

APPLICATION NO	PA/2018/2525
APPLICANT	Mr P Strawson, M F Strawson Limited
DEVELOPMENT	Outline planning permission to erect 90 dwellings and construct access, with appearance, landscaping, layout and scale reserved for subsequent approval
LOCATION	Land at Station Road, Ulceby
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Ulceby Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that *“At a very high level...sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*

Paragraph 8 identifies the three overarching objectives in achieving sustainable development through the planning system. These objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) ***“an economic objective*** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- (b) ***a social objective*** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- (c) ***an environmental objective*** – *to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste*

and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Paragraph 9 states that “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking this means:

- (c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out of-date, granting planning permission unless:*
 - (i) *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”*

Paragraph 12 states that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan... permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

Decision-making

Paragraph 38 states that *“Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

Paragraph 47 explains the requirement in planning law that applications for planning permission must be determined in accordance with the local plan, unless material considerations indicate otherwise. It also requires decisions to be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 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 55 explains that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 56 states that planning obligations must only be sought where they meet all of the following tests:

- (a) *“necessary to make the development acceptable in planning terms;*
- (b) *directly related to the development; and*
- (c) *fairly and reasonably related in scale and kind to the development.”*

Delivering a sufficient supply of homes

Paragraph 59 states that to support the Government’s objective of significantly boosting the supply of homes, *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Paragraph 62 states that *“where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- (a) *off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- (b) *the agreed approach contributes to the objective for creating mixed and balanced communities.”*

Paragraph 63 states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

Paragraph 64 states that *“where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- (a) *provides solely for Build to Rent homes;*
- (b) *provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*

- (c) *is proposed to be developed by people who wish to build or commission their own homes; or*
- (d) *is exclusively for affordable housing, an entry-level exception site or a rural exception site.”*

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. *“To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.”*

Paragraph 76 states that *“to help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”* For major development involving the provision of housing, local planning authorities should also assess why an earlier grant of planning permission for a similar development on the same site did not start.

Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, *“housing should be located where it will enhance or maintain the vitality of rural communities.”* It goes on to explain that, where there are groups of smaller settlements, development in one village may support services in a nearby village.

Promoting healthy and safe communities

At paragraph 91 it states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- (b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*
- (c) *enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

Promoting sustainable transport

Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- (a) *the potential impacts of development on transport networks can be addressed;*
- (b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location and density of development that can be accommodated;*
- (c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- (d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- (e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

Paragraph 103 requires significant developments “*to be focussed in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes... However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-taking.*”

Paragraph 108 requires that when assessing specific applications for development, “*it should be ensured that:*

- (a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- (b) *safe and suitable access to the site can be achieved for all users; and*
- (c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 states that development should only be prevented or refused on highways grounds “*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

Paragraph 110 goes on to explain that within this context, “*applications for development should:*

- (a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

- (b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- (c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- (d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- (e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

Paragraph 111 requires all developments that will generate significant amounts of movement to be provided with a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Making effective use of land

Paragraph 117 requires planning policies and decisions to “*promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*”

Paragraph 118 requires planning policies and decisions to:

- (a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- (b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- (c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- (d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
- (e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.*

Paragraph 121 states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help meet identified development needs. *“In particular they should support proposals to:*

- (a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and*
- (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.”*

Paragraph 122 requires planning policies and decisions to support development that makes efficient use of land, *“taking into account:*

- (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- (b) local market conditions and viability;*
- (c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- (d) the desirability of retaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- (e) the importance of securing well-designed, attractive and healthy places.”*

Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. *“In these circumstances...local planning authorities should refuse applications which they consider fail to make an efficient use of land, taking into account the policies in this Framework.”* In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Achieving well-designed places

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 127 goes on to explain that planning policies and decisions should ensure that developments:

- (a) *will function well and add to the overall quality of the area, not just for the short term but over lifetime of the development;*
- (b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- (d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- (e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- (f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals... *“Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”*

Paragraph 129 states that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development... In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

Paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”* Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

Paragraph 131 states that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Meeting the challenge of climate change, flooding and coastal change

Paragraph 148 states that *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.”*

Paragraph 153 states that *“In determining planning applications, local planning authorities should expect new development to:*

- (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- (b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Paragraph 155 states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”*

Paragraph 163 states that *“when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- (b) the development is appropriately flood resistant and resilient;*
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- (d) any residual risk can be safely managed; and*
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Paragraph 165 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Conserving and enhancing the natural environment

Paragraph 170 explains that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

- (b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- (c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- (d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- (e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- (f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Paragraph 175 explains that when determining planning applications, local planning authorities should apply the following principles:

- (a) *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- (b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- (c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- (d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

Paragraph 176 identifies that potential SPAs and SACs, listed or proposed RAMSAR sites and sites identified or required as compensation for adverse effects on habitat sites should be given the same protection as habitat sites.

