

APPLICATION NO	PA/2014/1311
APPLICANT	Church Crown Limited
DEVELOPMENT	Outline planning permission for the erection of 17 residential units (access and layout included)
LOCATION	Land to the east of Church Lane, Ulceby, DN39 6TB
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	David Wordsworth
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Ulceby Parish Council

POLICIES

National Planning Policy Framework: Paragraphs 47, 48, 49, 50, 53, 55, 56, 57, 64, 66, 75, 96, 109, 118, 128, 131, 132, 186, 187, 196 and 197.

North Lincolnshire Local Plan: Policies ST3 (Development Limits), H5 (New Housing Development), H8 (Housing Design and Housing Mix), H10 (Public Open Space Provision in New Housing Developments), T2 (Access to Development), HE5 (Development Affecting Listed Buildings), HE9 (Archaeological Evaluation), DS1 (General Requirements), DS3 (Planning Out Crime) and DS16 (Flood Risk).

North Lincolnshire Core Strategy: Policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering More sustainable Development), CS3 (Development Limits), CS5 (Delivering Quality Design in North Lincolnshire), CS6 (Historic Environment), CS7 (Overall Housing Provision), CS9 (Affordable Housing), CS17 (Biodiversity), CS18 (Sustainable Resource Use and Climate Change) and CS19 (Flood Risk).

North Lincolnshire Housing and Employment Land Allocations DPD, March 2016: The site is within the settlement boundary and is unallocated.

CONSULTATIONS

Highways: No objections subject to conditions.

Historic Environment Record: No objections subject to conditions.

- Archaeological investigation has revealed highly significant archaeology of late Saxon date across the application site that the proposed development would adversely impact

- A Written Scheme of Investigation (WSI) that preserves these remains by record has been agreed with the applicant's archaeological contractor.
- The WSI comprises a programme of archaeological topographic recording and open area excavation in advance of any construction work commencing on site, combined with further archaeological monitoring during construction, to be followed by post-excavation assessment, reporting, analysis and publication of results as required.
- The HER is pleased to withdraw our objection to the planning application subject to conditions that secure the implementation of the archaeological work as set out in the WSI.

Drainage Team: Originally objected to the proposed development, however now advise conditions requiring a strategy for the management of surface water drainage and implementation of SUDs.

Environment Team: The application site is of low botanical diversity, but could support roosting bats, badgers, hedgehogs and nesting birds. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

Environmental Protection: The applicant should submit a Phase 1 report for this department's consideration prior to the application being determined in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to occupation.

However, if the council is mindful to determine the application without the information required under national planning policy guidance then this department would recommend the inclusion of contaminated land conditions.

Humberside Fire and Rescue Service: No objections, but recommend informatives.

Humberside Police: No objections.

North East Lindsey Drainage Board: No objections providing that surface water run-off is directed to the mains sewer as indicated.

Public Rights of Way Officer: Objects regarding public safety while crossing the access road when continuing along the public right of way.

Anglian Water: No objections subject to conditions regarding foul and surface water drainage.

Public Health: No objections.

Public Open Space: This proposal requires an off-site contribution to improve existing recreational facilities within Ulceby. The figures stated previously in our memo dated 15 December 2014 have been amended following the reduction of the number of dwellings to 17.

Environment Agency: No comments.

Environment Team (Trees): The proposal includes the pruning of existing trees that are protected by a tree preservation order but the details proposed are not suitable to protect them and therefore a condition would be required. With regard to landscape, opportunities exist to improve tree cover and details of such will be required prior to the commencement of development. This element can also be controlled by condition.

Strategic Housing: No objections to the proposed scheme because the proposal includes the provision of two affordable units which complies with policy CS9 of the North Lincolnshire Core Strategy.

PARISH COUNCIL

Objects to this application on the following grounds:

- Strong reservations regarding the capability of the existing drainage system in Ulceby being able to cope with current surface water
- in 2007 and late June 2016 the drainage system proved to be wholly inadequate
- despite promises of improvements to the surface water drainage system and of remodelling work by Anglian Water, no improvements have been forthcoming
- regular surface water flooding in the village proves that further development in the village is unacceptable.

PUBLICITY

The application was advertised by site and press notice, and neighbouring properties notified by letter when the application was first received in November 2014. Numerous letters of objection were received and no letters of support. Due to the passage of time since the application was presented to planning committee over 12 months ago and the receipt of a drainage scheme, a further round of publicity has been undertaken. Six letters of objection have been received. The responses of both rounds of consultation are summarised below:

Access and parking

- Church Lane and the proposed access are very narrow and the access is located adjacent to an existing school. There will therefore be major congestion problems twice a day.
- Large farm vehicles use Church Lane 24 hours a day, 7 days a week, adding to the problems.
- The proposed access will create a potentially dangerous crossing for pedestrians, particularly children and parents picking up and dropping off at the school.
- A proposed shared access road without footpaths must be sufficiently different in character from other roads (see North Lincolnshire Council's Residential Roads Design Guide).

