

APPLICATION NO	PA/2020/1401
APPLICANT	Mr H Maxfield
DEVELOPMENT	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
LOCATION	Osborne House, Carr Road, Ulceby, DN39 6TX
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the North Lincolnshire Local Plan and Core Strategy

POLICIES

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

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

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

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

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

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable with conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

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

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, also, include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land; or

- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under-delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

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

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

North Lincolnshire Local Plan:

Policy H1: Housing Development Hierarchy

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Design

CS7: Overall Housing Provision

CS8: Spatial Distribution of housing sites

CS19: Flood risk

CONSULTATIONS

North East Lindsey Drainage Board: Does not object to the proposal subject to conditions requiring a scheme for the implementation of surface water drainage.

Highways: No objections, but recommend conditions relating to access and parking.

Environmental Protection (Contaminated Land): As the proposed development has a sensitive end use, recommend a condition relating to odorous, discoloured or otherwise visually contaminated material.

PARISH COUNCIL

No objections or comments.

PUBLICITY

A site notice has been posted. No comments have been received.

ASSESSMENT

Outline planning permission is sought to erect a dwelling with all matters reserved for subsequent consideration. The proposed scheme would result in the delivery of one additional dwelling at the site which would help to contribute to the mix of housing types within the locality.

The site is located outside the development boundary in the open countryside. It is situated in the settlement of Ulceby Skitter which is designated a Rural Settlement in the Countryside by the Core Strategy. It contains a two-storey semi-detached dwelling. The area is characterised by a mix of dwellings (single-storey detached dwellings, semi-detached dwellings, two-storey detached dwellings and two-storey dwellings) and agricultural fields.

The proposal seeks to subdivide the curtilage of Osborne House, Carr Road, Ulceby Skitter along the side to erect a dwelling. The plot would measure 670 square metres and would be accessed from the public road (Carr Road).

Principle of the development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Material considerations exist in the form of national policy and guidance

contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The main planning considerations are:

- **whether the principle of development is acceptable and in line with the relevant policies of the North Lincolnshire Local Plan, the Core Strategy, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG);**
- **whether the layout, siting and design is appropriate within the context of the site and surrounding landscape;**
- **whether any environmental impacts can be appropriately mitigated; and**
- **whether the site can be sufficiently serviced by the required infrastructure.**

Policies controlling the supply of housing are 'most important' for determining this application when considering the application against NPPF Paragraph 11. The council does not, at present, have a five-year supply of immediately available housing land and thus these development plan policies are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged. This states that permission should be granted unless the application of policies in the Framework provides a clear reason for refusing permission or the adverse impacts of granting consent significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that, in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.

Policy CS3 of the CS provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located in the open countryside as Ulceby Skitter has no defined development boundary.

Policy CS8 of the CS deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Regarding rural settlements in the countryside, the policy states that new housing development will be strictly limited. Consideration will be given to development that relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open

countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the nearest settlement boundary of Ulceby and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9-year housing land supply of deliverable sites during the period April 2016 to March 2021.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in determining planning applications, is relevant and states, 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.'

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: *economic, social, and environmental*. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy, which would also represent social benefit. In environmental terms this proposal is deemed to have minimal impact as it is currently garden land to an existing dwelling. Furthermore, it is within a short walking distance of Ulceby Station providing sustainable transport options.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan).

This is an infill development, where the proposal seeks to split the curtilage of Osborne House, Carr Road. In this case, the plot currently forms part of a developed site and therefore this development would not be worse than the existing development in terms of spreading development into the countryside. The proposal would also provide the benefit of

a dwelling contribution within the locality, consistent with the surrounding area. Additionally, the existing dwelling was allowed at the location at the time, as sustainable development and this proposal would not alter the current sustainable value, as per paragraph 8 of the NPPF. Consequently, the benefit of the proposal would significantly and demonstrably outweigh the harm in policy terms.

On balance, it is considered that although the development plans would preclude such type of development, in the absence of a five-year housing land supply and the presumption in favour of sustainable development stipulated within the NPPF, the principle of development would be acceptable, subject to compliance with other relevant policies.

Layout, siting and design

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing'. Impact on neighbouring residential amenity would be considered at the reserved matters stage.

Following the site inspection, it was evident that the plot is long, narrow, and rectangular. It is on level ground as the ground level with neighbouring properties. The block plan shows the plot measures 670 square metres. The splitting of the plot for this development and the size will integrate well into the surrounding area which has an informal layout.

The plot size can accommodate a single house that can be designed and positioned to respect the privacy and amenities of the immediate side neighbours and fit in with the character of the area.

The indicative block plan shows the dwelling is positioned further back from the road to protect the appearance of the street scene as seen from the nearby dwellings. It also shows that adequate spacing between the dwelling and the surrounding properties can be achieved.

The garden ground remaining for the existing house is adequate, with separate access taken directly from the road. The proposal is unlikely to be detrimental to the amenities of the neighbours or the wider amenity of the area.

Overall, this is an application for outline planning permission and therefore the layout, siting and design of the dwelling would be fully reviewed under a subsequent reserved matters application. The proposal would accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

Highway matters

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant. Highways have no objections to the proposal, however recommend conditions relating to access and parking facilities. Accordingly, it is believed the proposed access would be satisfactory and a condition will be attached to any grant of permission requiring details to be submitted.

Flood risk and drainage

The site lies within flood zone 1 according to the council's SFRA. A brief flood risk statement has been included in the design statement. The area is in flood zone 1, which has less than a 0.1% chance of flooding in any year; this is sometimes known as having a 1:1000 year chance.

North East Lindsey Drainage Board does not object to the proposal subject to conditions requiring a scheme for the implementation of surface water drainage. They have commented that Skitter Beck Branch 8 runs at the south-west of the site and for any proposed temporary or permanent works or structure within any watercourse consent must be sought.

