

APPLICATION NO PA/2012/1399

APPLICANT Mrs J Grimley, Market Court Developments Ltd

DEVELOPMENT Demolition of a metal clad shop, a store and a retail stall and planning permission for the erection of a mixed use development comprising eight town houses, six flats and three shops

LOCATION Land to the rear of 5-6 Market Place, Brigg

PARISH BRIGG

WARD Brigg and Wolds

CASE OFFICER Tanya Coggon

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Officer discretion

POLICIES

National Planning Policy Framework: Paragraphs 7, 8, 9, 11, 14, 17, 21, 23, 32, 35, 49, 50, 56, 57, 58, 60,61, 63, 100, 101,103, 128, 131, 137, 173, 204 and 205.

National Planning Guidance: Paragraphs 016-026.

North Lincolnshire Local Plan: Policies H5 (New Housing Development), H8 (Housing Design and Mix), H10 (Public Open Space in New Housing Development), S3 (Development in Brigg Town Centre), T1 (Location of Development, T2 (Access to Development), T6 (Pedestrian Routes and Footpaths), HE2 (Development in Conservation Areas), HE4 (Shopfronts, Advertisements, Canopies and Blinds in Conservation Areas), HE9 (Archaeological Evaluation), DS1 (General Requirements), DS3 (Planning Out Crime), DS7 (Contaminated Land) DS11 (Polluting Activities), DS14 (Foul Sewage and Surface Water Drainage) and DS16 (Flood Risk).

North Lincolnshire Core Strategy: Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering more Sustainable Development), CS5 (Delivering Quality Design in North Lincolnshire), CS6 (Historic Environment), CS7 (Overall Housing Provision), CS9 (Affordable Housing), CS14 (Retail Development), CS17 (Biodiversity) CS19 (Flood Risk), CS25 (Promoting Sustainable Transport) and CS27 (Planning Obligations).

CONSULTATIONS

Highways: No objection subject to conditions relating to parking and access/egress arrangements.

Environment Agency: No objection subject to conditions.

Archaeology: Trial trench report required.

PROW: No objection but applicant needs to be aware that there is an outstanding application to add a byway to open all traffic along the length of Market Lane.

Anglian Water: No objection subject to conditions.

Environmental Protection: No objection subject to conditions.

NHS North Lincolnshire: No objection.

Environment Team (Ecology): No objection subject to conditions.

Strategic Housing: No affordable housing contribution required as the scheme would be unviable.

Open Space: An off-site recreational contribution is required.

Humberside Fire: Comments relating to access and water supplies.

Humberside Police: No objection subject to a condition.

English Heritage: Application should be determined in accordance with national and local policy guidance and specialist conservation advice.

Street Lighting: No objection.

Education: No contributions are required.

TOWN COUNCIL

Supports the proposal but has some residual concerns. The town council welcomes the intention to designate the strip of land known as Market Lane as a Public Right of Way. A condition is required to ensure its continued and uninterrupted use.

The colour of the brickwork should be conditioned to ensure it sits in harmony alongside neighbouring buildings in the conservation area.

A full archaeological survey must be undertaken.

The proposed access to each domestic garage is directly from Cary Lane or Springs Way which will require reversing manoeuvres, creating potential conflict with other drivers and pedestrians. The vehicular access to the new properties should be via the rear courtyard.

Concerns that wheeled bins will stand outside domestic properties for most of the day whilst occupants are at work causing an unsightly appearance and a target for vandalism/antisocial behaviour. Bins should be collected from the rear courtyard area. Bin storage for the retail units needs to be able to accommodate waste disposal adequately.

There should be no unauthorised vehicular access to the town centre.

There is no indication of the management of delivery of stock to the retail units, where delivery vehicles will park to load and unload, and the route vehicles will follow. No turning area is available.

PUBLICITY

Advertised by site and press notice. Adjoining neighbours have been notified. One letter has been received supporting the application.

ASSESSMENT

The proposal has a number of key issues that will be discussed in turn under the sub-headings below.

