

APPLICATION NO	PA/2017/2080
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission to erect fourteen dwellings with associated garaging, driveways, new access road, creation of a pond and open space area
LOCATION	Land north of Front Street, Ulceby
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest

POLICIES

Paragraph 14 states that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 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 guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 136 states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 137 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.

Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development, and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS9 (Affordable Housing)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS27 (Planning Obligations)

Housing and Employment Allocations DPD:

Inset Map for Ulceby, PS1

North Lincolnshire Local Plan:

H5 (a-m only) (New Housing Development)

H8 (Housing Design and Housing Mix)

HE9 (Archaeological Evaluation)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

CONSULTATIONS

Highways: No objection subject to conditions.

Drainage: Originally objected to the proposal but, following receipt of additional information, now has no objection subject to conditions.

Ecology: The Ecologist originally objected to the proposal due to impacts on great crested newts and the loss of priority habitat. Additional ecological information has been provided and the objection has been removed. However, the Ecologist considers that the site is of borderline Local Wildlife Site quality and works would result in harm to great crested newts. Consent can only be given if the tests for European Protected Species are met and there must be reasons for the proposal which outweigh the intrinsic nature conservation value of the site to warrant its approval. It was considered that the measures within the biodiversity management plan represent the best package to secure the ongoing conservation of wildlife at the site.

Archaeology: Holding objection as no heritage statement has been provided to enable assessment of archaeological potential, including intrusive ground investigation.

Environmental Health: Advises conditions to secure a construction management plan, to limit construction hours and to secure further information in respect of land contamination.

Trees: No comments received.

Strategic Housing: Advises that 10% of the dwellings should be affordable in line with policy but considers it more appropriate to secure an off-site contribution.

Spatial Planning: Advises of planning policy and notes that the proposal is below policy density requirements.

Section 106: Advises of Section 106 contributions to be sought.

Streetlighting: No comments received.

Leisure Services: Advises of commuted sums to be sought in respect of improvements to Baysgarth Leisure Centre.

Public Health: No objection.

Waste and Recycling: Advises of the need to obtain further information to determine whether a refuse vehicle can access the site and raises concerns in relation to the road being blocked by on-street parking.

Education Capital: Confirms that contributions for education infrastructure are not sought.

NHS: No comments received.

Environment Agency: Originally did not wish to comment, but following contact by a third party, makes comments relating to ground water protection as the proposal involves surface water discharge into deep borehole soakaway. A condition has been requested by the Agency to obtain detailed designs of the boreholes to prevent groundwater pollution.

Humberside Fire: Advises of Building Regulations.

Humberside Police: Supports the proposal.

Anglian Water: Confirms that the foul sewerage network has the capacity to deal with additional development and wishes to be re-consulted should surface water be disposed of by the sewerage network.

Lincolnshire Wildlife Trust: Objects to the proposal as the site would likely qualify as a Local Wildlife Site and involves the removal of habitat for great crested newts. It was not considered that the development of a clay-lined pond was acceptable to replace the existing ephemeral pond which should be retained.

British Hedgehog Preservation Society: Advises that hedgehog populations in rural areas are in decline and, despite mitigation measures, there would be a loss of land available for wildlife. If development were to be permitted, the proposed mitigation measures are welcomed but it is advised that these should be amended to enlarge the gaps in fences to allow hedgehogs to pass.

PARISH COUNCIL

No objections to the proposal.

PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to writing this report. Thirteen letters have been received from 12 properties. One letter supports the proposal but raises some concerns and 12 object raising the following issues:

- overlooking and loss of privacy
- loss of wildlife habitat such as hedgehogs and great crested newts

- existing issues of surface water flooding
- issues with the existing sewerage infrastructure
- issues of maintenance of the proposed drainage infrastructure
- new housing should be affordable and the site is being developed under policy density requirements
- the leisure contribution should be towards facilities in Ulceby and not elsewhere
- traffic issues during construction
- devaluation of property.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising of the Planning Practice Guidance (PPG).

The application site comprises approximately 1 hectare of vacant land within the village of Ulceby. The site is primarily bounded by residential properties and vacant land. There is an ephemeral pond to the north-west of the site and a number of mature trees exist along the site boundaries. Planning permission is sought for the erection of fourteen dwellings with associated garaging, driveways, a new access road, creation of a pond and open space area.

The main issues for consideration with regard to the determination of this application are: whether the design and appearance of the development is appropriate to site context; whether the proposal would harm residential amenity; and the impacts of the proposal upon the ecological and hydrological sensitivities of the site.