Having done a check on the GIS map of the location of the Skitter Beck Branch 8, it is clear the development is not within the designation of the Skitter Beck Branch 8 and the separation distance is significant. As such it is not anticipated a consent would be refused by North East Lindsey Drainage Board.

Overall, it is believed there are very few restrictions in terms of flood risk to development in flood zone 1 areas, except for development over 1 hectare in size, which must have a flood risk assessment undertaken as part of a planning application. The Drainage team has recommended conditions relating to surface water run-off, which are considered appropriate to ensure that water run-off would not have an unacceptable impact on surrounding properties or the highway. The plot is, therefore, suitable for a single house.

Conclusion

Infill development within the Ulceby Skitter settlement area will provide an opportunity for a house plot on already developed land. The site can accommodate a single dwelling house within the terms of the development plan and without detriment to the essential amenities and privacy of the neighbouring property. Safe and visually acceptable access can be formed.

Notwithstanding the above, as this is an application for outline planning permission, the design and appearance of the dwelling would be fully considered at the reserved matters stage. The development is recommended for approval and it is recommended that the committee agrees to the reason for departing from the North Lincolnshire Local Plan and the Core Strategy as outlined in the report.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed by the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto 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, the means of access to the site 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan: 20/017/01 and Topographical Details: 20/017/02.

Reason

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

6.

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 vehicle parking and turning spaces within the curtilage of the site;

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

Reason

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

7.

Adequate vehicle access and parking facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken to the satisfaction of 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.

9.

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.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and the dwelling shall not be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

11.

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. The approved method statement shall be implemented in full prior to development commencing on the site.

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.

12.

No development shall take place until the local planning authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. Any discharge into a water course maintained by the North East Lindsey Drainage Board will require consent from the Board under the Land Drainage Act.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

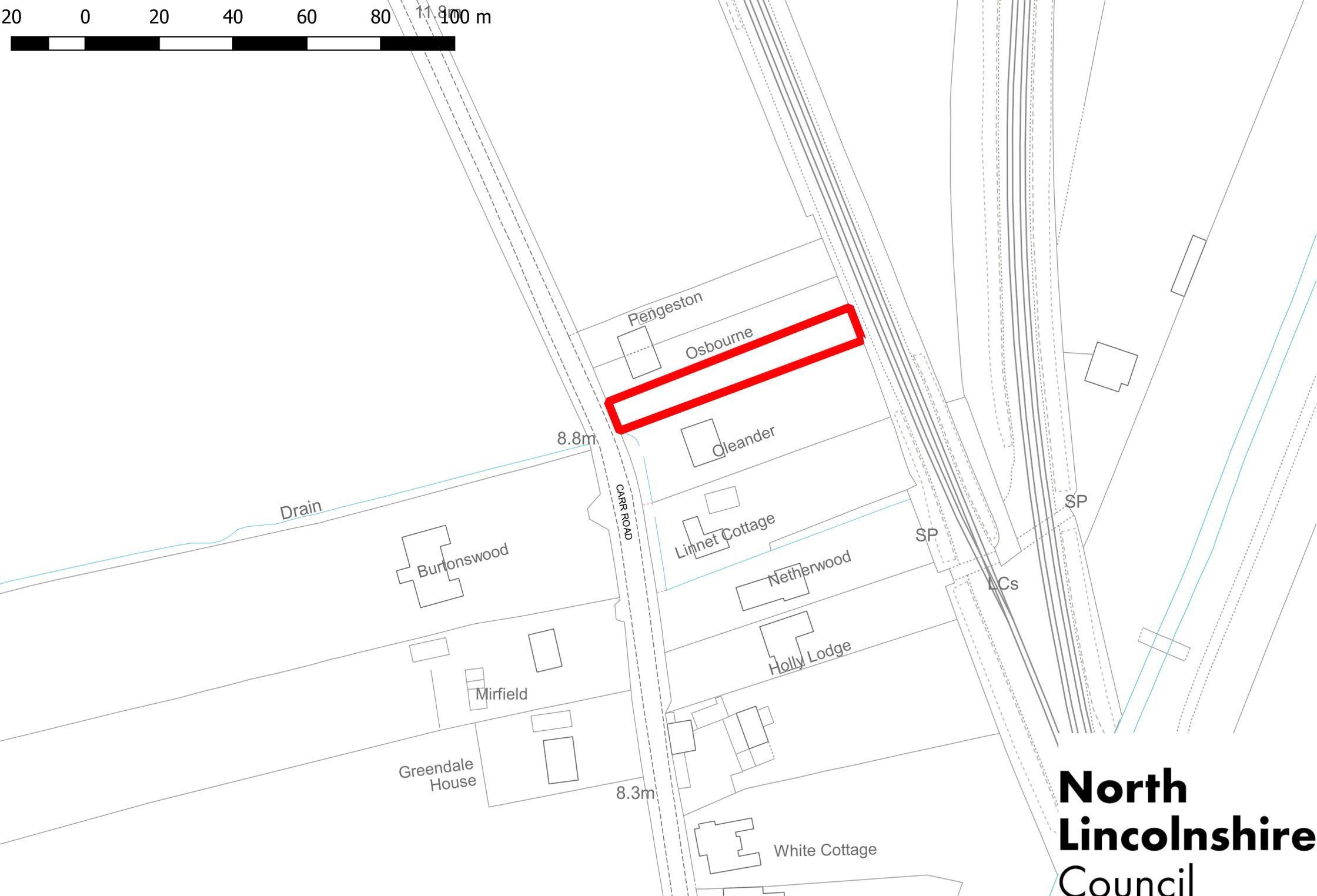
Informative 1

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 2

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



**North
Lincolnshire
Council**

PA/2020/1401

