

APPLICATION NO	PA/2023/611
APPLICANT	Mrs Pauline Sutton
DEVELOPMENT	Outline planning permission to erect three dwellings with appearance, landscaping and scale reserved for subsequent consideration
LOCATION	Land to the rear of 20 Burton Road, Flixborough, DN15 8RW
PARISH	Flixborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well designed places

North Lincolnshire Local Plan:

DS1 – General Requirements

DS7 – Contaminated Land

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

H5 – New Housing Development

H8 – Housing Design and Housing Mix

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC7 – Landscape Protection

LC12 – Protection of Trees, Woodland and Hedgerows

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

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

Housing and Employment Land Allocations Development Plan Document:

PS1 – Presumption in Favour of Sustainable Development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

RD1 – Supporting Sustainable Development in the Countryside

SS1 – Presumption in favour of Sustainable Development

SS3 – Development Principles

SS6 – Spatial Distribution of Housing Sites

SS11 – Development Limits

DQE1 – Protection of Landscape, Townscape and Views

DM1 – General Requirements

CONSULTATIONS

Ecology: No objections subject to conditions.

Archaeology: No objections or recommendations.

Highways: No objection subject to conditions.

Drainage (Lead Local Flood Authority): No objection subject to conditions.

Environmental Protection: Pre-commencement conditions recommended.

PUBLICITY

Advertised by site notice. One comment has been received raising the following concerns:

- The land is outside the development boundary.
- The entrance to the site is unsuitable.
- There is a safety issue due to the proximity of the land to drains and a stream, with the potential for land slippage.

ASSESSMENT

Proposal and site characteristics

The proposal seeks outline permission to erect three dwellings including consideration of access and layout, whilst reserving other matters, namely appearance, landscaping and scale. The site is located to the rear of dwellings 16 to 32 Burton Road in Flixborough. The land has a polygonal shape with a narrow existing access from Burton Road, with the proposed access to be taken from Lammings Close to the north.

Site constraints

- The development is outside, but directly adjacent to the development boundary for Flixborough according to the HELA DPD 2016.
- The site is within SFRA flood Zone 1 (low risk).
- The site is not within or adjacent to a conservation area; nor are there any listed buildings on or adjacent to the site.

Main considerations

- **Principle of development**
- **Character and appearance**
- **Impact upon amenity**
- **Impact upon highways**
- **Flood risk and drainage**
- **Land contamination**
- **Ecology**

Principle of development

Policy CS1 states, 'Rural settlements will be supported as thriving sustainable communities with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility.'

Policy CS2 sets out a sequential approach for development. Development should be focused on: Small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy further 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 CS7 states, 'Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.' The policy seeks to achieve a net density of 30 to 35 dwellings per hectare within rural settlements and the countryside.

Policy CS8 relates to spatial distribution of housing sites and states, 'The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. The policy further states, 'New housing within the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.'

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 to meet an essential proven need and the open countryside is the only appropriate location for the development. 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).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is immediately outside the defined development boundary of Flixborough and so it is considered to be in breach of policies CS2 and CS3 of the Core Strategy and RD2 of the local plan.

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.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the inspector 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.

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:

- (i) 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
- (ii) 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.

In this case, the site is not known to be a protected area or asset, therefore an assessment on sustainability is required.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy. Notably, the site would be situated close to High Street which is a main road through the settlement. As such, the centre of Flixborough could be readily accessed by walking or cycling as it would be within a two minute walk from the site.

In terms of social benefits, the nearby All Saint's Church is also within a two minute walk. The village retains other amenities like the conference centre and children's play area. Importantly, the site is served by an adjacent footpath (to the front of number 23) which is well connected to the surrounding locality and would encourage footfall connectivity.

In terms of environmental benefits, the site is situated along a bus route with multiple bus stops available to the east and west which are adjacent to High Street. It is considered the location of the proposed three dwellings would not be totally dependent on car travel given the availability of other forms of travel (i.e. walking, cycling or bus), with Flixborough being a short distance from the larger settlements of Scunthorpe and Burton upon Stather.

The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability given the council's lack of five-year supply of housing land. As a result, it is considered the proposed three dwellings would be situated within a sustainable location and the principle of the development is considered to be acceptable in this instance.

Character and layout

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) The design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. 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’ and ‘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.’