- Only 27 parking spaces are proposed, but each household is likely to have at least two cars resulting in the remaining cars being parked along Church Lane where current residents park. Additional on-street parking is therefore not welcome.
- The building of 21 houses is likely to lead to a further 42 cars using the street on a daily basis (an increase of 130%).
- Buses bringing children to the school often have to reverse as there is no room to turn round.
- There is a major bottleneck outside the first two properties.
- Access for emergency services will be necessary and will prove very difficult.
- Highway safety is a key concern.
- Are the necessary sightlines achievable?
- Traffic leaving the site has no sightline or visibility for oncoming traffic.

Drainage

- The drainage system on Church Lane only just copes with the houses there now. An extra 21 houses will increase existing problems.
- Anglian Water has confirmed that drainage in Ulceby is inadequate and improvements to the drainage system are required but these have not yet taken place. No response has been received from Anglian Water on this application but their response on the previous one stated that the surface water strategy was unacceptable because it was proposed to connect to the public sewer.
- There is no other connection in Ulceby for surface water drainage. The soakaways do not work.
- The site is significantly higher than the surrounding area and water will run off towards existing properties.
- Existing residents are concerned that if the development is allowed it may result in sewage in people's houses in the future.
- In heavy rainfall water of all mixtures runs down the existing footpath to the drain on Church Lane and into Hallcroft.
- The plan is to use the existing culvert (owned by North Lincolnshire Council) but as this is an old system thorough inspection is required.
- The village has suffered from severe flooding in recent years. Sewage has come up out of the drains.
- The application form states that the area is not at risk of flooding and the development will not contribute to flooding elsewhere in the village. It also states that the existing drainage and sewers are to be used. Ulceby already has frequent problems with blocked drains. There has been severe flooding in recent years with damage to homes

and therefore loss of this greenfield site, which acts as a natural soakaway, will exacerbate flooding problems.

- The updated drainage report will not address the inevitable flooding that will be caused by the diversion of surface water through the foul drainage.
- In heavy prolonged rainfall the back-up of water and sewage expected to go down the smaller sewage pipes on Front St and Hallcroft will back up.

Planning policy

- Ulceby is classed as a minimum growth settlement within policy ST2 of the North Lincolnshire Local Plan, and policy H1 restricts development within such settlements to the building of single, and in exceptional cases very small groups of dwellings up to a maximum of three, on infilling plots in the main body of the settlement. The applicants state in the design and access statement that this is an infill plot, therefore this proposal to build 18 houses far exceeds the permitted three dwellings.
- The North Lincolnshire Local Plan references PPG3 and states that greenfield sites should only be developed when brownfield land is not available. The proposal should therefore be rejected.
- The applicants suggest that this site is waste land, however this is inaccurate as it was formerly used for grazing sheep and was a paddock for a horse.

Amenity

- The churchyard is designated as an area of amenity importance within the North Lincolnshire Local Plan, however extra traffic will damage this important part of Ulceby's heritage.
- Overlooking from the new houses will reduce privacy for existing occupiers of properties.
- The building work will adversely affect local business, particularly those who work from home due to large vehicles continually passing the site during construction and also the operational phase.
- The land on which the development lies is considerably higher than surrounding terrain (approximately 1 metre). The development would seriously reduce the amount of privacy enjoyed.

Other matters

- The applicants state that there are no diversions or extinguishments, or the creation of any public rights of way, however the current footpath is clearly bisected by the new access road so part of it is definitely being extinguished.
- The map used as part of the application is inaccurate as there is no longer a health centre and it was the wrong location anyway.
- The proposal is not in keeping with the rural country style and setting at this end of the village.

- Pressure on infrastructure – any ground disturbance or construction work on the site will result in the destruction of significant archaeological remains.
- It is believed that a covenant on the land, when sold in 1988, restricts development to a maximum of seven properties.
- The trees have not been drawn correctly on the plan – the spread is greater than that shown on the plans
- Two large oak trees on the site, which are protected by a Tree Preservation Order (TPO), have grown further since the arborist report. It would be impossible to excavate the road and building foundations without damaging the roots of the trees.

STATEMENT OF COMMUNITY INVOLVEMENT

Prior to submitting the previous outline planning application on the site the applicants approached the parish council to involve the community. The applicants attended a parish council meeting and answered questions raised. This was not repeated for the current application.

ASSESSMENT

This planning application was first presented to planning committee on 3 June 2015 where the committee resolved to defer the application until a suitable surface water drainage scheme was submitted. The proposed layout is the same as that at the 15 June committee and the previous appeal, with the exception of the removal of one plot thereby reducing the number of proposed dwellings to 17. The drainage scheme was submitted on 23 May 2016 and further consultations were undertaken. The Lead local Flood Authority (LLFA) has removed its original objection subject to conditions.

This application is in outline form with only the access and layout being determined at this stage. The remaining details of scale, appearance and landscaping are required to be applied for at a later stage by the submission of reserved matters applications to the council for consideration.

Vehicular access is proposed to the eastern side of Church Lane adjacent to an existing public footpath that runs between Church Lane and Hallcroft at the end of a row of detached dwellings that sit opposite St Nicholas Church, a grade I listed building. To the south of the point of access is a separate development site referred to by the applicants as phase 1 which contains three plots that were granted planning permission at appeal under planning application reference PA/2010/0939. This consent has now lapsed.

