

<b>APPLICATION NO</b>	<b>PA/2022/1411</b>
<b>APPLICANT</b>	Mr Bob Higgins
<b>DEVELOPMENT</b>	Planning permission to erect two one-and-a-half-storey dwellings and garage
<b>LOCATION</b>	Land east of Townside, East Halton, DN40 3PS
<b>PARISH</b>	East Halton
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

### **National Planning Practice Guidance**

**National Design Guide (2019)**

**National Design Code (2021)**

### **North Lincolnshire Core Strategy:**

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS17: Biodiversity

CS19: Flood Risk

CS25: Promoting Sustainable Transport

**North Lincolnshire Local Plan:**

DS1: General Requirements

RD2: Development in the Open Countryside

H5: New Housing Development (part 2 saved)

H7: Backland and Tandem Development

T1: Location of Development

T2: Access to Development

T19: Car parking Provision and Standards and Appendix 2

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

**Housing and Employment Land Allocations DPD:** The main access into the site is within the development limits. The main part of the site is outside the development limits, within the open countryside as shown on the Proposals Map.

**CONSULTATIONS**

**LLFA Drainage Team:** No objection subject to conditions and informative comments.

**Environmental Protection:** No objection subject to a condition to address the potential for contamination at the site. Request a Phase 1 Desk Study prior to commencement of development.

**Highways:** No objection subject to conditions relating to access, parking and turning.

**Waste and Recycling:** No objection. Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crews. Informative recommended.

**PARISH COUNCIL**

No comments received.

## **PUBLICITY**

A press and site notice has been displayed. Eight responses have been received, all objecting to the proposed development. The comments can be summarised as follows:

- Concern regarding the size/width of the access – it is too narrow
- The proposal is non-compliant with the North Lincolnshire Residential Roads Design Guide where usually 4.5m approach widths are necessary for private, unadopted drives serving fewer than five dwellings to allow for two-way movement, including dual use for the passing of pedestrians and cyclists by drivers of vehicles
- Potential for cars to damage property on the access
- Concerns the drain to the rear of terraced properties may be damaged by development
- Noise and vibration from passing traffic
- The economic/social benefits of the site have been overexaggerated as there are only two dwellings proposed
- Potential for additional parking to spill onto Townside
- Pedestrian safety concerns
- Limited visibility for cars
- Sets a precedent for backyard development
- Will lead to overlooking and loss of light to existing residential properties
- Inappropriate development
- Southern boundary concerns – this boundary is mostly fenced (belonging to the adjacent properties) and is uneven, not as shown on the application. There are the remains of old buildings on the site and along the boundary, and this is possibly a reason for the unevenness.
- Concerns during development vehicles could damage boundaries/get stuck on site
- Visibility splay cannot be achieved
- No visitor parking
- Impact on privacy – overlooking and noise impacts
- Bin storage and collection requires further clarification given the distances.

## **ASSESSMENT**

### **Planning history**

PA/2009/1433: Planning permission to erect two detached bungalows and garages – refused 27/01/2010

Reason for refusal: East Halton is included in the list of minimum growth settlements in policy ST2 of the North Lincolnshire Local Plan. The development is contrary to policies H1 and ST3 of the Plan as it lies outside the development boundary for the settlement and is not essential for the purposes of agriculture or forestry. Furthermore the development does not fulfil the criteria necessary for it to be treated exceptionally under policies H13, RD9 or RD10 of the Plan.

PA/2002/1786: Planning permission to erect six town houses with associated parking and means of access – refused 21/01/2003

PA/2004/1106: Planning permission to erect three dwellings, including parking and means of access – approved 11/08/2004

7/1990/0494: Erection of six two-bedroom townhouses in two blocks of three, with parking and means of access – approved 13/09/1990 (The proposed access for the units was via the current proposed access.)

PA/2022/310: Planning permission to erect two, one-and-a-half-storey dwellings – withdrawn 21/04/2022.

### **Site designations/constraints**

The site is not within a conservation area, and there are no listed buildings or tree preservation orders on the site.