Paragraph 177 explains that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

Paragraph 178 states that planning policies and decisions should ensure that:

- (a) *“a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- (b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- (c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

Paragraph 179 makes it clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 states that *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- (a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- (b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- (c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Paragraph 181 states that *“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified... Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.”*

Paragraph 183 makes it clear that *“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning*

issues should not be revisited through the permitting regimes operated by pollution control authorities.”

Conserving and enhancing the historic environment

Paragraph 187 requires local planning authorities to maintain or have access to a historic environment record, which should be used to assess the significance of heritage assets and predict the likelihood that currently unidentified heritage assets will be discovered in the future.

Paragraph 189 requires applicants to *“describe the significance of any heritage assets affected, including any contribution made by their setting.”*

Paragraph 190 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 into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*

Paragraph 193 explains that, when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset’s conservation.

Paragraph 194 requires clear and convincing justification to be provided for any harm to, or loss of, the significance of a designated heritage asset.

Paragraph 195 *“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”.*

Paragraph 196 states *“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...”*

Paragraph 197 requires the effect of an application upon a non-designated heritage asset’s significance to be taken into account and where applications directly, or indirectly, affect 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 198 states that *“Local planning authorities should not permit the 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.”*

Annex 1: Implementation

Paragraph 212 explains that the policies in the NPPF are material considerations, which should be taken into consideration when determining planning applications.

Paragraph 213 goes on to explain that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF.

Weight should be given to these policies according to their consistency with the Framework.

National Planning Practice Guidance (PPG)

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy D14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Food Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Inset 39 – Ulceby

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Spatial Planning: As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and it will need to be considered whether the adverse impacts of approving permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Highways: Raise concerns with regard to directing agricultural traffic through a residential development. Advise that this will need to be addressed at the reserved matters stage. Raise no objection to the proposed development subject to conditions and a Section 106 agreement to secure the alteration of the speed limit.

Waste Services: Make informative comments in respect of the requirements for bin lorries within residential developments.

LLFA (Drainage): No objection to the proposed development subject to conditions and informative comments.

Environmental Health: No objection subject to conditions in respect of contamination, air quality and construction operations.

HER (Archaeology): No objection. No further archaeological survey work is required.

Ecology: The site has limited biodiversity value at present. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the NPPF.

Leisure: An off-site contribution of around £90,000 should be paid towards replacement/improved facilities at Ancholme Leisure Centre, Brigg to offset the impact of the development.

Education: An educational contribution is sought in respect of secondary school places only. The fee per dwelling is £4,299, which will be inflated on 1 April.

Anglian Water Developer Services: The wastewater and sewerage system has capacity for additional flows. The preferred method of surface water disposal would be via SuDS with connection to the sewer seen as the last option. Request informative comments be added to any grant of permission.

North East Lindsey Drainage Board: No comments.

Humberside Fire and Rescue: Make informative comments.

PARISH COUNCIL

Object to the proposal on the following grounds:

- (1) The development is located outside the current village development boundary.
- (2) The development will sprawl into the open countryside which would be detrimental to the landscape and appearance of the village. There is no current development adjoining the site to the north, south or east.
- (3) The development is situated on the east of the village, the furthest distance from village amenities. The site is unsuitable to provide a mix of housing due to this location, distant from these services. Many of the footpaths are unlevel and on a slope.
- (4) The village of Ulceby currently has planning permission for in excess of 50 properties – all centrally located, close to the existing amenities. The parish council feels the granted dwellings, in addition to growth in the village over recent years, means that Ulceby has already made its contribution to the housing stock requirement of North Lincolnshire.
- (5) The layout and density is unacceptable. It will cause overshadowing, loss of light and privacy to properties on Gower Close.
- (6) The proposed entrance/exit is sited in the 40mph zone at the entrance to the village. Current data shows that vehicles speed when traveling into the village in this area. The volume of HGV traffic on the road adds to these concerns regarding highway safety for this proposed development.
- (7) It is acknowledged that the foul drainage in Ulceby is inadequate and does not serve the existing residents adequately or effectively. Anglian Water have agreed that the foul drainage system has severe problems in Ulceby.
- (8) The current infrastructure of the village is not adequate nor appropriate to cope with a further 90 properties.