The application site is immediately adjacent to the development boundary, which wraps around its south, west and northern sides, and shares all of its boundaries with existing residential plots on all but a small extent of the northern side. Due to the enclosed nature of the site, the proposed development would not result in significant encroachment into the countryside and its visual impact will be limited. The site is proposed to site three one-and-a-half-storey detached dwellings with access taken from Lammings Close – a more suitable access route to the site than the narrow access via Burton Road. To the rear of Burton Road there are examples of dwellings and outbuildings outside the development boundary, including Lilac Cottage to the east of the application site. The proposed dwellings, once completed, could be read as part of Lammings Close, and nevertheless would be enclosed by existing residential development, which they would be viewed in the context of. Hence the proposal will not be at odds with the character of the area.

Details of the appearance of the dwellings will be assessed at the reserved matters stage and subject to the approval of these details, the proposal is considered to be in accordance with policies DS1 and CS5.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal would result in three additional dwellings in Flixborough. The indicative landscaping plan, which includes spacing and the retention of neutral grassland to serve as a buffer to the adjacent residential properties, would mitigate the potential for impact upon the amenity of surrounding dwellings. Although the final details are reserved for future consideration, it is considered that a suitable scheme that respects neighbours’ residential amenity is achievable, subject to appropriate design at the reserved matters stage.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1 and H5.

Highway safety

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

Access is proposed to be taken from Lammings Close to the north via an extension to the existing turning head at the end of the cul-de-sac. The indicative layout demonstrates that there is plenty of space to allow for appropriate parking and turning areas to be provided to serve the proposed development. The highways department has been consulted and conditions to control the access and parking on site, amongst others matters, are recommended. These conditions would be applied to any permission granted. Highways have raised no objection to the proposed development subject to the imposition of the recommended conditions. Vehicular access from Burton Road would not be realistic given the narrowness of the site where it meets this road. For these reasons, the proposed access is considered to be acceptable and the development is in accordance with the requirements of policies T2 and T19.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development, although the area is known to be prone to groundwater/springs seepage. The LLFA drainage team has raised no objections to the proposal subject to a condition that will require an acceptable scheme to be submitted at the reserved matters stage. This drainage scheme will need to provide mitigation for the whole site.

A resident has raised a concern regarding the potential impact of the spring in the area. It is considered that this issue is known and that the detailed surface water scheme will include an assessment of the existing hydrological context of the site and address this concern, as advised by the council's drainage team. Subject to the submission and approval of an acceptable detailed surface water drainage scheme for the site, which will be secured by condition, the proposal is considered acceptable.

Land contamination

Policy DS7 of the local plan relates to contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's Environmental Protection team recommends conditions to secure a contaminated land assessment prior to commencement of development due to the land being former agricultural land with potential for contamination. Residential development is a sensitive end use and these conditions are recommended to be attached to any permission granted.

Ecology

Policy CS17 relates to biodiversity. In this regard, a biodiversity assessment and an indicative landscaping scheme have been submitted as part of the application. The indicative landscaping scheme includes mixed scrubland to connect with existing scrub area to the east and neutral grassland to provide a buffer for adjoining residential sites along Burton Road and Lammings Close. The biodiversity assessment has been evaluated by the council's ecologist and conditions have been recommended which would be attached to any planning permission granted. These conditions will ensure that the proposed development does not have any unacceptable impact on protected or priority species and that a gain in biodiversity is achieved. Subject to the fulfilment of the conditions, the proposal is considered to comply with Core Strategy policy CS17.

Conclusion

Whilst the application site is outside the defined development boundary for Flixborough, it does directly adjoin the boundary, in a sustainable location, served by existing services and infrastructure nearby. According to the applicant, the site was host to storage buildings until recently in the last decade when the structures were removed. The site is now underutilised and enclosed by dwellings to the north, south, west and a portion in the east. The NPPF encourages the effective use of land. This application, if approved, could bring into viable use an enclosed site and provide a contribution towards meeting the council's housing need by providing a well designed scheme of three one-and-a-half-storey bungalows. On this premise, the benefits of the proposal are considered to outweigh the identified conflict with adopted policy, the proposed development is considered to be acceptable and is recommended for approval.

Pre-commencement conditions

These have been agreed with the applicant.

RECOMMENDATION **Grant permission subject to the following conditions:**

1. Approval of the details of the scale and appearance of the buildings, 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 5(1) of the Town & Country Planning Development Management Procedure) (England) Order 2015.