The application site sits to the rear of frontage dwellings that face onto Church Lane. The land is overgrown and contains several existing trees, two of which are positioned centrally and are protected by a tree preservation order. The site is approximately 0.6 hectares in size, is roughly rectangular in shape and sits within a central core of Ulceby, well within the development limit that surrounds the settlement. The topography of the site is such that it has a fall of 1 metre from north to south and also from west to east of 1.2 metres. The proposed layout illustrates the access road running centrally within the site culminating in a cul-de-sac turning head around an element of open space that contains a tree protected by a tree preservation order. The proposal for 18 dwellings includes a mix of house types and sizes, including two-bedroom detached bungalows, two-bedroom town/terraced houses,

three-bedroom semi-detached and three and four-bedroom detached dwellings. The layout allocates all dwellings with a rear garden area and provides parking spaces within each plot or through the provision of rear parking areas accessed off the cul-de-sac. The following documents were submitted with the application:

- design and access statement
- ecological survey
- aboricultural report
- heritage impact assessment
- archaeological evaluation report and a scheme of archaeological mitigation.

The key issues in the determination of this application are:

- **whether the proposal complies with national and local planning policies;**
- **whether the access arrangements are acceptable;**
- **whether the development would have an adverse impact upon flood risk and drainage issues within the area; and**
- **whether the residential amenity of existing properties surrounding the site would be adversely affected.**

Several planning applications have previously been made on the site, the most notable under planning reference PA/2012/1028. That application was also in outline form and proposed 18 dwellings. The application was the subject of an appeal against non-determination, which was dismissed. The inspector's decision does carry significant weight in the determination of this application and a copy of that decision dated 11 February 2014 is attached for members' information where it is shown that lack of adequate consideration of archaeology was the determining factor.

Planning policy

National planning policy, in the form of the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG), requires the planning system to support sustainable economic growth and to boost significantly the supply of housing. The NPPF recognises the importance of good design requiring poorly-designed proposals that fail to take the opportunities available for improving the character and quality of an area to be refused. Additionally, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The strategic policies of the North Lincolnshire Core Strategy require a sequential approach to be adopted that centres around previously-developed land in Scunthorpe firstly, then within the market towns and finally small-scale developments within the defined limits of rural settlements to meet identified local needs. Ulceby is identified as a rural settlement and the site lies within the development boundary as identified in the Housing and Land Allocations Document. Whilst it could be argued that the construction of 17 dwellings in a rural settlement is not small-scale development related to existing local need, there are no thresholds within the Core Strategy to restrict development by numbers and consideration

is required to be given to the level of facilities provided within a settlement so that the development can be accommodated in a sustainable manner. This matter was previously considered by the inspector in the previous appeal on the site and the inspector did not consider this matter to be one of the main issues in the determination of the case which related only to the impact upon the setting of the Church of St Nicholas, the potential archaeology below the appeal site and the level of information submitted by the applicants to allow assessments to be made. Consequently it is felt that the issue of planning policy is addressed by the previous appeal and the principle of allowing this scale of development on this site is therefore acceptable.

Access

The access proposed from Church Lane includes the provision of a footpath to the southern side which continues from the site along the southern boundary to link up with Hallcroft to the east. The issue of access and highway-related concerns were considered both by the highways department and the inspector during the previous appeal and both the highways department and the inspector considered the arrangements to be acceptable subject to the imposition of conditions. Similarly no objections have been raised by the local highway authority in consideration of this application and subject to conditions being imposed on any grant of permission.

Flood risk and drainage

This site is located within flood zone 1 of North Lincolnshire Council's Strategic Flood Risk Assessment (SFRA). This flood zone is the most preferable for development in North Lincolnshire because it is at least risk from fluvial or tidal flooding. The inspector, in the previous appeal on the site did not consider the matter of drainage to be a main issue.

The council's drainage team (LLFA) originally objected to the development because the proposal did not include a principle drainage strategy with outline hydraulic calculations or desktop ground investigation details to support the feasibility of infiltration for the site.

The drainage scheme includes provisions for surface and foul drainage and considers the implementation of SUDs on within the site. The surface water drainage strategy proposes the following:

Roof drainage from individual dwellings. Soakaways are not a practical solution due to limited infiltration. However, traditional plot drainage will be provided with catch pit soakaways to capture silts prior to discharging to the adoptable sewer. This will allow some infiltration and treatment of run-off although full infiltration cannot be relied upon for discharging flows to ground. Following this, flows will pass through the oversized pipe system located within the highway. It is considered that the piped drainage system will be adopted by Anglian Water. All highway drainage will be via rain gardens covered with small areas of permeable paving discharging to an appropriately sized sewer. Following this, flows will pass through the oversized pipe system located within the highway.

The LLFA have removed their objection subject to a condition to require the submission of a detailed surface water drainage scheme that is based upon the principles that are agreed within the submitted drainage strategy.

Residential amenity

The layout proposed in amended plan dated 16.07.15 is the same as the indicative layout with the previous appeal with the exception of the removal of one plot from the site that was close to the protected tree and close to the eastern boundary.