PUBLICITY

The application has been advertised by site and press notices. Letters of objection have been received raising the following concerns:

- The site lies outside the development boundary set out in the adopted DPD in the open countryside where residential development is not acceptable.
- Erosion of the development boundary will set a precedent.
- There are further plans in the pipeline.
- There is inadequate infrastructure in village to support development.
- Once consented, 'infill' developments constructed the village will be beyond capacity and this development will overload local services.
- There are current problems with congestion in the village.
- HGV traffic causes disruption on Station Road during peak hours.
- The village is used as a diversion route when the A180 is closed.
- The additional traffic generated will cause a build-up of traffic on the road, which will create a risk of accidents.
- The pavement opposite the site is inadequate – too, narrow, too low and rarely cut back.
- The proposed pedestrian crossing is close to a bend and in a 40mph limit which is not adhered to.
- Footpaths in the village are inadequate.
- Parking at the local shop is ridiculous and a safety concern;.
- Buses are not frequent enough.
- There are little to no employment opportunities.
- There are concerns around the safety of children around the main roads.
- The school is not big enough.
- The doctor's surgery is not taking.
- The shop cannot cater for the additional properties.
- The drains are inadequate for further development.
- There are recurring sewage problems in Ulceby.
- The land is unsuitable for soakaways and will lead to flooding of adjacent land.

- Wildlife in the area is already affected by development.
- The field is home to several deer and other wildlife.
- The development will change the character of the village to a typical in-town village growing outside its threshold.
- The development would spoil the aesthetics of the village.
- Current houses in the village are not selling.
- Crime, noise levels and litter would obviously increase.
- There are a number of inaccuracies in the submitted documentation.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted as part of the planning application.

ASSESSMENT

Site

The application site comprises a parcel of undeveloped agricultural land measuring 5.74 hectares in area immediately to the east of Ulceby. The site is adjacent to, but wholly outside, the development boundary for Ulceby and as such is in the open countryside for the purpose of planning. The site is an inverted L-shape, fronting Station Road to the north and wrapping around the rear of properties on Gower Close, Southfield Close and Willow Close.

The site is bounded to the east by high hedgerows, which separate it from an area of rough grassland associated with Hillgarth Farm; a standalone farmhouse with associated outbuildings and silos. To the north the site is bounded by Station Road for part of its length and by the rear aspect of properties on Gower Close, Southfield Close and Willow Close for the rest. To the south and west the site is bounded by open fields, some of which are in the ownership of the applicant.

The application site is a greenfield site, not having been previously developed, and is currently in arable use. The site is not subject to any formal allocation as part of the development plan and is not subject to any designation in respect of landscape or ecology importance. The site is also not located in close proximity to any designated heritage assets. Furthermore, the site is located wholly within Flood Zone 1 of the Environment Agency maps and the SFRA for North Lincolnshire and as such is not considered to be at high risk of flooding.

Proposal

This application seeks outline planning permission for the erection of up to 90 dwellings on the site with access being considered at this stage, and appearance, landscaping, layout and scale reserved for subsequent approval. As such this application is limited to the consideration of the principle of residential development and the means of access to the site. Illustrative proposals have been included as part of the submission; however, these

plans are for indicative purposes only and the full, detailed scheme would be subject to future approval by way of a reserved matters application should outline permission be granted.

The illustrative proposals show how up to 90 dwellings could be laid out across the site. With regard to access, a single point of vehicular access is proposed from Station Road, incorporating a new pedestrian footpath along the Station Road frontage and uncontrolled crossing points to link to the existing footpath on the north side of Station Road. It is proposed that the existing hedgerow along the Station Road frontage would be set back to accommodate visibility splays from the new access. The internal layout of roads and driveways is reserved for future approval.

Planning history

The planning history of the site comprises four planning applications, all made in the 1970s for residential development (7/1975/0292, 7/1975/0679, 7/1976/0828 and 7/1977/0823). These applications covered different parts of the site and extended onto adjacent land. All four of these previous applications were refused planning permission. These applications were determined a significant time ago under different national and local planning policies. Given the amount of time that has elapsed and the numerous revisions of planning policy in that time, it is considered that the planning history of the site has little relevance to the determination of the current application, which must be considered on its own merits against the current national and local policies.

The main issues to consider in the determination of this application are whether the principle of residential development is acceptable and whether the proposed development would have an unacceptable impact in respect of highway safety or drainage.