Principle

The application site is within the HELA DPD defined development limit for the settlement. Ulceby is considered to be a larger rural settlement within the North Lincolnshire Sustainable Settlement Survey (2016) and is ranked 28th out of the 79 ranked settlements in order of their sustainability. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development whereby permission should only be refused in circumstances where there is demonstrable harm that would outweigh the benefits of the proposal. It is noted that the council does not have a five-year housing land supply, only having 3.9 years

as of March 2016. It is considered that the site is within a sustainable settlement where the principle of development accords with planning policy. The site has the potential to bolster the supply of housing within North Lincolnshire and the principle of residential development of the site is acceptable.

Design and amenity

The application site has an area of approximately 1 hectare. In line with NLCS policy CS7 the site has a potential dwelling capacity of approximately 30 to 35 dwellings per hectare. The proposal is for 14 detached dwellings which is less than half the required density accordingly to local policy. Objection has been received in this regard in addition to support for the lower density. The site is subject to ecological and hydrological constraints which has influenced the site layout. The site layout proposes the erection of dwellings to the north and east of the site with a pond to the south-west. The pond is required to provide compensation and mitigation given the ecological and hydrological constraints of the site. Given these constraints, the site cannot achieve the policy required density and the proposed density is considered to be acceptable in this instance.

A number of residential properties to the east of the site are modern in their appearance. There are examples of more traditional designs to properties on Front Street. The site is not within a conservation area or adjacent to a listed building. The proposed dwellings are to feature a mixture of render and facing brickwork with slate or red clay pantile to the roof. The proposed use of materials is acceptable and it is recommended that these materials are secured by condition. In terms of scale and appearance, the proposed dwellings are acceptable and in keeping with the character of the residential area.

The detached dwellings are mostly two storeys in height with a single dormer bungalow proposed to the south near the entrance to the site. A number of the two-storey dwellings feature rooms within the roof space, effectively creating a third floor within the building. Objection has been received in relation to these dwellings with regard to overlooking and a loss of privacy, in addition to the two-storey dwellings. The proposed dwellings are a significant distance from the rear boundaries with other properties ranging from 15 metres to 20 metres. On the basis of these distances it is not considered that there would be a significant loss of privacy to existing neighbouring properties. Some of the proposed properties feature upper floor side-facing windows; however, these windows serve landings or are to be obscure glazed and it is not considered that this design would result in a loss of privacy. It is considered necessary to secure the provision of appropriate boundary treatments to secure the privacy of the rear gardens associated with the proposed dwellings. Given the separation distances involved it is not considered that the proposed properties would result in a loss of light to existing neighbouring properties. Due to the proposed layout it is not considered that the proposed properties would result in a loss of light to each other.

Ecology

The application site, although not formally designated, has importance for nature conservation. To the north-west of the site there is an ephemeral pond which forms habitat for great crested newts which are a protected species. Objection has been received from the Lincolnshire Wildlife Trust in terms of the impacts of the development on ecology in addition to objection from other third parties. A significant amount of third party objection has been received in relation to loss of habitat for hedgehogs and comments have been received from the British Hedgehog Preservation Society. The council's Ecologist originally

objected to the proposal due to the impacts it would have on great crested newts but following receipt of additional information this objection has been withdrawn. The Ecologist considers that the ecology of the site is comparable to that which could form a Local Wildlife Site and that it is still necessary for the European Protected Species tests to be met.

The ephemeral pond to the north-west of the site forms habitat for great crested newts and is to be lost as a result of development. A compensatory pond is proposed to mitigate this loss and form habitat for protected species which is to be surrounded by foraging habitat. The ecology report highlights discussions with Natural England where it was agreed to retain species in situ and provide additional mitigation at Worsley Paddock, a site to the north where mitigation habitat for great crested newts has been established as a result of other development. The proposed new pond, subject to this application, is considered by the applicants to result in a benefit to protected species. This view is taken as the proposed pond is to be clay lined and will remain during the dryer seasons. It was stated that the new pond must be used exclusively for ecological purposes as other uses such as drainage could result in ecological harm.

The Ecologist's preference would be for the site to remain as existing with additional management to improve the quality of the site. However, it is acknowledged that enhanced management would be difficult to secure in the absence of a management agreement or external funding. The Ecologist notes that the site has declined in species richness over time which is attributed to a lack of positive management.

