

APPLICATION NO	PA/2019/948
APPLICANT	Punch Partnerships Ltd, Punch Partnerships (PML) Limited
DEVELOPMENT	Planning permission to erect four dwellings with associated works
LOCATION	The Fox Inn, Front Street, Ulceby, DN39 6SY
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Ulceby Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 170 – 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 – 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.

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

North Lincolnshire Core Strategy: CS1, CS2, CS5, CS6 CS7, CS8, CS17, CS19.

CONSULTATIONS

Highways: No objections subject to the imposition of conditions. Some concern is put forward in relation to the collection of waste, however the officer considers that this can be overcome through condition.

Waste and Recycling: Offer advice on waste collection and advise a collection point.

Environmental Protection: Have requested further information in relation to noise. Recommendation of land contamination conditions.

Drainage: No objections subject to conditions relating to surface water management.

Ecology: The ecologist has put forward extensive comments given the sensitivity of the site and the presence of great crested newts. Ultimately, subject to licencing test, the officer has no objections subject to conditions.

PARISH COUNCIL

'Ulceby Parish Council OBJECT to this planning application for the following reasons:

- '1. The Parish Council does not feel that the access, through a working/busy public house car park, is appropriate or providing a safe environment for vehicular access to the proposed properties.
- '2. The Parish Council believes that providing a vehicle/road access through the middle of the public house car park will inevitably reduce the amount of parking/turning area within the Public House grounds which will encourage drivers to park their vehicles on the highway - along Front Street. Front Street is not a suitable road to have a great volume of cars/vehicles parking along - there is a blind bend to the west which will reduce visibility for all drivers attempting to exit their property in the vicinity and will certainly create highway safety concerns.
- '3. The proposed development will increase traffic generation in the locality and again give rise to concerns regarding highway safety.
- '4. The Parish Council is not adverse to the proposed development of 4 properties on this site but has great concern for the proposed access to the site and feels that an alternative access - possibly through the land to the east of the public house - on Front Street - which has planning permission granted and joins up with the proposed development at the rear would be a much better and safer access for this proposed site.
- '5. The Parish Council also has safety concerns on the actual site in that the storage facilities for the public house are on one side of the proposed access road and the public house on the other side of the proposed access road which does not seem sensible and promotes a health and safety risk to people trying to access the storage facilities.'

PUBLICITY

The application has been advertised by means of site notice in accordance with article 15 of the Development Management Procedure Order 2015.

Letters of objection have been received expressing concerns relating to highway safety, amenity impacts, ecology impacts and character. One letter refers to a recent appeal decision within the locality.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to enable members to visit the site prior to making a decision.

Planning history

PA/2017/2080: Planning permission to erect fourteen dwellings with associated garaging, driveways, new access road, creation of a pond and open space area – approved 20 September 2018.

Site characteristics and allocations

The site is located within the development boundary of Ulceby as identified by the Housing and Employment Land Allocations DPD 2016. The site is open grass land located directly north of the Fox Inn public car park; the area of land does not have a directly related planning history though a recent housing development was approved on a parcel of land to the east.

The applicant seeks to retain the existing public house and associated outbuilding, but does intend to use the existing car park as an access. The proposal shows that the same level of parking will be retained though reorganised to face the public house.

Proposal

The applicant seeks to retain the existing public house and car parking provision whilst erecting four dwellings on land to the rear.

The main considerations are:

- **principle of development**
- **highway safety**
- **drainage and flood risk**
- **environmental issues**
- **ecology**
- **archaeology**
- **amenity.**

Principle of development

Policy CS1 of the Core Strategy is concerned with the overarching spatial approach to development within the district. Ulceby is described within the plan as a Rural Settlement; of these places policy CS1 states the following:

Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS2 sets out a sequential approach to land types where development should be focussed. Point 3 identifies that "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs" are acceptable.

Policy CS7 is concerned with the overall housing provision of the district. It states that housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities. Notwithstanding the policy statement

that development should be dictated by site constraints, the said policy then goes on to set prescriptive density targets dependent upon where the proposal is located and within rural settlements 30–35 dwellings per hectare (dph) is considered appropriate.

Policy CS8 is concerned with the spatial distribution of housing sites and states that new housing within the rural settlements 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.

It is considered that the proposal is in accordance with the overarching spatial strategy for North Lincolnshire and located within the development limits of a rural settlement. Whilst a density range of 30–35 dph targeted in policy CS7 is not met (only 10 dph in this case), this is dictated by site constraints (i.e. private drive, character, amenity and ecology impacts) that mean that realistically this is all the site could appropriately accommodate. It is therefore considered in this instance that more weight is given to the proposal being compliant with site constraints rather than criticised for not meeting prescriptive density standards. The density of the proposed development does not jar with that of the surrounding area with a mix of densities being present, with large properties in spacious plots being prevalent along Front Street. Furthermore, the proposal is located close to the village centre and would contribute towards maintaining the viability of the settlement.