The site is within Flood Risk Zone 1.

The site is partly outside the development limits for East Halton – the access is within the development limits.

### **The site and proposals**

The site, which currently comprises vacant, underused overgrown land, lies to the east of Townside. Evidence of site clearance was apparent during the site visit as piles of 'Heras' fencing, wooden boards, pallets and other materials were on the site.

The proposed access is to the south of existing residential property Lunaria and to the north of Jepela (residential property) located off Kettlebridge Lane. The access leads to the main part of the site, which is to the rear of residential properties off Townside (Lunaria, Magorian and Uppsala) and to the rear of properties to the south of the site off Kettlebridge Lane (Elm Tree Cottage, Sycamore Cottage, Holly Cottage). The eastern boundary of the site adjoins the garden of Ivy Cottage also located off Kettlebridge Lane. The northern boundary of the site adjoins the rear garden of Hawthorne House.

The existing boundary treatments of the main site are:

- rear garden fencing to the west
- hedges, trees and other vegetation to the north
- a mix of timber fencing and rear outbuildings to the south
- hedges/trees and fencing to the east.

The existing boundary treatments of the access are:

- timber fencing and end elevation of Jepela to the south (there are no windows in the northern elevation of Jepela)
- timber fencing and end elevation of Lunaria to the north (there is one first-floor window but no ground-floor windows in the southern elevation of Lunaria).

This proposal seeks the erection of two, one-and-a-half-storey dwellings and associated garages. Both dwellings will include off-road parking for two vehicles.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **appearance/quality of design**
- **residential amenity**
- **highways**
- **environmental protection.**

### **Principle of development**

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Allocations DPD.

The application site is within the rural settlement of East Halton. The site lies partly within the settlement limits of East Halton as set out by the Housing and Employment Land Allocations Development Plan Document (DPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder of the site is outside the settlement framework set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located partly outside the defined development limit for East Halton.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy.

Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

There is, therefore, a development plan presumption against housing development in this location. The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council cannot currently demonstrate an up to date five-year housing land supply.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

A recent appeal decision dated 20 July 2022 (PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (iii) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (iv) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. Whilst only modest in scale, the development does propose an additional two dwellings which will bring the following benefits:

**Economic:** Temporary small-scale employment opportunities during the construction process as well as benefits for local suppliers and businesses during that period. Longer-term employment benefits which a typical residential property may bring include repairs and maintenance as well as other works required. Potential for new residents to shop locally and use local services.

**Social:** The local authority area currently has a shortfall in housing supply. Whilst only modest, the development will provide much needed housing within the area contributing to the overall land supply. Whilst East Halton is a rural settlement and there will be a reliance on the private car to access many facilities and services, there will be an increase in people who could shop and use other services locally.

**Environmental:** The scheme seeks to bring forward a vacant, unkempt site back into use. The proposed development will improve the built environment in this location. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development.

Given the nature of the site as existing, it is not considered there would be significant harm in economic, social or environmental terms to developing the site.

Paragraph 47 of the NPPF states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. An overarching principle in the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of East Halton: in essence the site represents a suitable and logical infill site which is bounded on all sides by existing residential development and their gardens.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

It is considered that, in principle, the proposal would represent appropriate development within the countryside, subject to there being no adverse impacts that would significantly and demonstrably outweigh the benefits.

### **Residential amenity**

Part-saved policy H5, and policies H7 and DS1, refer to residential amenity. They discuss the need to ensure development does not result in overlooking or loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states there should be no unacceptable loss through overshadowing. Policy H7 also discusses the need to ensure there is no adverse effect through nuisance resulting from the movement of vehicles to and from the proposed development.

The proposed development is to the rear of existing residential development. Existing rear and side gardens form the boundary to the main area of the development site and as such any development should be mindful of these adjoining uses. A previous application (PA/2022/310) sought the development of two large properties on the site. Following discussions with the case officer, the scheme was withdrawn, revised and resubmitted. The current proposal seeks the erection of two, one-and-a-half-storey residential dwellings. The dwellings have been set off the boundaries with the adjacent residential properties to the north, east, west and south to respect adjacent neighbours.