The NPPF defines sustainable development as a balance between social, economic and environmental needs. In this case it is evident that there are competing interests in the use of land for nature conservation or for development. It is noted that the council does not have a five-year land supply and there is a need to deliver more housing within the district and this site could make a contribution to this supply. It is accepted that ecological harm would occur if this site were to be developed solely for housing.

The European Protected Species tests must be met in order to grant consent for development of this site as works would result in harm to great crested newts. The applicant has identified this harm and has proposed a scheme where the ecological harm can be compensated for and mitigated as much as possible. The Ecologist has advised conditions to secure the mitigation and compensation measures identified within the biodiversity enhancement plan. It is also considered that, subject to appropriate management of the proposed compensatory pond, this proposal could provide enhancement as it would ensure the maintenance and management of habitat which is currently absent at this site.

On this basis there are no satisfactory alternatives as, without any development of the site, it is unlikely that positive management will occur and the ecological value of the site would further degrade. The proposal is within the public interest as it would deliver additional housing within a sustainable development and provide contributions to public open space and affordable housing. The final favourable conservation test is passed through the provisions of the biodiversity enhancement plan which can be secured by condition.

The application proposes a range of landscaping, including tree planting and the creation of foraging habitat adjacent to the pond. The landscaping plan, in terms of species to be planted, has been amended to suit the request of the council's Ecologist to better support biodiversity. It is recommended that the landscaping plan is secured by condition, including

measures to ensure its successful establishment. A number of objections have been received in relation to the impacts of the development of the site on hedgehogs. The proposal involves the insertion of gaps within garden fencing to enable hedgehogs to move around the site. It was considered that the proposal would result in a loss of habitat for hedgehogs but, following amendments to the landscaping scheme, the Ecologist considers that enhancement will occur through habitat creation.

An Arboricultural Impact Assessment and Method Statement has been submitted to support the proposal as the application site features mature trees to its boundaries. No comments have been received from the Tree Officer but the trees are not formally protected and could be removed without consent. The trees are nonetheless proposed for retention and a tree protection plan has been submitted which is considered to be satisfactory. It is recommended that conditions are imposed to secure the implementation of this plan during the course of development at the site.

Hydrology

To the north-west of the site there is an ephemeral pond which forms in low-lying area of land. Objection has been received in relation to existing surface water drainage issues and ponding. Photographs have been supplied illustrating ponding in gardens following heavy rain. It is known from ground investigation works that there is a clay layer which is impermeable which causes the surface water drainage issues.

The applicant has proposed a sustainable surface water drainage scheme and does not propose to dispose of surface water into the sewer network. The submitted scheme, which has been amended, involves the creation of deep boreholes which will discharge surface water beyond the clay layer into the permeable chalk layer below. Private soakaways through the deep boreholes are proposed to deal with surface water generated by the properties themselves. A further deep borehole soakaway with attenuation system is proposed to deal with the surface water generated by the road and driveways. The systems are closed to prevent discharge above the clay layer and are capped to prevent a backflow of water from the chalk aquifer should the water table be high in extreme events. The proposed drainage scheme has been agreed by both the Drainage Team and Environment Agency but further technical details in terms of its design are required which are to be secured by condition. It is considered that the development has the potential to reduce the existing surface water drainage issues by allowing water to penetrate the clay layer into the permeable chalk below.

It is proposed that the existing ephemeral pond on the lowest area of land be built upon and replaced with a new clay-lined pond to the south. It is likely, based upon the information provided, that this pond is only formed as a result of surface water draining to the lowest spot rather than being spring fed. However, this has not been confirmed and conditions are proposed to require further investigation works and to secure a suitable method of diverting springs to the new pond should this be required. This approach has been agreed with the Drainage Team.

Concerns have been raised with regard to capacity issues with the foul sewerage network. Anglian Water has been consulted on the proposal and has confirmed that the foul sewerage system has capacity to deal with the development. The response highlights that Anglian Water owned apparatus is within or in close proximity to the site and advises an informative to highlight this on the decision notice.

Other matters

The site is to be accessed off Front Street with a new road leading to the proposed dwellings within the site. Each of the dwellings is to be served by an acceptable level of off-road parking commensurate with the scale of the dwelling. An additional three car parking spaces are proposed within the site for visitors. The Highways team has been consulted on the proposal and has raised no objection subject to conditions. Waste Services has commented on the proposal and requested further information to ascertain whether a refuse vehicle could enter the site. Further concerns were raised by the department in relation to inappropriate on-street parking which could impede access for refuse vehicles. Highways have not raised this issue as a concern and it is considered that a refuse vehicle could access the site. The applicant has provided space for visitor parking within the site so as not to obstruct the access road. Objection has been received in relation to the potential for construction traffic to park on residential streets which would impact the safe operation of the highway. Conditions could be imposed to require a construction phase traffic management plan but these have not been recommended by Highways and it is not considered necessary to require such information.

The Environmental Health team has been consulted on the proposal. It is noted that the site is for a sensitive end use and no information has been provided in respect of the potential for land contamination. It has been highlighted that the site is adjacent to a former blacksmith's and may be contaminated. A condition is advised to secure a phase 1 land contamination investigation and any subsequent remediation. Conditions are also advised restricting construction hours for the protection of residential amenity. It was originally proposed to request a construction environmental management plan.

The application site is within an area of unknown archaeological potential. The applicant has submitted several specifications for archaeological investigation at the site. The Archaeologist considers it necessary to secure intrusive archaeological investigation of the site prior to determination of the proposal and has imposed a holding objection against the application until such information is provided. It is accepted that archaeological investigation of the site is required to inform mitigation methods. However, it is considered that these matters can be conditioned as a variety of mitigation methods could be employed at the site without affecting the layout of the site.

Objection has been received in relation to the devaluation of property. This does not form a material consideration with regard to the determination of a planning application and cannot be considered as part of the decision-making process.

Comments have been received in relation to the Ulceby Parish Plan which requires new development to be for affordable housing. This Plan does not form part of the adopted local planning framework. The site is within a development limit where market housing is acceptable in principle. As the proposal is for 14 dwellings contributions can be sought in respect of affordable housing provision in line with local policy. The required affordable housing contributions are discussed in the section below.

Planning obligations

The application is for 14 dwellings and, in line with locally adopted planning policy, planning obligations are sought in relation to this proposal. Strategic Housing has confirmed that 10% of the dwellings should form affordable housing. It was considered by Strategic

Housing that this provision should be made off site and a commuted sum is sought towards this provision.

Education Capital has confirmed that contributions towards education infrastructure are not to be sought as the proposal does not exceed 15 dwellings but highlights that contributions may be sought should further development take place to deliver more dwellings.

Leisure Services has requested contributions to be made towards facility improvements to Baysgarth Leisure Centre. Objection has been received in relation to this money not being spent in Ulceby. However, it should be noted that further contributions are to be made towards public open space within the village itself. Baysgarth Leisure Centre is the nearest leisure centre to the village which is likely to be used by future residents of the development and it is considered justified to secure contributions for this facility in this location. The Section 106 Officer has confirmed that no provision is to be made for on-site public open space provision but contributions are sought towards improvements to existing recreational infrastructure within the village.

The following Heads of Terms have been agreed with the applicant:

<p>Affordable housing contribution:</p> <p>Off-site financial contribution amount:</p> <p>Trigger point for payment:</p> <p>Spending:</p>	<p>Off-site financial contribution</p> <p>£79,699.20</p> <p>50% on occupation of the 6th dwelling 50% on occupation of the 12th dwelling</p> <p>To be spent on the provision of affordable housing within North Lincolnshire</p>
<p>Education contribution:</p>	<p>No financial contribution required on this application; however, we previously agreed that if additional plots of land were to come forward in the future, accessed via this development, they would be considered as piecemeal and trigger the requirement for education payments.</p> <p>The council confirms that it would only seek contribution on those properties built after 15.</p>
<p>Leisure contribution:</p> <p>Off-site financial contribution:</p> <p>Leisure centre allocation:</p> <p>Trigger point for payment of contribution:</p>	<p>£5000.00</p> <p>To be spent at Baysgarth Leisure Centre on the provision of a new height-adjustable changing bench (children and adults)</p> <p>Upon occupation of the first dwelling</p>

Ecological mitigation pond:	Detail of private management company to be agreed
Open space and play area provision/contribution:	
POS/LEAP provision:	No on-site provision
Off-site recreation commuted sum amount:	10 year maintenance = £7,337.33
Play area to be funded:	Contribution to be used by Ulceby Parish Council to fund improvements to recreation provision in the village for 10 years
Trigger point for payment	Upon occupation of the 10 th dwelling

RECOMMENDATION

Subject to completion of a formal agreement under Section 106 of the Town and Country Planning Act (1990) to secure the above Heads of Terms, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 4 January 2019 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits; and**
- (iv) the permission so granted be 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: FC/156/02, FC/156/03, FC/156/04, FC/156/06, FC/156/08, M/AS/16/101, Bu/AS/16/106, Du/OP/16/106, Du/AS/16/106, Ki/AS/16/103, W/AS/16/103, W/OP/16/103, Ki/OP/16/106, Ki/OP/16/103, GA/FS/P1, GA/FS/P2, GA/FS/P3, FC/156/05 Revision B and FC/156/09 Revision C.

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

Reason

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

4.

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.

5.

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.

6.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, 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.

7.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

8.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

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 footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

10.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

11.

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.

12.

No development shall commence until a detailed surface water drainage scheme (based upon the submitted preliminary drainage scheme as shown on plan FC/156/05 Revision B), incorporating borehole design and risk assessment in order to safeguard the ground water protection zone, has been submitted to and approved in writing by the local planning authority. Should the above detailed design and risk assessment prove impracticable, an alternative surface water drainage scheme shall be submitted for the approval in writing by the local planning authority. Any alternative scheme shall be designed to the satisfaction of the local planning authority, lead local flood authority and Environment Agency and other statutory undertakers as the local planning authority may deem necessary. Any alternative scheme shall include attenuation on the site and measures to restrict water discharge off site to 5 litres per second.

Reason

To ensure that the development is served by an appropriate method of surface water drainage without causing an increase in flood risk elsewhere and to protect groundwater quality in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.

13.

The approved drainage facilities pursuant to the above condition shall be carried out in accordance with the approved details prior to the first occupation of the dwelling that they serve or the first use of the access road serving the development. Once provided, the drainage facilities shall be retained and maintained in accordance with the approved scheme thereafter.

Reason

To ensure that the development is served by an appropriate method of surface water drainage without causing an increase in flood risk elsewhere and to protect groundwater quality in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.

14.

No development shall take place until a detailed investigation of the existing pond configuration to confirm water source at the north-western corner of the site has been submitted to and agreed in writing by the local planning authority. If it is found that the pond is spring fed a scheme shall be submitted for the approval in writing by the local planning authority to divert the spring water to the new pond hereby permitted. The scheme shall include implementation timescales for the works to be completed in relation to site construction and details of adoption and maintenance arrangements. Once approved, the scheme shall be implemented in accordance with the approved details and timings and shall be retained and maintained thereafter in accordance with the approved scheme.

Reason

To ensure that the development is served by an appropriate method of surface water drainage without causing an increase in flood risk elsewhere in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.

15.

The development hereby permitted shall only use the materials listed within the approved Materials Schedule as shown on drawing no. FC/156/04 unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy CS5 of the North Lincolnshire Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

16.

The scheme of landscaping and tree planting shown on drawing no. FC/156/09 Revision C shall be carried out in its entirety prior to the occupation of the dwellings or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously

diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To ensure the successful establishment of the approved landscaping in accordance with policy CS5 of the North Lincolnshire Core Strategy and policies H5 and DS1 of the North Lincolnshire Local Plan.

17.

No dwelling hereby permitted shall be occupied until the boundary treatments to the perimeter of the private amenity space serving it have been constructed in accordance with details to be submitted for the approval in writing by the local planning authority.

Reason

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

18.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted document, "Biodiversity Management Plan: Frank Cox Meadows, Front Street, Ulceby, North Lincolnshire". The management prescriptions set out in the management plan shall be carried out in their entirety in accordance with the stipulated timescales. All biodiversity features shall be retained thereafter.

Reason

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

19.

The approved tree protection measures as described within the submitted Arboricultural Impact Assessment and Method Statement and as shown on the approved tree protection plan drawing no. ES5-1710-006 shall be carried out in accordance with the approved details for the duration of construction works at the site.

Reason

To protect existing trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

20.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a Written Scheme of Investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall provide for:

- (i) measures to ensure the preservation by record, of archaeological features of identified importance;
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;

- (iii) post-fieldwork methodologies for assessment and analyses;
- (iv) report content and arrangements for dissemination, and publication proposals;
- (v) archive preparation and deposition with recognised repositories, including the Archaeology Data Service;
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works;
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

21.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the approved archaeological mitigation strategy that shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

22.

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

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

23.

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.

24.

Construction and site clearance operations shall be limited to the following:

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank 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.

25.