The proposal is therefore considered to align with policies CS1, CS2, CS7 and CS8 of the North Lincolnshire Core Strategy and is considered acceptable in principle.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The council's highways team has assessed the application and expressed concerns in relation to the access for waste services, though conclude by stating that these concerns can be mitigated through the use of planning conditions. The waste and management services have followed this up by making comment that their service vehicles will not enter private roads.

The proposed access runs through the existing public house car park and, whilst the highways officer has stated that this is unorthodox, it is not unacceptable; conditions are therefore recommended relating to the laying of hard-paved surfaces, adequate drainage features, construction measures, bin collection points and suitable lighting arrangements.

It is therefore considered, subject to the proposed conditions being imposed that the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage and flood risk

The site is located within Flood Zone 1 in accordance with the North and North East Lincolnshire SFRA 2011. The applicant has submitted an updated FRA as well a drainage strategy. Policies CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan are considered relevant. The latter allows for the imposition of conditions for the disposal of foul and surface water should mitigation be required.

The council's drainage team has been consulted and has no objections to the proposal subject to the imposition of a surface water drainage condition. Whilst, normally, a scheme of this scale could be mitigated through requirements at building regulations stage, there is an extant approval to the east and potential for a cumulative impact either through infiltration to the ground (should conditions exist) or through contention of flow to the mains should this be the agreed solution. Furthermore, no information surrounding the disposal of foul sewage has been received. Given the greenfield nature of the site, it is considered that a suitable condition is required to ensure that a strategy for the disposal of foul sewage is agreed and implemented.

Subject to the aforementioned mitigation, it is considered that the proposal would align with policies CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan.

Environmental issues

Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenity.

The council's Environmental Health Officer (EHO) has been consulted and has stated that a noise assessment is required prior to determination relating to impact upon the amenity of future residents. However, it is considered that this is unreasonable given that there are multiple properties on Front Street that are much more approximate to the public house. It is therefore considered, whilst there is a need for mitigation in respect of noise, that a solution would be available given the relationship of the public house with existing residential development within the area.

In terms of environmental factors during construction, the EHO has not recommended a restriction on working hours nor requested a dust management plan. Given the size of the site, that would allow for work to be carried out at a sufficient distance from existing properties, as well as the method for regulating good practice under the Environmental Protection Act, there are insufficient reasons to require mitigation on these issues.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The council's Environmental Health department has been consulted and has requested further information in relation to land quality. The officer has stated that should permission be granted a condition requiring a phase 1 desk top study, remediation and verification reports must also be submitted. However, given the greenfield nature of the site and therefore lack of any previous development, this is considered unreasonable and rather a monitoring condition should be attached to any permission. It is therefore considered, subject to conditions that the proposal would align with policy DS7 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the core strategy is concerned with biodiversity and sets out principles for the management of schemes in order to achieve a net gain for wildlife habitat networks. It is reinforced by paragraph 170 of the National Planning Policy Framework; both are considered relevant.

The application site, although not formally designated, has importance for nature conservation with the known presence of great crested newts, which are a protected species. The council's ecologist has put forward a robust response that sets out the prerequisite tests for a European Protected Species licence. The response also concludes that should these tests be met then the imposition of planning conditions would form sufficient mitigation to the scheme. This is not dissimilar to the approach to planning application PA/2017/2080 on the adjacent site (see planning history).

The European Protected Species tests must be met in order to grant consent for development of this site as works would result in harm to great crested newts. The tests include that the activity must be for a certain purpose, there must be no satisfactory alternative that will cause less harm to the species and the activity must not harm the long-term conservation status of the species.

It is considered that the proposal for the erection of four dwellings within a central village location would have both economic and social benefits that would work in the public interest. It is considered that there are no satisfactory alternatives that would cause less harm to the species; even the do nothing approach may lead to further degradation of the site. Lastly, the proposal allows for ecological buffers as well as a generous landscaping scheme and it is thought that the existing species will have the chance to thrive as well as other species introduced that would benefit the wildlife habitat network.

The applicant has proposed a scheme where the ecological harm can be compensated for and mitigated as much as possible. The ecologist has advised conditions to secure the mitigation and compensation measures identified within the biodiversity enhancement plan. It is also considered that, subject to appropriate management of the site, this proposal could provide enhancement as it would ensure the maintenance and management of habitat which is currently absent at this site. On this basis there are no satisfactory alternatives as, without any development of the site, it is unlikely that positive management will occur and the ecological value of the site would potentially further degrade. The proposal is within the public interest as it would deliver additional housing within a sustainable development within a central village location. The final favourable conservation test is passed through the provisions of the biodiversity enhancement plan which can be secured by condition.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policy CS17 of the North Lincolnshire Core Strategy as well as paragraph 170 of the National Planning Policy Framework.