The main access road into the site will pass by two existing properties and introduce an element of additional noise to this area. Given the site is for two dwellings, this is not assessed as being significant and therefore does not constitute a reason for refusal. A previous scheme was granted permission in 1990 for the erection of six townhouses utilising the same access. This was also considered acceptable at that time (7/1990/0494).

Concerns have been raised in relation to impact on privacy and overlooking. The site has been designed to include a 1.8m high close-boarded fence around the southern and western boundaries of the site, with existing mature foliage being retained along the northern boundary and a 1.2m high fence to the eastern boundary, which is also screened by mature planting. A condition has been recommended to secure a scheme of boundary treatments to ensure that their final position and design will be appropriate and protect the amenity of neighbouring properties.

The properties are set away from the boundaries, with the main access and driveways forming the southern part of the site and gardens to the north-east and west. In terms of windows, two dormers are proposed at the first floor of each property: one looking inwards over the front gardens and parking spaces (east to west/west to east); and one looking south over the front garden and access road. Concerns have been raised that the proposed dwellings will impact on the privacy of existing dwellings and their rear gardens to the south; however, the dormers are set in a one-and-a-half-storey building, behind a 1.8m fence and set away from the rear gardens of the adjacent properties by approximately 8.5m (plot 1) and 8.3m (plot 2). The distance to the rear of the properties is greater: for example, plot 1 to the rear windows of Elm Tree Cottage is approximately 24.5m and plot 2 to Holly Cottage is 24.3m. These distances are considered acceptable and would not lead to significant harm in terms of overlooking or impacts on privacy.



A first-floor window is proposed on the western boundary of plot 1, which will serve a bathroom and will be obscure glazed. This will be conditioned, including that it shall remain obscure glazed at all times.

A first-floor window is proposed on the northern boundary of plot 2, which will serve a bathroom and will be obscure glazed. This will be conditioned, including that it shall remain obscure glazed at all times.

Given the height and position of the dwellings on the site, and that they are located off the boundaries, there are not considered to be any impacts in terms of overshadowing or loss of outlook.

It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS5.

### **Character, design and appearance**

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires designs and layouts to respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ This is reinforced by local plan policy DS1 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Policy H7 relates to backland and tandem development. The policy states that development will be permitted where there is no adverse effect on the amenities of any residential premises or adjoining uses through overlooking and loss of privacy, loss of amenity to the adjoining dwellings, or the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to: not affect the general quality and character of the area; unacceptably increase the density of development in that area; result in the loss of important natural and man-made features; or lead to an unacceptable proliferation of vehicle accesses, to the detriment of the street scene and/or road safety. An earlier application granted in 1990 for residential development on the site was never brought forward for development; however, the same access is proposed and a reduced number of dwellings is proposed on the site. The applicant has sought to achieve an appropriate scale of development for the site whilst taking account of surrounding land uses; therefore, in terms of built form, it is considered that the application would not seek to undermine policy H7.

The applicant has sought a redesign following the withdrawal of an earlier application (PA/2022/310).

The proposal includes two, one-and-a-half–storey properties on an area of vacant, underused land which has in the past been considered suitable for residential development. The two properties will include three bedrooms (two on the first floor and one at ground floor), with a good-sized entrance hall, and separate living and dining/kitchen areas, at ground floor.

There is adequate amenity space around the properties, and a block of two garages proposed between the dwellings, as well as two driveways, provide off-street parking. It is recommended that a condition be included to ensure the garages are retained for use to house a vehicle. This will assist with concerns regarding parking and ensure there are always two dedicated parking spaces per dwelling.

Access to the site is taken off Townside, which will be a shared access for both properties. Adequate turning space is provided within the site to allow vehicles to manoeuvre.

