

<b>APPLICATION NO</b>	<b>PA/2017/1450</b>
<b>APPLICANT</b>	Mr Paul Strawson, M F Strawson Ltd
<b>DEVELOPMENT</b>	Planning permission to erect nine dwellings
<b>LOCATION</b>	Land rear of new convenience store, off Church Lane, Ulceby
<b>PARISH</b>	Ulceby
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Emma Carrington
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Ulceby Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

Section 5, paragraphs 59–79 relate to delivering a sufficient supply of homes and states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 77 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraphs 124–132 state 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.

### **North Lincolnshire Local Plan:**

Policy DS1 – General Requirements

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

LC12 – Protection of Trees, Woodland and Hedgerows

**North Lincolnshire Core Strategy:**

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

**CONSULTATIONS**

**Highways:** No objections subject to conditions.

**HER:** No objections subject to conditions.

**Environmental Health:** No objections subject to a condition relating to land contamination.

**IDB:** Comments regarding soakaway.

**Environment Team (Trees):** Comments regarding the submitted tree report and concerns that it is out of date. [An updated survey has now been submitted and is referred to in condition 22 of the recommendation.]

**Environment Team (Ecology):** No objections subject to conditions.

**Anglian Water:** No objections subject to conditions.

**Drainage:** Advise conditions regarding SuDS/drainage.

**Section 106:** No requirement for a section 106 agreement.

**Spatial Planning:** Confirms that the proposal complies with policies in the local plan and Core Strategy, but is a lower density than recommended.

**Environment Agency:** No objections.

**PARISH COUNCIL**

Objects until the proposed drainage works agreed to be undertaken by North Lincolnshire Council and Anglian Water are completed. Also expresses concerns regarding traffic generation created by this proposed site resulting in highway safety concerns enhanced by the proposed development on Church Lane for 18 dwellings which will create a large increase in traffic generation, particularly as Church Lane leads to the primary school and experiences a high number of pedestrians.

**PUBLICITY**

A site notice has been posted and one letter has been received reiterating concerns following on from PA/2015/0312, to demolish the Brocklesby Ox pub and replace it with a

retail unit, which is now completed and in use. The issues from the previous letters relevant to this proposal are considered to be:

- impact on nature/wildlife;
- highway safety (including roads in a poor state of repair and not capable of taking this amount of extra traffic, narrow roads etc);
- impact on archaeology; and
- loss of a tree protected by a tree preservation order.

## **ASSESSMENT**

Planning permission is sought to erect nine dwellings on a parcel of land within the settlement boundary for Ulceby. The site lies behind the site of the former Brocklesby Ox public house, which has now been demolished and replaced with a retail unit. The access to the proposed residential development is via the access for the retail unit, and is directly onto Church Lane.

**The main issues in the determination of this application are whether the proposal will have an adverse impact on highway safety, drainage, residential amenity, protected trees, or wildlife and habitats.**

The application site lies within the settlement boundary for Ulceby. The principle of residential development on this site is therefore acceptable and complies with policies in the adopted local plan and Core Strategy, and guidance in the National Planning Policy Framework. The proposal includes a mix of house types and styles, with one dormer bungalow, one bungalow and seven houses. A range of two-, three- and four-bedroom properties are proposed, most of which are detached, with one pair of semi-detached dwellings. Each property has a garage and off-street parking provision, with sufficient amenity space to provide useable private garden areas. Adequate separation distances from existing residential properties are provided, which preserves the privacy and existing amenity enjoyed by surrounding neighbours. No overlooking or loss of light will therefore be created by the proposed development.

The scale and design of the properties, together with the proposed layout is considered to be appropriate for this part of Ulceby, which is a mix of property styles and ages, with no particular architectural style or character being dominant. Although it has been commented upon that the density of the development is lower than recommended, it is considered that the layout and density is in keeping with this part of the village.

Concerns have been raised by the parish council about the impact of the development on the drainage system and impact on highway safety due to the potential increase in traffic from the proposed nine dwellings. However, no objections have been received from the highways department in relation to the position or design of the access arrangements, and the internal layout of the development, including parking, access and turning facilities, are all considered to be adequate. Anglian Water, the Environment Agency and the council's drainage team have all been consulted on the application, and no objections have been raised subject to conditions.

One letter has been received from a neighbouring property, referring to concerns about the original retail unit application, and that these concerns still apply to the current proposal. The most relevant issues from the previous application appear to be impact on highway safety; impact on wildlife and habitats; impact on residential amenity; impact on archaeology and loss of a protected tree. All of these matters have, however, been addressed to the satisfaction of the relevant consultees for this current proposal. No objections are outstanding for any of these issues, and the protected tree referred to was agreed to be removed and a suitable replacement planted in the application for the retail unit.