The proposal

The proposal is for the erection of a mixed use development comprising eight town houses, six flats and three shops. The site is an existing car park for the Grimley offices. The development will be located in an L-shaped block along the northern boundary (Springs Way) and eastern boundary (Cary Lane) of the site. The development comprises three blocks. Block A is for four town houses. Block B is for three shops on the ground floor and three flats on the first floor and three flats on the second floor. Block C is for four town houses.

The buildings will be a mix of brick and render with aluminium windows. The height of the buildings vary to marry in with the surrounding development and to create a more interesting design. The scheme essentially wraps around two primary frontages. The proposal will also involve the demolition of a metal clad shop, a brick outbuilding and a retail stall located on Cary Lane.

The existing Grimley offices will remain on the site and will be unaltered. Five car parking spaces will be retained for these offices. Access into the site is from Cary Lane and the egress is into Springs Way via Market Lane. A one-way system is therefore proposed within the development site. Market Lane is a proposed Public Right of Way. Signage will be used to prevent other vehicle users accessing the Market Place via Market Lane. Car parking spaces are proposed within the site.

The site

The site is located within the development boundary of Brigg. The site is located within a conservation area and within Brigg town centre. Adjoining the site is a listed building. Part of the site is identified as a mixed use site for A1, A3 and C3 uses in the North Lincolnshire Local Plan. The site is surrounded by a mix of commercial and residential properties including the Tesco supermarket to the north.

Planning policy

The site comprises retail and residential uses which accords with policies CS1, CS2, CS3, CS5, CS6, CS7 and CS14 of the Core Strategy and policies H5, S3, HE2, HE4 and DS1 of the North Lincolnshire Local Plan. The site, being within Brigg town centre, is a sustainable location for development. The site is close to public transport links and has pedestrian links to the main shopping area. The proposal therefore accords with policy CS25 of the Core Strategy and policy T1 of the North Lincolnshire Local Plan.

Design

The design is a wrap-around L-shape running parallel to Cary Lane and Springs Parade. The buildings have a vertical emphasis to blend in with the Georgian-style buildings in the vicinity. The use of brick and render and differing heights of the blocks break up the solid elevation. The development will be a vast improvement on the existing car park on the site. It will create a focal point to the town centre and enhance the conservation area. The proposal will accord with policies CS5 and CS6 of the Core Strategy and policies H5, H8, HE4 and DS1 of the North Lincolnshire Local Plan.

Conservation area

The site is located within Brigg conservation area. The proposal will enhance the character and appearance of the conservation area. The existing site comprises a car park and small retail premises that do not preserve or enhance the conservation area. The design does respect the character and appearance of the conservation area. The council's Heritage Officer considers that the proposed housing development has a strong design relationship with its surroundings and the buildings in the conservation area. The form and style of the proposed buildings reflect the classical symmetry and form of adjacent traditional buildings. The Heritage Officer recommends approval of the application subject to conditions, which will be imposed on the planning permission. The proposal therefore accords with policy CS6 of the Core Strategy and policy HE2 of the North Lincolnshire Local Plan.

Highways

A revised plan has been submitted following concerns in relation to the access arrangements. Users of the development will access the site via Cary Lane and egress onto Springs Way via Market Lane. 'Crocodile teeth' or similar traffic control measures will be incorporated into the Cary Lane entrance to prevent vehicles exiting that way. Market Lane is a proposed PROW. As a result the scheme has been designed to allow both vehicular users to the development and pedestrians to use Market Lane as this will create a link to the town centre. Other vehicular users will be discouraged from using Market Lane to access the town centre by the use of signage. The PROW officer has raised no objection to the proposal. Highways have raised no objection to the proposal subject to conditions. The proposal accords with policy CS25 of the Core Strategy and policies T1, T2 and T6 of the North Lincolnshire Local Plan.

Deliveries

The town council's comments in relation to deliveries are noted. There is little reference within the application to how deliveries will be carried out to the proposed retail units on the site. As a result a planning condition can be imposed on the planning permission to ensure that the details/management of deliveries are submitted for approval before the retail units are brought into use

Strategic housing and open space

Under policy CS9 of the Core Strategy, three of the dwellings need to be for affordable housing to let. In terms of open space, under policy H10 of the North Lincolnshire Local Plan an off-site contribution of £8,261.33 is required towards upgrading and improving facilities at the Almond Grove playground. However, the applicant claims the development is not viable with any Section 106 contributions included.