No details have been provided regarding bin storage; however, there is adequate space on the site to store waste and recycling bins. The Waste Management team have provided details for waste and recycling collection, and reference to this will be included as an informative. Waste and Recycling vehicles will not drive onto the private drive to collect bins.

The materials are unknown at this time and will be secured through condition. The overall design of the properties is considered to be high quality and appropriate for the area.

Concerns have been raised regarding boundaries and ownership. The applicant has confirmed that the land to which this application relates is within their ownership and no information has been provided to suggest otherwise. Should there be an issue regarding land ownership, this would be a civil matter to be addressed between the landowners and not a matter for planning.

It has been demonstrated that the development of the site would not be detrimental to the character and appearance of the open countryside, nor the nearby settlement, in terms of siting, scale, massing, design or use of materials.

Overall, the design of the property is considered to be of high quality and in keeping with the existing property and properties within the wider street scene. It is therefore considered that the proposal is in accordance with policies DS1, DS5 and H5.

### **Drainage and flood risk**

The site is within Flood Risk Zone 1, which has the lowest potential for flooding. LLFA Drainage have considered the proposals and have no objection subject to the inclusion of conditions and informatives.

### **Highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision, as well as general safety, and is also considered relevant.

Concerns have been raised by members of the public in relation to highway safety and access to the site. There are concerns in relation to both short- and long-term impacts. These include potential damage to existing boundaries on the entrance/access to the site from construction vehicles, as well as vehicles using the site in the future. There are also concerns that the

existing width of the site, as well as visibility on the access, is not suitable to serve two properties.

The Highways team have assessed the proposals and do not have any comments in relation to the overall design. It is considered that the development of two properties would not result in a significant impact in terms of highway safety and that the nature of the access into the site would naturally slow vehicles. No additional visitor parking has been requested by the Highways department.

Given the scale of the proposed development, it is not considered that the scheme would result in a significant or unacceptable increase in vehicular movements in the locality. Adequate off-street parking provision will be provided within the site. With these factors in mind, and in the absence of an objection from the council's Highways section, it is considered that the proposal, with the recommended conditions, would be acceptable in highway terms.

It is considered, subject to the aforementioned conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

### **Environmental protection**

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known to be, or strongly suspected of being, contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The proposed residential development is a sensitive end use. Historical mapping shows buildings associated with a sawmill overlapping the proposed site. This has the potential to introduce contaminants such as heavy metals, PAHs and asbestos, which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. The council's contaminated land planning guidance document recommends that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desk top study, a site walkover, and a conceptual site model. An appropriately worded condition is recommended to address this issue.

This condition is not considered unreasonable given the lack of information provided by the applicant. Therefore, subject to the aforementioned planning condition, the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

### **Conclusion**

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

**RECOMMENDATION      Grant permission 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:

- Existing Site Location & Block Plans - LDC3559-PL-01A
- Proposed Block Plan Elevations & Floor Plans - LDC3559-PL-02A
- Proposed Site Plan & Section - LDC3559-PL-03A.

Reason

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

3.

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 approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

4.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site 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 and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

5.

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.

6.

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.

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

#### Reason

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

8.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;

- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. 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.

9.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

**Reason**

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

10.

Notwithstanding the hereby approved plans (condition 2 above), no above-ground work shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatments shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

**Reason**

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

11.

Before the dwellings are first occupied, the first-floor window on the western boundary of plot 1 and the first-floor window on the northern boundary of plot 2 shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

**Reason**

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

12.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), the garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose without the prior written approval of the local planning authority.

#### Reason

To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

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 dwellings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### **Informative 1**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.

