

APPLICATION NO	PA/2023/1494
APPLICANT	Mr Stephen North
DEVELOPMENT	Planning permission to erect a two-storey house and detached double garage
LOCATION	Land between Nasza Chata and Fairlawns, Jericho Lane, East Halton, DN40 3PZ
PARISH	EAST HALTON
WARD	Ferry
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

- 5 Delivering a sufficient supply of homes
- 11 Making effective use of land
- 12 Achieving well-designed places

North Lincolnshire Local Plan:

- H5 New housing development
- H8 Housing design and housing mix
- RD2 Development in the open countryside
- T2 Access to development
- T19 Car parking provision and standards
- DS1 General requirements
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk

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

CS19 Flood risk

Housing and Employment Land Allocations DPD

PS1 Presumption in favour of sustainable development

Settlement Inset Map – 15 East Halton

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 early 2024.

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:

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

DM1 General requirements

CONSULTATIONS

Highways: Recommend conditions and an informative as follows:

- Before development commences on site details of the relocation of any street apparatus should be submitted to and approved in writing by the local planning authority.
- Nothing shall at any time be erected, retained, planted or allowed to grow over 1.05m in height above the level of the adjoining carriageway for a distance of 2m from the highway boundary across the site frontage.
- The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and once provided shall be retained.
- An informative to ensure that correct permissions are obtained prior to commencing work within the limits of the adopted highway.

LLFA Drainage: No objections to the proposed development subject to the following condition and informative:

- 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 and vice versa from the highway onto the developed site.

- Consider upsizing the pipe network to increase storage around the development to cater for more intense storm conditions.

Environmental Protection: Recommend a pre-commencement condition requiring a contaminated land report to be completed as well as an asbestos survey to identify any asbestos on site.

National Grid: There are no National Grid Electricity Transmission assets affected in this area.

Cadent Gas: Require further information to assess the risk associated with the planned works.

National Gas Transmission: Based on the location entered into the system for assessment, the area has been found to not affect any National Gas Transmission apparatus.

PARISH COUNCIL

No comments to make.

PUBLICITY

A site notice has been displayed along with a press notice. One comment has been received on the proposal:

'...no objections to the above planning and welcome the improvements the development may make to the aesthetics of Jericho Lane. However, there are concerns regarding possible flooding risk; during heavy rain the water builds up to a level where properties are potentially at risk of flooding. The current drainage system cannot cope with heavy rainfall along with the sewage drains. The new development may exacerbate the current situation and would like some reassurances from the local authority that improvements to the current drainage system will be in place before planning is granted.'

ASSESSMENT

Planning history

7/1974/0362: Erect two new poultry houses and make extensions to two existing ones, and construct a vehicular access – approved 14/11/1974

7/1985/0103: Erection of dwellings – approved 30/05/1985

PA/2006/0462: Planning permission to retain a wooden gate (resubmission of application PA/2005/1131) – approved 22/05/2006

Site constraints

The proposed site is outside the development boundary and within SFRA flood zone 1.

The site and proposal

The proposal is to erect a two-storey house and detached double garage on land that is currently used as container storage as part of Jericho Farm. The property will be sited between Fairlawns to the south and Nasza Chata to the north, with a 1800mm fence around the site and keeping the mature tree line to the north.

The two-storey property will have six bedrooms and will be constructed of red rustic facing bricks, white uPVC windows and rainwater goods and a dark grey concrete tile. Access will be provided by a horseshoe driveway direct from Jericho Lane.

The main issues in determining this application are:

- **the principle of development;**
- **impact on the character and appearance of the area;**
- **residential amenity;**
- **impact on highway safety; and**
- **flood risk and drainage.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations DPD. Other material considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, adopted August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

The application site is located outside the development limit for East Halton as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute development within the countryside and therefore policy RD2 of the current North Lincolnshire Local Plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, or the replacement, alteration or extension of an existing dwelling, amongst others.

Policies CS2 and CS3 of the Core Strategy also need to be considered. Policy CS2 states that any development that takes places outside defined development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed; with a sequential approach applied to ensure that development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside for development limits to that which is essential to the functioning of the countryside; including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 set out the spatial distribution of housing sites and confirms that 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 H5 of the local plan looks at proposals for new housing development and requires development to be in keeping with the character and amenity of the immediate environment and with the settlement as a whole; New development must have an adequate and appropriately designed access; and provide adequate parking within the curtilage of the site. Policy H5 also requires that new residential development does not result in overlooking or a loss to privacy to existing developments or any other loss of amenity to existing dwellings.

