

APPEAL STATEMENT

November 2022

Report Reference: 1239.R03

Land at Main Street, Sturton
Proposed erection of 14 dwellings

Table of Contents

Page

| | | |
|---|---------------------------------------|----|
| 1 | Introduction | 2 |
| 2 | Site & Surroundings | 3 |
| 3 | Planning History | 5 |
| 4 | Application Proposals & Consideration | 6 |
| 5 | Planning Policy | 8 |
| 6 | Planning Considerations | 14 |
| 7 | Planning Balance & Conclusion | 19 |

Appendix 1 – Extract from Submitted Local Plan

Appendix 2 – Appeal Decision APP/Y2003/W/21/3278257

1. Introduction

- 1.1 This statement supports an appeal against the refusal of full planning permission for the erection of 14 dwellings and improvements to vehicular access on land at Main Street, Sturton. The appeal is made on behalf of Qudos Homes LTD.
- 1.2 Qudos Homes LTD is a young, small, bespoke North Lincolnshire-based house builder. They pride themselves on delivering quality bespoke small schemes which can be seen from their first two developments at Blue Bell Court, Barton and Francis Gardens, Scawby. Their Blue Bell Court, Barton development won two regional LABC awards for best 'small housing development' and 'conservation and heritage project'. They pride themselves on providing quality local developments creating attractive sustainable housing suitable for catering for a wide range of needs.
- 1.3 As will be explained in detail in this statement, the site is, in its majority, emerging as a site allocation for housing in the new Local Plan. Qudos Homes LTD wish to bring forward the site to assist with the supply of housing in the area.
- 1.4 This statement is prepared by Chave Planning Limited, a town planning consultancy. The statement is intended to set out the relevant planning policy, at national and local levels, which is pertinent to the principle of the development. The statement will explore compliance with relevant planning policy and will set out the reasons why in principle the appeal should be considered favourably.
- 1.5 This statement should be read in conjunction with the Design & Access Statement that also supported the planning application, plus the range of other specialist environmental reports that were prepared to assess the environmental effects of the proposals. The Design & Access Statement sets out planning policy in respect of design and access and assesses the proposals in those regards.

2. Site & Surroundings

- 2.1 The appeal site comprises approximately 1.1ha of pastureland and is located directly adjacent to and integrating with the built-up area of Sturton. It is accessed from the village Main Street via a field access. It has a narrow frontage to the Main Street and opens out towards the rear of the site (south) incorporating some small paddocks. The entrance paddock contains some scattered fruit trees and the paddock to the south of that a small group of Ash trees. There are hedgerows to some of the field boundaries. The site is generally well-contained visually and the only public vantage point it is visible from is the Main Street, where it is experienced as an infill site within the continuous built form of the village. There are no public rights of way in the vicinity.
- 2.2 The site wraps around the long curtilage of the neighbouring dwelling at Pas de Chat. The dwelling is a recently constructed dormer bungalow in red brick and stone with a red clay pantile roof. It has a large outbuilding at the end of its garden which stands prominently adjacent to the centre of the appeal site. To the north-east and east of the site there is a mix of 2 storey houses and bungalows along Main Street and Station Road, mainly of 1960s-70s with the exception of a late 19th Century roadside cottage on Main Street. To the south the application site is bordered by the long curtilage of 139 Station Road, a two-storey dwelling, and by a further horse paddock. To the west there is site where planning permission has been granted for 5 detached, 2 storey dwellings and construction has commenced. The dwellings would back on to the application site. Also to the west, adjacent to Main Street, is a two storey dwelling of late 19th Century construction. Opposite the site is Home Farmhouse, an attractive late 19th Century Grade II listed building. Main Street in general is characterised by a mix of dwellings and old farm buildings and has a strong agricultural character. Traditional building materials comprise a mix of red brick and stone.
- 2.3 The village of Sturton is contiguous with and closely related to the larger village of Scawby. The transition from Scawby to Sturton is only really distinguishable by a road sign for Sturton. Sturton looks to Scawby for village amenities, which in the main are accessible within about 800 metres along footways with streetlighting. This is a reasonable walking distance likely to encourage journeys on foot, particularly to the primary school and Co-op foodstore which are the closest amenities to the site. Overall, Scawby offers the following village amenities:
- Village hall
 - Fish & chip shop
 - The Sutton Arms pub/restaurant
 - Lincolnshire Co-op foodstore

APPEAL STATEMENT

- Scawby Academy primary school
- Post office
- Hairdressers
- Various other local businesses and employment opportunities

2.4 The site is accessible by bus, with bus stops approximately 400 metres away at the junction of the B1207 with Gainsborough Lane. The bus stops serve the X4 bus route which connects to the nearby higher order settlements of Scunthorpe and Brigg.

2.5 Scawby is defined as a 'Larger Rural Settlement' in the North Lincolnshire Sustainable Settlement Survey (September 2019). Due to the choice of local services and amenities in the village and the close proximity to the employment centre of Scunthorpe, Scawby ranks at position 20 in the overall hierarchy of 79 settlements in North Lincolnshire and that is without taking into account the existence of the Co-op foodstore, which opened in 2019. It is therefore one of the several highest scoring Larger Rural Settlements and as such it is a highly sustainable location for development.

3. Planning History

- 3.1 The site has no prior history of planning applications, however it has been considered through the plan-making process for the new North Lincolnshire Local Plan. The vast majority of the site (an area of 0.79ha covering the northern part of the site and excluding land to the rear of The Paddock on Station Road) is proposed for allocation for housing development by Policy H1P-30 of the new Local Plan that was submitted for examination on 11th November 2022. The indicative site capacity is given as 24 dwellings and an extract from the submitted Local Plan containing Policy H1P-30 and its preamble is provided in Appendix 1 to this statement.