#### **Informative 2**

The LLFA's records indicate that the proposed development site has a watercourse running through it on the western boundary (surface water pipe/culvert). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email to [llfadrainageteam@northlincs.gov.uk](mailto:llfadrainageteam@northlincs.gov.uk), prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

#### **Informative 3**

Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to [llfadrainageteam@northlincs.gov.uk](mailto:llfadrainageteam@northlincs.gov.uk) for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

#### **Informative 4**

The LLFA would also suggest you consider upsizing the pipe network, increasing storage around your development, to cater for more intense storm conditions. Although this is not a requirement, in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

#### **Informative 5**

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



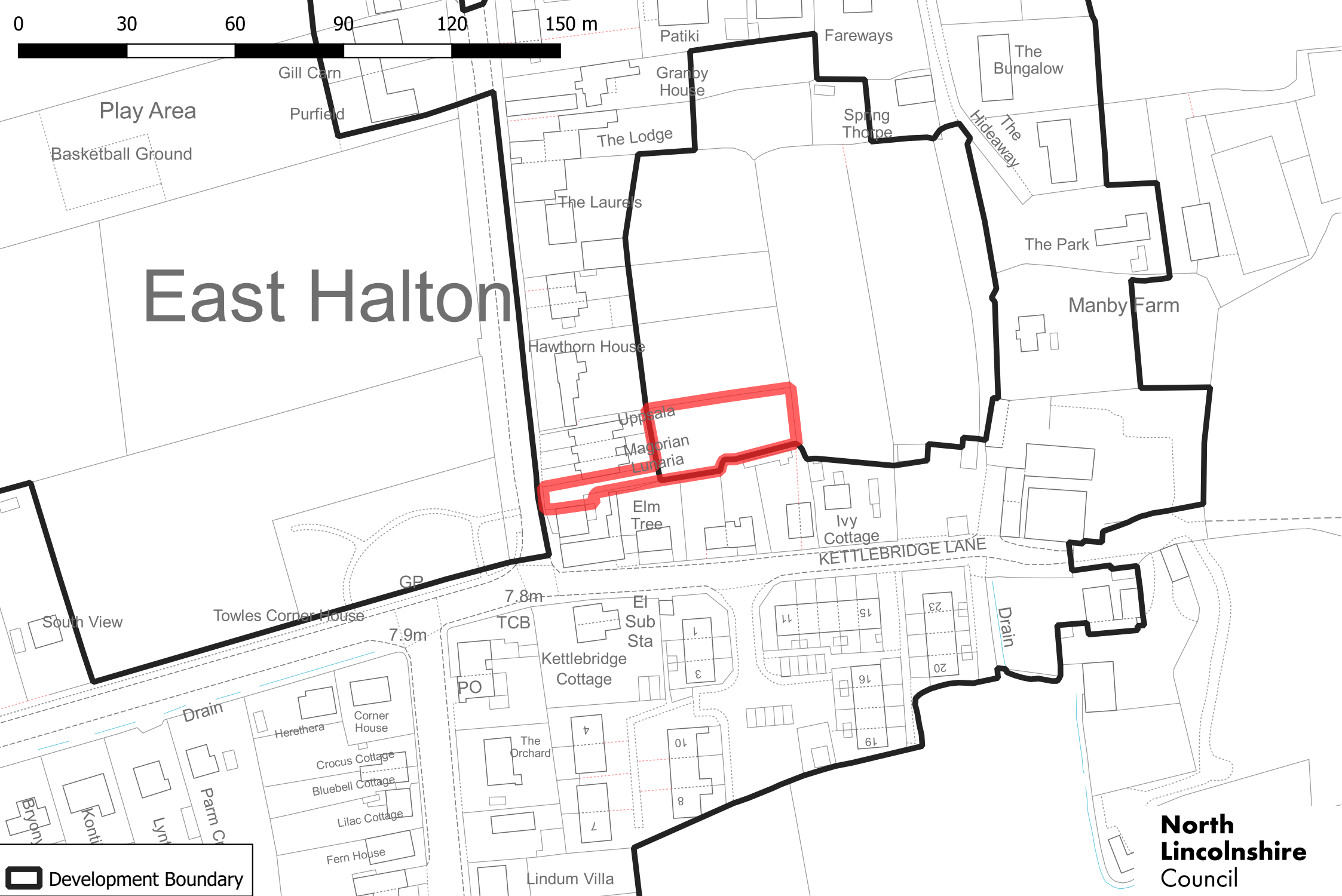
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

**Informative 6**

The developer's attention is drawn to the waste planning guidance contained within North Lincolnshire Council's Waste & Recycling consultation response dated 10/08/2022.



