

<b>APPLICATION NO</b>	<b>PA/2014/0397</b>
<b>APPLICANT</b>	Mr & Mrs R Stone
<b>DEVELOPMENT</b>	Planning permission to erect 16 dwellings with estate roads and footpaths
<b>LOCATION</b>	Brook House Farm, Church Street, Hibaldstow
<b>PARISH</b>	<b>HIBALDSTOW</b>
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Andrew Law
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 100 states that inappropriate development in areas at high risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

**North Lincolnshire Local Plan:** Policy H8 (Housing Design and Housing Mix)

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

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

## **CONSULTATIONS**

**Highways:** Recommend conditions 3 to 19.

**Environmental Protection:** No objection subject to conditions.

**Environment Team (Ecology):** The site has importance for Open Mosaic Habitats, is next to a stream and may support amphibians and foraging bats. A planning condition is recommended to minimise harm to protected species and habitats and to seek biodiversity enhancement.

**Environment Team (Public Rights of Way):** No objection.

**Leisure:** Request a commuted sum to be paid towards off-site provision of leisure facilities.

**Street Lighting:** No objection but state that should the applicant intend the roads to be adopted by the council then adequate street lighting will need to be provided.

**Historic Environment Record (Archaeology):** A comprehensive heritage statement has been submitted with the application. No objections on archaeological grounds.

**Historic Environment Record (Conservation):** The proposal is an improvement on the previously submitted scheme. No objection to the scheme subject to conditions relating to materials and boundary treatments.

**Education:** Contribution required for primary school places only – request a commuted sum of £2,727.

**Public Health:** No objection.

**Strategic Housing:** No objection subject to affordable housing being secured via a section 106 agreement.

**Environment Agency:** No objection subject to conditions.

**Anglian Water:** No objection – there is adequate capacity in the foul sewage network to cater for the proposed development.

**Humberside Fire and Rescue:** No objection. Offer informative comments.

## **PARISH COUNCIL**

Hibaldstow Parish Council notes that there has been a reduction in the number of properties and that this is better than previous proposals. On this basis the parish council does not object to the scheme but offers the following comments:

- Due to the potential traffic increase a traffic management strategy is required to be implemented.
- Plots 1 and 2 have parking located to the rear and as most people park at the front of their property, particularly when unloading, the layout of these properties should be reconsidered.
- Plot 10 is positioned overlooking another property and the layout of these properties should be reconsidered.
- Can the school cope with an increase in capacity to accommodate the amount of children that will come into the area as a result of the development? The school is an academy so will this affect the receipt of the section 106 to allow the school to accommodate additional children?
- The council supports the submission of Simon Seal with regard to sport provisions.

## PUBLICITY

Neighbouring properties have been notified by letter and site and press notices posted. Letters of objection have been received on the following grounds:

- The scale and density are unsuitable for this inner village site, being approximately twice the local ratio. This was one of the reasons given when planning permission was refused for a previous scheme (PA/2012/1244). Sixteen dwellings is too many to cram in in the middle of the village.
- The development will cause traffic chaos, which is already a problem on Barnside and Church Street, which is the main access for large housing estates and a primary school, particularly as a result of the additional accesses onto Barnside (six new driveways).
- The additional traffic generated by the development will result in road safety issues in the vicinity. These streets are used by children, dog walkers and local residents and with a large increase in traffic these rural activities would become dangerous.
- The roads are too narrow for such a development and will make this area, which is already a dangerous traffic area, much more dangerous.
- The introduction of a site entrance road on the northern end of Barnside would prevent local residents from parking outside their homes, some of which do not have off-street parking. Many cars are regularly parked on Barnside by local residents and people attending the church.
- A new development is proposed to go ahead in the village opposite the primary school, with Keigar Homes supplying an additional 40 houses. The local facilities would struggle to cope with this population increase; reference is made to over-subscribed primary schools etc.
- Drainage is a problem along Barnside during periods of heavy rainfall. The system is not designed to cope with an additional 16 dwellings draining into it.
- The development will significantly increase the amount of hard-standing on the site and surface water will run off into the beck, which would not have the capacity to cope with such quantities of water and the risk of flooding will increase.
- The land to be retained for the environment agency easement is too small an area to be effective for purpose and should be extended to a minimum of 20 metres.
- Any pollutants (detergents, oil, petrol etc) would drain straight into the beck, which is a feature of the village, particularly with regard to its population of mallard ducks.
- Birds and their nests will be disturbed by ongoing building and noise pollution from residents on such a large estate.
- The local environment is of great concern. At present it consists of detached properties, sympathetically designed and built in keeping with what is the oldest part of the village. Opposite the site is the Church of St Hybald and its cemetery. Therefore a high density housing estate is clearly out of character and does not form part of Central Government legislation.

- The proposal is for a large number of contemporary dwellings of similar design which would be out of keeping with this area, which is characterised by individual properties of differing size and design developed over the years.
- Further consideration should be given to the design of the properties and single and one-and-a-half-storey properties would be more appropriate and prevent overlooking into existing properties.
- Plot 10 would result in overlooking of neighbouring properties from its front elevation.
- The willow trees are subject to tree preservation orders and the removal of a tree to accommodate the proposed development has been engineered due to a deliberate lack of maintenance and care. This clearly goes against legislation put in place by the council and shows a disregard for all things environmental, to enable this part of the village to retain its character and identity.
- None of the willow trees should be removed from the site – in addition to their visual importance to the area, the trees aid drainage by absorbing moisture from wet places.
- The plans have not taken on board comments made at the last committee meeting by Cllr Poole, who expressed a concern that an opportunity had been missed to develop the site with five or six detached houses in keeping with the local environment.