Archaeology

Policy CS6 of the Core Strategy is concerned with the historic environment. It seeks to protect and enhance the historic features of the district and is considered relevant. The applicant has submitted both a desk-based assessment and a field evaluation.

The council's archaeologist has made comment and finds the level of works and results sufficient in order to have no objections and no further archaeological work is recommended. It is therefore considered that the proposal would align with policy CS6 of the North Lincolnshire Core Strategy.

Amenity

Policy H5 of the North Lincolnshire Local Plan is concerned with new housing development. It is two folded and firstly sets out what is acceptable in principle. The latter part of the policy is criteria-based and seeks to mitigate by setting out tests that would absorb proposals into the environment. Policy DS1 is also partly concerned with amenity impacts.

The proposed scheme has sufficient separation distances from all existing and future properties not to give rise to any unacceptable overbearing impacts whilst all openings are in a location that would not give rise to unacceptable levels of visual intrusion. The scheme shows an appropriate boundary treatment arrangement and provides future residents with sizeable curtilage areas as well as a proposed ecology buffer and proposed landscaping.

In terms of appearance, the dwellings all have interest in the roofscape with chimney stacks and gable features. The space around dwellings and the landscaping would result in a well-designed residential development that is sympathetic to the existing built and natural form of Ulceby. Sympathetic materials are also proposed with a mix of red facing brick, render and concrete roof tiles and this will be secured by condition.

It is therefore considered, subject to the aforementioned mitigation that the proposal would align with policies H5 and DS1 of the North Lincolnshire Local Plan.

Conclusion

The proposal is located within the settlement boundary for Ulceby and whilst represents development on greenfield land the proposal is considered to align with the overarching aims of the spatial strategy. There have been no objections from technical consultees and it is considered that all concerns can be mitigated through conditions. The ecological impacts of the site will be further mitigated by the requirement for a European Protected Species licence.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: 19.3128.105; 19.3128.101; 19.3218.102; 19.3218.103; 19.3218.104.

Reason

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

3.

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

Reason

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

4.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site 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 and thereafter so retained.

Reason

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

5.

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

Reason

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

6.

No development shall take place until details showing an effective method of the disposal of foul sewage have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To ensure an adequate strategy is in place for the disposal of foul waste and to accord with policy DS14 of the North Lincolnshire Local Plan.

7.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the development of the site commences and shall be retained thereafter.

Reason

In the interests of protecting the amenity of future residents and in accordance with policy DS11 of the North Lincolnshire Local Plan.

8.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 6.0 of the submitted Preliminary Ecological Appraisal document dated May 2019. The management prescriptions set out in sections 6.1 to 6.4 of the management plan shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the fourth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Preliminary Ecological Appraisal document. All biodiversity features shall be retained thereafter.

Reason

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

9.

No development shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

10.

The proposed dwellings shall be made up of those materials proposed within section 7 of the planning application form unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of visual amenity and in accordance with policy CS5 of the North Lincolnshire Core Strategy.

Informative 1

- Geological records indicate the site to be underlain by boulder clay which is relatively impermeable.
- There are ground water protection zones in the vicinity of this development.

