluding affordable homes.

## **PUBLICITY**

This application, in its original form, was advertised by site and press notice, and neighbours were notified by letter. As amendments have been made, primarily due to the requirements of the Environment Agency with regard to the potential for flooding, the application has been re-advertised in the same way. A number of letters have been received objecting to the development on the following grounds:

- The area is liable to flooding.
- The surrounding area is a quiet residential area (the mobile home park) and the objector considers that to build a residential estate close to the park will disrupt the quiet enjoyment that the residents currently enjoy.
- Because of the increase in population in the area there will be a proportional increase in crime.
- The increase in traffic necessitated by the development will adversely affect businesses in the area and car parking close to those businesses as the area will become more congested.
- There will be an increase in vehicular traffic to the area generally which will add to existing congestion and increase noise and vibration damaging the living conditions of local residents and harming properties.
- The nearby industrial and commercial development is potentially noisy and this will have an impact on the living conditions of the occupiers of the new dwellings. This could also give rise to complaints about the industrial area from new residents.
- There are concerns over the capacity of the pumps in the area which are required to empty ditches into the Ancholme in times of high water table and localised flooding.
- There is a serious question mark over the adequacy of the foul water drainage system in the area to meet additional load.
- There is the potential for these new dwellings to overlook adjacent residential property.
- Enough houses in Brigg remain unsold – why is there a need to build more?
- The site has been the subject of previous refusals of planning permission – what has changed?

- The capacity of local services such as doctors and dentists has to be assessed in terms of being able to cope with the additional population.

## **ASSESSMENT**

Clearly, in policy terms, the site is suitable for development due to its allocation in the development plan.

All of the technical consultees in relation to this proposal are satisfied that the development of this site for 60 dwellings can be accommodated satisfactorily providing that suitable conditions are imposed on any planning permission relating to mitigation measures to deal with flood risk, affordable homes provision, accessibility to the site from the strategic highway network, noise and contamination, landscape, biodiversity and climate change. What remains to be considered are the objections of local residents and the concerns raised by the town council.

The three grounds on which the town council make their objections – flood risk, sewerage and traffic – are all addressed elsewhere in this report by reference to the expert in each of these fields. The town council has the opportunity to give their views on each of these areas that need proper consideration, however the advice of the technical consultees is that none of these three issues warrants withholding permission. The Planning Committee must therefore judge how much weight to attach to the town council's conclusions on each of these areas of concern.

Similarly, with regard to the objections made by third parties, all of the technical consultees have given this proposal a clean bill of health. The council is not in a position to consider overlooking at this moment in time as no designs have been submitted for any dwellings on the site as this is an outline planning application. Similarly, no evidence has been submitted that confirms there is an issue with local services' ability to cope with more customers or clients. The adequacy of the foul water drainage system will be assessed when a detailed scheme of design is submitted to the council and at that time any off-site works will have to be factored in to the developers' programme, but at this outline stage no objections have been raised by the statutory undertakers who are responsible for the foul water network.

With regard to an increase in crime, there is no reason to believe that the introduction of more new homes to Brigg with the attendant increase in population will lead to an increase in crime levels in the area.

Accordingly, subject to appropriate conditions, no objections can be substantiated to this development from a technical or policy viewpoint and the recommendation is for approval.

**RECOMMENDATION**      **Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for a commuted sum to secure improvements to the nearby Almond Grove play area, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**



**(iii) if the obligation is not completed by 9 October 2011, the Head of Planning be authorised to refuse the application on grounds of non-compliance with policy H10 of the North Lincolnshire Local Plan; 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), the means of access thereto 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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, the means of access to the site 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 access road from the site onto Ancholme Way shall be permanently closed and the footway and parking reinstated before any other works are commenced on site. These works shall include the removal of the right-turn holding lane road markings.

Reason

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

6.

Prior to any works commencing on site, all details, including a survey, level details, existing

construction specification and drainage of Kiln Lane, which is currently an unadopted road, shall be submitted. Also a fully worked up engineering proposal to improve and upgrade Kiln Lane to an adoptable standard shall be submitted and include pedestrian crossing facilities in Bridge Street, street lighting proposals, provision and protection of the visibility splay at the junction of Bridge Street and suitable access arrangements to serve all existing users of Kiln Lane.

Reason

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

7.