## **ASSESSMENT**

The application site is a former farmyard which operated as a potato merchant's and as such is a brownfield site. The site has been cleared of the previous agricultural buildings for a number of years and is now in an unkempt state, overgrown with vegetation. Immediately to the south-east of the site is the grade II listed St Hybald's Church and its graveyard and there is a beck running along the northern boundary of the site. This site lies within the centre of the rural settlement of Hibaldstow, within the development boundary and close to a good range of local facilities. The site is not located within a conservation area. This application seeks planning permission for the erection of 16 dwellings with associated estate roads and footpaths on the site.

A previous application for the erection of 20 dwellings on this site (PA/2014/1244) was refused by the planning committee on the grounds that the scale, density and design of the proposal was inappropriate and that the loss of the protected willow trees was unjustified and would be harmful to the character of the area.

Following this refusal the applicants have reduced the number of dwellings, thereby reducing the density of development, and have amended the layout and design of the dwellings. They have also provided justification for the removal of two of the protected willow trees, whilst proposing to retain the other two protected trees.

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

- **whether the proposed design and density of development are appropriate with regard to the character of the surrounding area;**
- **whether the proposed development would have an unacceptable impact on highway safety;**

- **whether the dwellings would result in unacceptable loss of privacy to neighbours;**
- **whether the development would result in additional flood risk or drainage problems; and**
- **whether the loss of two trees protected by tree preservation orders has been adequately justified.**

### **The principle of residential development**

The application site is a previously developed site in a residential area within the development boundary of Hibaldstow. It is in a sustainable, central location within easy walking and cycling distance of a range of local facilities, including a school, doctor's and shops. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, core strategy and the National Planning Policy Framework on delivering residential development in appropriate locations, and planning permission is therefore merited.

### **Design/density**

Objections have been received in relation to the number of dwellings proposed, resulting in an unacceptable density out of keeping with the surrounding area. Policy CS7 of the Core Strategy calls for a minimum density of between 30 and 35 dwellings per hectare for residential developments within rural settlements such as Hibaldstow. The proposed development of 16 dwellings results in a density of between 26 and 27 dwellings per hectare and as such falls below the prescribed density that should be expected on the site. However, policy CS7 does advocate that, whilst housing development will be expected to make an efficient use of land, the density of new development should be in keeping with the character of the area. The surrounding area is characterised by large detached dwellings to the north, east and west of the site on Becksid, Barnside and Ford Lane respectively and denser forms of development, including semi-detached dwellings on Church Lane to the south. Due to the number of large, detached properties in the surrounding area it is considered that a density that falls below the thresholds set out in policy CS7 is reasonable in this instance.

It is considered that the proposed development is of an appropriate density and does not constitute over-development of the site. The proposed development provides a mix of eight detached and eight semi-detached dwellings, each property having a good area of private amenity space. Indeed the proposal is relatively spacious for a modern residential development. Furthermore, the majority of semi-detached properties are located within the interior of the development with all but two of the properties fronting onto Barnside being detached properties, helping the development to integrate with surrounding developments. Whilst the incorporation of semi-detached properties does increase the density of development on the site, these dwellings play an important role in providing some variety and interest within the development. The inclusion of semi-detached dwellings is not out of keeping with the area as there are semi-detached dwellings along Church Street to the south. Furthermore a mix of different dwellings is advocated by policy H8 of the North Lincolnshire Local Plan which states that new housing development should achieve a range of house types and sizes to promote a better social mix of new housing and to create new communities. For the reasons outlined above it is considered that the density of the proposed development is appropriate for its setting and will not be harmful to the character of the area.

The proposed development incorporates a mix of different dwelling types and design and, contrary to some of the objections raised, every dwelling will not be similar. There is a mix of detached and semi-detached dwellings, and the dwellings are of a mix of different size and shapes; also some dwellings are one-and-a-half storeys in height. A planning condition will control the use of materials on the development to ensure that the appearance of the dwellings is acceptable and respects the historic core of the settlement. On this basis it is considered that the design of the proposal is acceptable. Furthermore, the council's conservation officer has been consulted and has confirmed that, subject to conditions controlling the use of materials and boundary treatments along the frontage, the proposed development will not have an unacceptable impact on the adjacent grade II listed church, or its graveyard.

### **Highway safety**

All of the responses received on the application raise concerns with relation to the increase in vehicular traffic and the impact of the development on highway safety. Many of these objections make reference to the narrowness of Barnside and the existing level of on-street parking and how this will be affected by the introduction of additional access points along this road. Whilst local residents may use Barnside to park their cars at present, there are no designated parking spaces along this road and the residents have no legal right to park there. Each of the proposed properties has either two off-street parking spaces, or one parking space and a garage; the development will therefore not result in any significant increase in on-street parking. The council's Highways department has been consulted on the application and has raised no objection on highway safety grounds subject to numerous planning conditions. These conditions require certain in-highways works to be undertaken, including the widening of Barnside to 5 metres and the provision of a 2 metre wide footpath. It is considered that, subject to the conditions recommended by Highways, including the widening of the road, the proposed development will not have an unacceptable impact on highway safety in the area.

### **Loss of privacy**

Objections have been raised by a number of properties that lie adjacent to the site with regard to loss of privacy by virtue of overlooking from some of the proposed dwellings. However, due to the orientation of the proposed dwellings and the distance between these dwellings and neighbouring properties, it is considered that no unacceptable overlooking of neighbouring properties would result. There is a minimum of 20 metres between the proposed dwellings and neighbouring properties, the nearest dwelling being 10 Becks to the north. There is a distance of 15 metres between plot 10 and the end of the rear garden of 10 Becks and in a central village location this distance is considered to be appropriate and would not result in unacceptable loss of privacy. There is one bedroom window in the rear elevation of plot 6 that looks onto the end of the rear garden of Brook House to the south with a distance of only 11 metres, however there are mature trees along the boundary of this property and these trees will prevent unacceptable loss of privacy to this rear garden.