Principle

Outline planning permission is sought for a residential development of up to 90 dwellings with associated access roads and open space. All matters are reserved with the exception of access. The site falls wholly outside the development boundary for Ulceby.

Policy context

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.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP). The most relevant development plan policies in respect of establishing the principle of residential development on this site are considered below.

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local

needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing 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 CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Ulceby. There are no sites within Ulceby that are currently allocated for residential development.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Ulceby and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) *the application of policies in this Framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or*
 - (ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of paragraph 11 clarifies that policies will be considered to be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In such circumstances the presumption in favour of sustainable development should apply.

A Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These are restricted to policies that are specifically related to the delivery of housing and do not include general restrictive policies such as those restricting development in the open countryside. As such policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The latest position on the council's five-year housing land supply is set out in the council's '*Assessment of Five Year Housing Land Supply – 1 April 2016 to 31 March 2021*'. This document confirms that, including a 20% buffer, the council can only demonstrate a 3.9 year supply of housing. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing and that the policies which are most important for determining the application are out-of-date in accordance with paragraph 11 of the NPPF.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and (as there are no Framework policies protecting assets or areas of importance on the site) development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

Benefits

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

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing as well as affordable housing (in line with policy CS27). It is anticipated that the development of up to 90 homes would likely be delivered over a period of three years and as such would make a full contribution to the five-year housing land supply. Furthermore, the recently updated Strategic Housing Market Assessment (SHMA) identifies that affordable housing needs are not being met, with the number of units built consistently falling short of the identified need of 156 homes per year. The proposed development would secure 10% affordable housing delivery, which equates to up to 9 dwellings towards meeting this shortfall in delivery.

Investment in construction and related employment would represent a benefit. It is anticipated that the development would involve around 135 construction jobs over a three year period. The development would give rise to further economic and social benefits with respect to the support that the additional population would produce for the local economy.

Ulceby is a larger rural settlement with a range of local facilities including primary education, retail (Co-op), food and drink (café, takeaway and pub) and community facilities

(hairdresser, vet's, village hall, recreation ground and play facilities). Healthcare is accessible through a branch surgery at St Nicholas School (open one day per week) or 2.4 miles away at the Killingholme Surgery. The proposed development and the additional population will enhance the vitality of the settlement by supporting these existing facilities and encouraging their enhancement. Whilst the majority of these facilities are located towards the western side of the settlement, they are nevertheless within walking and cycling distance. The settlement is also served by public transport links, including a railway station located approximately 800 metres from the site, with the railway line running between Barton and Cleethorpes and trains run along this line every two hours. Whilst employment opportunities within Ulceby are limited, the settlement is ideally placed to support the strategic employment location of the South Humber Bank, which has existing consents for a large-scale industrial/commercial development in the form of the Able Logistics and Marine Energy parks as well as existing employers in the form of oil refineries and power stations. Therefore, the proposal accords with the need to site development in locations with accessible local services.

Should planning permission be approved, obligations will be secured by Section 106 agreement towards the improvement of the primary school, the provision of open space, the provision of affordable housing and the improvement of built leisure facilities in the wider area. The details of these obligations are set out in the relevant section of this report below.

The benefits identified above weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

Adverse impacts

A significant number of concerns have been raised in respect of the additional pressure that the development would put on local services that will be unable to meet the additional demand. As outlined above, planning obligations will be secured to mitigate the impact of the development in respect of education, open space and leisure. These obligations will allow for the enhancement of existing infrastructure to meet the additional demand on local services. Subject to these obligations, no adverse social or economic impacts of the development have been identified.

In terms of the environmental dimension, the development will clearly result in the loss of greenfield land, and encroachment of the urban area into the countryside which is an environmental disbenefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a consideration. The existing urban area of Ulceby lies to the north and west and forms the site's northern boundary. Furthermore, the site is relatively well enclosed by existing hedging and tree planting along the north, east and west boundaries. There are open views to the south of the site, but these views do not currently benefit any visual receptors, other than a small number of residential properties that back onto the site. For these reasons the overall landscape value of the site is considered to be low.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. Whilst only indicative, the illustrative masterplan shows that the development will have a relatively low density of 25 dwellings per hectare, which reflects the semi-rural context of Ulceby and will incorporate large areas of open space and

significant landscaping. As such, the development would provide a softer boundary between the settlement and the open countryside, which would replace the existing boundary that is relatively harsh, being comprised primarily of close-boarded timber fencing with minimal landscaping. This would represent an enhancement in the urban to rural transition and will help the development to integrate into the wider landscape.

