

APPLICATION NO	PA/2010/0329
APPLICANT	Mrs K Spavin
DEVELOPMENT	Planning application to replace an extant outline planning permission (PA/2007/0110 dated 30/03/2007) to erect dwellings
LOCATION	Land off Crowberry Drive, Scunthorpe
PARISH	SCUNTHORPE
WARD	Ashby
SUMMARY RECOMMENDATION	Subject to the completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Good Practice Guide (application by an officer from Highways and Planning)

POLICIES

North Lincolnshire Local Plan: The site lies within the defined development boundary of the Scunthorpe urban area (policies ST2 and ST3).

Policy H2 (Proposed Housing Sites) applies and shows the site to be part of an allocated site (H2-3, Lakeside) which will provide for a total of 800 dwellings.

Policy H5 (New Housing Development) states that new housing development should be in keeping with the scale and character of the settlement and immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings.

Policies H3 (Previously Used Land) and H8 (Housing Mix and Design) also apply.

Policy H10 (Public Open Space Provision in New Housing Development), in conjunction with SPG 13, sets out the requirements for the provision of open space and play areas.

Policy T2 (Access to Development) requires all development proposals to provide satisfactory access.

Policy DS1 (General Requirements) sets out the criteria for the overall design of proposals both in the built-up area and the open countryside.

Policy DS14 (Foul and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from the development.

CONSULTATIONS

Highways: No objections subject to conditions (numbers 15-23).

NHS Primary Care Trust: No objections.

Severn Trent Water: No objection subject to conditions.

PUBLICITY

Site and press notices have been posted and neighbouring properties notified. One letter has been received which raises no objection subject to the hedges being retained to break the estate with a natural green barrier and to protect wildlife from unnecessary disruption.

Letters of objection have been received raising the following issues:

- already an extremely large development in place
- environmental impact on this area
- wildlife is already threatened by ongoing building works in this area
- children's play area nearby; how safe will it be for children playing there?
- how near will the properties be? Will fencing be provided?
- protected trees on border
- If access is not from Crowberry Drive where is the access for workers and suppliers? There is already a very large volume of lorries and traffic at the other end of Staindale Road; the road is busy and dirty and this will make it worse. There are a lot of children in the area; this is worrying if the traffic is going to be increased further.
- OK so long as there is no access onto Staindale Road through the Brat Hill estate

ASSESSMENT

This application seeks the renewal of outline planning permission PA/2007/0110.

Indicative plans submitted show 15 dwellings could be erected and access to the site would be formed through the adjoining residential site to the east (Brathills).

The main issues to be considered in the determination of this planning application are whether the development of dwellings would be acceptable in policy terms, whether the proposal would have an adverse impact on the residential amenities of surrounding residents, and whether the access arrangements are acceptable.

The site is a parcel of land to the north and at the end of Crowberry Drive. Adjacent is a play area which is also subject to a planning application for residential development with its access to be formed through this site.

With regard to the design and the density of the development, the site is in a built-up urban area within the development boundary for Scunthorpe and Bottesford where the efficient use of land should be encouraged provided it is not harmful to the appearance of the area or to neighbouring amenities.

A heavily built-up area like Scunthorpe is capable of integrating a wide range of house types and densities, and a high density is in line with good planning practice as it is a highly efficient use of land.

The Sites and Monuments Records Officer raises issues about potential archaeological remains, however this issue can be controlled by condition.

With regard to highway issues and access, Highways have been formally consulted and raise no objections subject to conditions being imposed. It is considered that the highway arrangement, in terms of access, is acceptable.

The proposed development site lies within the Air Quality Management Area which was declared by North Lincolnshire Council in November 2005. However, air quality data collected during 2004/5 at two locations close to the site showed only five exceedences of the air quality objectives as defined in the Air Quality Regulations (England) (Wales) 2000. This being the case, the Environmental Protection Officer does not feel it necessary for the applicant to undertake an air quality assessment.

A contribution to affordable housing will be required and a condition is recommended which will require 20% of the development to be affordable, with the exact mechanism to be agreed.

The council's public open space co-ordinator has advised that an off-site commuted sum is required towards the refurbishment and improvement of an adjacent public open space and its play equipment which will be secured by way of a Section 106 legal agreement.

The council's Environmental Protection officer has advised conditions relating to possible land contamination.

The application is considered to be acceptable, and complies with current local plan policies.

RECOMMENDATION

That, subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990, relating to the provision of a commuted sum for the refurbishment and improvement of the adjacent public open space and its play equipment, the committee resolves:

- (i) it is mindful to grant planning permission for the development;**
- (ii) the decision be delegated to the Head of Planning upon completion of the obligation;**
- (iii) the permission so granted be subject to the following conditions; and**
- (iv) if the obligation is not completed by 30 December 2010 the Head of Planning be authorised to refuse permission on the grounds of non-compliance with policies in the North Lincolnshire Local Plan requiring financial contributions and the provision of open space;**

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 provision 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 provision of Section 92 of the Town and Country Planning Act 1990.

5.

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 the Code for Sustainable Homes as follows:

- (a) 20% of properties shall meet Code Level 3; and
- (b) 40% of properties shall meet Code Level 4.

Reason

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

6.

No dwelling on the site shall be occupied until details of the arrangements for the provision of a minimum of 20% of the dwellings as affordable housing have been submitted to and 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 the provision of an appropriate level of affordable housing as part of the development in accordance with policy H 11 of the North Lincolnshire Local Plan.

7.

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.

8.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

9.

No building shall be constructed or trees planted within 2.5 metres of any sewer that crosses the site.

Reason

To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewage system.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and 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.

11.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Sites and Monuments Record Office, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) 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
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
- (viii) 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 because the site is of archaeological interest.

12.

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.

13.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record Office 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.

14.

No development shall commence on site until measures to incorporate target hardening in accordance with police Secured By Design criteria have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented before the penultimate dwelling to be built is occupied.

Reason

To make the development more secure and to comply with policy DS3 of the North Lincolnshire Local Plan.

15.

The sole means of vehicular access to the site shall be from the development to the east of the site. No vehicular access shall be formed to the site from Crowberry Drive or Staindale Road.

Reason

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

16.

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.

17.

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.

18.

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.

19.

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.

20.

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.

21.

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.

22.

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.

23.

No development, whether permitted by the Town and Country Planning General (Permitted Development) Order 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.

24.

Not more than 15 dwellings shall be erected on the site.

Reason

To define the terms of the permission and to help ensure that the development is in keeping with the character of the surrounding area in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.



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Highways and Planning Service

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