### **Flood risk/drainage**

The applicants have submitted a flood risk assessment (FRA) with the application and this document details proposed mitigation measures to deal with surface water run-off from the site and to minimise the risk of flooding. The Environment Agency (EA) has been consulted on the application and has assessed the information contained within the FRA. The EA has

confirmed that it has no objection to the proposed development on flood risk grounds and has agreed the surface water drainage strategy subject to a condition requiring works to be carried out in accordance with the submitted FRA. Furthermore, Anglian Water has confirmed that there is adequate capacity in the local foul sewage network to cater for the proposed dwellings. Therefore, subject to works being carried out in accordance with the FRA, the proposed development will not result in drainage problems or increased flood risk in the area.

The EA has also confirmed that as a small part of the site is located within flood zone 2/3a then the development will have to pass the sequential and exceptions test for flooding in order to comply with provisions of the National Planning Policy Framework. There are no sites within Hibaldstow at a lower risk of flooding that are reasonably available and that could suitably accommodate the proposed development of 16 dwellings and as such there are no sequentially preferable sites. Furthermore, the proposed development provides wider sustainability benefits to the community that outweigh the risk of flooding on the small portion of the site in flood zone 2/3a in the form of affordable housing and the development of a vacant and unkempt site. The development therefore complies with the provisions of the National Planning Policy Framework in relation to flood risk, as well as policy CS19 of the Core Strategy as it passes both the sequential and exceptions test for flooding.

### **Loss of trees**

The previous application on the site (PA/2012/1244) was refused partially due to the loss of the protected willow trees at the northern end of the site, which had not been justified. The applicants have submitted a detailed arboricultural report with the current application which assesses the health of these trees and their contribution to the area. This report concludes that the two westernmost trees (T4 and T5) are exhibiting symptoms of decline or impending failure or decay. As such it is proposed that these two trees should be removed. The council's tree officer has confirmed that, due to their condition, the removal of T4 and T5 is acceptable, but these trees make an important contribution to the amenity and character of the area and as such should be replaced. T6 and T7, which sit in a prominent position in the north-eastern corner of the site adjacent Beckside, are proposed to be retained. It is considered that as the health of T4 and T5 is in question, the loss of these trees is justified, however replacement planting will be required and secured by means of a planning condition. T6 and T7, due to their position closest to the corner of the site, which runs adjacent to the public highway, are the most prominent of the four trees and make the greatest contribution to the amenity of the area. As such the retention of these trees constitutes a significant improvement over the previous scheme where all four trees were proposed to be removed. The retention and protection of T6 and T7, as well as compensatory planting to mitigate the loss of T4 and T5, is secured via condition.

### **Other issues**

Concerns have been raised with regard to pollution – both existing pollution on the site and the potential for construction works to result in pollution of the adjacent beck. The council's Environmental Health department has recommended conditions that require pollution risks to be assessed and mitigated against prior to development. Furthermore the Environment Agency has recommended a condition relating to any unidentified pollution that may be found. Neither of these consultees has raised an objection with regard to pollution and it is considered that the recommended planning conditions will afford the necessary protection in this regard.



Concerns have also been raised with regard to the capability of the local school to cater for the additional children that the development is likely to attract to the area. The council's Education department has been consulted on the proposed development and has raised no concerns regarding capacity subject to a commuted sum being paid by the applicants to be put towards primary school places.

Neighbours have raised a concern that nesting birds and other creatures may be affected by the proposed development. The council's Ecologist has been consulted and has raised no objection subject to a condition which will protect priority species and habitats and secure biodiversity enhancements. On this basis it is considered that the development will not have an unacceptable impact on ecology and that appropriate biodiversity enhancements will be provided by the development of this site.

The council's Leisure team has requested that a commuted sum be paid towards the off-site provision and improvement of leisure facilities. This is based upon a 'sports facility calculator' that has been developed by Sport England. However there is no policy backing for this calculator regardless of its merits. No national or local planning policies or guidance requires developers to make contributions towards the provision of leisure facilities; nor has the leisure team identified a specific local facility that will be affected by the proposed development or is in need of upgrading. Furthermore, such contributions have not been requested on other residential sites due to the lack of policy backing at the present time. On this basis it is considered that the requested contribution towards leisure facilities is not reasonable.

## **Conclusion**

In conclusion, it is considered that the proposal has addressed the reasons for refusing the previous planning application (PA/2012/1244). The proposed development respects the character of the area much more effectively than the previous submission. The proposal is of an appropriate density and will not be out of keeping with the surrounding area. Furthermore, subject to appropriate conditions, the development will not result in unacceptable impacts with regard to highway safety, flooding or drainage and the loss of two of the protected trees at the north of the site has been justified. Finally, in relation to overlooking, it is considered that there will be no unacceptable loss of privacy that would justify the refusal of planning permission. The proposed development will provide benefits to the community by providing a range of new dwellings, supporting local facilities and developing a vacant and currently unkempt site, as well as providing contributions towards affordable housing and education. For these reasons the proposed development is recommended for approval.

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for one affordable unit and education contributions, 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; and**
- (iii) the permission so granted be 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: 1116-01-SP10 rev A, 1116-01-SP12, 1116-01-SP13, 1116-01-SP14, 1116-01-SP15, 1116-01-SP16, 1116-01-SP17 and 1116-01-SP18.

Reason

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

3.

