

## NOTICE OF DECISION

**Application Number:** DC/1224/06/HEN

**Issuing Authority:** North East Lincolnshire Borough Council

**Applicant's Name and Address:**

Capricorn Homes Ltd  
53 Queen Street  
Sheffield  
S1 2DU

**Agent's Name and Address:**

Michael Hyde & Associates Ltd  
Alliance House  
9 Leopold Street  
Sheffield  
S1 2GU

The following decision has been made upon your application received on **18th September 2006** relating to:-

**Application Site:** Ladysmith Road (Former Birds Eye Site) Grimsby

**Proposal:** Redevelopment of the former Birds Eye factory site into a residential development for 177 mixed dwellings.

### Granted subject to:-

**1 Condition**

The development hereby permitted shall be begun within a period of three years from the date of this permission.

Reason

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

**2 Condition**

No development shall take place pursuant to this planning permission until a planning agreement, substantially in the form of the draft attached to this report and binding all the land which is the subject of this planning permission, has been executed and completed by the Local Planning Authority.

Reason

To ensure the provision of affordable housing within the site.

**3 Condition**

The development hereby permitted shall not commence until details and/or samples of all external materials to be used in the external construction of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the proposed development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

**4 Condition**

The scheme of landscaping and tree planting shown on the landscaping drawing approved by the Local Planning Authority shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All planting shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season to the satisfaction of the Local Planning Authority

**Reason**

To ensure a satisfactory appearance and setting for the approved development, and to ensure the continued maintenance of the approved landscaping in the interests of local amenity.

**5 Condition**

Prior to development commencing on the development hereby approved a detailed plan of a scheme for the protection of all trees/hedges which are to be retained as part of the approved landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the development commencing on site and shall be retained for the duration of construction works.

**Reason**

To prevent damage to trees/hedges during construction works on site.

**6 Condition**

The screen fencing and walls shown on the approved plans shall be erected to the satisfaction of the Local Planning Authority before any of the adjoining dwellings are occupied.

**Reason**

To ensure a satisfactory finished appearance to the development and to safeguard residential amenity.

**7 Condition**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development under Schedule 2, Part 2, Class A shall be permitted within the front curtilage of the dwelling(s) hereby approved.

**Reason**

To preserve the open plan nature of the development.

**8 Condition**

Before the development hereby permitted is commenced details of the proposed equipped childrens play area shall be submitted to and approved by the Local Planning Authority.

**Reason**

To ensure the provision of adequate childrens play equipment to serve the development.

**9 Condition**

Before the development hereby permitted is commenced a detailed management scheme for the maintenance and management of the equipped childrens play area and the proposed public open space shall be submitted to and approved by the Local Planning Authority.

**Reason**

To ensure that adequate arrangements for the future maintenance of these areas are in place.

**10 Condition**

Before any demolition work is commenced on site the location of any boreholes within the site shall be determined and a scheme for the treatment of any boreholes found shall be submitted to and approved by the Local Planning Authority.

Reason

To prevent any pollution of the groundwater.

**11 Condition**

The development hereby permitted shall not be commenced unless:

(a) a desk top study has been carried out, which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

(b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning authority, prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable (i) a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected; (ii) refinement of the Conceptual Model; and (iii) the development of a Method Statement detailing the remediation requirements.

(c) The site investigation has been undertaken in accordance with the details approved by the Local Planning Authority and a risk assessment undertaken.

(d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on site.

Reason

To ensure that the proposed site investigations and remediation will not cause pollution or harm to human health.

**12 Condition**

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason

To provide verification that the required remediation has been carried out to the required standards.

**13 Condition**

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. If no contamination is found during the course of the development a written statement confirming this fact must be submitted to the Local Planning Authority upon completion of works.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately.

**14 Condition**

Prior to the commencement of development on the site detailed specifications of the type of piling/ground improvement/foundations to be used to support the proposed buildings shall be submitted to the Local Planning Authority for approval. Included shall be a scheme to mitigate the effects of the piling/ground improvement with particular regard to noise and vibration to the surrounding properties and pollution to the underlying chalk aquifer. The foundations shall be carried out/constructed in accordance with the approved details unless variations are approved in writing by the Local Planning Authority.

**Reason**

To protect the amenities of nearby residents and to ensure the integrity of the underlying aquifer is not compromised.

**15 Condition**

A method statement including details of dust suppression techniques to be employed during the course of construction is to be submitted to and agreed with the Local Planning Authority prior to commencement of the development.

**Reason**

In the interests of residential amenity.

**16 Condition**

A method statement including details of noise reduction measures to be employed during the course of construction is to be submitted to and agreed with the Local Planning Authority prior to commencement of the development.