- 2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning Authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan 21034/001-v03

Proposed block plan 21034/010-v02.

Reason

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

6.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage works which shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4 litres/sec/ha or the established rate whichever is the lesser for the connected impermeable area)
- (c) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)
- (d) no above-ground flooding to occur up to the 100-year plus climate change critical flood event (based on current national guidance)
- (e) a range of durations should be used to establish the worst-case scenario
- (f) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (g) a scheme for the provision of a positive outlet of surface water from the site

- (h) adoption and maintenance agreements for all surface water and SuDS drainage features, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increase
- (i) SuDS must be fully considered in accordance with current PPG guidance. If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

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 159 to 169 of the National Planning Policy Framework.

7.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 6 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

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 159 to 169 of the National Planning Policy Framework.

8.

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 paragraphs 159 to 169 of the National Planning Policy Framework.

9.

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 159 to 169 of the National Planning Policy Framework.

10.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of 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.

11.

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.

12.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

13.

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.

14.

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.

15.

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.

16.

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

Reason

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

17.

Works shall be carried out strictly in accordance with the recommendations set out in sections 5.1.2 to 5.3.2 of the submitted Preliminary Ecological Appraisal report dated January 2023.

Reason

To safeguard protected and priority species in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

18.

Prior to the approval of reserved matters, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall cover a period of at least 30 years from the commencement of development and shall include:

- (a) details of at least two bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the creation and ongoing management of neutral grassland, and scrub of high biodiversity value;
- (f) prescriptions for the creation and management of any additional habitats required to achieve target biodiversity values;
- (g) procedures for monitoring and ongoing management of created habitats;
- (h) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.1;
- (i) proposed timings for the above works in relation to the completion of the buildings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

19.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan. Thereafter, monitoring reports shall be submitted to the local planning authority every five years for thirty years to provide evidence of compliance with the biodiversity management plan and monitoring and management measures carried out to maintain target condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

20.

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.

21.

Construction, demolition, and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public holidays.

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

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

Reason

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

Informatives

1.

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.

2.

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.

3.

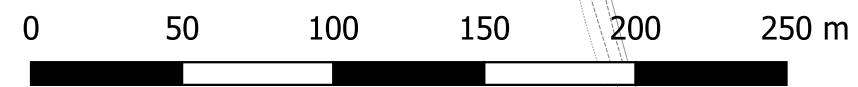
For your information, the LLFA Drainage Team no longer permits the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners (see proforma below). The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. This is an approach that other local authorities are adopting. There is no reason why each property cannot have their own individual surface water drainage outfall. This is not a good solution unless it is a public sewer and adopted by the water company.