This amended layout now forms part of the detailed matters for determination with this application. The separation distances between the rear elevations of the proposed units that back onto the existing dwellings on Church Lane to the west all exceed 20 metres with plots 4 to 10 exceeding 30 metres. Consequently this is considered to be an acceptable separation distance. Screening is also provided along much of the western boundary in the form of existing trees and hedgerows. Details of proposed landscaping are to be required by condition and levels of privacy for occupants of existing and proposed dwellings can be further protected by some additional planting where required along this boundary.

With regard to the eastern boundary, the removal of one plot reduces the potential impact upon occupants of bungalows to the east to that from 4 to 3 units. The remaining plots affecting this boundary now consist of two bungalows and the gable end of a house. The separation distance is 13 metres between the rear elevation of the proposed bungalows on the site and that of the existing bungalows. Although there is a difference in land levels between the site and the floor levels of the bungalows to the east, as the dwellings are single-storey only it is not felt that any substantial loss of privacy will occur. The house proposed in the north-eastern corner of the site is considered to be a far enough away from the existing bungalows so as not to adversely impact upon them.

Archaeology and heritage issues

In considering the previous appeal on the site, the inspector noted that the appellants had not carried out any investigation in relation to archaeology and the extensive earthworks that would be required in relation to the type of development proposed would be highly likely to have some impact on below-ground artefacts. The inspector considered that it was critical that a desk-based assessment was carried out and, if necessary, a field evaluation prior to planning permission being granted. Whilst both of these requirements were subsequently carried out, including trial trenching, and reports submitted in support of this planning application, the council's Historic Environment Record (HER) officer required a written scheme of investigation for archaeological excavation of the site which was prepared and submitted by the applicants. As a result the previous objection raised by HER has now been removed subject to the imposition of conditions ensuring that any archaeological work is undertaken in accordance with the archaeological mitigation scheme.

With regard to impact upon the setting of St Nicholas Church to the west of the site, a grade I listed building, the inspector considered that harm to the significance of this heritage asset would be minimal and would be outweighed by the benefits of securing the optimum viable use of the site. The relevant paragraph is inserted below:

Indeed most views of the church would remain completely unaffected by the development and a small number of other views would be affected to a very small degree. The harm to the significance of this heritage asset would be minimal and in any event this would be outweighed by the benefits of securing the optimum viable use of this disused overgrown site by providing housing and in particular two affordable housing units to meet an identified need.

Other matters

An objection was received regarding a covenant on the land when it was sold in 1988, however this is not a matter covered by planning legislation and is therefore not a material planning consideration.

In accordance with policies within the North Lincolnshire Local Plan and North Lincolnshire Core Strategy contributions are required towards the provision of affordable housing (10% within rural settlements under policy CS9 of the Core Strategy) which would equate to two affordable units on this site. The applicants have included a draft Section 106 agreement with the application that includes the provision of two affordable units on the site, thereby complying with policy CS9. With regard to public open space requirements, policy H10 of the North Lincolnshire Local Plan requires new housing developments on sites over 0.5 hectares to provide open space on a scale and in a form appropriate to serve the needs of residents, or alternatively to provide commuted payments for this provision to be made off site. The public open space officer has considered that an off-site contribution is required to upgrade and improve facilities at the parish council playing field in the centre of Ulceby and on amenity sites throughout the village owned by North Lincolnshire Council. Included within the draft Section 106 agreement attached to this application is the commuted sum required by the public open space officer. Consequently the proposal complies with policy H10 of the North Lincolnshire Local Plan.

When the Environmental Protection team were first consulted they recommended a condition controlling the times of construction operations on the site. On the most recent consultation response they state that as the application for residential development is a sensitive end use and whilst historical maps do not identify historical contaminative land use there is potential that the land may have been impacted upon by contaminants associated with activities unknown to the department. However, given that there is no evidence on the maps that suggests the land is contaminated, a condition is attached to deal with any contamination that is found during construction rather than the suggested conditions requesting a four-stage process.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for the provision of two units of affordable housing and a commuted sum of £12,459.18 towards the provision of off-site public open space, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the 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 3(1) of the Town & Country Planning (General Development Procedure) Order 1995.

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 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

The application is in outline form and appropriate details are required prior to the installation of infrastructure, in the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

No development shall take place until details 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.

7.

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.

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

10.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

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) Order 2015 (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.

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

The application is in outline form and appropriate details are required prior to the commencement of works, in the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, and to minimise impact on the operation of the nearby school.

18.

Prior to the commencement of development, details shall be submitted to and approved in writing by the local planning authority of improvements to the existing footway fronting the site.

Reason

The application is in outline form and appropriate details are required to be agreed prior to the implementation of infrastructure, in the interests of highway safety and in accordance with policies T2 of the North Lincolnshire Local Plan and CS25 of the North Lincolnshire Core Strategy.

19.

The approved details as required by condition 18 shall be implemented prior to occupation of any dwelling on site.

Reason

To ensure the approved details are implemented in accordance with policies T2 of the North Lincolnshire Local Plan and CS25 of the North Lincolnshire Core Strategy.

20.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with the document 'Land off Church Lane, Ulceby, North Lincolnshire, DN39 6TB, Scheme of Archaeological Mitigation', Pre-Construct Archaeological Services, March 2015, and until the following details have been submitted to, and approved in writing by, the local planning authority:

- (i) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (ii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

- (iii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

Appropriate details are required prior to commencement of works to comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

21.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

22.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 20 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

23.