4. Application Proposals & Consideration

Application Proposals

- 4.1 The proposals comprise the erection of 14 dwellings and the improvement of access to Main Street. The proposed dwellings comprise a mix of two storey dwellings and dormer bungalows, reflecting the mix of building heights in the surrounding area. The design concept draws upon the late 19th Century building styles in the area and exhibits use of characterful architectural detailing such as eaves detailing, use of chimneys and a range of window and door styles. The use of detached garages, in some places linked to create a linear building, reflects the form and character of local agricultural buildings. The building materials also reflect the local materials palette of red brick, stone, red clay pantile and slate.
- 4.2 The arrangement of the proposed dwellings responds to the site by placing a dwelling positively fronting Main Street, creating an attractive and active frontage in keeping with the character of the street, then the remaining dwellings are laid out around a cul-de sac creating an environment where vehicle speeds will be slow and the street will be well overlooked, with positive views created by a range of attractive properties. The arrangement of dwellings protects the amenity of neighbouring dwellings, ensuring that main elevations with habitable room windows at first floor level are a sufficient distance from site boundaries so as to avoid overlooking of neighbouring dwellings. Buildings are positioned away from site boundaries to avoid overbearing effects or loss of light to neighbouring properties where relevant.
- 4.3 The proposals retain trees and hedgerows where feasible and would incorporate the planting of new trees, hedgerows and other wildlife-friendly planting, plus the incorporation of bat and bird boxes into the new dwellings. This would maximise the contribution to biodiversity on-site as far as possible and an off-site financial contribution would also be provided via a s106 agreement to deliver a net gain to biodiversity overall.
- 4.4 The application was accompanied by an Outline Sustainable Drainage Strategy which demonstrates that the site can be drained by soakaway such that it will not suffer from surface water flooding, nor cause any issues of flooding elsewhere.
- 4.5 The appeal site has been subject of an archaeological evaluation which yielded only a single sherd of pottery which has been identified as being 13th to 15th century in date. The presence of medieval pottery suggests that this ditch is probably not associated with the nearby Roman villa. The absence of any other features within the proposed development area suggests that the site was used primarily as agricultural land to supplement the nearby settlements.

4.6 The proposals are intended to respond to identified housing needs in North Lincolnshire, generally helping to boost the housing supply, providing a variety of houses sizes including dormer bungalows potentially suitable for elderly people. The dormer bungalow type D includes two bedrooms and a full bathroom at ground floor level, which makes it suitable for older people who may have reduced mobility. The bedrooms at first floor level could be used by visiting family or carers. All of the house types have a ground floor WC to assist with accessibility for all visitors to the property. Most of the house types have a study to assist with working from home (therefore minimising car journeys) and this could also be adaptable as a ground floor bedroom. Therefore, the proposed dwellings meet a range of lifetime housing needs.

4.7 The Design & Access Statement explains and assesses the design and access aspects of the proposals further.

Application Consideration

4.8 The planning application (PA/2021/1755) was determined at planning committee on 2nd November 2022 and was refused for the following reason:

“The site is located in the open countryside. The proposed development, due to its siting, design and layout, is considered to be out of character with the area and would result in demonstrable harm to the amenity of the locality. Accordingly, the proposal is contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy”.

4.9 This appeal statement shall focus on the stated reason for refusal and the reasoning behind it. The committee report for the application confirmed that there were no objections, subject to planning conditions, from technical consultees including highways, drainage, environmental health, trees, heritage, ecology and emergency services. The committee report recommended approval of the application, subject to the completion of a s106 agreement requiring contributions to affordable housing, public open space, leisure and biodiversity. The s106 agreement will be completed to support the planning appeal, in liaison with the Council, and submitted no later than the 9 week Final Comments deadline

5. Planning Policy

- 5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Relevant planning policy in the development plan and other material considerations will be summarised below in respect of the principle of the development. Policies relating to design and access are dealt with in the Design & Access Statement.

Development Plan

- 5.2 The Development Plan comprises the saved policies of the North Lincolnshire Local Plan (adopted 2003), the North Lincolnshire Core Strategy (adopted 2011) and the Housing and Employment Land Allocations DPD (adopted 2016). Relevant policies in the Local Plan and Core Strategy are summarised below insofar as they relate to principle of the development, strategic and spatial planning and developer contributions. There are no relevant policies in the Housing and Employment Land Allocation DPD.

North Lincolnshire Local Plan 2003

RD2 - DEVELOPMENT IN THE OPEN COUNTRYSIDE

Development in the open countryside will be strictly controlled. [Subject to further criteria] planning permission will only be granted for development which is:

- i) essential to the efficient operation of agriculture or forestry;
- ii) employment related development appropriate to the open countryside;
- iii) affordable housing to meet a proven local need;
- iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- v) for the re-use and adaptation of existing rural buildings;
- vi) for diversification of an established agricultural business;
- vii) for the replacement, alteration or extension of an existing dwelling;
- viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

T1 – LOCATION OF DEVELOPMENT

Development proposals, which generate a significant volume of traffic movement, will be permitted provided that they are located:

- i) in the urban area of Scunthorpe and Bottesford, Barton upon Humber, Brigg, and the areas identified for development at the South Humber Bank and Humberside International Airport; and
- ii) where there is good access to rail, water and air transport, or to the North Lincolnshire Strategic Road Network; and
- iii) where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided.

North Lincolnshire Core Strategy 2011

CS1: SPATIAL STRATEGY FOR NORTH LINCOLNSHIRE

The spatial vision and the future development requirements will be delivered through the spatial strategy for North Lincolnshire as outlined below and on the key diagram. The spatial strategy will focus on:

- a) Delivering an urban renaissance in Scunthorpe and supporting its role as a major subregional town.
- b) Supporting the Market Towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire.
- c) Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

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.

CS2: DELIVERING MORE SUSTAINABLE DEVELOPMENT

In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. Development should be focused on:

1. Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
2. Previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs
3. Small scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as that related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles (relevant to the principle of the proposed development):

- Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy
- Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- Contribute towards to the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities
- Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives

All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to

or from development that cannot be avoided should be adequately mitigated for it to be acceptable.

CS8: SPATIAL DISTRIBUTION OF HOUSING SITES

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. In rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which 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.

Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside. Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.

CS9: AFFORDABLE HOUSING

New residential housing development of 3 or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. This policy seeks to achieve 10% affordable housing in rural settlements. A target of 70% of the affordable homes will be provided for rent, with the remaining provided as an intermediate tenure, to be agreed on a site by site basis.

Wherever possible, affordable housing should be provided on-site, but an off-site contribution may be acceptable where:

- a) Management of the affordable housing on-site cannot be secured effectively; or
- b) Affordable housing provision elsewhere in more suitable settlements is more likely to contribute towards the creation of mixed communities.

Where it can be demonstrated that the percentage of affordable housing sought will negatively impact on the delivery of a mixed community, or are subject to exceptional and authenticated site development costs, there may be a case for reducing the affordable housing. This should be proven through open book discussions with the council at planning application stage.

National Planning Policy Framework

- 5.3 National planning guidance is provided within the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions.
- 5.4 In relation to achieving sustainable development, paragraph 8 of the Framework says 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):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 5.5 Paragraph 11 of the Framework states that decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - I. the application of policies in the 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.