In considering the principle of development, it is noted that the proposal is a departure from the adopted development plan, conflicting with policies which aim to strictly control development outside of defined development boundaries in order to protect the character of the open countryside. However, it is also noted that the application site is currently developed and used for container storage associated with adjacent farming activities. The site sits between existing development, including residential dwellings to the north and south and the proposal would constitute infill development. As such the proposed development would have no adverse impact on the character and appearance of the area with the dwelling replacing existing built form on the site in the form of sheds and storage containers. Indeed, the proposed development would be considered a betterment in visual amenity terms and to have a positive impact on the character and appearance of the area.

For these reasons the principle of development is considered to be merited in this instance despite the identified policy conflict resulting from the creation of a new dwelling in the countryside. The policy conflict is considered to result in minimal harm and to be outweighed by the benefits associated with the provision of a sustainable dwelling in this location.

Impact upon the character of the area

Policy CS5 of the NLCS states that new developments should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local area. Policy RD2 of the NLLP also seeks to protect the character and appearance of the countryside.

The site is currently being used for storage as part of the commercial development, with the proposal converting this to residential. There is already residential development along Jericho Lane with the proposed development sited between two dwellings. It is considered, as noted in the third-party comment received on the application, that the proposal will improve the aesthetics of the area and will have a positive impact on the character of the area. There will

be no wider impact upon the character or appearance of the open countryside due to the nature of the site, it being surrounded by existing development.

The scale and design of the proposed dwelling is considered to be appropriate and acceptable, particularly given the size and siting of the application site.

Impact upon residential amenity

Policies H5 and DS1 of the NLLP state that any new developments should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties.

The proposed development is sited a sufficient distance away from properties to the north, south and west, and there is mature vegetation between the properties to the north and west and the commercial property to the south. The proposed dwelling is at least 20m away from any of these dwellings, which is sufficient distance to prevent unacceptable overlooking and loss of light.

The proposed development is adjacent to Jericho Farm, which is an agricultural and commercial property. At present there is access to this site on the site of the proposed dwelling, with this access being removed; however, it has been confirmed by the agent that there is a secondary access to the site via King Street which will be utilised instead. With other residential properties around Jericho Farm, it is considered there would be no adverse impact on the proposed dwelling, or vice versa restricting the existing business, as a result of development taking place since they were established.

Overall, it is considered that the proposed development will have limited impact on the amenity of neighbouring residential properties and it is considered to be in accordance with H5 and DS1 of the local plan.

Highway safety

Policies T2 and T19 of the NLLP are concerned that development should be served by a satisfactory access and parking provision. The plans show sufficient parking provision and access to the dwelling to allow vehicles to enter and leave the site in a forward gear. The Highways officer has commented on the proposal recommending a condition to ensure highway safety is maintained.

Flood risk and drainage

Policy CS19 of the NLCS states the council will support development proposals that avoid areas of current or future flood risk. The application site is within flood zone 1 and is therefore in a location considered to be low risk in terms of flooding. The LLFA Drainage team has reviewed the proposal and recommends the inclusion of conditions requiring the submission of an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and vice versa from the highway onto the site, as well as an informative suggesting the applicant considers upsizing the pipe network to increase storage around the development to cater for more intense storm conditions. This also addresses the comment received about the proposal and the concern regarding the risk in flooding in the area.

Conclusion

Despite falling outside the development limit for East Halton, the proposal is considered to have a positive impact on the character and appearance of the open area. It is considered that the proposed two-storey dwelling and detached garage are appropriately designed and will not have any adverse impact on character, setting, highway safety or residential amenity.

Whilst the proposal conflicts with the requirements of policy RD2 by creating a new dwelling in the countryside, this policy conflict would, as confirmed above, have limited harm. In contrast, the proposal would allow for the delivery of an additional market dwelling in a sustainable, infill location and would be a visual betterment given the current condition of the site: this benefit is considered to outweigh any harm.

On balance, the proposal is recommended for approval.

Pre-commencement conditions

These have been agreed with the applicant/agent.