No development shall take place until the detail of all amendments to the proposed layout of the site, as outlined in the agent's email of 21/05/2014 and attached amended drawing number 1116-01-SP10 Rev A, including the works on the widening of the carriageway on Barnside and provision of an elevated footway, have been 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.

4.

No development shall take place until details of all within-highway works required to facilitate development have been 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.

5.

The penultimate dwelling on the site shall not be occupied until all within-highway works agreed in accordance with conditions 3 and 4 have been completed in accordance with the approved details.

Reason

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

6.

Within 3 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.

7.

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.

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

9.

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), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of \* metres from the highway boundary across the site frontage.

Reason

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

10.

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.

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 set out and established.

Reason

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

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.

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.

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.

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.

20.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

21.

No development shall commence until details of the surfacing and boundary treatments to be installed along Barnside have been submitted to and approved in writing by the local planning authority. These details shall include the materials to be used for the parking and turning areas and any hard or soft landscaping proposed for the frontages of properties

facing Barnside, as well as any boundary treatments fronting this highway. Once agreed the approved details shall be implemented in full and retained thereafter.

Reason

To protect the character and appearance of the area and the setting of the adjacent church in accordance with policies CS5 and CS6 of the North Lincolnshire Core Strategy.

22.

Within 12 months of the two willow trees being felled two *Salix x chrysocoma* trees must be planted. This must be in the same or similar location as those removed. When planted the circumference of the trunk of the new trees, measured at 150 centimetres above ground level, must be 12 to 14 centimetres. When planted the trees must be adequately staked, protected and maintained until successfully established in the landscape.

Reason

To ensure replacement planting is undertaken in the interest of protecting the amenity and character of the area.

23.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To enhance the appearance of the development in the interests of amenity.

24.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

25.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

#### Reason

To enhance the appearance of the development in the interests of amenity.

26.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment dated April 2014 Rev B, in particular the following mitigation measures:

- finished floor levels set no lower than 8.42 metres above Ordnance Datum (AOD)
- provision of a 9 metre wide buffer strip adjacent to the main river, as shown in the layout plan in appendix B
- surface water network details as shown in appendix D, with a maximum discharge rate no greater than 5l/s.

These mitigation measures shall be fully implemented prior to occupation.

#### Reason

To prevent the increased risk of flooding both on and off the site.

27.

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 any unsuspected contamination encountered during development is dealt with in an appropriate manner.

28.

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.

29.

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

Reason

To protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

30.

Construction operations shall be limited to the following hours:

Monday to Friday: 7am to 7pm

Saturdays: 7am to 1pm.

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

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

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

Reason

To protect the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

31.

No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- details of measures to be taken to avoid harm to amphibians, bats and nesting birds during demolition and construction;

- details of measures to be taken to avoid water run-off, habitat disturbance, non-native species, siltation and pollution impacts on Hibaldstow Beck, otherwise known as the Catchwater Drain;
- details of bat roosting features and swift nesting features to be installed in at least ten dwellings;
- details of bat boxes and bird nest boxes to be installed on trees to be retained;
- proposed timings for the installation of the above features in relation to the completion of works on each building;
- restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats;
- prescriptions for the creation and management of flower-rich wetland habitat within the 9 metre wide flood storage area alongside Hibaldstow Beck, otherwise known as the Catchwater Drain;
- prescriptions for trees, shrubs and mixed native hedges of high biodiversity value, to provide nectar sources and berries;
- details of persons responsible for:
  - (i) compliance with legal consents relating to nature conservation;
  - (ii) compliance with planning conditions relating to nature conservation;
  - (iii) installation of physical protection measures during construction;
  - (iv) implementation of sensitive working practices during construction;
  - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

#### Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

32.

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

#### Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

**Informative 1**

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

**Informative 2**

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

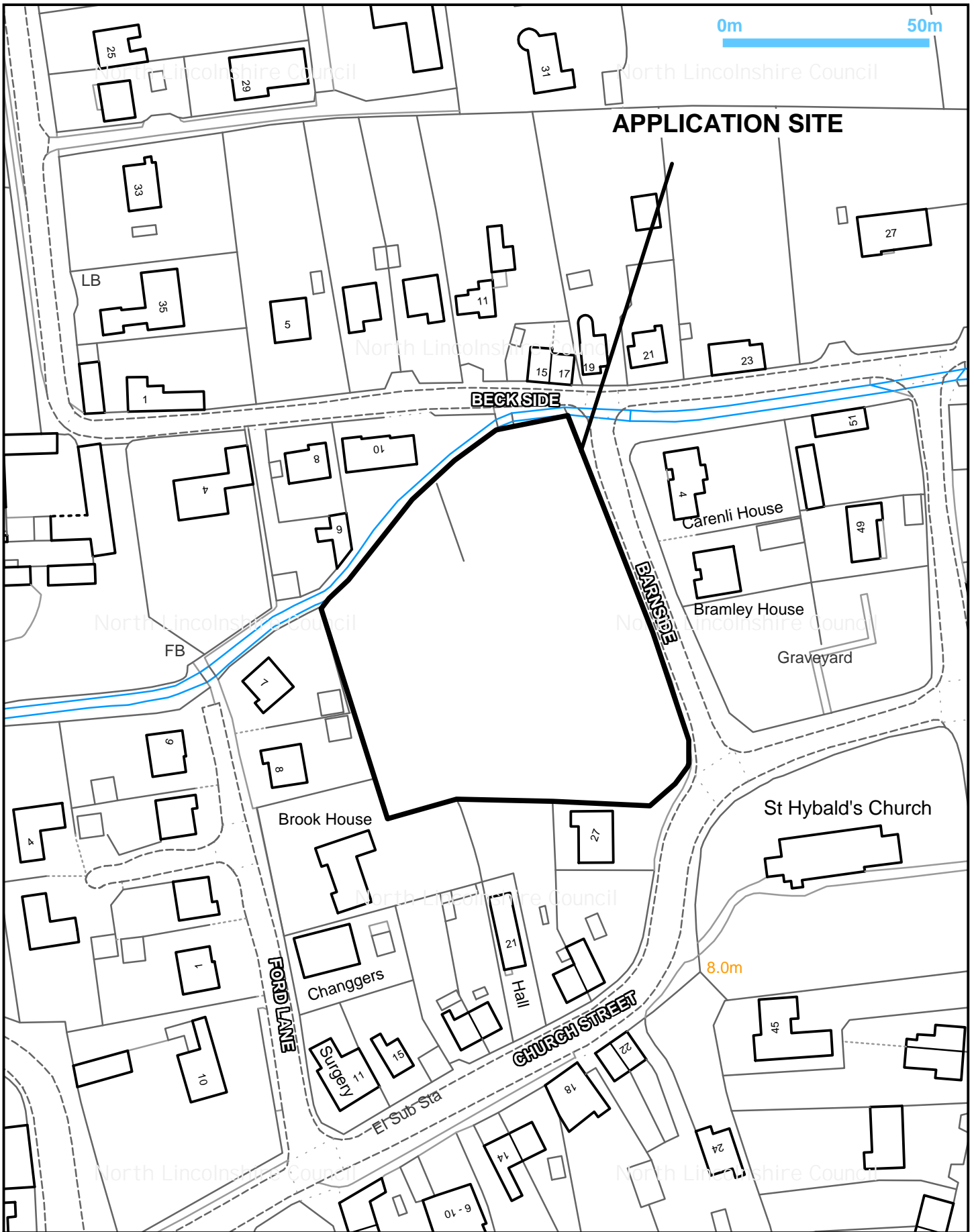
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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