Given the fact that the site is comparatively enclosed, is not of high landscape value and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance. This is something which can be further mitigated at the reserved matters stage when the layout and landscaping of the proposal is considered and secured.

The council's ecologist has confirmed that the site is currently of limited biodiversity value and that, subject to conditions, the development is unlikely to have an adverse impact on protected species. The site is not designated as being of specific ecological importance, nor is it adjacent to such an area. Further to this, there is the potential for net biodiversity benefit via additional landscaping and the use of sustainable drainage features. This would be addressed at the reserved matters stage by the submission of a formal landscaping scheme and through the imposition of a condition to secure biodiversity enhancements.

Overall, the site is considered to be of low environmental sensitivity and the magnitude of change to the character of the landscape will not be significant. Although there would be some harm to the character and appearance of the area and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance and the environmental dimension of sustainable development would therefore be achieved.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

Highway safety

Numerous responses have been received raising concerns over the adequacy of the existing highway network in Ulceby. Specific concerns have been raised in respect of the number of HGV movements along Station Road, especially when the A180 is closed and the narrowness and condition of the footpaths throughout the settlement. Both the parish council and local residents have clearly expressed the view that the proposed development would result in an additional level of vehicular movements that would have a significant adverse impact with regard to both congestion and highway safety.

A Transport Assessment has been provided as part of the application which considers the impact of the development on the local highway network. This document confirms that the site will be accessed via a new priority-controlled T-junction on Station Road, designed to incorporate adequate visibility splays. The development will incorporate a network of internal footways that will connect to the new footways proposed adjacent to Station Road,

to either side of the new site access carriageway. An uncontrolled pedestrian crossing point would be provided either side of the site access to facilitate pedestrian connectivity to the existing footway on the northern side of Station Road. It is anticipated that the proposed dwellings would generate up to 67 two-way vehicle movements in a peak hour. A capacity assessment of the site access junction has been undertaken and it is concluded that the junction would be able to safely accommodate the development traffic, operating with spare capacity. The transport assessment also confirms that there is no identified issue with accidents on the highway network.

The council's highways officers have reviewed the application and the submitted Transport Assessment and have raised no objection to the proposed development. They have confirmed that the scale of the proposed development is unlikely to generate a level of traffic movements that would have an adverse impact on the adjacent highway network. Furthermore, Highways have raised no concerns over the design or condition of the existing highway network. They have also raised no objections in respect of the new access subject to conditions. These conditions will ensure that the access is suitably designed and constructed and that the dwellings on site are not occupied until the access and parking facilities serving them have been completed.

In addition to the above, it is proposed, following discussions with the council's highways officers, to extend the 30mph speed restriction along the frontage of the site. This will remove the concern that the new access will be entering Station Road within a 40mph limit. This will be secured as part of the Section 106 agreement. Local concerns with regard to speeding along this road are understood, but this is an issue that should be resolved through the council's speed management strategy and enforcement by the police.

The only point of concern raised by Highways relates to the illustrative masterplan and the proposal to direct farm traffic through the site, along residential roads to access the applicant's agricultural land to the south. They have confirmed that this is not an ideal situation and that they would expect the internal road to be designed to a suitable standard to accommodate this type of traffic, or for alternative arrangements to be made for accessing this land. Highways have confirmed that this issue will be addressed at the reserved matters stage and that this does not constitute a reason for refusal as the masterplan is indicative only and the internal road layout is not being considered at this stage.

Subject to the proposed conditions, and given the lack of objection from highway officers, it is considered that the proposed development will have no unacceptable impact on highway safety in the area.

Drainage

Concerns have been raised by local residents with respect to the existing drainage system in Ulceby and its ability to cope with the additional flows that will be generated by an additional 90 dwellings. These concerns relate to both foul and surface water.

Anglian Water are the drainage body responsible for foul sewage and waste water in Ulceby and have been consulted on the application in this regard. Anglian Water has confirmed that there is sufficient capacity within the foul and waste water system to cater for the proposed development and as such have raised no objection on this basis.

Anglian Water has confirmed that North Lincolnshire Council are responsible with regard to surface water drainage as the Lead Local Flood Authority. Notwithstanding this, they have confirmed that surface water should be dealt with by sustainable drainage systems and that discharge into the sewer should be seen as a last resort.