Responsibilities/ownership of the drainage system

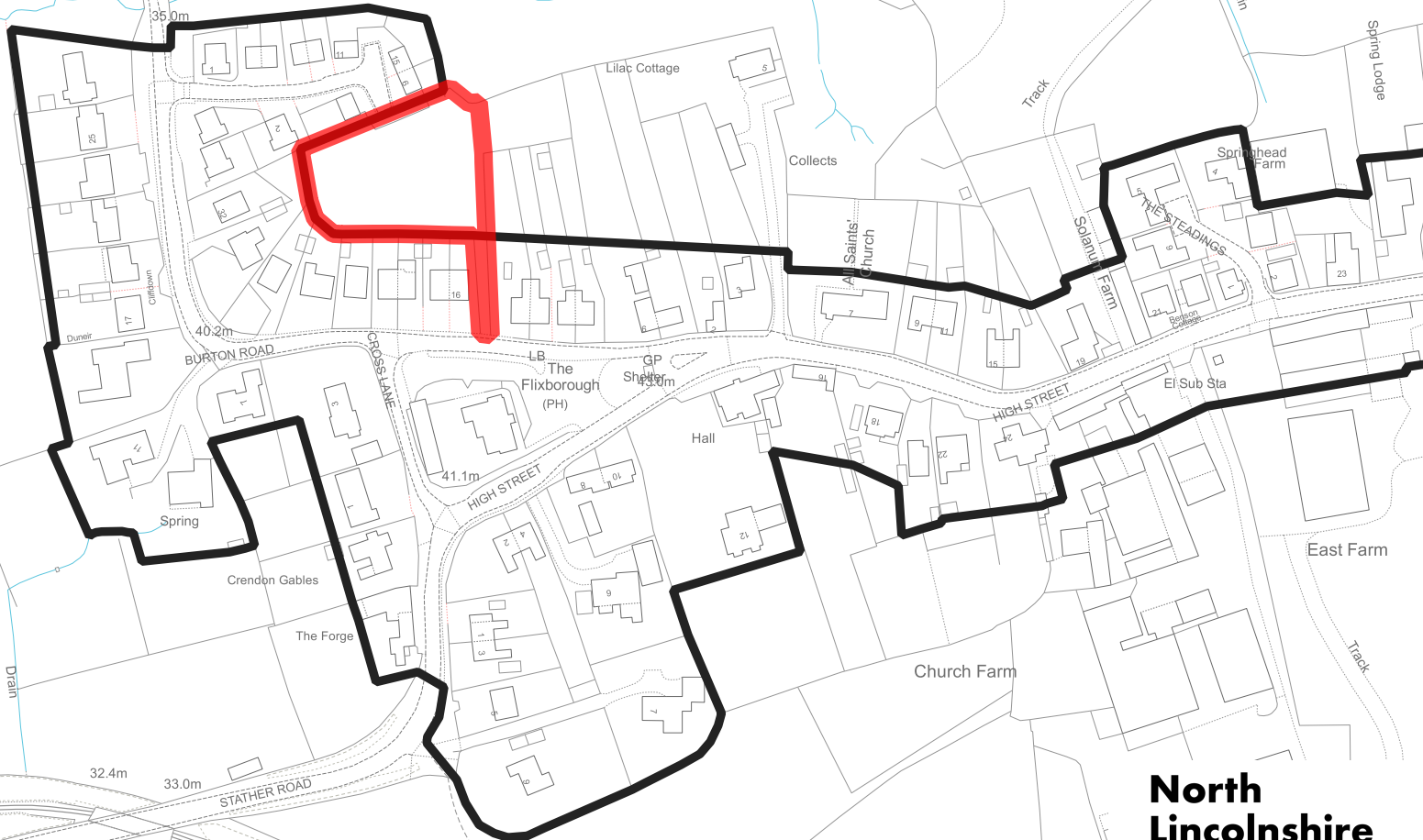
The owners and parties with responsibilities for the surface water drainage system on this development may comprise the following stakeholders: the relevant water company; a private management company; private house owners; North Lincolnshire Council, all of which is clearly defined on the surface water drainage plan included within your handover pack and property deeds package. As you are a house owner on this development you have responsibilities for the maintenance of the surface water drainage system which fall within the extent of the title which you own. Failure to maintain or removal of surface water drainage features may result in civil litigation with neighbouring owners if flooding occurs as a result.

Surface water drainage pipes and inspection chambers within the title of your property are owned by you as owner and as such responsibility for maintenance/repairs and replacement are yours as the house owner. Private drainage is identified in red on the attached plan.

The plan may identify that your property has upstream and/or downstream surface water drains and as such the system is reliant on you (as the owner of the property) to maintain the drains that are within your property. The surface water mains drainage sewers, manholes, attenuation tank and headwall (including lateral connections/inspection chambers) generally within the adopted highway or open space will be adopted by Anglian Water. A formal section 104 agreement is in place for this. These are identified in blue on the attached plan.



Flixborough



 Development Boundary

PA/2023/611

**North
Lincolnshire
Council**

PA/2023/611 Proposed layout (not to scale)



- 01 Private shared access and turning head with 1 in 10 nominal gradient rising from Lammings Close
- 02 Mixed scrubland located to connect with existing scrub area to east
- 03 Neutral grassland providing a buffer to the adjacent residences
- 04 3No new one-and-a-half storey dwellings based on a single house type of approx 130m² gross. Each to benefit from private parking for two cars, and a south-facing private garden that overlooks the grassland area

AREAS WITHIN RED EDGE

	New dwellings (3 @ 88m ²)	264m ²
	Domestic hardstanding	180m ²
	Shared access road	138m ²
TOTAL SEALED SURFACES		582m ²
	DOMESTIC GARDENS	440m ²
	NEUTRAL GRASSLAND	1422m ²
	MIXED SCRUB	406m ²
		2850m ²

PROPOSED BLOCK PLAN
1:500