**Informative 3**

Any works in or within 9 metres of the main river, Hibaldstow North Drain, will require flood defence consent from the Environment Agency.

**Informative 4**

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.



Title: PA/2014/0397

Drawn by: Sue Barden

Date: 04/09/2014

Scale 1:1250



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Ordnance Survey 0100023560

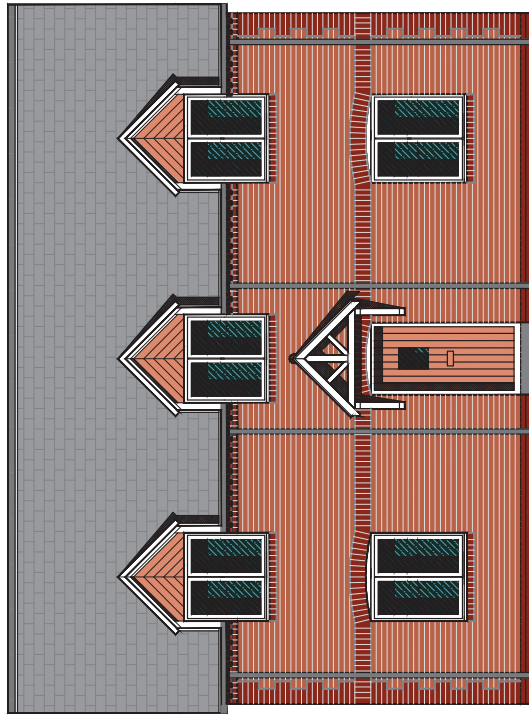


Director of Places  
Peter Williams  
BSc,DMS,CEng,MEI,MCMI,AMIMechE

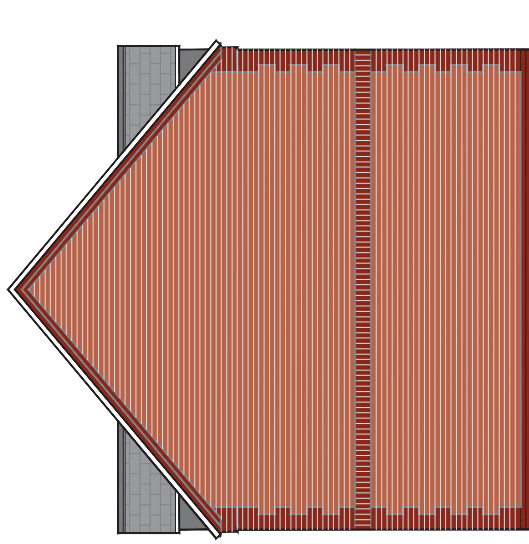
# PA/2014/0397    Layout plan    Not to scale