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

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

24.

No development or tree works shall take place until an arboricultural impact assessment, a tree protection plan and an arboricultural method statement has been submitted to and approved in writing by the local planning authority.

Reason

The application is in outline form and details of these protection measures are required prior to the commencement of development in the interests of protecting trees in accordance with policies LC12 of the North Lincolnshire Local Plan and CS16 of the North Lincolnshire Core Strategy.

25.

The approved details as required by condition 24 shall be implemented as approved.

Reason

In the interests of protecting the existing trees on site and ensuring compliance with the agreed methods in accordance with policy LC12 of the North Lincolnshire Local Plan and CS16 of the North Lincolnshire Core Strategy.

26.

No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The details must show planting plans, written specifications (of cultivation and operations associated with establishment), a schedule of plants (species, sizes, numbers and densities) and an implementation programme.

Reason

The application is in outline form and details of these protection measures are required prior to the commencement of development in the interests of protecting trees in accordance with policies LC12 of the North Lincolnshire Local Plan and CS16 of the North Lincolnshire Core Strategy.

27.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the interests of protecting the existing trees on site and ensuring compliance with the agreed methods in accordance with policies LC12 of the North Lincolnshire Local Plan and CS16 of the North Lincolnshire Core Strategy.

28.

No development shall take place until a detailed surface water drainage strategy, that includes the implementation of SuDS and their maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. The strategy shall be based upon the principles of the Drainage Report Prepared by EWE Associates Ltd Final Rev 0 May 2016 dated 23rd May 2016.

Reason

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

29.

The detailed surface water drainage scheme shall be implemented in accordance with the approved details required by condition 28 prior to the occupation of any dwellings constructed on the site and thereafter retained and maintained in accordance with the agreed scheme for the life of the development unless otherwise agreed in writing by the local planning authority.

Reason

The application has been submitted in outline form and to ensure an appropriate solution is achievable prior to any infrastructure works commencing on site, also to reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

30.

No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority in consultation with Anglian Water.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policy DS14 of the North Lincolnshire Local Plan.

31.

No dwellings shall be occupied until the approved foul water strategy required by condition 30 has been fully implemented.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policy DS14 of the North Lincolnshire Local Plan.

32.

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.

33.

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

- (a) details of sensitive working practices to avoid harm to amphibians, hedgehogs, bats, badgers and nesting birds;
- (b) prescriptions for the installation and retention of six woodcrete bat boxes on the southern elevation of new buildings;
- (c) prescriptions for the installation three sparrow terraces and a variety of nest boxes in retained trees;
- (d) prescriptions for landscaping using rain gardens, native trees, shrubs and hedge plants of high biodiversity value;

- (e) provision for hedgehogs to pass through any fencing installed between areas of grassland;
- (f) proposed timings for the installation of the above features in relation to the completion of works on each building;
- (g) details of trees, hedgerows and standing dead wood to be retained, to provide nesting habitat, and to protect potential bat roosts;
- (h) a commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;
- (i) restrictions on external lighting to avoid impacts on bat roosts, bat foraging areas and sensitive habitats.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

34.

Once agreed in writing, 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 occupation of the final dwelling, the applicant or their successor in title shall submit a written report to the local planning authority, setting out evidence that the biodiversity management plan has been implemented in full.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

35.

The development shall be carried out in accordance with the amended layout drawing numbered 4131-1A received by the local planning authority on 15/07/15.

Reason

In the interests of protecting the health and vitality of the protected tree on the site that is subject to a Tree Preservation Order and in the interests of improving the site layout in accordance with policies LC12 and H5 of the North Lincolnshire Local Plan and CS16 of the North Lincolnshire Core Strategy.

Informative 1

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

Informative 2

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

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

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

Informative 3

The applicant must provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site and not increase the risk of flooding off-site. Detailed modelling of the downstream catchment shall be carried out (to the IDB outfall ditch) if any new connections are proposed. Riparian owners of the piped drainage system will need to be notified if any improvements to this system are required to be carried out.

Informative 4

The applicant must provide detailed ground investigation to confirm infiltration is not feasible for the development.

