

<b>APPLICATION NO</b>	<b>PA/2011/0236</b>
<b>APPLICANT</b>	St Modwen Ventures Limited
<b>DEVELOPMENT</b>	Outline planning permission for residential development (with access not reserved for subsequent approval) (resubmission of PA/2009/0904)
<b>LOCATION</b>	Former site of Yorkshire Electricity Group Plc, Dudley Road, Scunthorpe
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Frodingham
<b>CASE OFFICER</b>	Graeme Moore
<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>	Officer discretion

## **POLICIES**

**National Planning Policy Framework:** Paragraph 49 (Delivering a wide choice of quality homes) – housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 51 (Delivering a wide choice of quality homes) – local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B Use Classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Paragraph 109 – the planning system should contribute to and enhance the natural and local environment by (amongst other things):

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 120 – to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to diverse effects from pollution, should be taken into account.

Paragraph 124 (Air quality) – planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.

Paragraph 205 (Planning conditions/obligations) – where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**Regional Spatial Strategy for Yorkshire and the Humber:** Policies H1 (Provision and Distribution of Housing), H2 (Sequential Approach to the Allocation of Housing Land) and H4 (Affordable Housing).

**North Lincolnshire Local Plan:** Policies H2 (Proposed Housing Sites), H3 (Previously Used Land), H8 (Housing Design and Housing Mix), H10 (Public Open Space Provision in New Housing) and DS1 (General Requirements) apply.

**North Lincolnshire Core Strategy:** Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering More Sustainable Development), CS3 (Development Limits), CS5 (Delivering Design Quality in North Lincolnshire), CS7 (Overall Housing Provision), CS9 (Affordable Housing), CS18 (Sustainable Resource Use and Climate Change) and CS27 (Planning Obligations) apply.

## CONSULTATIONS

**Highways:** Advise conditions (5 to 23) and require Section 106 contributions for highways mitigation measures.

**Environment Agency:** Advise conditions. In addition, in relation to the AQMA, they have serious concerns about placing more receptors within the AQMA as there has been a worsening of air quality at the East Common Lane monitor.

**Anglian Water Developer Services:** Advise conditions.

**Environmental Health:** Object to the proposal on the grounds that it will introduce new receptors into the Air Quality Management Area and the subsequent impact on human health due to the levels of PM<sup>10</sup> particulates (small dust particles that can be inhaled). Have further concerns in relation to possible noise impacts from the TATA Steelworks. Environmental Health also has objections in relation to odour from The Sauce Company (TSC) and the possible detrimental impact on future occupants of residential properties.

The introduction of residential development on an industrial estate will place constraints on the neighbouring employment land use because businesses will be faced with increased costs associated with pollution control measures and restrictions to activities and hours of

use. The introduction of residential receptors into this part of the Air Quality Management Area will also place the Council at risk of incurring significant large EU infringement fines.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice posted. To date two letters of support have been submitted detailing that the land needs to be brought back into a worthwhile use and that they have no objections to residential development.

## **ASSESSMENT**

Outline planning permission (with access not reserved for subsequent approval) is being sought for the development of 77 dwellings on the site of the former YEDL depot on Dudley Road, Scunthorpe. Access to the development would be gained from Dudley Road, via the Queensway. Permission was previously refused on the site (PA/2009/0904) on the basis of a lack of information in relation to air quality, land contamination, odour, noise and provision of affordable housing. The proposal is a resubmission of the previous scheme with additional information relating to the scheme's viability and concerns raised in relation to air quality, odour, noise and land contamination.

**The main issues to consider in the determination of this application are:**

- (a) the principle of residential development;**
- (b) the objections raised in relation to air quality, land contamination, noise and odour;**
- (c) the design of the development; and**
- (d) the agreement reached in relation to Section 106 contributions.**

The site in question is the former YEDL depot, which borders Dudley Road and The Queensway in Scunthorpe.