**Reason**

In the interests of residential amenity.

**17 Condition**

All communal parking areas should be subject to minimum BS5489 levels of illumination during darkness hours.

**Reason**

In the interests of crime prevention.

**18 Condition**

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved, in writing, by the Local Planning Authority.

**Reason**

The site is of known or potential archaeological significance and it is Council policy that the appropriate provision for the recording of archaeological remains is made prior to their damage or destruction by development.

**19 Condition**

The applicant, or their agents or successors in title, shall give the Local Planning Authority at least 14 days written notification of the start date for commencement of development.

**Reason**

To ensure adequate opportunity for the implementation of the archaeological mitigation strategy.

**20 Condition**

None of the dwellings hereby permitted shall be occupied until the existing pelican crossing in Ladysmith Road has been up-graded, a barrier has been provided in the footway of Ladysmith Road where the proposed footpath emerges from the site, the two bus stops in Ladysmith Road have been up-graded to cater for low-floor buses and the footways abutting the site in Ropery Street and Granville Street have been reinstated.

**Reason**

In the interests of road safety, in the interests of pedestrian safety and to improve the accessibility of public transport for the residents of the proposed development.

**21 Condition**

Development shall not be begun on site, unless otherwise agreed in writing with the Local Planning Authority, until the within highway works to improve safety at the Welholme Road/Convamore Road junction have been laid out and completed to the satisfaction of the Local Planning Authority in accordance with comprehensive engineering details to be submitted and approved by the Local Planning Authority before such works are commenced.

**Reason**

In the interests of road safety.

**22 Condition**

Development shall not begin until the following details have been approved by the Local Planning Authority:-

(i) Detailed plans to a scale of at least 1/500 showing:-

- (a) the proposed layout of the carriageways and footways on the development;
- (b) the wearing course materials proposed for the carriageways and footways;
- (c) cross sections;
- (d) the highway drainage system;
- (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
- (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development.

**Reason**

To ensure the provision of satisfactory vehicle parking arrangements for the development.

**23 Condition**

Notwithstanding the details shown on the approved layout, development shall not begin until details of within site traffic calming measures to Welholme Road have been approved by the Local Planning Authority.

**Reason**

In the interests of road safety.

**24 Condition**

No dwelling on the site shall be occupied until the access road has been constructed to at least base course level and adequately lit from the connection with the existing carriageway up to the access to the dwelling, to the satisfaction of the Local Planning Authority.

**Reason**

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety.

**25 Condition**

No dwellings on the site shall be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been constructed to the satisfaction of the Local Planning Authority, and the vehicle parking space(s) garage facilities shall thereafter be so retained.

Reason

To ensure that the existing highway is maintained in a safe manner in the interests of residential amenity.

**26 Condition**

Any planting or landscaping within any service strip adjacent to any A4 shared accessway shall be of a species which shall be agreed in writing with the Local Planning Authority.

Reason

In the interests of road safety.

**27 Condition**

Before any development is commenced on site wheel cleaning facilities shall be provided to a standard and in such a position as previously approved in writing by the Local Planning Authority and shall thereafter be so retained during the period the construction works on the site are taking place and used to the satisfaction of the Local Planning Authority.

Reason

In the interests of road safety.

**28 Condition**

Development shall not begin until comprehensive engineering details showing the layout, design and method of construction of any new, altered or stopped up access and the reconstruction of the footpath along the site frontage to Granville Street and Ropery Street, including the relocation of any street lighting, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate parking and pedestrian facilities are provided for highway safety reasons.

**29 Condition**

Comprehensive detailed drawings of the upgrading of the existing pelican crossing in Ladysmith Road to a toucan crossing shall be submitted to and approved by the Local Planning Authority before the proposed development is commenced.

Reason

In the interests of road safety.

**30 Condition**

Development shall proceed fully in accordance with the mitigation measures (eg finished floor levels no lower than 3.8m above ordnance datum for all apartments and 3.5m above ordnance datum for all other dwellings) set out in the approved Flood Risk Assessment and subsequent amendments, and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the risk and impact of flooding.

**31 Condition**

Prior to the commencement of demolition works on site a method statement outlining:

-the method of demolition

-measures to identify and remove asbestos if present

-measures to prevent nuisance from dust and noise to surrounding occupiers

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety to the satisfaction of the local Planning Authority.

Reason

In the interests of public safety and to protect the amenities of nearby residents.

**32 Condition**

The public open space and equipped childrens play area shown on the approved layout plan shall be completed before the penultimate dwelling on the site is occupied.