Informative 5

The applicant must provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

Informative 6

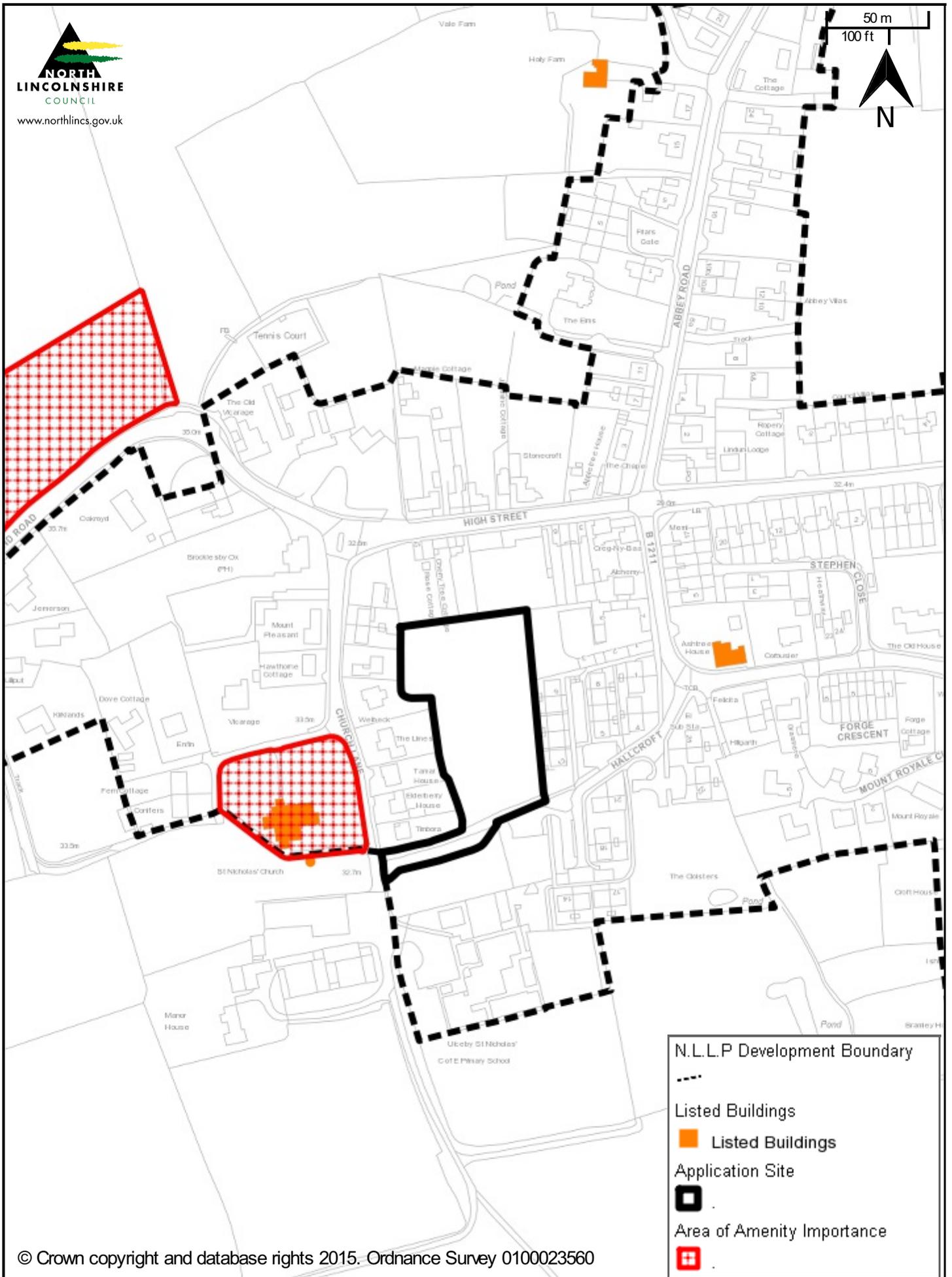
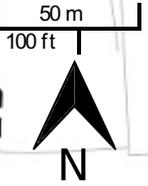
No above-ground flooding will be allowed to occur up to the 1 in 100 year return period unless in an above-ground SuDS feature. The road will not be allowed to act as a conduit for surface water conveyance.

Informative 7

For maintenance reasons, offline storage will not be permitted to be installed on private land. Anglian Water do not currently approve Geo-cellular crate storage structures.