In terms of the National Planning Policy Framework, paragraph 173 relates to ensuring viability and deliverability and costs in decision-taking. To ensure viability, the costs of any requirements likely to be applied to the development, such as affordable housing, should,

when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. Paragraph 205 of the National Planning Policy Framework advises that where obligations are being sought, local planning authorities should account for changes in market conditions over time and, where appropriate, be sufficiently flexible to prevent planned development being stalled. This approach is also reinforced in National Planning Guidance: 'Viability and Decision Taking', paragraphs 016-026.

Under paragraph 16.14 of the Core Strategy, it is important that development costs, including the cost of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation then the developer needs to demonstrate non-viability via an 'open book approach'.

The developer has submitted a financial viability assessment report to the council. This indicates that the scheme is unviable with any Section 106 contributions included. This information has been assessed by the council and it is agreed that the scheme would be unviable with Section 106 contributions in the present economic climate. As a result no affordable housing units need to be provided within the development and no off-site financial contribution for affordable housing is required. In terms of open space, as the development is not financially viable if any Section 106 contribution is required, then it is considered that no open space contribution is required in this case. As a result, the council will not be seeking any Section 106 contributions in relation to this development.

Potential flooding and risk to controlled waters

The vast majority of the site lies within Flood Zone 1 of the council's SFRA map. A very small area of the site to the north-western corner lies within zone 2/3a (fluvial) on the SFRA map. The site does lie adjacent to flood zone 2/3a (fluvial). The applicant submitted a flood risk assessment with the application and the Environment Agency raised no objection to the Flood Risk Assessment. The applicant has designed the residential part of the scheme with garages, entrances, utility and WCs on the ground floor. As a result, in terms of flooding, the proposed scheme is considered to be acceptable. The proposal therefore accords with policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

The Environment Agency has concerns in relation to the risks associated with contamination of the site to controlled waters. Planning conditions are requested by the Environment Agency to address potential contamination to controlled waters and these will be imposed on the planning permission.

Anglian Water

Anglian Water has commented on the proposal as they have assets within or close to the boundary of the site. Anglian Water has concerns that the surface water strategy submitted with the application proposes to utilise conventional soakaways. Anglian Water requires conclusive evidence that conventional methods of infiltration will be possible without detriment to controlled waters. As a result, Anglian Water has requested that a planning condition relating to the submission of a surface water strategy is submitted to the council and various informatives. These will be placed on the planning permission to secure adequate surface water disposal from the site. The proposal therefore accords with policy CS19 of the Core Strategy and policy DS14 of the North Lincolnshire Local Plan.

Contamination

In terms of contamination, the applicant has submitted a contamination report with the application. This report has been assessed by Environmental Protection who consider that the report is acceptable subject to planning conditions. These will be imposed on the permission in order to identify and evaluate contamination on the site and any remediation required. The proposal therefore accords with policy DS7 of the North Lincolnshire Local Plan.

Noise

In terms of noise a noise assessment report was submitted with the application. The noise associated with the site is from road traffic and this includes the impact on deliveries to the Tesco store. The noise levels in relation to the impact on the proposed residential dwellings have had to be assessed. It is considered, in terms of impact of noise on the proposed dwellings, that the scheme is acceptable subject to planning conditions. The proposal therefore accords with policies DS7 and DS11 of the North Lincolnshire Local Plan.

Ecology

The proposal will not affect protected or priority species. The survey report does suggest that as a precaution contractors should be warned about finding bats and stop work. In relation to nesting birds, swift nesting features should be incorporated into the development. This can be achieved by a biodiversity management plan condition. This will be imposed on the planning permission and therefore the proposal will accord with policies CS5 and CS17 of the Core Strategy.

Police (Secured by Design)

Humberside Police have been consulted on this application in relation to crime prevention through environment design. The applicant has provided a detailed assessment in relation to crime prevention. Humberside Police have suggested a planning condition in relation to security measures for the development. An informative will also be placed on the planning permission in light of comments made in relation to crime and antisocial behaviour in the area. The proposal accords with the criteria in relation to crime within policy CS5 of the Core Strategy.