All works identified in condition 6, once approved, shall be carried out and completed prior to the occupation of any dwellings on the development site.

Reason

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

8.

There shall be no direct vehicular connection between the site and the Island Carr Industrial Estate. However, footway and cycle links shall be provided 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 policies T2 and T19 of the North Lincolnshire Local Plan.

9.

All surface level parking facilities incorporated into the buildings shall be kept as open carports and at no time shall these facilities be enclosed by the use of garage doors.

Reason

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

10.

Any residential travel planning measures identified within the transport assessment shall be implemented in accordance with the approved details and timescales.

Reason

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

11.

No development shall take place until details 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.

12.

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.

13.

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.

14.

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

Reason

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

15.

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.

16.

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.

17.

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.

18.

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.

19.

No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, 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.

20.

No ground raising shall take place on the site until the flood plain compensatory storage scheme has been fully completed.

Reason

To ensure the risk of flooding to third parties is not increased during the construction phase of the development.

21.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

22.

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

Reason

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

23.

No dwelling on the site shall be occupied until details of the arrangements for the provision of 12 affordable houses within the approved layout have been agreed in writing by the local planning authority. Such details shall include:

- (i) arrangements to ensure that the dwellings remain available as affordable units both for initial and subsequent occupiers; and
- (ii) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the housing and the means by which such criteria will be enforced.

Reason

To ensure compliance with North Lincolnshire Council's Interim Policy relating to the Delivery of Affordable Housing (August 2010).

24.

No development shall commence until such time as details have been submitted to and approved in writing by the local planning authority of the means by which the proposed dwellings (excluding those defined as affordable housing) will comply with the provisions of Code Level 3 in the Code for Sustainable Homes.

Reason

To ensure the development complies with the requirements of PPS1 (Planning and Climate Change).

25.

All site works shall be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines and in particular PPG6: Working at Construction and Demolition Sites.

Reason

To avoid contamination of protected species' habitats in accordance with policy LC5 of the North Lincolnshire Local Plan.

26.

The ivy covered tree described in the submitted protected species assessment dated June 2007 shall be retained and shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped nor any other works carried out which would cause damage to the root system or otherwise threaten the life of the tree without the previous written consent of the local planning authority.

Reason

To conserve protected species in accordance with policy LC5 of the North Lincolnshire Local Plan.

27.

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

- (a) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- (b) confirmation that the spoil heap described in the submitted protected species assessment shall not be cleared except between the months of May and October in any calendar year;
- (c) details of measures to avoid harm to nesting birds, their nests and eggs during construction;
- (d) details of design features and physical protection measures in the construction and later phases of development, to minimise the risk of harm to water voles, including measures to reduce the risk of predation by domestic cats;
- (e) details of measures to control and avoid the spread of Japanese Knotweed;
- (f) details of proposed landscaping/open space provision, including use of locally native wildflowers, trees, shrubs and hedgerows and details of whether existing trees, hedgerows and drains will be retained;
- (g) details of biodiversity enhancements to be carried out, including provision of habitat for reed bunting and roosting features for swifts, pipistrelle and Daubenton's bats to be installed in at least 10% of dwellings;
- (h) details of persons responsible for:
- (i) compliance with legal consents relating to nature conservation;
- (ii) compliance with planning conditions relating to nature conservation;
- (iii) installation of physical protection measures during construction;
- (iv) implementation of sensitive working practices during construction;
- (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority. Agreed biodiversity features shall be retained.

Reason

To protect features of recognised nature conservation importance.

28.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the documents 'Archaeological Impact Report: Land at Island Carr Brigg' and the 'Archaeological Project Specification' prepared by Allen Archaeology Ltd dated 17 November 2010, which have been submitted by the applicant and shall be approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

29.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

30.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site is of archaeological interest.

31.

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 shall be 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 shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure the proposed remediation plan is appropriate.

32.

The approved remediation scheme shall 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 shall be subject to the approval in writing of the local planning authority.

#### Reason

To ensure site remediation is carried out to the agreed protocol and to provide verification that the required remediation has been carried out to the authority's satisfaction.

33.

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. 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 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'.

#### Reason

To ensure all contamination within the site is dealt with.

34.

No doors or other means of enclosure shall be fixed to the garage space opening without the written prior approval of the local planning authority.