A Flood Risk Assessment has been provided as part of the application, which also provides guidance as to the site drainage strategy. Soil soakage testing has been undertaken at the site, which has confirmed that infiltration drainage is infeasible. As such it is suggested that surface water should be attenuated and discharged to the existing on-site drainage channel at a restricted rate of run-off. This drainage channel directs flows to the Skitter Beck.

On-site surface water storage will be required as part of the development in order to provide the required storage volume, attenuating run-off resulting from an increase in hardstanding and impermeable areas. This is proposed to be incorporated as part of a Sustainable Urban Drainage Scheme (SuDS) including permeable paving, swales (for conveyance) and attenuation basins.

The council's drainage team has considered the submitted information and confirmed that they have no objection to the outline proposals for surface water drainage subject to conditions to secure the implementation of a detailed SuDS scheme. The long-term management and maintenance of the Sustainable Urban Drainage Systems will be secured by a Section 106 agreement.

For the reasons outlined above, and giving due regard to the lack of objection from Anglian Water and the council's own drainage expert, it is considered that the proposed development will have no unacceptable impact with regard to flood risk or drainage.

Obligations

Heads of terms have been agreed with the applicant and the obligations that will be secured by Section 106 to mitigate the impact of the development are as follows:

Affordable housing: 10% on-site provision. This equates to up to 9 dwellings (dependent on final number of dwellings provided on site).

Education: A commuted sum of £4,299 per market dwelling to be paid towards the provision of secondary school places only. This would equate to a total of £348,219 should the full 90 dwellings (minus a contribution for 9 affordable units) be provided.

Public open space: On-site provision and maintenance. Should the applicant require the council to adopt this space and maintain it, a sum of £75,623.80 would be required to cover 10 years' maintenance.

Leisure: An off-site contribution of £90,000 to be paid towards the improvement of facilities at Ancholme Leisure Centre.

SuDS: An undertaking to secure the long-term maintenance of the sustainable drainage system.

Highways: An undertaking to fund a statutory Traffic Regulation Order (speed limit reduction to 30mph) on Station Road and to provide and install all requisite signing and lining as appropriate. This work should also

include the removal of any redundant signs and lines. The cost of providing the TRO (including the legal process) is approximately £2000.

The planning obligations outlined above are considered to meet the necessary tests set out in paragraph 56 of the NPPF in that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fair and reasonably related in kind to the development.

Other matters

This application seeks outline planning permission with all matters reserved for subsequent approval except for access. The scale and appearance of the dwellings is not being considered at this time, nor is the layout of the development. However, given the size and location of the site, it is considered that 90 dwellings could be comfortably accommodated without unacceptable impact on the amenity of neighbouring residential properties. It is acknowledged that some noise and disturbance will be generated during construction; however, this is inevitable with all new development and would be for a limited duration only.

It has also been stated that a development of this size would alter the character and ambience of the settlement from that of a village to an out-of-scale estate. Whilst it is acknowledged that Ulceby is a village with a rural aesthetic, it is one of the larger rural settlements within North Lincolnshire and is identified as such within the Sustainable Settlement Survey, which also identifies Ulceby as being one of the more sustainable rural settlements due to its level of services and accessibility. Whilst the layout of the development is reserved for subsequent approval, given the size of the site, a development of 90 dwellings will not result in an overly dense development. This is demonstrated on the indicative layout plan provided with the application which shows a relatively spacious development in keeping with the rural character of the village. There is existing landscaping along the boundaries of the site and this will be improved should permission be granted. A suitable landscaping scheme will be agreed at the reserved matters stage and will help to soften the appearance of the development to retain this rural character. Therefore, subject to suitable details being agreed at reserved matters stage (scale and appearance of the dwellings and landscaping), it is considered that the proposed residential development will not be out of keeping with the character or existing development pattern of Ulceby.

It is noted that the applicant owns further land adjacent to the application site and that there are concerns that further proposals for residential development could be forthcoming.

However, this application must be judged on its own merits and the potential for future applications is not a material consideration. Should further applications be received in the future, these applications would be subject to detailed assessment and determination by the local planning authority at which point cumulative impacts may be considered.

Conclusion

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being located outside of defined development limits where residential development is not normally supported. However, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the 'tilted balance' set out in paragraph 11 of the NPPF, the development must be considered acceptable and should be approved.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, public open space, education contributions, leisure contributions, the maintenance of SuDS drainage features and the provision of a TRO to alter the speed limit on Station Road as set out in the "Obligations" section of this report, 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 3 January 2020 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of the development being contrary to policies CS9 and CS27 of the North Lincolnshire Core Strategy because of inadequate provision of infrastructure to meet the identified needs generated by the development; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

No development shall take place until the details of all within-highway works required to provide a footway link from the site to the existing facility to the west, including appropriate crossing facilities, have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

Once approved, the within-highway works required to provide the footway connections shall be completed prior to the occupation of the 10th dwelling on the site.