Reason

To ensure that the open space and play area are available when the development is completed.

**33 Condition**

Traffic associated with demolition and subsequent construction works shall, as far as is practicable, avoid the use of Convamore Road and Welholme Road.

Reason

In order to safeguard the residential amenities of the area.

**34 Informative**

Further advice on undertaking works on trees and hedges on the site can be obtained from North East Lincolnshire Council's Trees and Woodlands Officer on direct telephone line (01472) 324271.

**35 Informative**

If there is a watercourse on or adjacent to your site, please bear in mind that it is an offence, to fill, drainage pipes or culvert any ditch, dyke, streams or watercourses without first submitting plans and sections to the Council's Director of Technical Services for approval. It is essential that this information is submitted well in advance of any intended work.

Even though direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Director of Technical Services is empowered under the Public Health Legislation to require such culverting to be carried out in the case of a watercourse on the site or abutting the site of land being set out for building. This requirement may be enforced even if you do not own the ditch, the notices requiring such culverting work has a cost attached to it, so it is in your interest to establish the correct course of action as soon as possible.

**36 Informative**

Owners of land adjoining the site to be developed may have natural rights of drainage onto, or across the site. Neither the proposed development, nor temporary works required during the construction, should prejudice this natural right of drainage. If the level of the land on any part of the site is to be raised, or if walls or fences are to be erected which might disrupt drainage

paths, the developer must provide suitably designed cut off drains to intercept and divert both the surface and sub-surface drainage flows. Details of the proposals must be submitted to and approved by the Director of Technical Services before the commencement of works on site.

**37** Informative

There should be no surface water run-off from the proposed development onto the adopted highway, especially from the private driveways along Granville Street and Ropery Street.

**38** Informative

The existing industrial units should be recorded photographically, with notes, before their demolition (Royal Commission on Historical Monuments for England level 1 recording).

**39** Informative

The proposed development lies within 250 metres of a former waste disposal site in Convamore Road.

**40** Informative

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management legislation and in particular the Duty of Care. Nothing other than uncontaminated excavated natural materials shall be tipped on the site. Responsibility for the safe development and secure occupancy of this development rests with the developer.

**41** Informative

The developer may wish to aid formation of a local neighbourhood watch scheme on the development. Full details are available at Grimsby Police Station or the Humberside Association of Neighbourhood Watch Groups (HANWAG), Sculcoates Lane, Hull.

**42** Informative

The use of the ACPO/Home Office Secured by Design (SBD) award scheme would provide the developer and the residents with a policy approved base insurance standard for secure dwellings.

**43** Informative

As the highways within the site are to be adopted by the Council, please contact the Highways Management Section of the Department of Environmental Services well in advance of the commencement of works. (Tel:- 01472 324532).

**44** Informative

As works are required within the existing highway in order to enable the development to take place, please contact the Highways Management Section of the Department of Environmental Services well in advance of the commencement of works. (Tel:- 01472 324431)

**45** Informative

As the development is required to be a 20 mph speed limit zone, in order to enable the carriageway to be formally adopted by the Highway Authority 20mph road signs are required to be erected within the highway and the associated Traffic Regulation Order implemented. Please contact the Traffic and Road Safety Section of the Department of Environmental Services well in advance of formal adoption (Tel: 01472 324492).

**46** Informative

As improvements are required to the junction of Welholme Road/Convamore Road and the upgrading of the pelican crossing, please contact the Traffic and Road Safety Section of the Department of Environmental Services well in advance of formal adoption (Tel: 01472 324492).

**47** Informative

This permission relates to drawings numbered 3AC1/01, 3AC1/02G, 3AC1/03D, 3AC1/04C, 3AC1/05B, 3AC1/06C, 3AC1/07C, 3AC1/08C, 3AC1/09C, 3AC1/10C, 3AC1/11C, 3AC1/12B, 3AC1,13B, 3AC1/14B, 3AC1/15A, 3AC1/16D, 3AC1/17C, 3AC1/18C, 3AC1/19, 3AC1/20B, 3AC1/21D, 3AC1/22D, 3AC1/23D, 3AC1/24C, 3AC1/25A, Landscape proposal, Topographical Survey and Anglian Water Sewer Records.

**48** Informative

The development of this highly sustainable site for residential purposes which meets many of the Councils principal housing objectives, is sufficient to outweigh its Development Plan allocation as an Industrial Area. There are no other material considerations which would justify a refusal of planning permission.

This Notice is issued on behalf of the Local Planning Authority.

**Signed:**

**Dated: 26th June 2007**

**Derek McKenzie**

**Official Capacity: Head of Planning Environmental Services**