Informative 8

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



N.L.L.P Development Boundary

Listed Buildings

■ Listed Buildings

▭ Application Site



Area of Amenity Importance



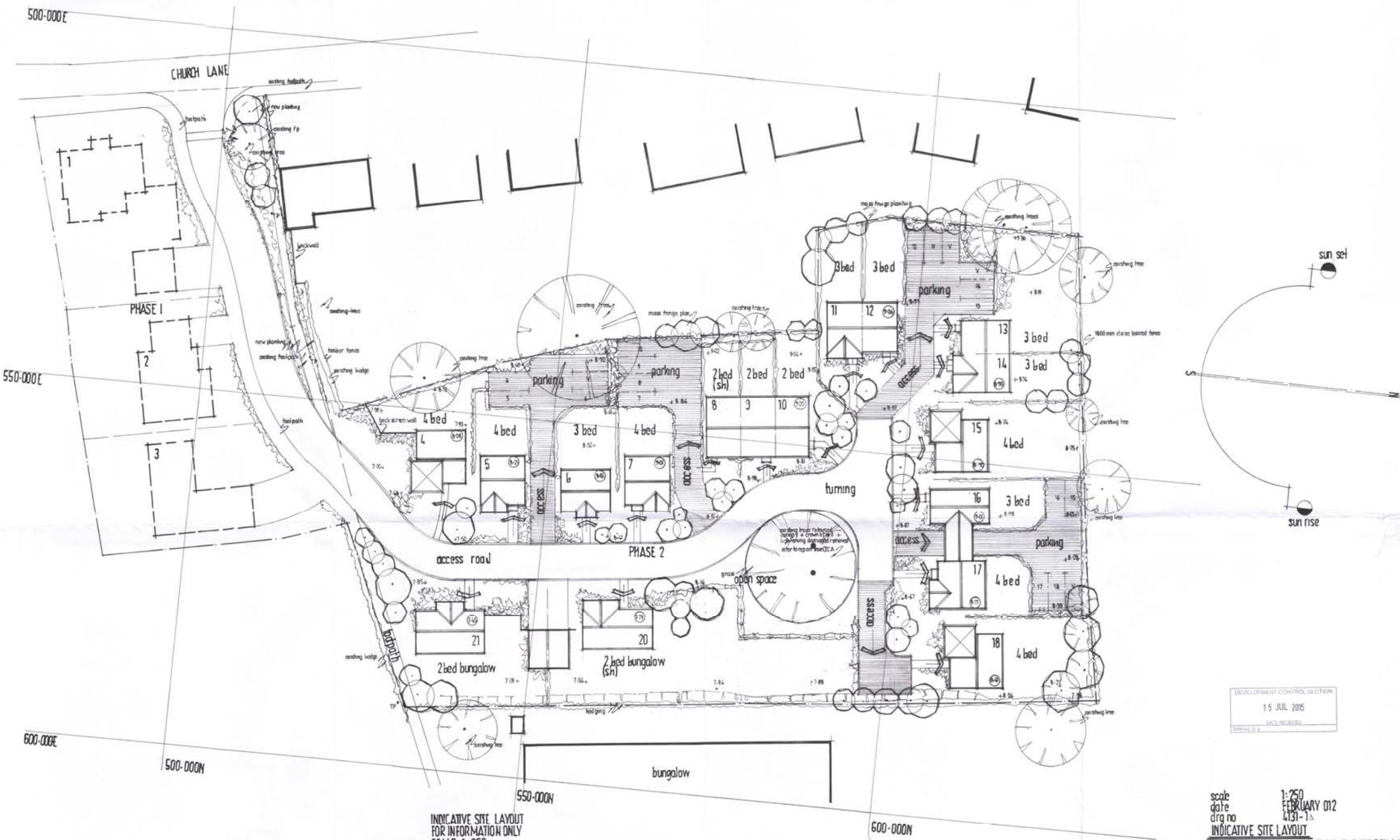
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PA/2014/1311

Drawn by: S.Barden

Scale @A4 1:2500

Printed on: 13/7/2016 at 15:44 PM



INDICATIVE SITE LAYOUT
 FOR INFORMATION ONLY
 SCALE: 1: 250
 please note that all the existing ground
 levels remain unchanged.

DEVELOPMENT CONTROL SECTION
 15 JUL 2015
 SCALE: 1: 250

scale 1: 250
 date FEBRUARY 012
 drg no 4131-1A
 INDICATIVE SITE LAYOUT
 PROPOSED RESIDENTIAL DEVELOPMENT, CHURCH LANE,
 ULCEBY, NORTH Lincs.
 for:
 CHURCH CROWN BUILDERS LTD
 prepared by :-
 JOOP LTD.
 6A ST MARYS LANE .
 LOUTH.
 Lincs.
 01507-607561
 4 - 16-0-16-0 - 30 JULY 015

PA/2014/1311 Proposed Layout - Not to scale

Appeal Decision

Site visit made on 4 February 2014

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2014

Appeal Ref: APP/Y2003/A/13/2202717

Land east of Church Lane, Ulceby, South Humberside, DN39 6TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Church Crown Ltd against North Lincolnshire Council.
 - The application Ref: PA/2012/1028, is dated 30 August 2012.
 - The development proposed is erection of eighteen residential units.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Church Crown Ltd against North Lincolnshire Council. This application is the subject of a separate Decision.

Procedural matters

3. The planning application was made in outline with all matters reserved, except for the access. Nevertheless, the application was accompanied by an indicative layout plan. I shall deal with the appeal on this basis.
4. The appeal is against non-determination of the planning application. However, the Council's putative reasons for refusal relate to the lack of a suitably detailed heritage impact assessment in relation to the effect of the proposal on the setting of the nearby Church of St Nicholas, which is listed grade I. In addition, they argue that a desk based assessment and following that, if necessary, a field evaluation to assess whether the appeal site includes or has the potential to include heritage assets of archaeological interest is required, in accordance with paragraph 128 of the National Planning Policy Framework (the Framework). These matters are reflected in my main issues.
5. The appeal is accompanied by a bi-lateral section 106 agreement, which is unsigned and undated. The Planning Inspectorate advised the appellants and the Council that it would not be taken into account in determining the appeal unless it was signed and dated or replaced by a unilateral undertaking. Accordingly, the appellants submitted a unilateral undertaking on 10 February 2013. This would secure 2 units of affordable housing and a recreation contribution of £12,758.65. I shall deal with this matter again below.

Main Issues

6. The main issues are whether the proposal would preserve the setting of the Church of St Nicholas and potential archaeology below the appeal site; and whether in both cases sufficient information has been submitted by the appellants to allow the necessary assessments to be made.