It is considered, therefore, that the submitted details are acceptable, and comply with the requirements of the adopted local plan and Core Strategy. The application is recommended for approval subject to appropriate conditions.

**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: J1718 (08) 01 D, J1718 (08) 02, J1718 (08) 03, J1718 (08) 04 A, J1718 (08) 05, J1718 (08) 06 A, J1718 (08) 07, J1718 (08) 08, J1718 (08) 09 A, and J1718 (08) 10.

**Reason**

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

3.  
No above-ground works shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

**Reason**

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.  
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.

5.

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.

6.

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.

7.

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.

8.

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.

9.

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.

10.

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.

11.

The applicant, or their agents or successors in title, shall provide written confirmation to the planning authority that they have secured the implementation of the archaeological mitigation strategy as defined in the '*Written Scheme of Investigation For Archaeological Mitigation Excavation, Land Off Church Lane, Ulceby, North Lincolnshire, November 2018, Lanpro Services (ref 1306H/01)*', in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains, or potentially contains, archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

12.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least one week (seven days) before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains, or potentially contains, archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

13.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains, or potentially contains, archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

14.

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 commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains, or potentially contains, archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

15.

Unless otherwise agreed in writing by the local planning authority, development required to be carried out as part of a scheme of remediation and validation to comply with Parts 2 and 3 below shall only commence upon written approval by the local planning authority. 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 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 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.

16.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

17.

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the local planning authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

18.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated June 2017 by Simpkins Kenny Ltd and proposed drainage layout drawing 17/070/0001 dated June 2017.

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 adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS17 of the North Lincolnshire Core Strategy.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18, 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 adoption and maintenance, of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS17 of the North Lincolnshire Core Strategy.

20.

No above-ground works shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to hedgehogs and nesting birds during vegetation clearance and construction works;
- (b) details of at least four bat roosting features to be installed in the new dwellings;
- (c) details of nesting sites to be installed to support swifts and house sparrows;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

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 occupation of the eighth dwelling, 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.

#### Reason

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

21.

The development shall proceed in accordance with the Arboricultural Survey Report and Method Statement by John A Booth, Chartered Arboriculturalist, Chartered Surveyor & Chartered Environmentalist, dated September 2017, unless otherwise agreed in writing with the local planning authority.

#### Reason

To ensure that any trees on the site are protected in accordance with policy LC12 of the North Lincolnshire Local Plan.

## **Informative 1**

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. Anglian Water therefore highly recommend that you engage with them at your earliest convenience to develop, in consultation with them, a feasible drainage strategy.

If you have not done so already, they recommend that you submit a pre-planning enquiry with their pre-development team. This can be completed online at their website <http://www.anglianwater.co.uk/developers/pre-evelopment.aspx>.

Once submitted, they will work with you in developing a feasible mitigation solution.

As foul and surface water conditions have been imposed on this decision notice, they will require a copy of the following information prior to recommending discharge of the conditions:

### **Foul water:**

- a feasible drainage strategy to be agreed with them detailing the discharge solution including:
  - development size;
  - proposed discharge rate (should you require a pumped connection, please note that their minimum pumped discharge rate is 3.8l/s);
  - connecting manhole discharge location (no connections can be made into a public rising main)
- notification of intention to connect to the public sewer under Section 106 of the Water Industry Act (more information can be found on their website)
- a feasible mitigation strategy in agreement with them (if required).

### **Surface water:**

- a feasible drainage strategy agreed with them detailing the discharge solution, including:
  - development hectare size;
  - proposed discharge rate (their minimum discharge rate is 5l/s). The applicant can verify the site's existing 1 in 1 year greenfield run-off rate on the following HR Wallingford website:

<http://www.uksuds.com/drainage-calculation-tools/greenfield-runoffrate-estimation>.