### **Principle of development**

The site is the former YEDL depot which is currently vacant unused land with residential properties situated to the south and west of the site with employment uses surrounding the rest of the site. Within the local plan the site has no formal designation for a specific use and the proposal is within the existing development limit for Scunthorpe. Consequently the site could be suitable for a range of uses and any proposal for development would be determined against the relevant planning policies. The proposal for residential development is on a brownfield site within the development limit of Scunthorpe. Therefore the application for housing would be deemed suitable in principle if all other material considerations can be met, specifically the viability and environmental health issues. Although the site could be appropriate for a range of uses, the applicant suggests that residential development is the only proposal which makes the site viable.

It should be noted that the site is located in a sustainable location, with good public transport links and amenities such as the Morrisons supermarket located within walking distance from the site. Furthermore it is important to note that the site is contained within the Strategic Housing Land Assessment (SHLA) document as part of the five-year supply of housing land that is mandated in the NPPF to be maintained. Failure to have a five-year

supply of housing land would mean that development could happen elsewhere on unallocated sites in the authority provided that it does not conflict with the policies contained within the NPPF.

### **Environment (air quality)**

The site is located within the Air Quality Management Area (AQMA) for Scunthorpe. The AQMA was set up in November 2005 due to breaches of the daily mean objective for PM<sub>10</sub>. In the opinion of the Environmental Health team planning permission should not be granted for residential development so close to the steelworks.

PM<sub>10</sub> is a non-threshold pollutant and it is not possible to discern a safe concentration at which human health will not be affected. A council-operated air quality monitor at East Common Lane has shown a number of breaches since 2006. There are a number of factors influencing compliance with air quality objectives including weather conditions and local steel production. Compliance at the monitoring site has coincided with those years where steel production has been significantly reduced. A significant increase in production at the steelworks will likely result in a return to non-compliance at the monitoring station unless modifications are made to operations at the integrated steelworks.

As part of the consultation process the Environment Agency was consulted in relation to the AQMA and in May 2011 it stated that whilst the PM<sup>10</sup> levels have fallen since 2005, they remain a cause for concern and should any sensitive receptors be introduced to the area the authority would have to carefully consider the potential impact on future occupants, but that it did not want to formally object to the proposal. An updated response in June 2012 stated that whilst they do not object to the proposal, they still have concerns about placing sensitive receptors within the AQMA. To date, no formal objection has been received from the Environment Agency.

There are various elements within the NPPF that relate to development of the site on Dudley Road. For instance, in relation to air quality, the NPPF states at paragraph 124 that:

*Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.*

The council's AQMA Action Plan is not prescriptive. For instance the core planning points established in table E2 of the plan state that developments within the AQMA that introduce new receptors into the AQMA will need to be appropriately addressed in accordance with a Supplementary Planning Document (SPD) that was to be produced by June 2009 with Environmental Health leading on its production. To date, no SPD has been produced and it is therefore considered that it would be difficult to substantiate a refusal on the ground of air quality, which would be based primarily on policy DS1 of the local plan. It should also be noted that the purpose of AQMAs is not to sterilise development of any type in a particular area, (otherwise places such as central London would be undevelopable, which is itself subject to an AQMA).

Furthermore the local planning authority believes that, in this instance, the balance of evidence shows that the site is not unduly affected by air quality so as to make it unsuitable for residential development. In the whole of 2011 there were only 14 exceedences recorded

at the Amvale site adjacent to this site and up to July 2012 there were 15 exceedences recorded.

### **Environment (noise)**

In the Environmental Health team's response of April 2011 it indicated that there were concerns about the impact on prospective residents in relation to the noise generated by existing industrial units nearby and the TATA steelworks. Whilst the proposal is for outline planning permission, it is considered that, subject to conditions, the proposal could be considered acceptable from a noise impact perspective for residents based on the current situation (with adjacent industrial site vacant). However, the introduction of residential development on an industrial estate will place constraints on the neighbouring employment land use because businesses will be faced with increased costs associated with pollution control measures and restrictions to activities and hours of use, particularly if complaints are received and investigated by Environmental Health.