#### Reason

To prevent a means of enclosure that would work to the detriment of the flood mitigation measures.

35.

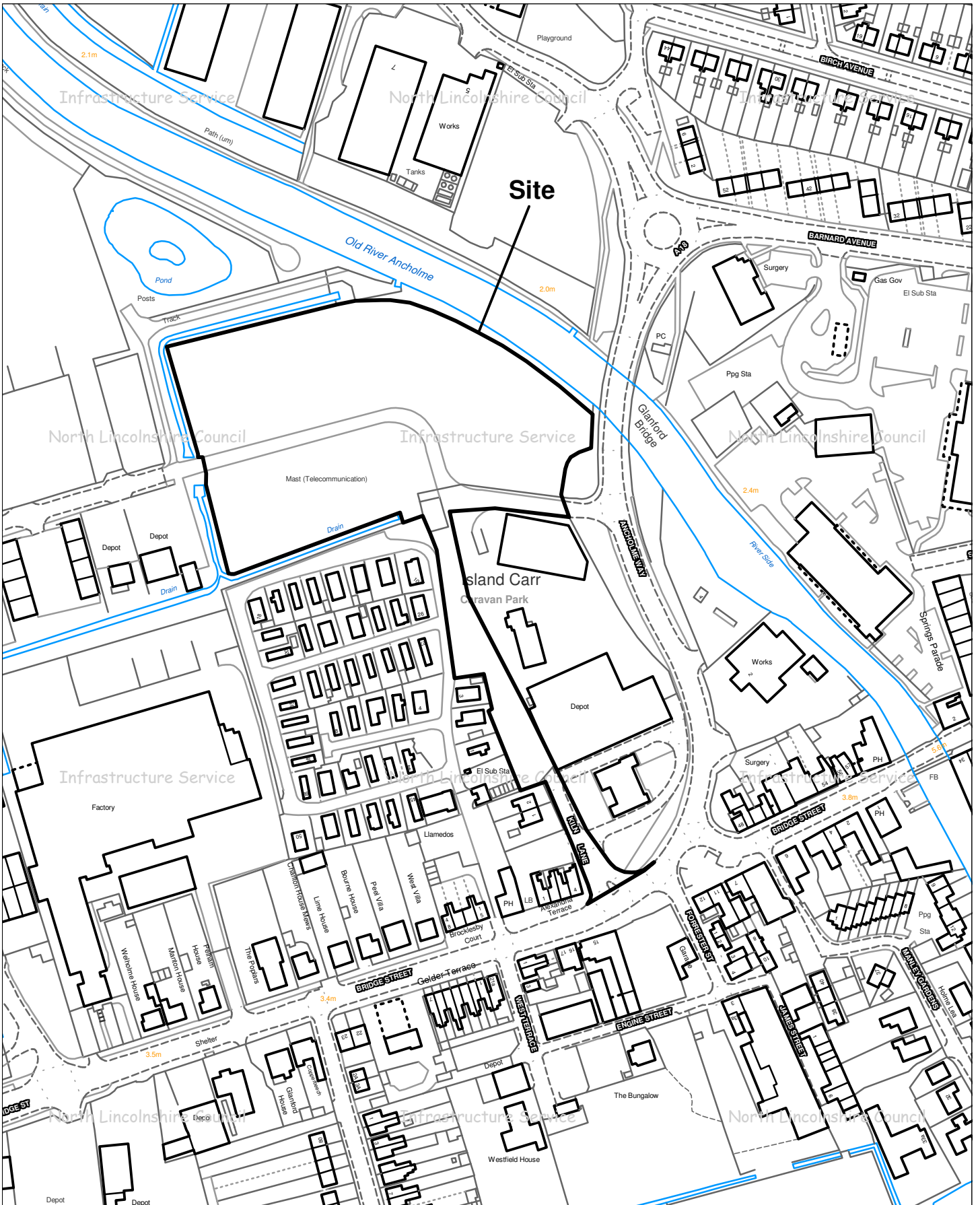
The development shall be designed/constructed using those mitigation measures as



described in the Noise Impact Assessment dated 31 August 2010, reference 07478 Rev B, sections 5.6 and 5.7, and retained in their entirety thereafter.

**Reason**

To ensure that appropriate mitigation measures are provided to minimise the impact of traffic noise.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2011



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