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- 5.6 Circumstances where the policies which are most important for determining the application are out-of-date include for example, for applications involving the provision of housing, situations where:
- a) the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or
 - b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 5.7 Paragraph 74 of the Framework sets out that 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 in addition 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

6. Planning Considerations

- 6.1 The consideration of relevant development plan policy and material planning considerations in the Framework in the preceding section has identified that, in situations where the policies which are most important for determining the application are out-of-date (for example where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years) the presumption in favour of sustainable development (often termed the ‘tilted balance’ should apply.
- 6.2 The 2021 Housing Delivery Test results confirm that in North Lincolnshire delivery against housing required 2018-21 was 113%. Therefore, the Council is not subject to any sanctions.
- 6.3 The Council’s Housing Land Supply Statement (August 2021) reports a five-year housing supply of 5.64 years. However, an appeal decision¹ (copy provided in Appendix 2) has more recently concluded that the Council cannot demonstrate a five-year supply of deliverable housing land. The Inspector determined (para 20) that the supply is below 4.8 years.
- 6.4 Paragraph 11 d) of the Framework also indicates that the tilted balance is also engaged if the policies which are most important for determining the application are out-of-date. The policies most important for determining the application in this case are policy RD2 of the Local Plan and policies CS2 and CS3 of the Core Strategy. Both of these plans were adopted more than 5 years ago. Guidance at paragraph 33 of the Framework says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Given that policies in the Core Strategy and Local Plan are now 11 and 19 years old respectively; and were adopted prior to even the first version of the Framework being published; this puts them at significant risk of being out of date and they should be reviewed in terms of their consistency with the Framework.
- 6.5 These Local Plan and Core Strategy policies set out when development is allowed in the countryside. The level of control over development in the countryside is significantly more restrictive than the Framework, with development being ‘strictly’ controlled or limited and only certain exceptions being allowed. In contrast, the Framework takes a more balanced approach to development in the countryside, seeking at paragraph 79 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Aside from isolated dwellings, the Framework does

¹ Reference APP/Y2003/W/21/3278257

not set out to restrict residential development in the countryside. The Local Plan and Core Strategy policies do not reflect this balanced approach; instead they apply a significantly more restrictive approach; and therefore they are considered inconsistent with the Framework. The Local Plan and Core Strategy policies also do not include any balancing exercise as set out in the Framework. Furthermore, they apply a sequential approach to the development of brownfield land before greenfield land, which is not consistent with the Framework.

- 6.6 Reviewing whether relevant planning policies are up to date, it is clear that the tilted balance is engaged by the 5-year housing supply deficit. Furthermore, it is considered that the basket of policies that are most important in determining the application are out of date due to their conflict with the Framework. The tilted balance is therefore engaged.
- 6.7 According to the Framework, when the tilted balance is engaged, permission should be granted unless; the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.8 There are no policies in the Framework protecting areas of assets of particular importance on this development site. It therefore falls to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole. The following sections will therefore set out assessments of the benefits and adverse impacts of the proposed development.

Benefits

- 6.9 The main benefit of the proposals is that they would assist in significantly boosting housing supply. The development of 14 homes is likely to be delivered within 2 years of planning permission being granted. The development would therefore make a full contribution to the 5 year housing supply. This is a significant contribution towards meeting housing needs in the context of a rural village. Given the lack of a 5 year housing supply, it is considered that the contribution to the 5 year housing supply should weigh heavily in favour of planning permission being granted.
- 6.10 The development provides the opportunity to contribute towards meeting specific local housing needs. The Regulation 18 Consultation on the Local Plan confirmed that North Lincolnshire has an ageing population. Over the period 2016-2036 the resident population aged 65-84 years is predicted to increase by 35% (from 30,554 to 41,108). The resident population aged 85+ years is also anticipated to increase by 126% (from 4,360 to 9,866). This represents a significant demographic shift, which gives rise to a range of housing issues affecting both older people and the housing market as a whole. The Regulation 18

Consultation highlights that providing housing to meet the needs of the older population has a number of benefits. These could include freeing up larger family homes making limited mortgage lending go further, potentially freeing up hospital beds if older patients have suitable housing to return to, and addressing fuel poverty. Furthermore, it could provide opportunities for older people to remain living in their communities. This is particularly relevant to the appeal proposals, which provide 3 bungalows suitable for older people.

6.11 The proposals would 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. This consideration should be given very significant weight in favour of granting planning permission.

6.12 The development plan guides that the location of development should ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives. Sturton, owing to its strong connectivity with Scawby, is a highly sustainable settlement with provision of primary education, retail, food and drink and community/recreational facilities. As such the proposals will support the communities' health, social and cultural well-being and the location of the site is considered a significant benefit of the development.

6.13 The development plan says that rural settlements should be supported as thriving communities with a strong focus on retaining and enhancing existing local services to meet local needs. The addition of 14 dwellings to the village will enhance the vitality of the village, particularly by providing suitable homes for families and older people to join the community or remain in the village. This will provide greater support for existing facilities in Scawby so that they remain viable and also encourage that existing facilities are enhanced.

6.14 The proposals would contribute to building a strong, responsive and competitive economy through the creation of construction and related jobs and the on-going contribution to the local economy from the creation of 14 additional households in the area. The development would give rise to economic benefits, such as increased council tax receipts and New Homes Bonus. The proposal would provide short term construction jobs with associated benefits to the local economy. Overall, the economic benefits of the proposed development would be significant.

Adverse impacts

6.15 The preceding section of this statement has identified a number of economic and social benefits of the development. It is considered that there are no materially adverse social or economic impacts of the development. In terms of environmental impacts, the Design & Access Statement and environmental reports accompanying this application have assessed the proposals in terms of a full range of environmental considerations, i.e. highways and

- transportation, flooding and drainage, heritage, ecology/trees, local character, amenity and safety, utilities and sustainability. This assessment has not identified any significant adverse environmental impacts.
- 6.16 The site is outside the settlement boundary of Scawby and is therefore treated as countryside for planning purposes, although it is well integrated with the built-up area of Sturton. The development plan says that planning permission will only be granted for certain types of development in the countryside (of which general residential development is not one) and therefore this policy conflict is an adverse effect. However, the restrictive approach to development in the countryside does not reflect the Framework and is not providing for housing to meet local needs, with there being a 5-year housing supply deficit. As such this policy conflict should be given limited weight in determining this planning application and in weighing up the proposals in the planning balance.
- 6.17 The site is adjoined on approximately 78% of its boundaries by existing and proposed dwellings and their curtilages. Where the site adjoins countryside it is visually contained to a large extent by existing trees and significant hedgerow. The site relates strongly to the village core of Sturton rather than the wider countryside and its development will not impact on any views enjoyed from public vantage points of the wider countryside. From Main Street the site would appear as an infill development. Therefore, the harm to the character of the countryside is considered to be very limited.
- 6.18 The reason for refusal sets out very limited explanation of why the proposals are considered contrary to policy. It does not reference the engagement of the tilted balance and it does not go into any detail as to why the siting, design and layout of the development is considered harmful to the amenity of the locality. Indeed, the committee report for the application is at odds with this. This describes the appeal site as within a sustainable location in an existing residential part of Scawby and says that in essence the site represents a suitable and logical infill site which is bounded on three sides by existing residential development and their gardens. It says that the proposed development will improve the built environment in this location by its high standard of design. Therefore the appellant waits with interest to see the Council's appeal statement, since this might shed some light on why the siting, design and layout of the development is considered to be harmful and enable the reason for refusal to be responded to.
- 6.19 As discussed earlier in this statement, the vast majority of the site (an area of 0.79ha covering the northern part of the site and excluding land to the rear of The Paddock on Station Road) is proposed for allocation for housing development by Policy H1P-30 of the submitted Local Plan. The indicative site capacity is given as 24 dwellings. This emerging site allocation should be given significant weight in the planning balance on this appeal, since the Local Plan has reached an advanced stage, having been submitted for examination.