Conditions could be imposed that specify triple glazing on the dwellings for example, this would mitigate noise affecting residents inside dwellings, however noise impacts whilst using private gardens would be difficult to mitigate. A comprehensive landscaping scheme could go some way to alleviating noise impacts from the industrial development nearby, but there will inevitably be some industrial and traffic noise affecting the private gardens of this site, it being next to the A18 and nearby industrial uses.

### **Environment (odour)**

The issue of odour has been raised due to the proximity of the site to The Sauce Company (TSC) which is sited on the Brigg Road industrial estate. The applicants submitted documents detailing work that had been done in order to assess and address any impacts on the development in relation to odour. However, due to the subjectivity of the human response to odour, it is difficult to set objective standards.

The EA has stated that the following standards, although approximate, can be used as a guideline to assess odour impact.

1OU <sup>3</sup> /m <sup>3</sup>	Point of detection
5OU <sup>3</sup> /m <sup>3</sup>	Faint odour
10OU <sup>3</sup> /m <sup>3</sup>	Distinct odour

The report submitted by the applicants states that a benchmark standard of 6OU<sup>3</sup>/m<sup>3</sup> is an acceptable value to protect any proposed residents on the site. However, the council's Environmental Health department is of the opinion that the level of odour unit proposed would not afford sufficient protection to local residents in terms of preventing a significant loss of amenity. The position is based upon the principle that the reports submitted by the applicants are based upon a report prepared for the adjacent site and a previous application (PA/2004/1262) which has been withdrawn. At the time the council's Environmental Health team had four principal concerns with the original report, and in its opinion these had not been addressed as part of this application, these being:

1. concerns relating to the lack of adequate characterisation and monitoring of process emissions arising from TSC;

2. concerns relating to the robustness of the odour modelling;
3. concerns relating to how stack heights would be increased and potential abatement plant installed/funded in perpetuity at TSC in the absence of any co-operation from the third party; and
4. concerns relating to the robustness of the proposed mitigation measures.

Despite assurances from the applicants that in their opinion the raising of the stack heights at TSC would sufficiently address the odour issue and their willingness to enter into a formal agreement there is no formal mechanism available to the council to compel the applicant to fulfil this obligation once the permission has been granted. , Should complaints of odour arise, Environmental Health state that the only way to address residents concerns would be through the use of statutory nuisance provisions and the service of an Abatement Notice placing the cost burden of abating the odour with TSC. To date, despite numerous attempts by both the applicants (a copy of which can be viewed on file) and the council, TSC has not engaged in any meaningful way with the council in order to try and address the situation in relation to odour, should a problem occur.

If residents of the proposed estate were to complain about odours being generated by TSC it would not be possible to resolve the concerns without the co-operation of TSC (for instance, for the applicants to fund increasing the height of the chimney stacks, the feasibility of which is untested).

The potential for odour concerns still remain with no clarity as to how they would be solved by the applicant without the engagement of TSC. There is the possibility that odour characteristics and the sensitivities of residents may change over time with no clear understanding as to how complaints might be resolved. There is also the possibility that new residential development close to an established industrial site might undermine commercial activity nearby.

### **Environment (contaminated land)**

The applicants submitted a report detailing numerous land contamination issues related to the site's previous industrial uses. However, Environmental Health have expressed concerns that the samples were only taken on a 0.45 hectare area of the overall 2.12 hectare site and that there is the possibility of further contaminants being found. However, it is considered that the full contaminated land condition could be placed on any permission in order for the applicants to address the concerns raised, this would enable the rest of the site to be tested and where contaminants found, suitable remediation methods utilised to make the land safe for residential development.

### **Viability and community benefits**

Viability is a material consideration when considering proposals and both the NPPF and the Planning for Growth letter (March 2011) support a viability-based approach to infrastructure and contributions. There have also been a number of appeal decisions that have supported the need to take viability into account when considering planning applications.

As part of the application a viability assessment was submitted on behalf of the applicants by a firm who are experienced in the compilation of such assessments. This was based on the residual value format which is endorsed by the RICS. The principle of this assessment is:

*Gross development value minus development costs minus developer profit minus land value equals residual value (amount available for contributions).*

It is important to note that development viability is not an exact science and does require an element of negotiation to reach a set of agreed values. Different agents and developers may use different values and it cannot be considered that values are wrong just because they do not match those from other similar sites or viability assessments. When valuing land it can either be assessed against the actual value paid or a value at which the site is expected to be brought to market, eg existing use value plus an uplift. These values are not always the same and again are open to different interpretation and valuation.

### **The viability of this proposal**

Through the process outlined above the developer concluded that the development could only contribute a maximum of £200,000 to developer contributions. This was well below the amount sought by the council for developer contributions which included:

- education £532,000;
- GIS/LEAP £43,500;
- affordable housing – 15 on-site dwellings; and
- highway works - £19,500 (requested at a later date).

Due to this variation in figures the District Valuer was commissioned to carry out an independent residual assessment of the site. This report concluded that the developer could viably make the contributions that had been requested and concluded there should be a sum of up to £1.2m available for Section 106 contributions. The key difference in the appraisals was the value of the site which had been valued differently (with disagreement on the existing use value). Based on the figures agreed in both assessments officers undertook negotiation with the developer and its agent over the level of contribution that could viably be made.

Following negotiation with the developer, and the submission of further information indicating the actual purchase value for the site, a negotiated position was reached which resulted in a suggested heads of terms including:

- £100,000 towards education provision\*;
- £47,500 towards a LEAP;
- £19,000 towards highways improvements (requested at a later date); and
- nine on-site affordable dwellings.

\* A contribution towards secondary education provision was not included as it was not considered necessary to make the development acceptable or directly related to the development and therefore does not meet the tests set out in the CIL regulations 2010 for planning obligations.

This heads of terms was based on an agreed land value which was above the value suggested by the District Valuer but was below that which the developer paid for the site.

### **Other considerations**

Since the submission of the viability assessment a draft Economic Viability Assessment (EVA) has been produced for North Lincolnshire. Although the document is at a draft stage the assumptions are based on discussions with agents and developers and it is unlikely that the overall conclusions of the document will change. A key conclusion has been that delivery of affordable housing in low value areas (Scunthorpe) is particularly challenging in the current market and that, while appropriate, policy CS9 should be treated flexibly. It should also be noted that, when considered against the figures used within the Draft EVA, the development is not viable with a full contribution.

Details of the viability discussions have been retained by officers and it is considered that a clear and robust process has been followed which is fully justified by officers. Sufficient information has been submitted to show that there is a genuine viability issue with this site and that if the full level of contributions were sought the site would not be economically viable. It is most unlikely that the site would be brought forward for residential development under these circumstances. Based on the information submitted and the discussions that have taken place the proposal is supported by the NPPF.

### **Design**

Design is not a matter to be determined at this outline stage, however as part of all major residential applications the council carries out a Building for Life Assessment. An assessment has been carried out which resulted in the development being rated as 5/20. From an urban design perspective, whilst there are some concerns with concept layout, it is considered that these can be addressed at either the reserved matters or full planning permission stage.

Subject to further discussions with the developer, any reserved matters application or subsequent full planning permission will be of sufficient quality in order to achieve 14/20.

### **Conclusion**

The proposed redevelopment of the former YEDL depot on Dudley Road is considered acceptable from a planning policy perspective. Matters related to Section 106 contributions such as education provision, affordable housing and LEAP funding have been addressed through a rigorous viability assessment process which has involved the District Valuer. This has resulted in provisional agreement being reached on those matters.

The council's Environmental Health team outlined four areas of concern: air quality, noise, odour and land contamination. It is considered that noise and land contamination can be addressed via planning conditions, leaving only air quality and odour. Whilst these can be determining factors in an application, they have to be considered within the policy context of the local plan and core strategy.