All construction and site clearance activities shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason

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

Informative 1

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

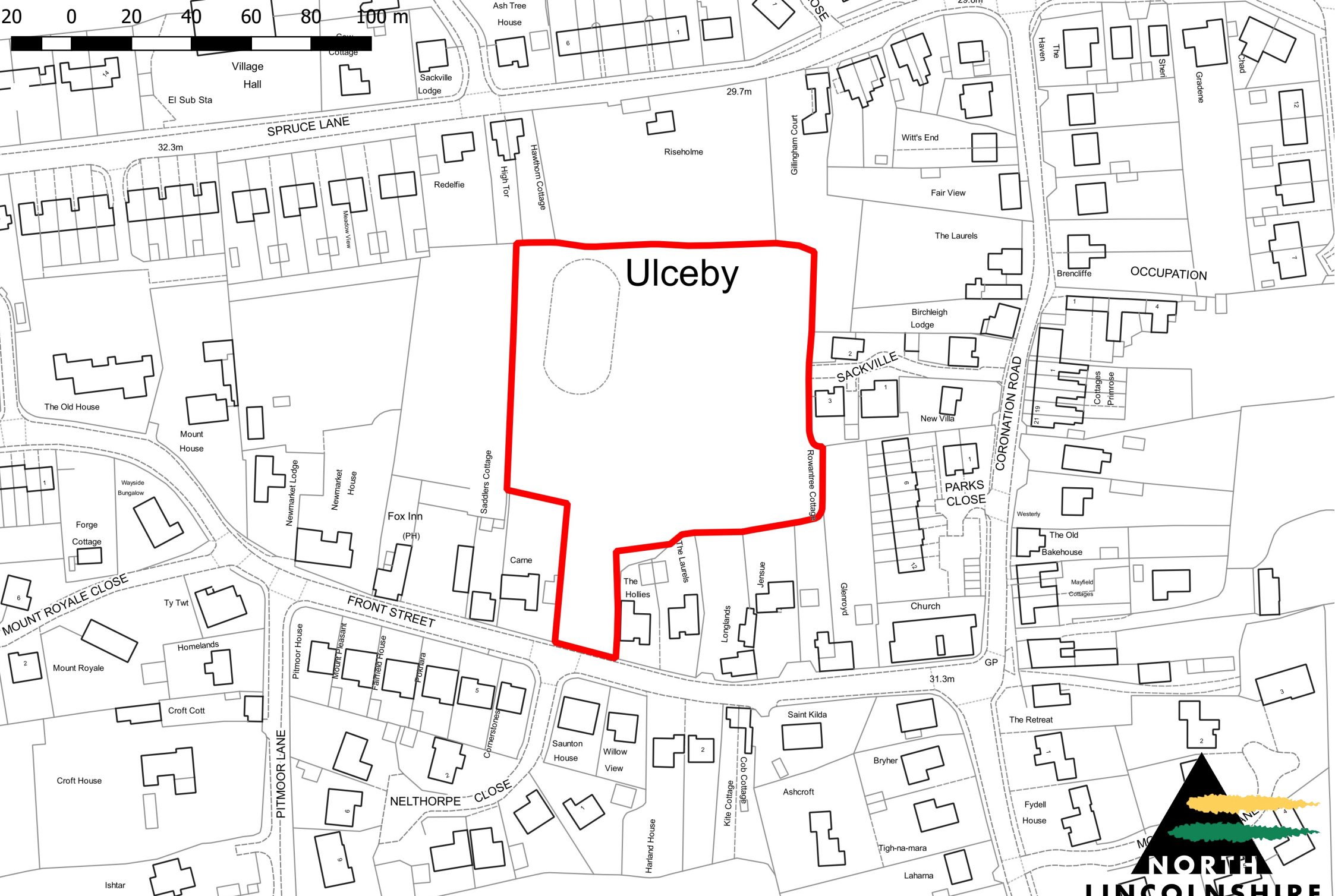
Informative 2

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

Informative 3

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

0 20 40 60 80 100 m



Ulceby

PA/2017/2080

© Crown copyright and database rights 2018. Ordnance Survey 0100023560



PA/2017/2080 Block plan (not to scale)



Rev: Details		Drawn by: / Date: / Approved:	
KEIGAR HOMES LTD			
KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938			
Project Title: Residential Development ' Frank Cox Meadows ' Land off Front Street, Ulceby			
Drawing Title: SITE LAYOUT			
Drawn by:	MdS	Date:	04.10.17
Scale:	1/500 @ A3		
Drawing No: FC / 156 / 03			