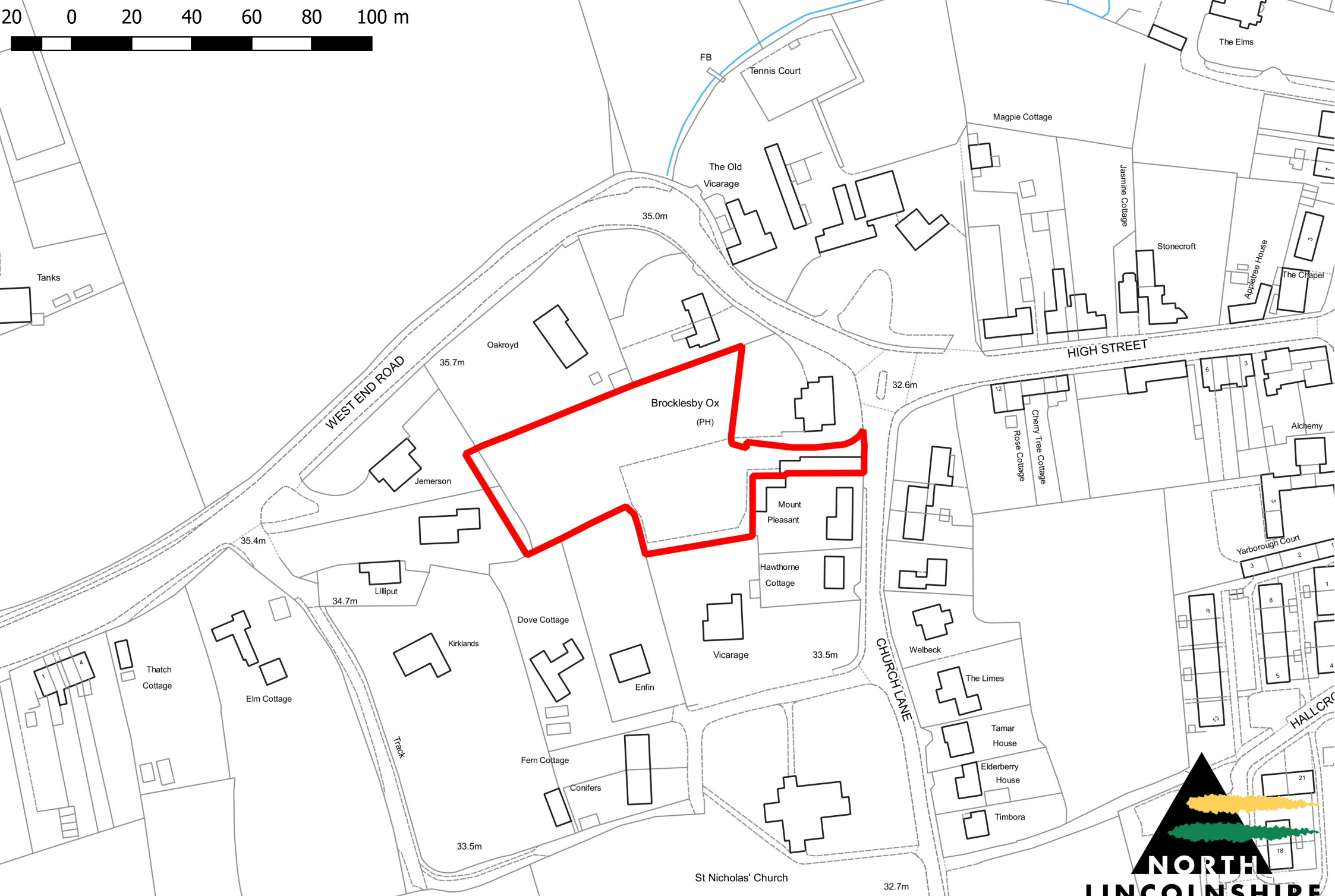
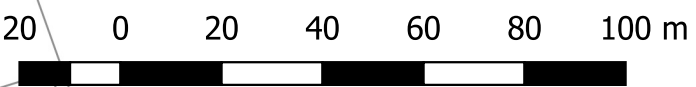
For brownfield sites being demolished, the site should be treated as greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and, subject to capacity, permit the 1 in 1 year calculated rate);

- connecting manhole discharge location

- sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (their surface water policy can be found on their website).

**Informative 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.



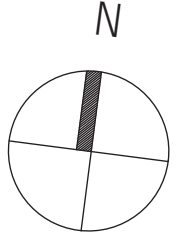
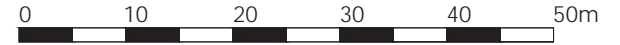
**PA/2017/1450**

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# PA/2017/1450 Site layout (not to scale)

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C	ROAD LAYOUT AMENDED	18/12/17	MJE
B	DIMENSIONS TO BOUNDARIES ADDED	17/07/17	MJE
A	PLOT 3 GARAGE AMENDED, PLOTS 4 & 6 ROOF PLANS UPDATED	04.07.17	SW

Rev	Revision note	Date	Drawn by
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site plan  
1:500

**AMENDED**

PROPOSED RESIDENTIAL SITE AT FORMER BROCKLESBY OX PUBLIC HOUSE, ULCEBY FOR M.F. STRAWSON			
Drawn by MJE	Checked	Date JUN 2017	Scale 1:500 @ A3
Framework Architects		Dwg No J1718 (08) 01	Rev C