- 6.20 The appeal site only adds a little further land to the south (0.31ha) to the area proposed to be allocated, so as to create a sensible planning layout. This allows for a further row of dwellings so that a cul-de-sac can be formed with dwellings on both side of it. This is a much more attractive arrangement than a one-sided sul-de-sac and affords better community safety. Without this additional land it would be very difficult to create a satisfactory layout. Representations have been made by the appellant to Local Plan consultations to seek that this additional 0.31ha site area is included and to adjust the site capacity to align with these appeal proposals. It is notable that the emerging policy would envisage a much more intensive development of the site than is proposed in these appeal proposals, which have taken account of site constraints and local character on a much more detailed basis.

7. Planning Balance & Conclusion

- 7.1 It has been explained in this statement that, in view of the most relevant policies for determining the application being out of date, according to the Framework, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.2 The preceding section of this statement has assessed the benefits and adverse impacts of the proposed development. There would be very significant benefits of the scheme in terms of boosting housing supply generally, providing housing suitable for older people to meet their particular needs, providing housing in a sustainable location, supporting a thriving rural community and building a strong, responsive and competitive economy. The adverse effect of developing in the countryside is considered to be very limited and it should be given limited weight in view of the facts that; current development plan policies that are most important to the supply of housing are out of date; and the majority of the site has been deemed suitable for housing allocation in the emerging Local Plan. No other significant adverse effects have been identified.
- 7.3 In terms of the overall planning balance, it is considered clear that the benefits of the development are not significantly and demonstrably outweighed by any adverse impact and therefore planning permission should be granted.

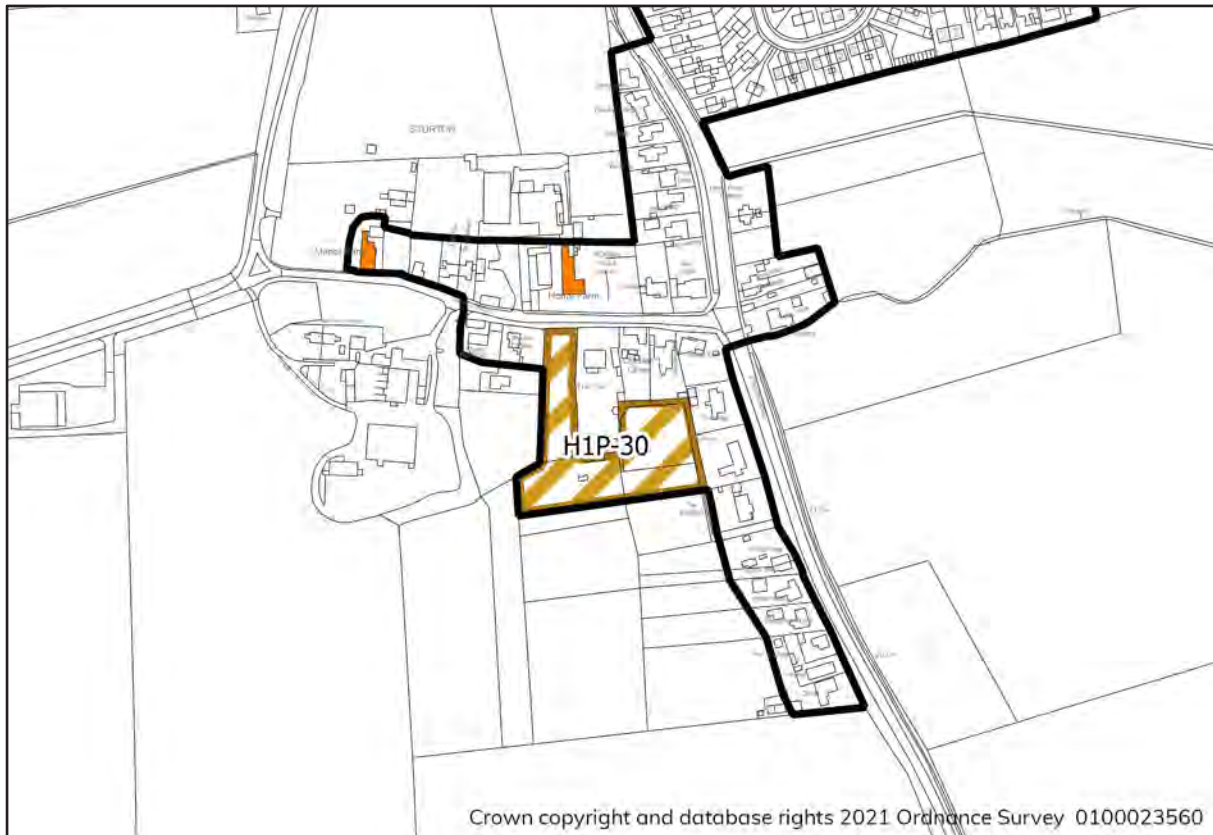


Appendix 1

Extract from Submitted Local Plan

SCAWBY

LAND SOUTH OF MAIN STREET



- 5.143 Land south of Main Street is agricultural land on the edge of Scawby. The site is surrounded by residential properties and a farm.

Proposed Development

- 5.144 The site is currently available for development and could accommodate approximately 24 dwellings. Affordable housing provision will be expected on site. A mixture of housing types should be provided, reflecting the findings of the North Lincolnshire Housing and Economic Needs Assessment November 2020 and any future updates.
- 5.145 Highway access to the site can be gained from Main Street. Vehicle access points will need to be agreed by the Local Highways Authority.

POLICY H1P-30: LAND SOUTH OF MAIN STREET

1. Land south of Main Street (0.79ha) is allocated for housing (24 dwellings). The site will be developed in accordance with the following site-specific criteria:

Housing Mix and Tenure

- a. A mix of housing size and tenure should be provided on the site and developed at approximately 30 -35 dwellings per hectare in accordance with Policy H2.
- b. Affordable housing will be provided on site in accordance with Policy H3, having regard to any abnormal cost, economic viability and other requirements associated with the development.

Access and highways

- c. Vehicular pedestrian and cycle access points to the site will need to be agreed with the Local Highway Authority.
- d. Good footpath and cycle provision are to be delivered throughout the site, linking the development with the local services and facilities.

Biodiversity and landscaping

- e. An Ecological Appraisal and possible Ecological Impact Assessment will be required at the planning application stage. The survey should focus on bats but take into account the possible presence of other protected species such as breeding birds
- f. Any existing trees and hedges around the boundary shall be retained and enhanced.

Heritage

- g. A Heritage Assessment will be required to demonstrate that the development will have no adverse impact on the historic environment.

Utility and service provision

- h. Early engagement will be required with the utility and service providers in order to establish available supply capacity to the site and, depending on the type of proposed development, what reinforcement will be required.

Implementation

- i. Development of Policy H1P-30 is to be brought forward by the developer. The delivery of the site is expected in years 6-18 of the plan period.



Appendix 1

Appeal Decision APP/Y2003/W/21/3278257



Appeal Decision

Hearing Held on 23 June 2022

Site visits made on 3 May and 23 June 2022

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/Y2003/W/21/3278257

Land at Brigg Road, Messingham, North Lincolnshire DN17 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a hybrid planning permission.
 - The appeal is made by Cyden Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/554, dated 19 March 2020, was refused by notice dated 26 February 2021.
 - The development proposed is a hybrid planning application for 99 dwellings on land at Brigg Road, Messingham (5 full – 94 outline) and associated works. Full application for 5 no. dwellings. Outline application for 94 dwellings on 3.62ha.
-

Decision

1. The appeal is allowed and planning permission is granted for 99 dwellings and associated works (full application for 5 dwellings and outline application for 94 dwellings) at land at Brigg Road, Messingham, North Lincolnshire DN17 3QX in accordance with the terms of the application PA/2020/554, dated 19 March 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Cyden Homes Ltd against North Lincolnshire Council. This application is the subject of a separate decision.

Procedural matters

3. The application is a hybrid application, with full planning permission sought for 5 dwellings, and outline permission sought for 94 dwellings with access applied for and appearance, landscaping, layout and scale reserved for future consideration. An indicative layout has been provided in respect of the outline proposal. I have considered the appeal on this basis.
4. Both parties requested at the outset that the appeal be dealt with by means of written representations. However, following my initial site visit and review of the documents, that procedure was changed to a hearing in order to better test the evidence.
5. A planning obligation was submitted and discussed at the hearing, and subsequently finalised. I return to the obligation below. I have removed superfluous and duplicate wording from the description of development in my above decision.

Main issues

6. The main issues are:
- whether or not the Council can demonstrate a five year supply of deliverable housing land;
 - whether or not the proposed development is in a suitable location, in light of local and national policies for housing;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the drainage system, with regard to foul and surface water.

Reasons

7. The appeal site is agricultural land, comprising two distinct areas. First, a smaller infill section of land fronting onto Brigg Road with existing housing either side. Second, a larger open field bounded by existing residential development to the west, with a stepped boundary to residential and vacant land to the south, and open countryside to the east and north.
8. The proposal is for 5 dwellings and access road within the southern infill part of the site, and 94 dwellings within the larger open field to the north.
9. The development plan includes the saved policies of the North Lincolnshire Local Plan (2003)(LP), the North Lincolnshire Core Strategy (2011)(CS), and the Housing and Employment Land Allocations Development Plan Document (2016)(DPD). The emerging North Lincolnshire Local Plan is at publication plan stage (2021)(ELP).

Housing land supply

10. To support the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework (the Framework) states that it is important that a sufficient amount and variety of land can come forward where it is needed. To this end, local planning authorities should identify and update annually a supply of specific deliverable sites to provide for a minimum of five years' worth of housing.
11. The annual housing need is agreed by the parties as being 383 homes per annum, using the standard method and applying a 5% buffer, resulting in a total five year requirement of 2,011 homes over the period 1 April 2021 to 31 March 2026.
12. The application was refused by the Council in February 2021, having regard to a housing land supply position at that time of 4 years. In August 2021, the Council issued a five year housing land supply statement (HLSS), indicating a supply of 5.64 years. The Council's appeal statement notes a correction to that figure and, at the hearing, the Council accepted that three other sites should be removed from the supply. Those sites being 90 units at Burringham Road (PA/2020/1333), 8 units at Applefields (PA/2017/674) and 7 units at 68 High Street, Messingham (PA/2018/978). On that basis, the Council's revised supply amounts to 2,113 homes or 5.3 years. The appellants calculate the supply to be 1273 homes or 3.2 years.
13. To be deliverable, the Framework states that sites for housing should be available now, offer a suitable location for development now, and be achievable

- with a realistic prospect that housing will be delivered on the site within five years. Where a site has outline planning permission or has been allocated in a development plan, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
14. The Planning Practice Guidance (PPG) gives examples of what evidence may demonstrate deliverability, including current planning status and written agreements between Council and site developer confirming delivery intentions and timescales. The PPG also makes it clear that this should be done using the latest available evidence.
 15. There are some 25 sites that remain in dispute. I deal first with those sites which I regard as being the most important in assessing future housing delivery and where delivery is likely to fall short.
 16. The three allocated sites at Western Avenue and Wrawby Road (BRIH-2, BRIH-3 and BRIH-4) were anticipated by the Council to deliver 180 homes in the last two years of the five year period (2024/25 and 2025/26). However, despite the Council's expectations at the time of the HLSS of an application being submitted in 2021, and the developer's optimistic indication of a start on site commencing mid-2022, no planning application has yet been submitted for any of the sites. The bid for funding described in the HLSS for a link road to cross the three sites has failed, and a further funding bid is yet to be submitted. Even if parts of the sites can be bought forward without the link road, no clear evidence has been provided how this alternative scenario would be delivered in the projected timescales. Whilst I am satisfied that progress is being made towards submission of an application, given the slippage already occurring, it seems more likely to me that delivery will occur in year five. I discount one year of supply from delivery, that being 90 homes.
 17. The land north of Ings Road (PA/2020/588) was granted outline planning permission in March 2021. The Council assert there will be delivery of 60 units across years three, four and five. However, no reserved matters application has been submitted to date. At the time of the HLSS, an application to discharge a condition relating to land contamination had been submitted, but that condition has still not been discharged. Moreover, again at the time of the HLSS, the site was being marketed by land promoters. Given that the promoters will not be developing the site themselves, this raises considerable doubt over how the indicated delivery timescales can be realistically achieved by them. Although there was some discussion at the hearing about the current status of marketing and a potential offer for the site having been made, clear evidence has not been submitted to confirm that there is a developer for the site, what developer intentions are, or any realistic anticipated start and build out rates. I deduct 60 units from supply for these reasons.
 18. The allocated site at former South Leys School, Enderby Road (SCUH-C7) seeks to deliver 30 units in year five. The site is owned by the Council. As with the above site, it has been marketed for sale. Despite the Council's claim of significant housebuilder interest, it has not yet been sold. No planning application has yet been submitted, nor is there any indication that one is forthcoming. There is no written agreement between the Council and any purchaser or site developer which confirms delivery intentions and anticipated start and build out rates. In the absence of evidence to indicate the Council intend to develop the site themselves, I am not persuaded that the pro-forma