Informative 2

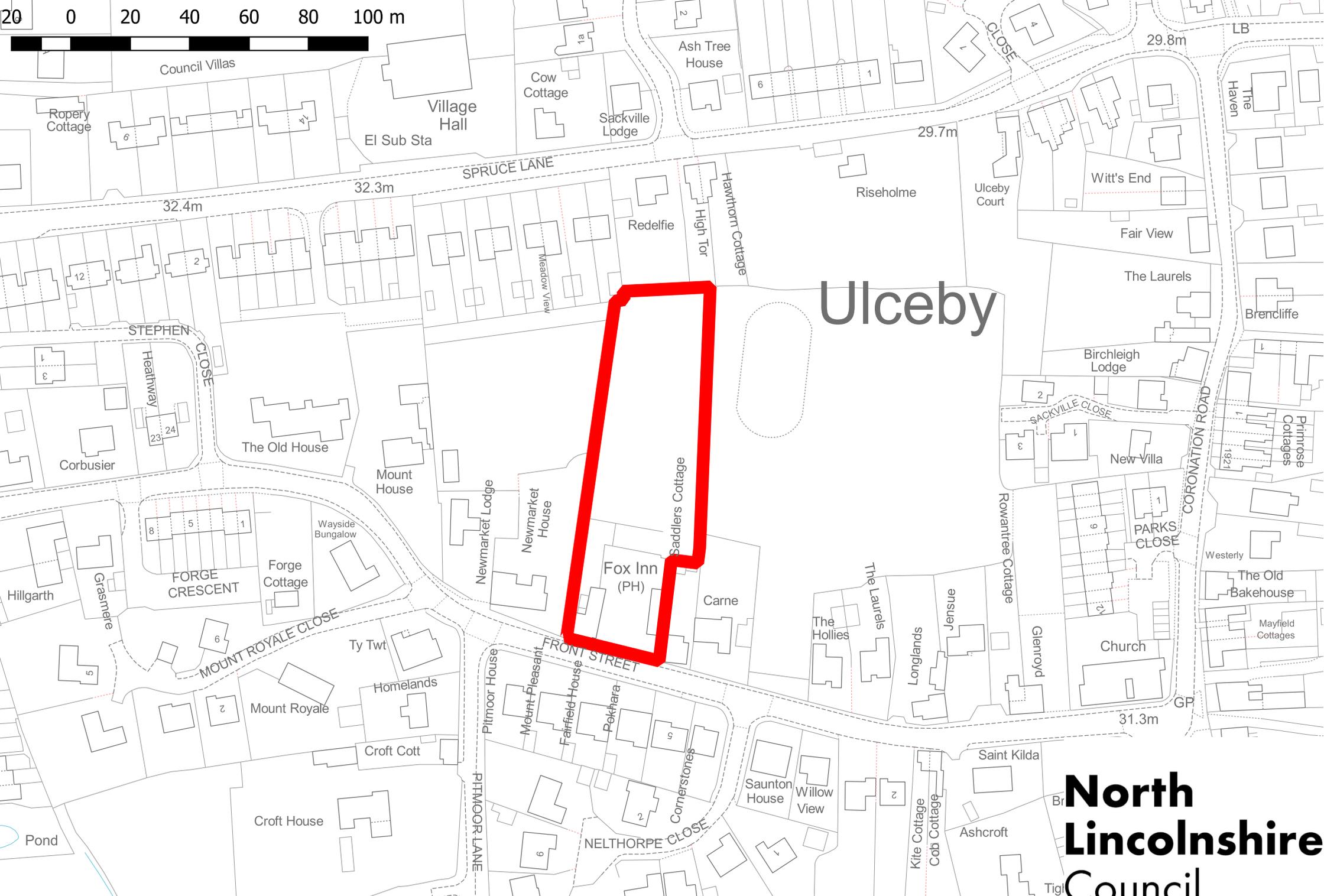
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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

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.

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Ulceby



PA/2019/948

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**North
Lincolnshire
Council**

GENERAL NOTES:
 1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS.
 2. ALL FINISHES ARE TO CONFORM TO THE CURRENT BUILDING REGULATIONS.
 3. REFER TO A SEPARATE DOCUMENT FOR THE DESIGNER'S RISK ASSESSMENT.
 4. ALL WORKS OR MATERIALS INDICATED ON THIS DRAWING ARE TO BE TO THE LATEST RELEVANT BRITISH STANDARDS AND CARRIED OUT IN ACCORDANCE WITH THE BRITISH STANDARDS CODES OF PRACTICE OR RECOMMENDED INSTITUTE OR TRADE ASSOCIATION RECOMMENDATIONS AND PUBLICATIONS.



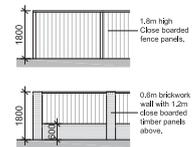
Soft Landscaping

- Indicates existing trees / shrubs.
- Indicates new trees / shrubs to LA approval.

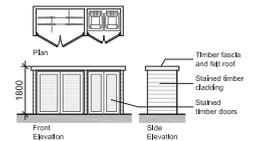
Hard Landscaping

- Tarmac.
- Compacted gravel path.
- Herringbone paving.
- bound gravel road.

Boundary Treatment Details



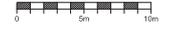
Bin / Cycle store details



any are further details due to restricted size of A2/P2

Unable to show any further detail due to restricted size of A2/P2

1:200 scale



P2 24/05/19 Planning Application JCB

Revision Date Description Drawn By Checked By

PLC ARCHITECTS
 Langdowne House
 25-28 Hampshire Terrace
 Portsmouth PO1 2QF
 Hampshire England
 Tel: (023) 92 755 333
 E-Mail: admin@plcarchitects.com
 Web: www.plc-architects.com

Project: **The Fox Uisceby**

Drawing Title: **Proposed Site Layout**

Drawn By: **JCB** Date: **May '19** Checked By: Date: Approved By: Date:

Drawing No: **19,3128,100** Rev: **P2** Scale: **1:200 @ A1**