The matter of odour impact is complicated by the fact that without the assistance of TSC then it is not possible to fully ascertain any detrimental impacts on prospective residents. To date TSC have shown no desire to be involved in any negotiations. There should not be an impact on this site in relation to odour and if there is, raising the stack heights at TSC could abate any odour issues.



Ultimately, whilst there are concerns in relation to air quality and odour, it is desirable to see the site developed. The applicants have stated that only residential development on the site makes the site viable, otherwise it will be left in its current state. The council has a pressing need to deliver housing in sustainable locations such as this in order to keep a continuous five-year supply of housing land. Therefore, whilst the concerns regarding air quality and odour are noted, it is considered that, subject to conditions and the successful negotiation of a Section 106, permission should be granted for the proposal.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing provision on site, public open space LEAP, education provision and off-site highway works, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 22 March 2013 the Head of Development Management be authorised to refuse the application on grounds of failure to comply with policies CS9 and CS27 of the North Lincolnshire Core Strategy and SPG8 and SPG10 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), 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, 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 footway fronting the whole of the site on Dudley Road shall be improved 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.

6.

The improvements to the junction of Dudley Road and Queensway shall be carried out in accordance with details to be submitted and approved in writing by the local planning authority. The works, once approved, shall be completed prior to the occupation of the 50th dwelling on the site.

Reason

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

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking facilities shall be retained.

Reason

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

8.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

9.

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.

10.

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.

11.

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

Reason

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

12.

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.

13.

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.

14.

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.

15.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been 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 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.

17.

The penultimate dwelling on the site shall not be occupied 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.

18.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

19.

The final Travel Plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

20.

The Travel Plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the Travel Plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved Travel Plan identified as a result of the monitoring process shall be implemented and retained.

Reason

In accordance with the requirements of PPG13 and to ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

21.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the additional FRA addendum dated February 2011 reference J-D0796\_001 compiled by Opus International Consultants (UK) Ltd. In particular, the flood-proofing measures detailed on page 4 of the addendum report shall be incorporated in the proposed development. The applicant shall confirm to the local planning authority that this has taken place, in writing, within one month of completion.

Reason

To reduce the impact of flooding on the proposed development and future occupants.

22.

No development shall take place until a drainage survey and surface water drainage scheme for the site, based upon Sustainable Urban Drainage principles and an assessment of the hydrological and hydro geological 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 (see related informative).

Reason

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

23.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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;
  - potentially 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 site investigation results and the 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 consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

The applicant has submitted a preliminary risk assessment (Phase 1 Geo-environmental audit, June 2009). This report identifies that the site has historically been used for potentially contaminating activities and recommends that a site investigation is carried out. Accordingly the above condition is necessary to protect controlled waters in the area.

#### 24.

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.

#### 25.

No development shall take place until details of an air quality monitoring station have been submitted to and approved in writing by the local planning authority. Once such details have been agreed, the monitoring station shall be installed upon completion of 75% of the site.

#### Reason

In order to assess the impact of PM10 levels in the Air Quality Management Area on prospective residents in the area, in accordance with paragraph 124 of the National Planning Policy Framework and policy DS1 of the North Lincolnshire Local Plan.

26.

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

- BS 4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas;
- World Health Organisation Guidelines for Community Noise (1999).

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

#### Reason

To minimise the impact upon prospective residents and the levels of amenity they can enjoy in accordance with policy DS1 of the North Lincolnshire Local Plan.

27.

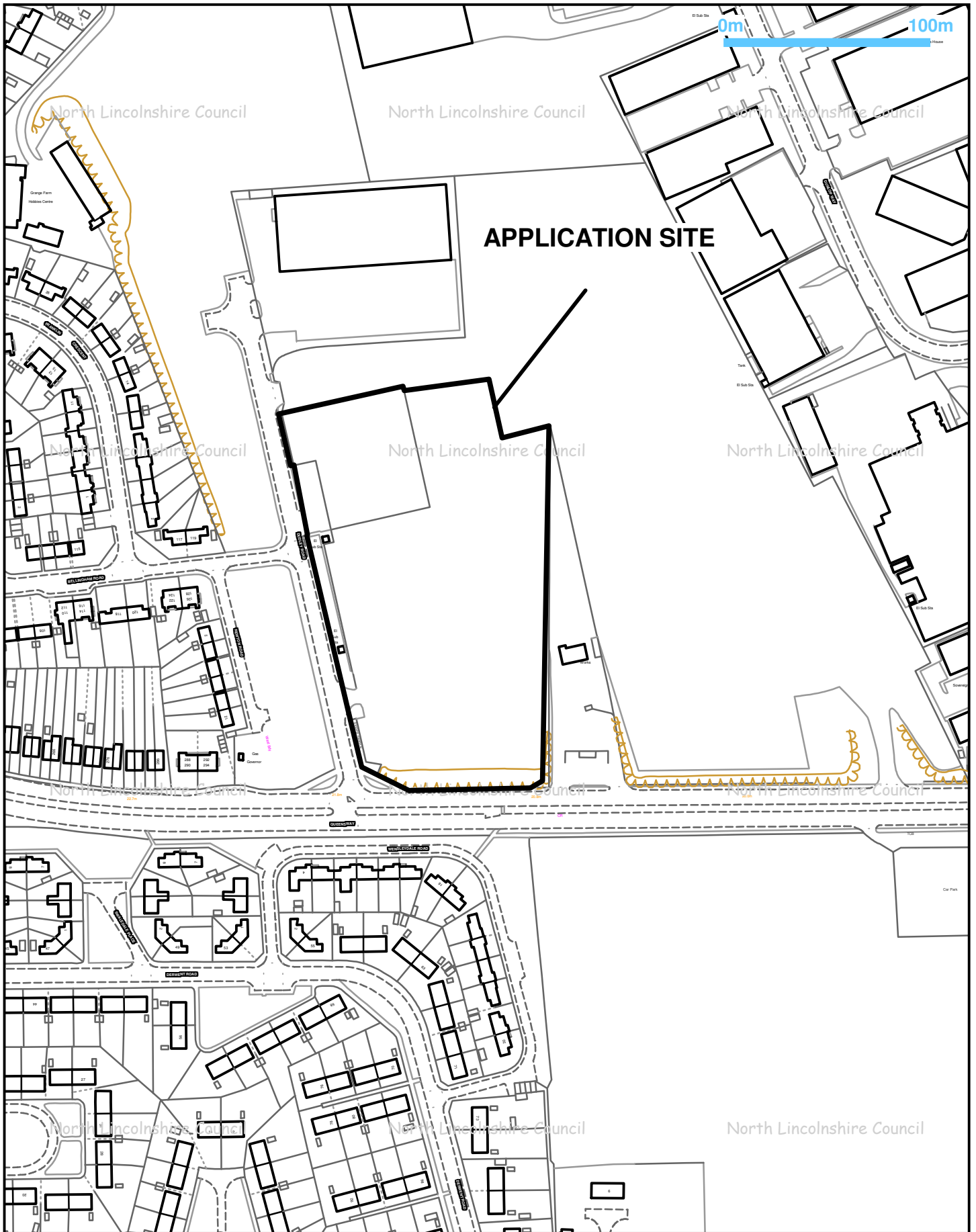
Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extension, buildings or structures shall be erected on the site/installed in the dwellings other than those expressly authorised by this permission.

#### Reason

In order to protect the amenity of the surrounding properties and to enable the continued monitoring of the site from sources of contamination in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### **Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would improve the character of the area, and would be acceptable in all other planning considerations. The council has taken into account all other matters, none of which outweigh the considerations that have led to its decision. The policies taken into consideration in the determination of this application are policies H8 and DS1 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS5, CS9 and CS18 of the North Lincolnshire Core Strategy.



Title: PA/2011/0236

Drawn by: Sue Barden

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