

APPLICATION NO PA/2014/0749

APPLICANT Mr M Snowden, Keigar Homes Ltd

DEVELOPMENT Planning permission to remove condition 25 of PA/2012/0674 code for sustainable homes

LOCATION Land off Island Carr Road, Brigg

PARISH BRIGG

WARD Brigg and Wolds

CASE OFFICER Emma Stanley

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraphs 11 and 17 are relevant to this application.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments.

North Lincolnshire Core Strategy: Policy CS18 (Sustainable Resource Use and Climate Change) states that the council will actively promote development that utilises natural resources as efficiently and sustainably as possible.

CONSULTATIONS

Highways: No objections.

TOWN COUNCIL

No objections.

PUBLICITY

Neighbouring properties have been notified. Three letters have been received raising the following issues:

- The area is subject to flooding.
- The development would increase traffic in the area affecting highway safety for pedestrians and vehicles.

- The sewers are regularly blocked in this area.

ASSESSMENT

Outline planning permission (PA/2012/0674) to erect 60 dwellings on this site was approved subject to 37 conditions. Condition 25 required the submission of a scheme to demonstrate that the proposal would comply with Code Level 3 of the Code for Sustainable Homes. This application seeks to remove condition 25.

The main issue in the determination of this application is whether or not the proposal would comply with current local plan and core strategy policies if condition 25 is removed.

When the original outline planning application was approved, it was considered appropriate to ensure that new residential development complied with the requirements of the Code for Sustainable Homes, particularly Code Level 3, and that the most appropriate way to secure this was by way of a condition. Since that time, however, this view has changed, as this Code Level is secured through achieving approval under the current Building Regulations. To ensure a consistent approach, it is considered that, in planning terms, it is now appropriate to remove this condition. The development will still be subject to all the remaining conditions, and the reserved matters will need to be satisfied accordingly.

The application has been the subject of public consultation and three members of the public have made representation. The issues raised do not refer to the removal of condition 25, but relate to the principle of the original outline approval, particularly in relation to flooding, drainage and highway safety. These matters have already been scrutinised and found to be acceptable, and are not for consideration as part of this proposal. In addition, there are conditions on the outline permission which relate to the approval of matters relating to flooding, drainage and highway details. One member of the public has requested to address the committee to raise matters referring to flooding and highway safety. Despite being advised that this application cannot be used to reassess matters already approved on the original outline, the objector still wishes to be given the opportunity to speak at the meeting.

As there are no objections in policy terms to the removal of this condition, the application is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1. Approval of the details of the layout, scale, 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, 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 two years from the date of this permission.

Reason

To comply with the timescale of the previously approved outline planning permission (PA/2008/0338).

4.

The development hereby permitted shall be begun either before the expiration of four 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 timescale of the previously approved outline planning permission (PA/2008/0338).

5.

The existing access road from the site towards Kiln Lane shall be permanently closed at the site boundary.

Reason

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

6.

No development shall take place until details showing the method of reconfiguring the existing access point onto Ancholme Way, to prevent right-turns onto Ancholme Way, 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.

7.

The proposed access point onto Ancholme Way shall not be used by any vehicle (including by construction traffic) until all works required under condition 6 above 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.

8.

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.

9.

There shall be no direct vehicular connection between the site and the Island Carr Industrial Estate. However, footway and cycle links shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

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.

13.

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.

14.

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.

15.

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.

16.

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.

17.

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.

18.

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.

19.

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.

20.

No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

21.

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

Reason

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

22.

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

Reason

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

23.

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.

24.

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

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

Reason

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

25.

All site works shall be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines.

Reason

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

26.

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

Reason

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

27.

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

- (a) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
- (b) confirmation that the spoil heap described in the submitted protected species assessment shall not be cleared except between the months of May and October in any calendar year;
- (c) details of measures to avoid harm to nesting birds, their nests and eggs during construction;

- (d) details of design features and physical protection measures in the construction and later phases of development, to minimise the risk of harm to water voles, including measures to reduce the risk of predation by domestic cats;
- (e) details of measures to control and avoid the spread of Japanese Knotweed;
- (f) details of proposed landscaping/open space provision, including use of locally native wildflowers, trees, shrubs and hedgerows and details of whether existing trees, hedgerows and drains will be retained;
- (g) details of biodiversity enhancements to be carried out, including provision of habitat for reed bunting and roosting features for swifts, pipistrelle and Daubenton's bats to be installed in at least 10% of dwellings;
- (h) details of persons responsible for:
 - (i) compliance with legal consents relating to nature conservation;
 - (ii) compliance with planning conditions relating to nature conservation;
 - (iii) installation of physical protection measures during construction;
 - (iv) implementation of sensitive working practices during construction;
 - (v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.

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

Reason

To protect features of recognised nature conservation importance.

28.

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

Reason

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

29.

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

Reason

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

30.

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

Reason

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

31.

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment must be prepared, and shall be subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure the proposed remediation plan is appropriate.

32.

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and shall be subject to the approval in writing of the local planning authority.