from the Council's head of estates and asset management can be taken as clear evidence of a realistic prospect of delivering completions in the five year period, even though the site forms part of a town investment plan. I discount 30 units from supply.

19. On the basis of the above, I discount a total of 180 units. The Council's supply therefore reduces from 2,113 to 1,933. Based on the agreed requirement of 2,011, that equates to some 4.8 years supply.
20. As a consequence of this, I do not need to consider the other sites in any detail. Even on the basis of the limited number of sites I have considered above, my findings do not conclude as great a shortfall as is suggested by the appellant. Nor do my findings echo the Council's position in this respect. Therefore, were I to assess all the disputed sites, the actual housing supply position is likely to be above the 3.2 years suggested by the appellant, but below the 4.8 years I have calculated.
21. Even though the Council can demonstrate increased housing delivery rates over the past two years, with Housing Delivery Test results of 94% in 2020 and 113% in 2021, past delivery is no guarantee of future supply. I conclude that the Council cannot demonstrate a five year supply of deliverable housing land.

Location

22. Saved policy RD2 of the LP restricts development in the open countryside other than in particular circumstances and only allows housing where it is affordable and meets a proven local need. Policies CS2, CS3 and CS8 of the CS similarly also only allow development in the countryside or outside of defined settlement boundaries which is essential to the functioning of the countryside. Whilst the ELP originally identified the site as a preferred option site for residential development, it was removed from the publication plan following public consultation. However, this document is still at an early stage and can only be given very limited weight as a material consideration.
23. The smaller part of the proposal for 5 dwellings is within the settlement boundary for Messingham and, as such, accords with the locational aspects of the above policies. However, the remainder and majority of the site subject to the outline proposal for 94 dwellings would be sited in the open countryside and outside the settlement boundary.
24. Messingham is a sustainable and accessible settlement with a range of facilities and services, and with good public transport links to nearby larger settlements. Nevertheless, when judged against the above locational policies, the proposed development taken as a whole would not be in a suitable location. However, footnote 8 of the Framework indicates that where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then the policies which are most important for determining the application should be considered as out-of-date. This includes the above locational policies, and I return to this in the planning balance.

Character and appearance

25. Policies RD2, H5 and DS1 of the LP and policies CS5 and CS8 of the CS together expect development to have a high standard of design that reflects or enhances the character, appearance and setting of the immediate area and the settlement as a whole. Although paragraph 174 of the Framework recognises

- the intrinsic character and beauty of the countryside, the appeal site is not a designated or valued landscape as described in the Framework.
26. The part of the site nearest to the road is largely flat grassland that is bookended by existing residential development for a considerable distance either side. The remainder of the site is within open countryside and is bounded by residential development to the east and partially so to the south. Beyond the site, the open countryside is largely flat, divided into small fields with mature hedgerows and occasional trees.
 27. The effect of the proposal for full planning permission would be to infill a gap within a long row of existing dwellings, and within a part of the site that already experiences a significant urbanising effect from neighbouring buildings. As such, the siting of the five proposed dwellings and an access road would be in keeping with the surrounding area.
 28. The effect of the outline proposal would be to introduce a new area of residential development on the edge of the existing settlement. The site is already bounded on two sides by existing dwellings, such that the proposal would relate to those existing built forms. Other field boundaries are marked by existing hedges and sporadic trees, which provide some enclosure for the site. The generally flat topography of the site and surrounding countryside, along with intervening buildings and landscaping, would ensure that the site would not be visually prominent in wider views, despite the size of the site.
 29. As seen from Brigg Road to the east, outside the settlement, the proposal would be screened by existing roadside vegetation. Where there are gaps, the proposal would be seen as being defined by the existing eastern boundary hedge. Furthermore, this proposed eastern boundary aligns with the existing eastern extent of the settlement. Although the dwellings would inevitably be more visible in the short term, the effect would only be moderately harmful. A landscaping scheme would, over time, reduce residual effects.
 30. From Holme Lane to the north, the distance and intervening vegetation are such that the proposal would not be seen as urban creep but rather as a relatively minor addition to the much more extensive backdrop of the existing settlement. From the rural footpath that links with Egton Avenue, the development would be seen as being much closer in the foreground, and the impact would be greater. Even so, the site would be visually contained within well defined existing field boundaries, aligned with the eastern extent of the village, and with landscaping mitigating further over time.
 31. Some harm to character and appearance would be caused by the development of what would otherwise remain a greenfield site. Furthermore, residential properties adjacent to the site would experience a change in aspect and a number of properties may experience high adverse effects. Nonetheless, it is widely known that there is no right to a view from residential properties.
 32. Overall, although the site is moderately well contained and the proposal would relate reasonably well to the existing settlement, the proposed development would inevitably result in a degree of urbanisation to the eastern edge of Messingham. I find that the proposal would have an adverse effect on the character and appearance of the surrounding area, albeit that the effect is no more than moderate. The proposal would therefore conflict with policies RD2, H5 and DS1 of the LP and policies CS5 and CS8 of the CS.