Fire

The Fire Officer has provided comments on the application in relation to access for the fire brigade and water supplies for fire-fighting. These comments will be incorporated as informatives on the planning permission.

Refuse

Brigg Town Council has expressed concerns in relation to refuse. They have concerns in relation to wheeled bins standing outside residential properties all day and consider that they should be collected from the rear courtyard. The town council also considers that waste provision for the retail units may not be adequate. The issue of the wheeled bins is noted and an informative will be used to try to ensure they are not left outside the site all day, although this would only occur on collection days.

Archaeology

The site is located within the Brigg conservation area and has the potential to affect above-ground built heritage assets as well as below-ground archaeological heritage assets associated with the historic market town. In terms of archaeology the relevant survey and investigation works have been carried out. The council's Historic Environment Officer finds

the proposal acceptable subject to conditions. These will be imposed on the planning permission. The proposal accords with advice in National Planning Policy Guidance (paragraphs 128 and 129), and policies CS6 of the Core Strategy and HE9 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 101013/110 Rev a07, 101013/115 rev a04, 101013-01 rev i01, 101013/112 rev a05, 101013/111 rev a05, 101013/114 rev a04, 101013-02 rev i01, 101013/120 rev a03, 101013/122 rev a03, 101013/123 rev a01, 101013/131 rev a01, 101013/130 rev a03 and 101013/121 rev a03.

Reason

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

3.

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 document 'Land to the Rear of Nos 5-7 Market Place, Brigg, North Lincolnshire, Mitigation Strategy,' Pre-Construct Archaeological Services, January 2014, and until the following details have been submitted to, and approved in writing, by the Local Planning Authority:

- (i) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (ii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of the archaeological works and the opportunity to monitor such works;
- (iii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the site investigation has revealed significant archaeology of medieval date. Details are required prior to development taking place in order to preserve these remains as this cannot take place once development commences on site.

4.

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 lies in an area of archaeological interest.

5.

The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the site investigation has revealed significant archaeology of medieval date. Details are required prior to the occupation of the development in order to ensure that recording and archive deposition is completed for the site as this cannot take place once the development is occupied.

6.

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 one year 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 as the site is has significant archaeology from the medieval period. One year is considered an appropriate timescale within which to ensure details are deposited and made available for public inspection.

7.

No development shall take place until samples of external facing materials and roofing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

In order to preserve and enhance the conservation area in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the Core Strategy. Compliance with this condition is required prior to development to ensure that the materials will not detract from the character and appearance of the conservation area.

8.

No development shall take place until British Standard colour codes for the proposed render have been submitted to and approved in writing by the local planning authority and only the approved colours of the render shall be used.

Reason

In order to preserve and enhance the conservation area in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the Core Strategy. Compliance with this

condition is required prior to development to ensure that the colour(s) of the render will not detract from the character and appearance of the conservation area.

9.

No development shall take place until scaled drawings, material specification and British Standard Colour codes of the proposed windows and doors have been submitted to and approved in writing by the local planning authority and only the approved drawings, specification and colour codes shall be used.

Reason

In order to preserve and enhance the conservation area in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the Core Strategy. Compliance with this condition is required prior to development to ensure that the window and door details, and the materials and colours of the windows and doors, will not detract from the character and appearance of the conservation area.

10.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan. Compliance with this condition is required prior to the development commencing on site in order to maintain highway and pedestrian safety.

11.

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.

12.

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. Compliance with this condition is required prior to the dwelling(s) being occupied in order for highway safety to be maintained.

13.

The proposed new units shall not be brought into use until the vehicle access to them and the vehicle parking, turning and servicing areas serving them have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan. Compliance with this condition is required prior to the retail units being occupied in order for highway safety to be maintained.

14.

The proposed development shall be carried out in accordance with amended drawing number 101013/110 Rev a07 and shall include the appropriate signage and physical measures specified in the agent's email dated 5 February 2013 to ensure the enforcement of the re-arranged one-way system.

Reason

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

15.

No development shall take place until a surface water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan. Details are required prior to construction commencing as development on the site to ensure that the development will be constructed using methods and materials to reduce the risk of surface water flooding on and from the site.

16.

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

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan. Compliance with this condition is required prior to development commencing in order to protect construction works from contamination during any building works.