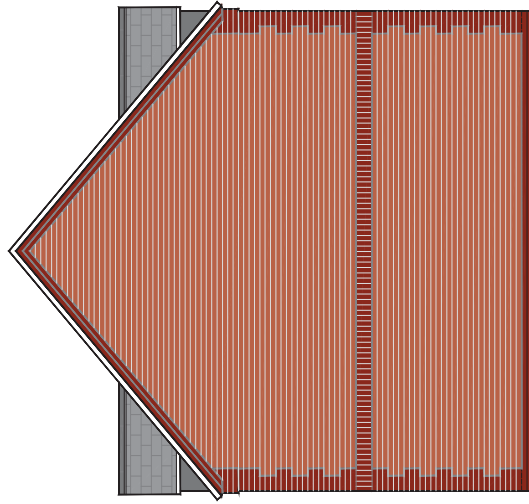
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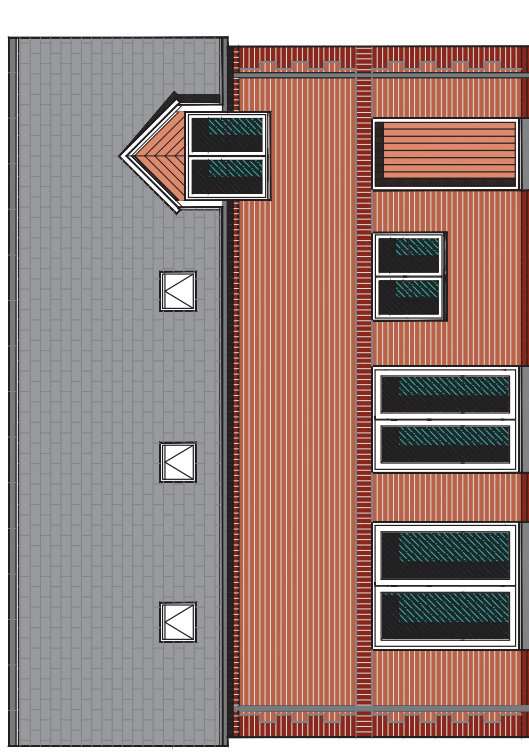
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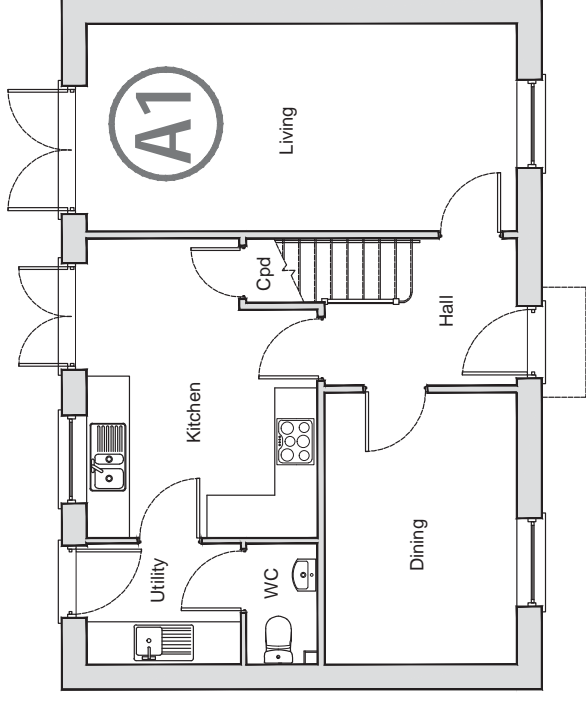
SIDE ELEVATION



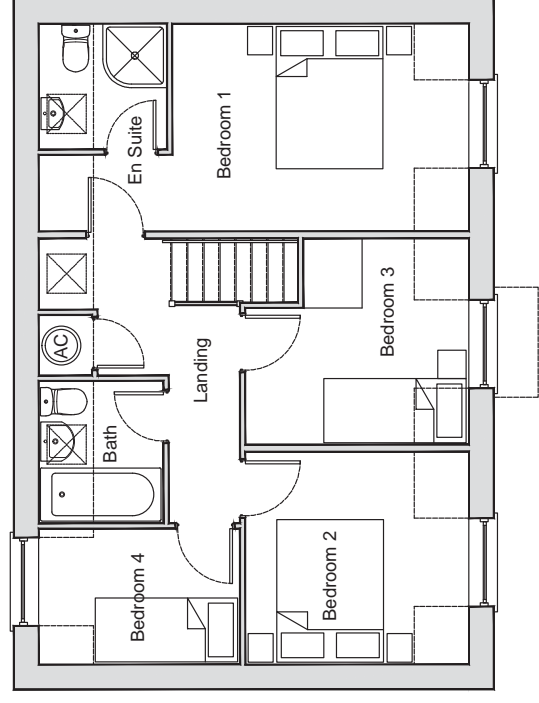
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REAR ELEVATION

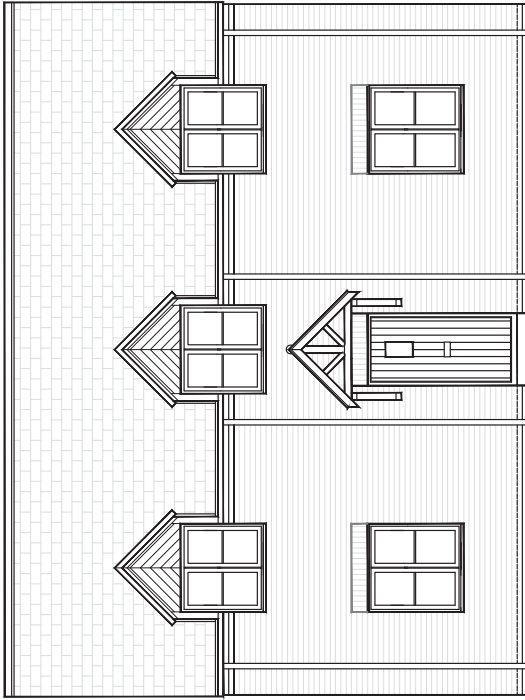


GROUND FLOOR PLAN

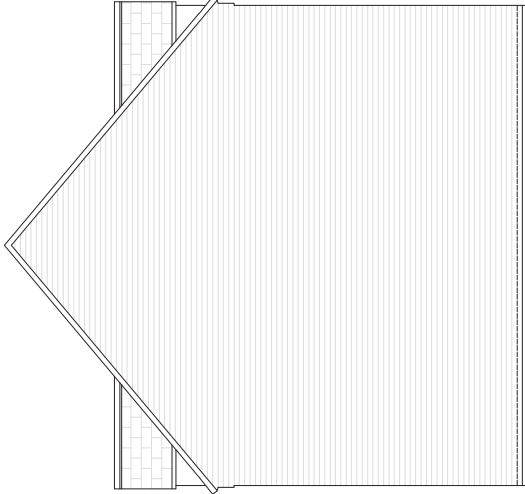


FIRST FLOOR PLAN

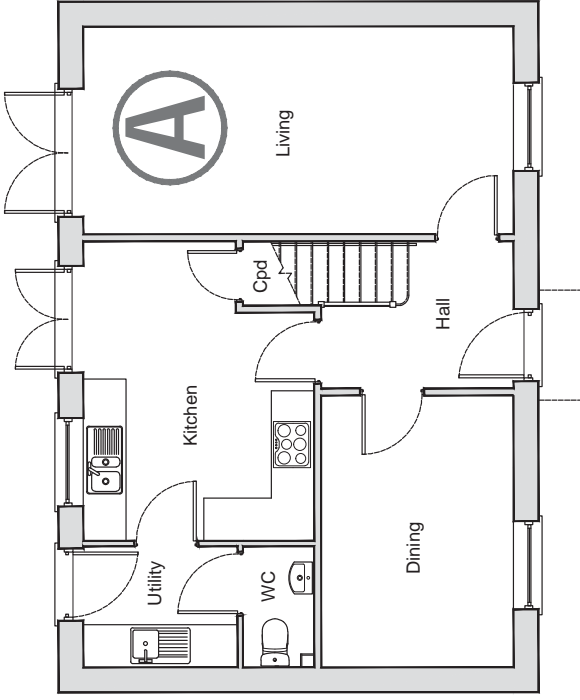
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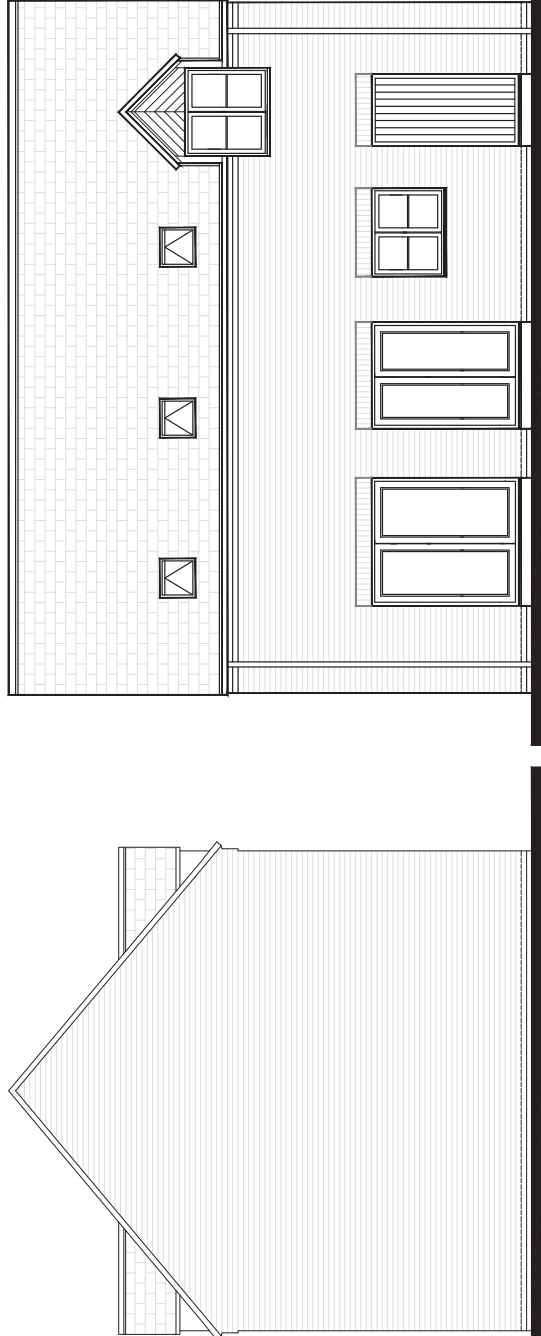
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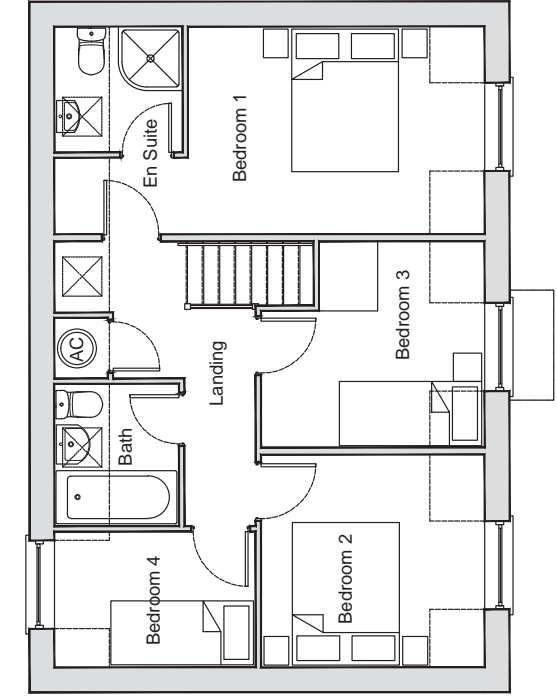
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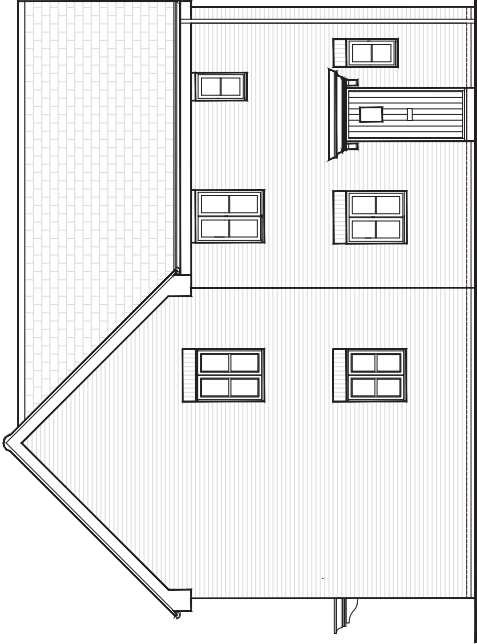
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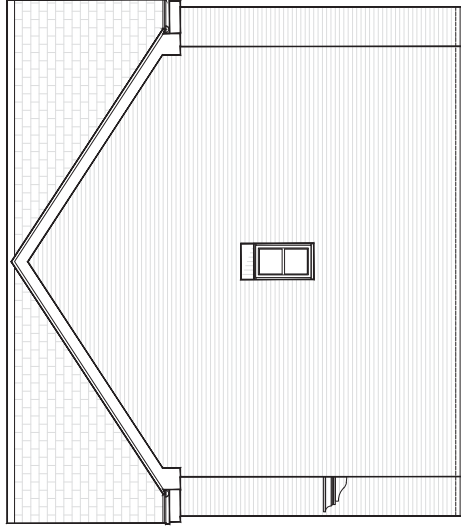
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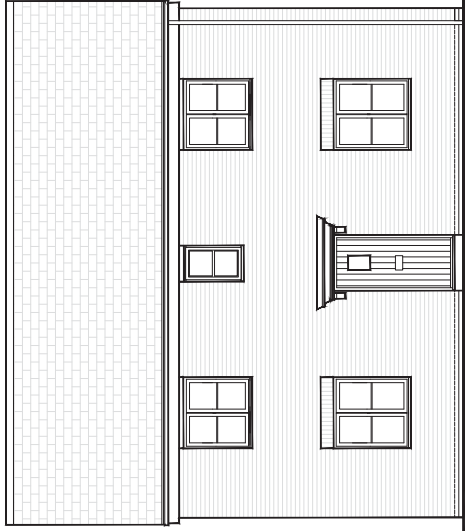
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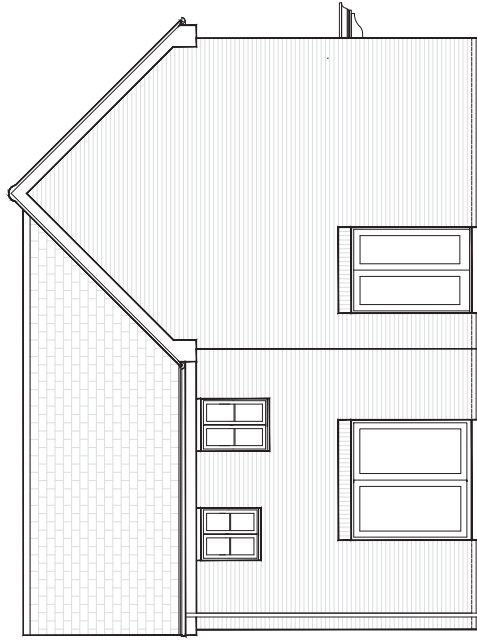
FRONT ELEVATION (D)