Drainage

33. Policy DS14 of the LP states that the Council will require satisfactory provision to be made for the disposal of foul and surface water. It further states that this will be achieved either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome. Policy CS19 of the CS supports development that avoids areas of flood risk and does not increase the risk of flooding elsewhere.
34. The Council's case is based on the lack of a consultation response to the application from Severn Trent Water (STW) and the representations made on this matter by the Parish Council and a number of interested parties. The Council reiterate the claims that raw sewage currently enters watercourses, that the existing drainage system is unable to accept additional flows, and that there have been instances of surface water flooding in Messingham. Whilst any raw sewage incidents are concerning, such incidences are existing pollution control matters that cannot be remedied through this current planning appeal. No substantive evidence has been submitted as to why the existing system is unable to accept additional loads or why existing flooding would be worsened by the proposal.
35. On the other hand, the appellant has provided a flood risk assessment (FRA) and drainage statement (DS) by relevant consulting engineers. The FRA, along with the consultation response from the Environment Agency, identifies the site as being within the low probability Flood Zone 1 when considering rivers, and that flooding from other sources is unlikely to affect the site. The DS indicates that whilst the existing ground soils are not currently suitable for infiltration, surface water can be discharged to the adjacent watercourses and public sewer. In doing so, final outfall rates would, with on-line detention and attenuation balancing pond, be less than the local lead flood authority stipulated green field values. In effect, the DS indicates that the proposal would deliver betterment to the existing situation.
36. The DS also includes a letter from STW to the appellant confirming that the development can be accommodated in the existing network and that there are no known capacity issues. Although this pre-dates the application, this letter was nonetheless available to the Council when it determined the application. This letter significantly undermines the Council's case on this point.
37. Overall, I find the appellant's case to be substantially more persuasive than that of the Council. I conclude that the proposal would not have a significant adverse effect on the current drainage system, with regard to foul and surface water. The proposal accords with policy DS14 of the LP and CS19 of the CS.

Other considerations

38. Whilst the appeal for a residential development at nearby Egton Avenue¹ was dismissed due to an unacceptable effect on the character and appearance of the surrounding area, that decision was made in light of an undisputed five year housing land supply of 5.64 years. Concerns have been raised by interested parties regarding highway safety, particularly regarding busy traffic

¹ Appeal decision APP/Y2003/W/21/3279028

and parking around the proposed junction. In response, the appellant has undertaken to fund a traffic regulation order to restrict any such inappropriate parking, thereby ensuring appropriate visibility is maintained. Speeding vehicles are not a matter within my jurisdiction.

39. Whilst archaeological sites exist in the surrounding area, these are sufficiently distant that the parties agree there is negligible archaeological potential at the site itself. Designing out crime can be considered at the detailed application stage. Although concerns have been raised about pressure on the local doctors surgery, there is an expectation that the health service would provide the necessary facilities to meet the needs of the local population. Employment opportunities in Messingham may be limited, however, the site is in an accessible location with bus services to surrounding larger settlements.
40. No affordable housing would be secured and no contributions would be provided towards leisure or to compensate for biodiversity net-loss. However, this has been agreed by the Council as part of viability assessments that conclude that the site would not otherwise be viable. The loss of good to moderate quality agricultural land also raises no objection from the Council. The living conditions of the occupants of neighbouring properties and of the proposed scheme, including in terms of light, privacy and noise, have been assessed by the Council, and no objection on these grounds has been raised. I see no substantive evidence that would cause me to reach a different conclusion on these matters.

Planning Obligation

41. The submitted planning obligation is a deed by way of unilateral undertaking under s106 of the Town and Country Planning Act 1990 and is signed and dated 27 June 2022. The obligation has been agreed by the Council. The phased education contribution would meet the increased demand for facilities that would arise directly from the development. Open space would be secured on a tariff basis, along with an equipped play area, to meet the needs of future residents, with long term maintenance also secured. The traffic regulation order contribution is required to ensure the site access is safe. For these reasons, I am satisfied that the above obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework.

Conditions

42. A list of suggested conditions was submitted, which were discussed at the hearing and have been agreed by the appellant, including pre-commencement conditions. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication with other conditions or reserved matters applications, and to ensure accordance with the tests set out in paragraph 56 of the Framework.
43. Conditions relating to timeliness, submission of reserved matters, the identification of plans, and numbers of dwellings permitted are all necessary to provide certainty. In the interests of highway safety, conditions are attached relating to the redundant access, visibility, parking, highway infrastructure, and phasing. To safeguard against impacts upon living conditions of neighbouring

and future occupants, conditions for construction management plan, construction hours, and contaminated land are necessary.

44. Conditions relating to drainage of the site are required to ensure that the site can be adequately drained. Conditions for landscaping, protection of trees, site levels and materials are necessary to ensure the character and appearance of the area is protected. A travel plan is necessary to encourage modal shift. In order to ensure species and habitat protection, conditions for a construction environment management plan and biodiversity management plan are required. A condition for open space is necessary to ensure adequate recreational facilities are provided.
45. The suggested condition regarding electric vehicle charging points is no longer required as this is now dealt with by other legislation. Conditions relating to service strips have been removed, as none are currently proposed.

Planning balance

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in conflict with the development plan, for the above reasons. The Framework is a material consideration and, as the Council is unable to demonstrate a five year housing land supply, paragraph 11(d) states that the policies that are most important for determining the application should be considered as out of date. The policies are therefore of reduced, but still significant, weight.
47. The so called 'tilted' balance is therefore triggered. There are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
48. The harm caused by conflict with the locational policies of the development plan attracts moderate weight. The proposal would also cause harm to the character and appearance of the area, to which I again give moderate weight. Given the viability justification, only limited weight is given to the failure of the scheme to provide affordable housing, contribute towards leisure facilities and compensate for biodiversity net loss. Only very limited harm would be caused by the conflict with the emerging development plan.
49. In terms of benefits, the Framework emphasises the importance of the delivery of housing, and the provision of 99 new market homes will make a considerable contribution to meeting the current shortfall. Accordingly, I attach significant weight to the proposed provision of housing. Moderate economic benefits would also accrue from construction of the development and from local spending by future occupants. Whilst the proposal includes contributions towards education, open space, play equipment, and traffic orders, these are largely required to mitigate the impacts of the development and are therefore neutral in the planning balance.
50. Drawing together the above harms and benefits, even though the housing land supply shortfall is very small, the adverse effects of the proposed development

would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. Although the proposal would conflict with the development plan as a whole, material considerations indicate a decision other than in accordance with it.