Reason

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

33.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken. The report of the findings must include:

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

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

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

Reason

To ensure all contamination within the site is dealt with.

34.

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

Reason

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

35.

The development shall be designed/constructed using those mitigation measures as described in the Noise Impact Assessment dated 31 August 2010, reference 07478 Rev B, sections 5.6 and 5.7, and retained in their entirety thereafter.

Reason

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

36.

Before any dwellings are occupied, provision shall be made and thereafter retained for access to the site by emergency vehicles from Island Carr Road.

Reason

In the interests of public safety and to ensure a satisfactory standard of development.

Informative 1

This application must be read in conjunction with the relevant Unilateral Undertaking.

Informative 2

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

Informative 3

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

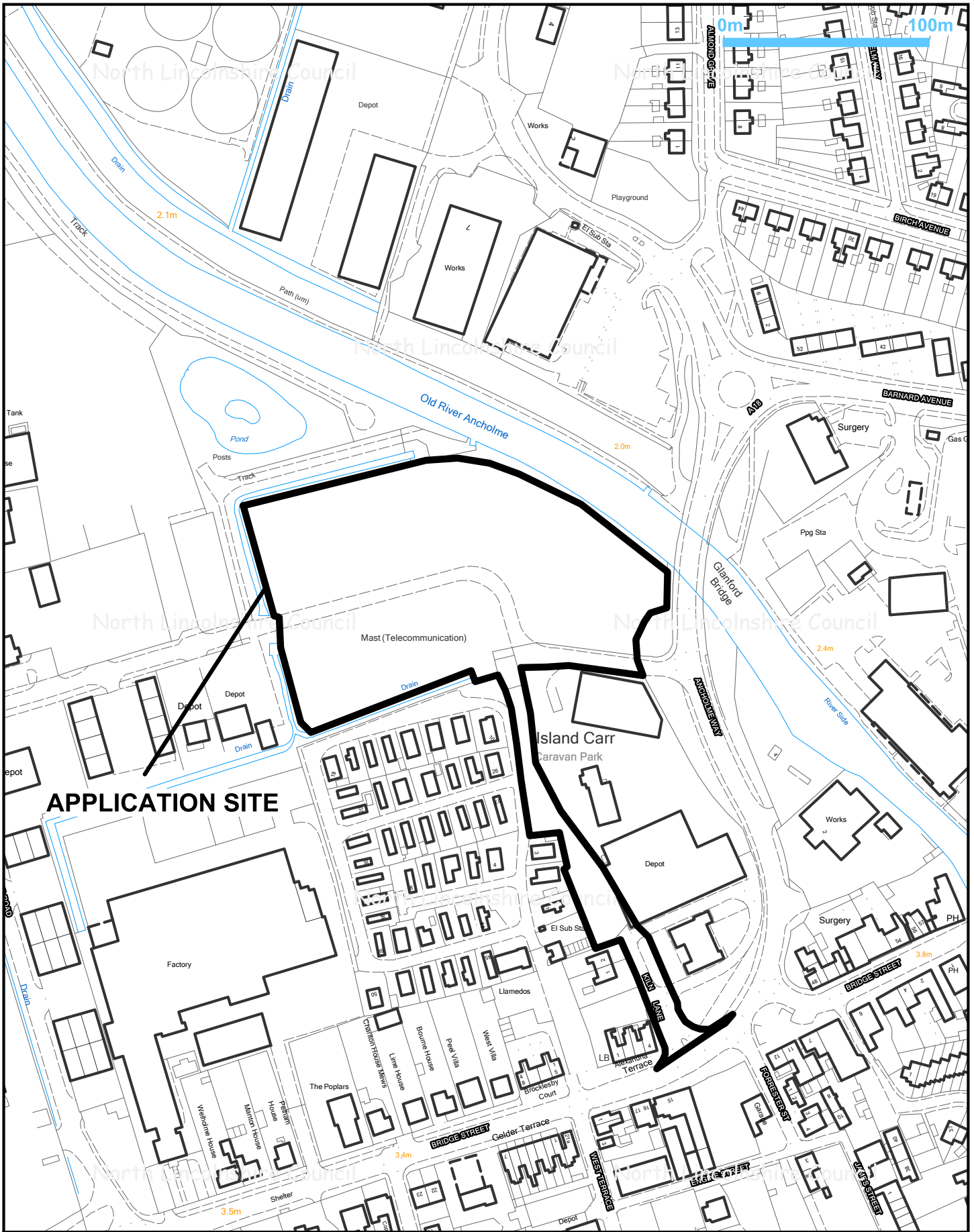
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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

Informative 4

Your planning permission/approval includes a condition relating to potential land contamination and you are strongly advised to contact the Environmental Protection Unit on 01724 297620 for advice as to how to comply with the requirements of this condition. The applicant is also advised to submit a desk top study for approval and advice before proceeding with any further work that may prove necessary.

Informative 5

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

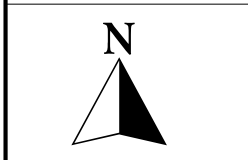


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