SIDE ELEVATION (D)

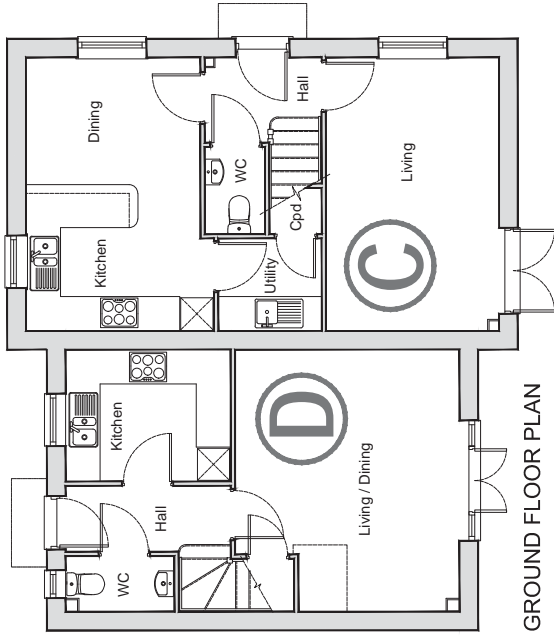


FRONT ELEVATION (C)

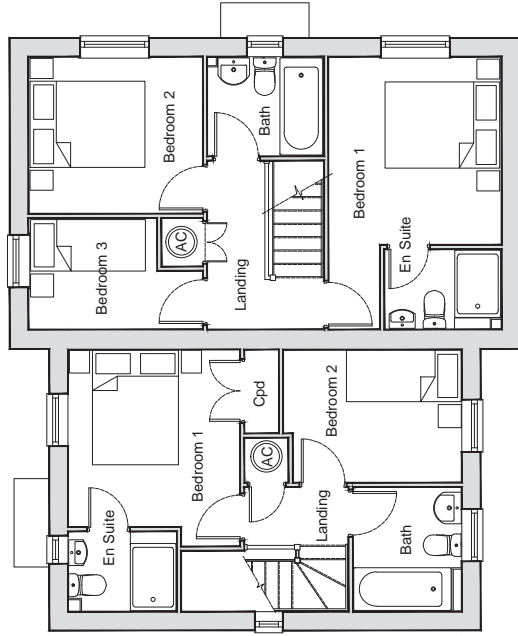


REAR ELEVATION

PA/2014/0397 Elevations



GROUND FLOOR PLAN



FIRST FLOOR PLAN