Reasons

7. Dealing first with the issue of archaeology, according to the Council's heritage specialist the appeal site lies within an area of former medieval settlement where below ground heritage assets of archaeological value are anticipated. He also advises that the site is located on a prominent rise to the east of the church where the focus of the settlement is likely to have been. Based on early maps, he says that the site appears to have remained undeveloped in the post-medieval period and consequently any archaeological remains are likely to be well preserved.
8. The appellants have not carried out any investigations in relation to archaeology and the extensive earthworks that would be required in relation to the type of development proposed here would be highly likely to have some impact on any below ground artefacts. Given the evidence from the Council, some of which I have set out above, it is critical that at the very least a desk-based assessment is carried out and, if necessary, a field evaluation prior to planning permission being granted. While I realise that obtaining this information is likely to be costly, to do otherwise (including relying on planning conditions), would conflict with the advice in paragraph 128 of the Framework and policy HE9 of The North Lincolnshire Local Plan. This lack of information is sufficient for the appeal to fail.
9. While the appellants argue that planning permission has been granted, on appeal, recently for 3 dwellings adjacent to the appeal site without the need for any archaeological assessment, I am not aware of the details of that case. Moreover, it is not a valid reason to allow this proposal to proceed contrary to both local and national planning policy guidance.
10. The tower and chancel of the Church of St Nicholas dates from the 13th century. The weathered ironstone limestone ashlar parapet and spire are 15th century in origin. The top section of the spire was rebuilt in the 1920's. It is the tall slender spire of the church that is the most prominent element in many views around the village, including from Hallcroft, to the east of the appeal site. The church is set within modest sized grounds that are grassed and, in places, contain gravestones. The grounds are not enclosed, but contain a number of mature trees which in places provide a sense of enclosure. This in my view forms the immediate setting of the church.
11. To three sides of the church grounds there are residential roads containing parked cars. The appellants have submitted a heritage impact assessment which considers the effect of the proposal on the setting of the church. Although the Council consider that it does not provide sufficient information and detail, in my opinion, it is sufficient. In coming to this view I have had regard to the relevant sections of the Framework and in particular the advice in relation to the detail being proportionate.

12. Most of the dwellings nearby date from the latter part of the 20th century, as does the school at the end of Church Lane. Immediately to the south of the church are some traditional agricultural buildings. The appeal site would be accessed off Church Lane between the last dwelling and the small parcel of land that has recently been granted planning permission for 3 detached dwellings. Although the entrance to the site would be opposite the church the proposed dwellings would be separated from it by the existing row of modern dwellings on Church Lane. These range in height from single storey to 2 storeys. While some of these properties are dormer bungalows they are almost the equivalent in height of the 2 storey dwellings here.
13. From within the appeal site, which is a disused overgrown field, views of the upper section of the church (mainly the spire) are available over the tops of the existing dwellings. Glimpsed views of more of it, including lower sections, can be gained from the southern part of the site and Hallcroft, between the existing dwellings. From Church Lane, the appeal site is barely visible. If it were to be developed in a manner similar to that shown on the indicative layout, then from Church Lane some of the dwellings would be visible between the gaps in the existing houses and because of the difference in land level some may be visible over the top, however this would likely to be minimal given that they would be viewed over a greater distance. However, given the presence of the 20th century housing on Church Lane it cannot be said that the development beyond it would fail to preserve the setting of the church which I have found to be the grassed area around it.
14. Indeed most views of the church would remain completely unaffected by the development and a small number of other views would be affected to a very small degree. The harm to the significance of this heritage asset would be minimal and in any event this would be outweighed by the benefits of securing the optimum viable use of this disused overgrown site by providing housing and in particular 2 affordable housing units to meet an identified need. As such, the proposal would accord with the advice in paragraph 134 of the Framework. However this is outweighed by the harm identified above in relation to the issue of archaeology.

Other matters

15. At my site visit I was able to view the appeal site from a number of rear gardens belonging to houses on Church Lane as well as from the ground and first floor rear windows of one of the dwellings. I saw that the appeal site is higher than the gardens of the dwellings on Church Lane and that these residents currently look over an open overgrown field and then low rise development beyond, on Hallcroft. Clearly the introduction of 2 storey dwellings on this site would affect their outlook. However, all of the dwellings on Church Lane, that back onto the site, have good sized rear gardens and according to the submitted indicative layout plan all of the new dwellings would be off-set from the shared boundary to a sufficient degree to prevent any undue harm to living conditions. The existing mature oak tree in the centre of the site would be retained as would a number of other trees that would help settle the new development into the site.
16. When I visited the site I saw that on-street parking takes place along Church Lane and that at the end of this road is a primary school. While the traffic levels along Church Lane were very low during my site visit I appreciate that at

certain times of the day it will be busy as a result of school traffic or events at the church. Nevertheless, I am satisfied that the increase in traffic likely to be generated by these additional dwellings would not be detrimental to highway safety, particularly given the good visibility at the proposed junction. It would also be unlikely to increase cars trying to park near the school at drop-off and pick-up times because children from these houses would be very likely to walk to school. Regarding concerns about drainage and surface water flooding, this would be dealt with by other legislation. The lack of harm in relation to these other matters does not outweigh that in relation to the issue of archaeology.

Planning obligation

17. Whilst a unilateral undertaking has been submitted by the appellants it is not necessary to look at it given that the proposal is unacceptable for other reasons.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR