

APPLICATION NO PA/2019/728

APPLICANT Mr & Mrs Neil Wilkinson

DEVELOPMENT Outline planning permission to erect a three/four bedroomed detached dwelling and detached double garage with appearance, landscaping, layout and scale reserved for subsequent approval

LOCATION Land rear of Lovain Villa, Station Road, Ulceby

PARISH Ulceby

WARD Ferry

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19, H5, H8.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS17, CS19.

CONSULTATIONS

Highways: No objections subject to the imposition of conditions.

Drainage: No objections subject to the imposition of conditions.

Environmental Protection: No objections subject to the imposition of conditions relating to land contamination.

PARISH COUNCIL

No objections or comments.

PUBLICITY

The proposal has been advertised by site notice.

ASSESSMENT

The site is located within the settlement boundary for Ulceby as identified by the Housing and Employment Land Allocations DPD. The site is located on land behind Louvain Villa though the proposed access is from a private cul-de-sac that emanates from Williams Drive and Fields End. There is an existing pumping station close to the access which dissects this and the dwelling known as Linola. The field is currently laid to grass with scrub in places.

Proposal

The applicant seeks outline planning permission to erect a detached dwelling, with means of access to be considered at this stage.

Planning history

Outline planning application PA/2002/1322 was refused and subsequently dismissed at appeal as, at the time, the site was located outside the development boundary.

Principle of development

The site is now within the settlement boundary as identified within the HELA DPD 2016. The proposal is therefore acceptable in principle meeting the strategic nature of the overarching spatial strategy contained within policy CS1 of the Core Strategy.

Policy CS2 of the Core Strategy sets out a sequential approach to the location of development stating that "Small-scale developments within the defined development limits of rural settlements to meet identified local needs" is considered acceptable.

The proposal is considered acceptable in relation to the aforementioned planning policies and, unlike the 2002 application, when the site was located outside the development boundary, it is now within it by virtue of the Housing and Employment Land Allocations DPD 2016 and considered acceptable in principle.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development. It states that all proposals should be served by a satisfactory access. Policy T19 is concerned with parking provision, and standards are set out under Appendix 2 of the local plan.

The applicant seeks to access the site from the north and through the cul-de-sac. At present the landowner has a right to access the site by vehicle. The council's highways department has assessed the proposal and has no objections subject to the imposition of conditions. Numerous objectors have suggested that there is a highway safety concern; however, with the support of the technical consultee and the existing rights of the applicant to access the site, there is no reason not to support the proposal. It is therefore considered, subject to the aforementioned mitigation, that the proposal aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy CS18 is concerned with sustainable resource use and climate change; both are considered relevant. Policy DS14 of the North Lincolnshire Local Plan is concerned with surface water drainage and foul sewage and is also considered relevant.

The applicant has not submitted any information relating to the drainage strategy; however, given that the site is located in a less vulnerable flood zone and existing networks currently exist, and given the built-up residential nature of the area, sufficient mitigation could be achieved by condition. The council's drainage team has reviewed the proposal and has no objection subject to the imposition of a condition relating to the control of surface water. Furthermore, legal rights exist for the connection to the existing sewer network and mitigation here already exists outside of planning.

The proposal is therefore considered to align with policies CS18 and CS19 of the Core Strategy, as well as policy DS14 of the North Lincolnshire Local Plan and is considered acceptable subject to the aforementioned mitigation.

Land contamination

Policy DS7 is concerned with land contamination and states that in the case of proposals for development on land known to be or strongly suspected of being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The applicant has submitted some land contamination information and the council's Environmental Protection team has reviewed the information. The officer states that, notwithstanding the submitted information, a condition is required to mitigate any potential harm. Given the planning history of the site, it is considered that a full scheme of investigation is unreasonable. Rather, a monitoring condition requiring the developer to cease works and submit details, should any contamination be found, is considered more reasonable.

Subject to the aforementioned mitigation, the proposal is therefore considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Indicative plans

The applicant has submitted indicative plans to demonstrate that the erection of a single detached dwelling with garage would be acceptable. Design guidance at the reserved matters stage should be informed by policies H5 and H8 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and appearance of the building(s), 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.

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

Reason

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

6.

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.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site is submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with Policy DS16 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy.

Informative

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.