# East Halton



Development Boundary

**North  
Lincolnshire  
Council**

**PA/2022/1411**

PA/2022/1411 Proposed layout (not to scale)

PROPOSED



SITE SECTION  
**SITE SECTION**  
 scale 1:100

**PROPOSED SITE PLAN**  
 scale 1:100

**DRAWING CODES AND REVISIONS**

LDG 03/2022

**ldc** LANDSCAPE DESIGN CONSULTANTS

**PROJECT** Proposed 2no. Dwellings  
Land east of Townside  
East Hutton

**DATE** July 2022

**NO.** PROPOSED

**SCALE** As stated

**ORIGINAL BY** A1

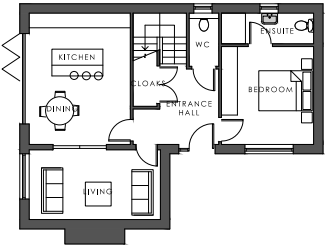
**DRAWING NUMBER** LDG3559-PL-03A

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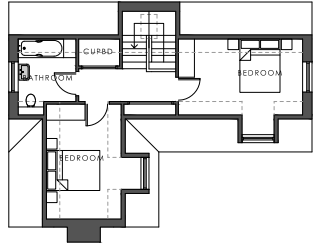
# PA/2022/1411 Proposed elevations and plans (not to scale)

PROPOSED

3rm House



GROUND FLOOR



FIRST FLOOR  
**PROPOSED DWELLING 1**  
scale 1:100



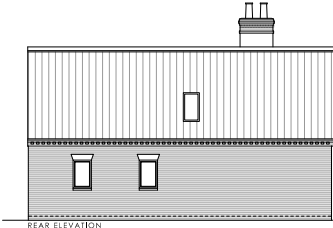
FRONT ELEVATION



SIDE ELEVATION



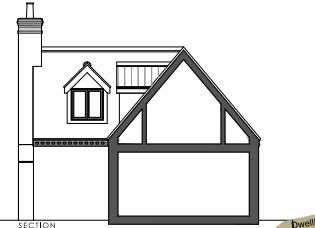
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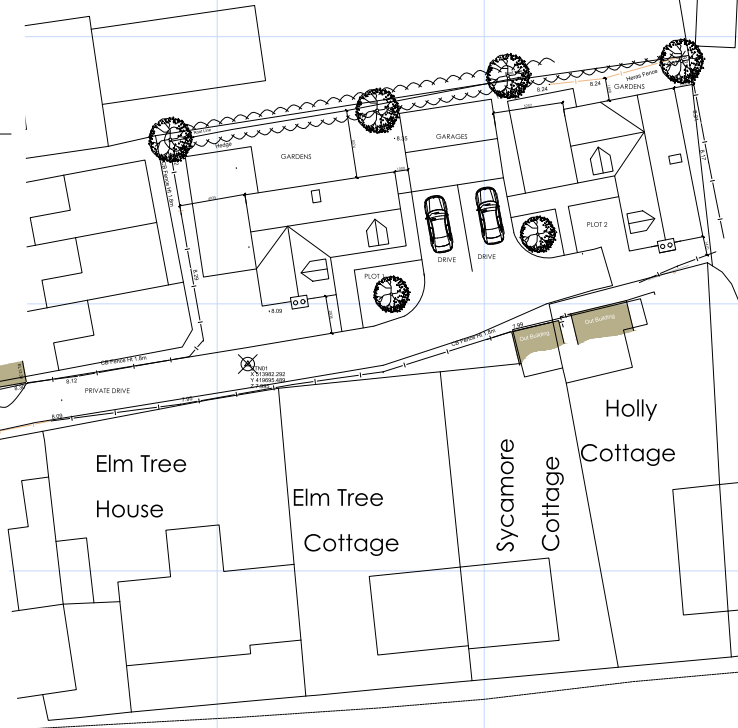
REAR ELEVATION