Reason

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

7.

No development shall take place until details of:

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

have been submitted to and approved in writing by the local planning authority.

Reason

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

8.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been 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.

9.

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.

10.

No dwelling served by a private driveway shall be occupied until the driveway has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include:

- the proposed method of forming access from the highway including the required visibility splays;
- the method of constructing/paving the driveway;
- the provision of adequate drainage features;
- the provision of suitable lighting arrangements;
- the provision of suitable bin collection facilities; and
- the provision of street name plates that shall include the words "Private Drive".

Reason

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

11.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

12.

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.

13.

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.

14.

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.

15.

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.

16.

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

Reason

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

17.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

18.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

19.

No development shall take place until a construction phase traffic management plan, showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved, the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

20.

No development shall take place until a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted flood risk assessment, dated November 2018, ref: RSE_1756_01_V3.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document which is available to view on the website:

<https://www.northlincs.gov.uk/transport-and-streets/roads-highways-and-pavements/flooding-and-drains/sustainable-drainage-systems-suds/>.

Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions. Consideration must be given to the management of overland flows across the development in exceedance conditions.

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 features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

21.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 20 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

22.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

23.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control <http://www.iaqm.co.uk/text/guidance/air-qualityplanning-guidance.pdf> and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework (NPPF).

24.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;

- (h) a 'no burning of waste' policy.

Reason

To protect the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

25.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction or site clearance 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 the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

26.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to water voles, bats, hedgehogs, badgers and nesting birds during vegetation clearance and construction works.

Reason

To conserve and enhance biodiversity in accordance with policy CS17 of the Core Strategy and policy LC5 of the North Lincolnshire Local Plan.

27.

Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat boxes and bat bricks to be installed on 15% of houses;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of houses combined;
- (c) details of nesting sites to be installed to support a variety of other species, including house martin and garden birds;

- (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 retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) details for the sensitive management of retained ditches;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and ongoing management of created habitats;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

28.

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 50th and 80th dwelling hereby approved, 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 Core Strategy.

29.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

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

30.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied in accordance with a programme to be submitted to and agreed in writing by the local planning authority before development is commenced, and once built/planted it shall be retained.

Reason

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

Informative 1

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

Informative 2

Our records indicate that the proposed development site is bounded by, or has running through it, watercourses (surface water pipe/culvert or ditch). Following inspection, the watercourses may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to watercourses may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. Any proposals to alter or divert existing watercourses must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to LLFADrainageTeam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. Our records indicate that Anglian Water has two surface water discharges from Willow Close and Gower's Close into the open watercourse on the northern boundary of the proposed site.

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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