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:

- Location Plan Drawing No. 23/13/15
- Existing Block Plan Drawing No. 23/13/13
- Proposed Block Plan Drawing No. 23/13/14
- Elevations Drawing No. 23/13/03
- Ground Floor Layout Drawing No. 23/13/01
- First Floor Layout Drawing No. 23/13/02
- Cross Section Drawing No. 23/13/04
- Roof Plan Drawing No. 23/13/10
- Double Garage Drawing No. 23/13/07
- Foundations Drawing No. 23/13/08
- Ground Floor Slab Drawing No. 23/13/09
- Front Canopy Drawing No. 23/13/06
- Roof Carcassing Drawing No. 23/12/12
- First Floor Carcassing Drawing No. 23/13/11
- Main Services Layout Drawing No. 23/13/17
- Drainage Drawing No. 23/13/16.

Reason

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

3.

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.

4.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

5.

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.

6.

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.

7.

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. 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 Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

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, 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 the site is safe for future users and construction workers.

8.

An asbestos survey shall be undertaken prior to commencement of demolition works to identify the location, type and amount of asbestos-containing material, and a proposal for managing and disposing of any asbestos identified.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, nearby residents, and other off-site receptors.

9.

Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.

Reason

To ensure that risks from asbestos to highways, the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with policy.

Informatives

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.

2.

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

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

3.

It is also suggested 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 and we would ask that you fully explore all Source Control SuDS techniques that can store and allow water reuse.

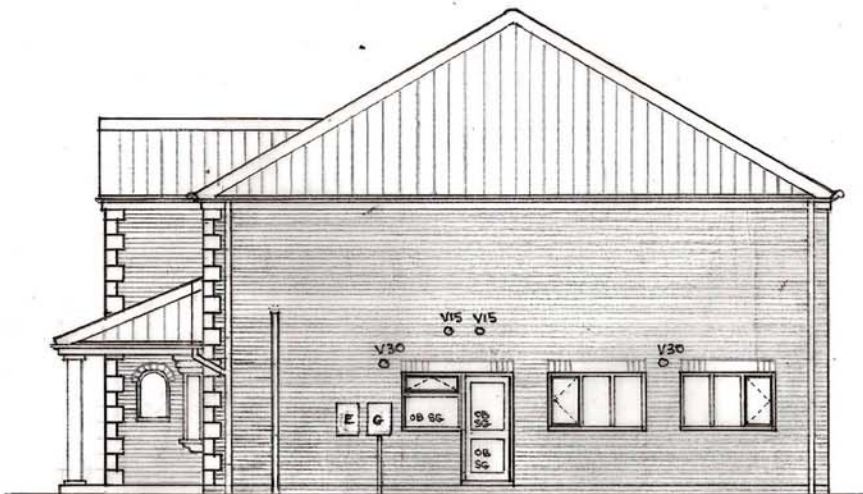
PA/2023/1494 Proposed elevations (not to scale)



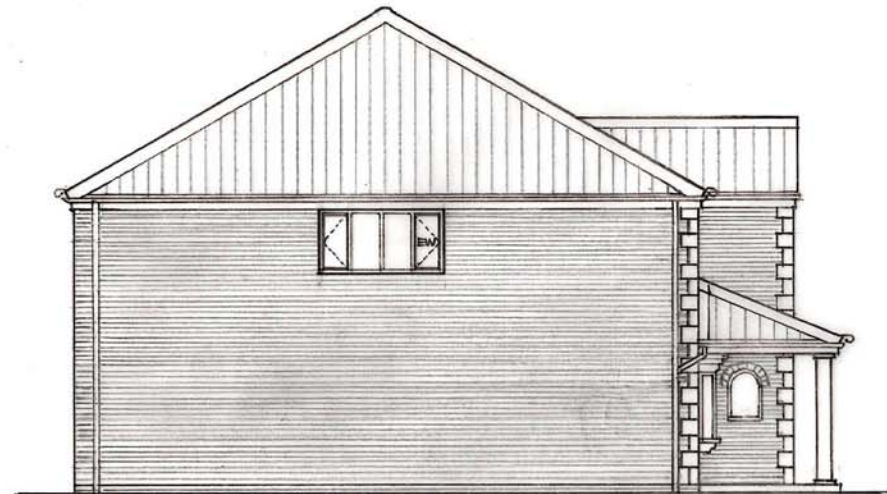
West 1:100 @ A3.



East



South



North

PROPOSED TWO STOREY DWELLING AND DETACHED DOUBLE GARAGE at LAND BETWEEN 'NASZA CHATA' and FAIRLAWNS, JERICO LANE, EAST HALTON, N. LINGS., DN40 3PZ for Mr & Mrs S. North of 17, WELLAND DRIVE, BURTON-upon-STATHER, DN15 9DR.

ELEVATIONS (A3)

Date: August 2023

Drwg. No. 23/13/03.