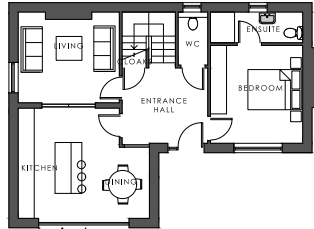
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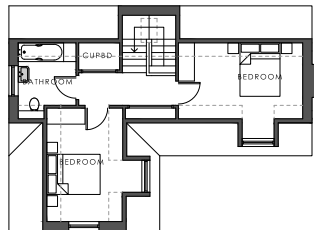
SECTION



**PROPOSED BLOCK PLAN**  
scale 1:200



GROUND FLOOR



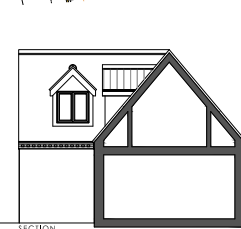
FIRST FLOOR  
**PROPOSED DWELLING 2**  
scale 1:100



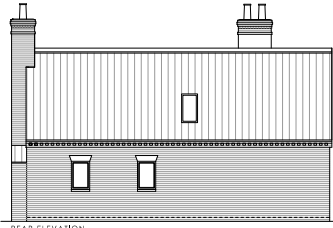
FRONT ELEVATION



SIDE ELEVATION



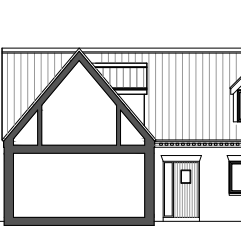
SECTION



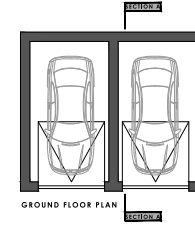
REAR ELEVATION



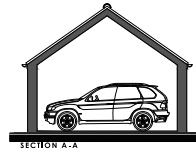
SIDE ELEVATION



SECTION



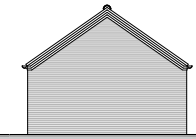
GROUND FLOOR PLAN



SECTION A-A



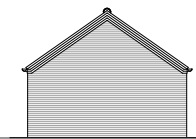
FRONT ELEVATION



SIDE ELEVATION

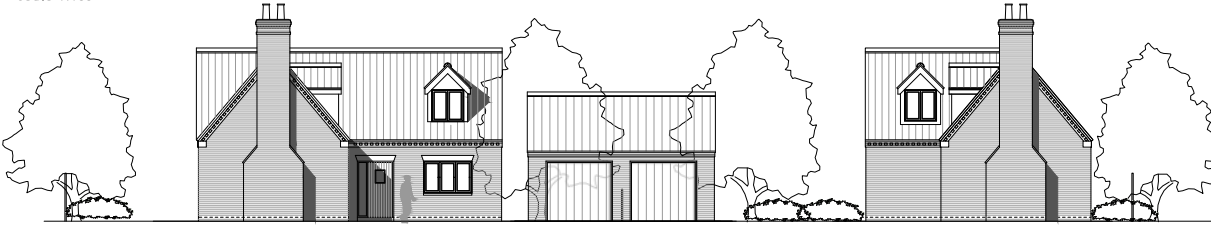


REAR ELEVATION



SIDE ELEVATION

**PROPOSED GARAGE**  
scale 1:100



SITE SECTION  
**SITE SECTION**  
scale 1:100

**DRAWING ISSUES AND REVISIONS**  
Issue Description | Issue Number | Issue Date | Issue Status

**Idc**

PROJECT: Proposed 2no. Dwellings Land east of Townside East Halton

DATE: July 2022

TITLE: PROPOSED

SCALE: As stated

ORIGINAL SIZE: A1

DRAWING NUMBER: LDC3559-PL-02A

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