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

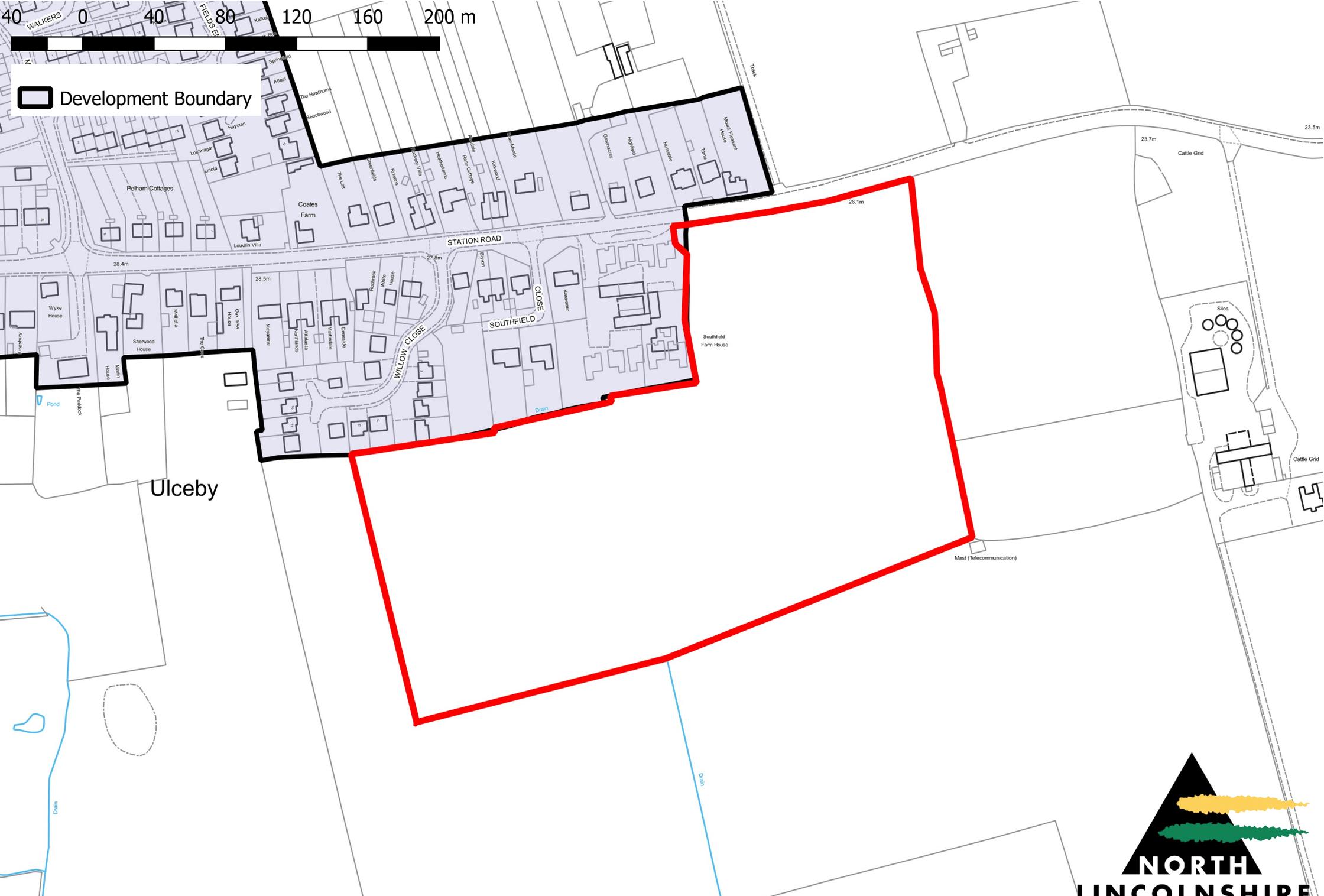
Informative 4

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.

40 0 40 80 120 160 200 m



Development Boundary



PA/2018/2525

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PA/2018/2525 Illustrative masterplan (not to scale)



LEGEND

- Development Boundary
- Proposed Homes (90 homes in total)
- Primary Route
- Secondary Route
- Semi Private Road
- Footpath
- Accessible Green Space
- Private Gardens
- Native Shrub / Boundary Planting
- Proposed Trees
- Existing Trees (all existing trees retained)
- SUDS

← → Access to Agricultural Fields Route

- Note:**
- Drawing for illustrative purposes only. Refer to technical drawings and reports for measurements and specification details.
 - Access arrangements in accordance with Highways Engineer layout. Refer to ADC Infrastructure Dwg: ADC1817-DR-002 - Rev P2 - 28/08/18.
 - Drainage arrangements in accordance with drainage engineer layout. Refer to RammSanderson Flood Risk & Drainage,

C	Access to Wet Ditch Provided	15 Nov 18
B	Updated annotations	14 Nov 18
A	Minor changes to align with access and drainage strategies	12 Nov 18
-	First Issue	11 June 18
rev	details	date

URBAN WILDERNESS

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 0113 472 0030
 registered in Scotland SC371979

client	Chave Planning / M F Strawson Ltd	
project	Land South of Station Road Ulceby	
drawing title	Illustrative Masterplan	

drawing status		
For Information		
drawn by	checked by	date
CH	NJE	11/06/18
scale		paper size
N/A		A3
job/dwg no.		rev
248 - SK - 04		C



Strategically placed trees at development boundaries to reduce potential visual impacts

T - junction access and egress from Station Road with gateway properties. Access design to accommodate agricultural vehicles.
 New footway to provide safe pedestrian links

Green fingers to enhance the amenity value, landscape setting and provide internal recreational routes

Existing wet ditch to be retained

Pedestrian Orientated Recreational Routes

Reinforce ecological potential of vegetated boundaries and wet ditches with native shrub planting.

Existing trees retained

Agricultural vehicle access into adjacent arable fields