17.

No development shall take place until a detailed scheme of noise mitigation measures for the residential development (eight townhouses and six flats), which provides details of the attenuation measures to protect all internal and external living spaces (including balconies), has been submitted to and agreed in writing by the local planning authority. The scheme shall have regard to guidance contained in BS 8233:1999 Code of Practice for Sound Insulation and Noise Reduction for Buildings and the noise measurements and design proposals set out in Noise Assessment Report for Proposed Residential Development 5-6 Market Place Brigg DN20 8HA Report Reference No 1447.10/1 dated 9 October 2012 produced by Blue Tree Acoustics for Market Court Developments. The detailed design drawings and performance standards of the proposed attenuation measures shall be supplied in full. The acoustic performance of the mitigation specifications shall be checked by a competent acoustic consultant in order to ensure that the combined scheme meets the criteria set out below. All calculations shall be provided along with the decision criteria for the final choices made. The scheme put forward shall demonstrate that attenuation measures will ensure that noise levels meet the following minimum criteria:

Inside bedrooms: LAeq(8hour) 30dB (11pm to 7am)
Inside bedrooms: LMax(8hour) 45dB (11pm to 7am)
Inside living rooms: LAeq(16hour) 40dB (7am to 11pm)
External balconies: LAeq(16hour) 40dB (7am to 11pm).

The approved scheme of noise mitigation measures shall be implemented in full before the occupation of any dwelling and retained in full thereafter.

Reason

To protect the amenity afforded to existing and proposed residents in accordance with Core Principle 4 of the National Planning Policy Framework. Compliance with this condition is required prior to development to ensure that the mitigation measures are incorporated into the construction works.

18.

No development shall commence 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 be carried out to avoid harm to nesting birds and roosting bats during development;

- (b) details of measures to be taken in the event of nesting birds or bat signs being found during development;
- (c) details of features to be included in the development to support pipistrelle bats and swifts;
- (d) details of new tree planting and aftercare;
- (e) timings for the above works in relation to the demolition and development.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy. Compliance with this condition is required prior to development commencing because biodiversity features can influence the requirements of the construction process.

19.

All works shall be carried out in accordance with the approved biodiversity management plan and timings, and the approved features shall be retained thereafter, unless otherwise agreed in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roost and swift nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

20.

No development approved by this planning permission shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:

- (1) a preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors of potential unacceptable risks arising from contamination at the site
- (2) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site
- (3) the results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
- (4) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). Compliance with this condition is required prior to development commencing in order to protect construction works from contamination during any building works.

21.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination will be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that if any unsuspected contamination is encountered during the redevelopment, it is dealt with appropriately.

22.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To ensure that soakaways are not located in potentially contaminated ground.

23.

Before the retail units are occupied, details of the route, and the location and layout of vehicle loading, off-loading and turning facilities for delivery vehicles to and from the approved retail units shall 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. Compliance with this condition is required prior to the retail use commencing in order to ensure highway safety is maintained.

24.

The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Details of these measures shall be submitted prior to the occupation of the dwellings and retail

units, and approved in writing by the local planning authority and implemented in accordance with the approved details. The security measures must incorporate the principles and objectives of 'Secured by Design' to improve community safety and crime prevention.

Reason

In order to comply with policy CS5 of the North Lincolnshire Core Strategy and policy DS3 of the North Lincolnshire Local Plan. Compliance with this condition is required prior to occupation of the development in order to incorporate design measures within the development aimed at reducing criminal activity and antisocial behaviour.

Informative 1

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

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

Informative 2

The applicant's attention is drawn to comments made by Anglian Water dated 3 January 2013 including:

'An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.'

Informative 3

The applicant's attention is drawn to the attached comments made by the Fire Safety Advisor dated 5 December 2012.

Informative 4

The applicant's attention is drawn to the informatives and advice given by the Environment Agency on 20 December 2012 which includes:

'...that there should be no direct discharge to groundwater. All infiltration structures (permeable pavements, infiltration trenches, soakaways etc.) should be as shallow a depth as possible to simulate natural attenuation.

The base of the infiltration structures should be at least 1 metre above the highest seasonal

water table.'

and:

'that developers should:

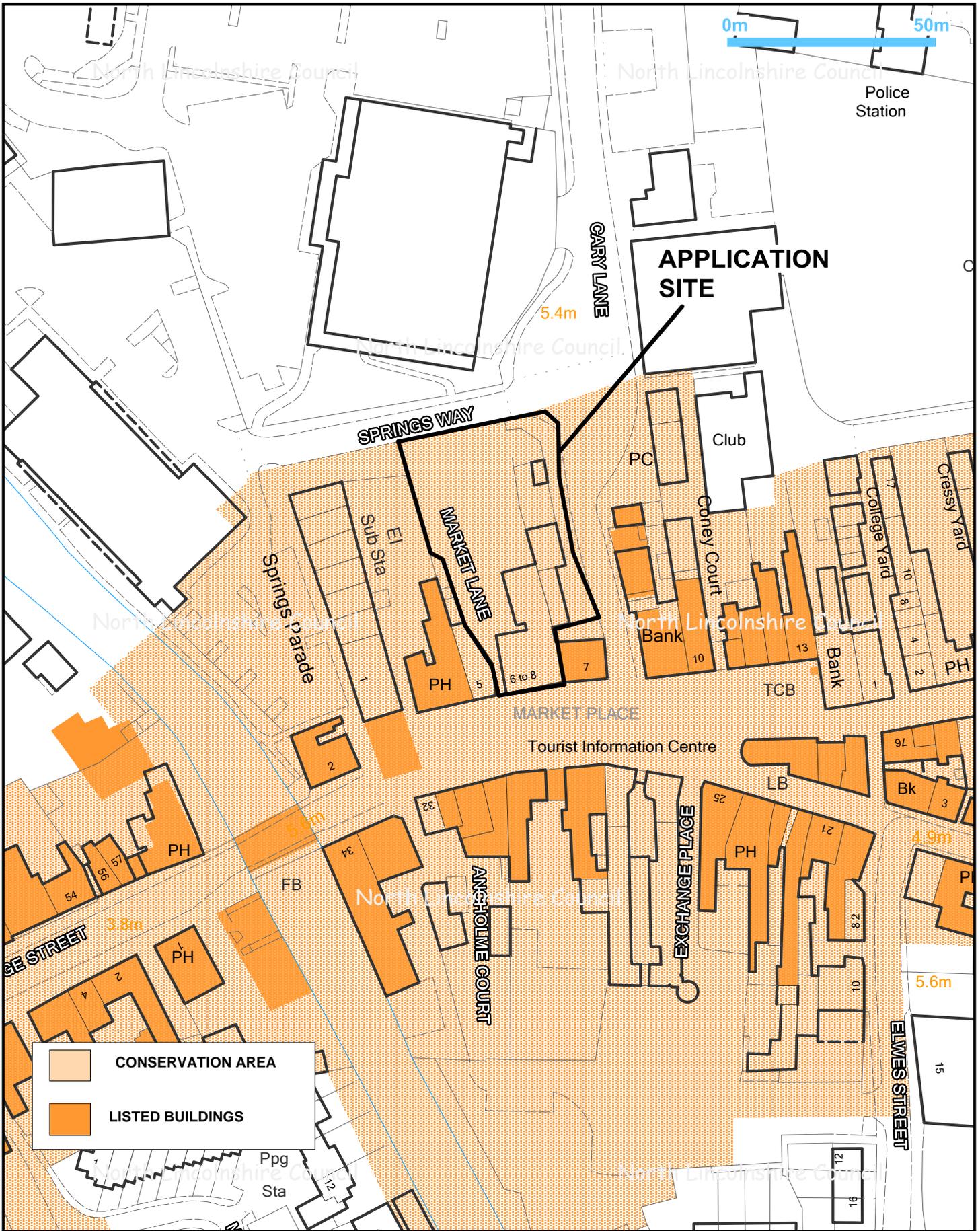
- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination; and
- refer to the Environment Agency's Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.'

Informative 5

The council would not wish to see wheeled bins located outside the approved dwellings all day on refuse collection day.

Informative 6

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

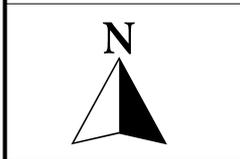


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