Conclusion

51. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

Patrick Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT

| | |
|----------------|-----------------|
| Jim Lomas | DLP Consultants |
| Roland Barton | DLP Consultants |
| Stella Heeley | DLP Consultants |
| Andrew Burling | Cyden Homes Ltd |

FOR THE LOCAL PLANNING AUTHORITY

| | |
|---------------|--|
| Tanya Coggon | Principal Development Management Officer |
| Kate Mills | Housing Specialist |
| Rachael Major | Housing Officer |

INTERESTED PARTIES

| | |
|----------------|-----------------|
| Neil Poole | Ward Councillor |
| Michael Mawson | Local resident |
| Alison Mawson | Local resident |
| Chris Holden | Local resident |
| Melanie Holden | Local resident |
| Jack Simpson | Local resident |

HEARING DOCUMENTS

1. Appeal decision APP/Y2003/W/21/3279028 Land north of Egton Avenue, Messingham, North Lincolnshire, and map of appeal site location
2. NLC Housing Land Supply Statement developer proformas (ordered)
3. Housing and Employment Land Allocations DPD Messingham inset map
4. Appellant comments on planning conditions
5. Signed unilateral undertaking under s106 dated 27 June 2022

SCHEDULE OF CONDITIONS

FULL PLANNING PERMISSION CONDITIONS

(the "Full Plans Application Layout" on approved drawing no. 183/004)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 183/002 Rev C (Site layout), 183/004 (Proposed site and landscape layout plan for plots 1-5), 183/102 (Floor plans and elevations - Plot 03 House type dH403 Plot 04-05 House type sH303), 183/027 (site location plan) and 183/101 (Floor plans and elevations - Plot 01 House type dH402 Plot 02 House type dH414).
- 3) Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge including the provision of full height kerbs in accordance with details that shall have been submitted to and approved in writing by the local planning authority.
- 4) No structure, erection or planting exceeding 1.05 metres in height shall be placed or planted within visibility splays of 2.4 x 44 metres to the west and 2.4 x 38 metres to the east of the access with Brigg Road.
- 5) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed with hard surfacing. Once provided the vehicle parking spaces shall be retained for the lifetime of the development.
- 6) No development shall be commenced until details of the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Brigg Road shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans and retained thereafter.
- 7) No dwelling on the site shall be occupied until the access road and footway to serve the dwelling has been completed to at least base course level and street lighting provided from the junction with Brigg Road up to the access to the dwelling.
- 8) No development including ground works, foundation construction and site clearance shall be commenced on the site until the access road junction with Brigg Road, including the required visibility splays, has been provided.
- 9) The penultimate dwelling on this site shall not be occupied until the access road and footway to serve the approved development have been fully completed.
- 10) No development shall take place until a construction phase traffic management plan showing details of:
 - (a) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - (b) any abnormal load movements; contractor parking and welfare facilities;
 - (c) storage of materials; and

- (d) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway; shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the plan throughout the construction period.
- 11) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be based upon the Flood Risk Assessment, Version 2, dated December 2020; the Drainage Statement, Version 2, dated 17 December 2020; and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site, and that flood risk both on and off the site is not increased. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development.
- 12) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 11 above, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.
- 13) No development shall take place unless a scheme for the disposal of foul water shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied unless it is connected to the approved drainage system.
- 14) If during development any contaminated material is found to be present at the site then no further development shall be carried out unless a written method statement, detailing how this contamination shall be dealt with, shall have been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development recommencing on the site.
- 15) Construction and site clearance operations shall be limited to the following days and hours:
- 0730 to 1800 Monday to Friday
- 0730 to 1300 on Saturdays.
No construction or site clearance operations shall take place on Sundays or public/bank holidays.
- 16) The approved landscaping shown on drawing number 183/004 shall be carried out within the first planting season following the occupation of any dwelling on the site (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.

- 17) The methods of protecting the existing trees and hedgerows to be retained on the site, as specified in the submitted arboricultural method statement report, throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.
- 18) No above ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 19) No above-ground works shall take place until a full schedule of the external materials for all the dwellings to be constructed on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

OUTLINE PLANNING PERMISSION CONDITIONS

(the red line boundary on approved drawing no. 183/027 excluding the "Full Plans Application Layout" on approved drawing no. 183/004)

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 183/004 (site access).
- 5) No development shall take place until details of the number, location, layout and materials of the vehicle parking spaces within the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and retained for the lifetime of the development.
- 6) Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge including the provision of full height kerbs in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

- 7) No structure, erection or planting exceeding 1.05 metres in height shall be placed or planted within visibility splays of 2.4 x 44 metres to the west and 2.4 x 38 metres to the east of the access with Brigg Road.
- 8) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed for this approved development. Once provided the vehicle parking spaces shall be retained for the lifetime of the development.
- 9) No development shall be commenced until details of the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Brigg Road, shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans and retained thereafter.
- 10) No dwelling on the site shall be occupied until the access road and footway to serve the dwelling has been completed to at least base course level and street lighting provided from the junction with Brigg Road up to the access to the dwelling.
- 11) No development including ground works, foundation construction and site clearance shall be commenced on the site until the access road junction with Brigg Road, including the required visibility splays, has been provided.
- 12) The penultimate dwelling on this site shall not be occupied until the access road and footway to serve the approved development have been fully completed.
- 13) Prior to occupation of the development a detailed travel plan shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify initiatives to be implemented by the development to promote and maximise the use of sustainable travel to and from the site by a variety of non-car means (including public transport, walking and cycling), and set out measures to ensure compliance with, and monitoring of, the Travel Plan objectives. The development shall operate in full accordance with all measures identified within the travel plan from first occupation.
- 14) No development shall take place until a construction phase traffic management plan showing details of:
 - (a) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - (b) any abnormal load movements; contractor parking and welfare facilities;
 - (c) storage of materials; and
 - (d) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway;shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the plan throughout the construction period.
- 15) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable

drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be based upon the Flood Risk Assessment, Version 2, dated December 2020; the Drainage Statement, Version 2, dated 17 December 2020; and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site, and that flood risk both on and off the site is not increased. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development.

- 16) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.
- 17) No development shall take place unless a scheme for the disposal of foul water shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it is connected to the approved drainage system.
- 18) If during development any contaminated material is found to be present at the site then no further development shall be carried out unless a written method statement, detailing how this contamination shall be dealt with, shall have been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development recommencing on the site.
- 19) Construction and site clearance operations shall be limited to the following days and hours:
 - 0730 to 1800 Monday to Friday
 - 0730 to 1300 on Saturdays.No construction or site clearance operations shall take place on Sundays or public/bank holidays.
- 20) The methods of protecting the existing trees and hedgerows to be retained on the site, as specified in the submitted arboricultural method statement report, throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.
- 21) No above ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

- 22) No development shall be commenced unless a construction environmental management plan (CEMP) shall have been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- (a) the works, the method by which they are to be carried out, and specified locations for contractor's compounds and material storage areas;
 - (b) attenuation measures to minimise noise and vibration resulting from the works, including noise limits;
 - (c) areas where lighting will be required for health and safety purposes, location of potential temporary floodlights; identification of sensitive receptors likely to be impacted upon by light nuisance; and proposed methods of mitigation against light nuisance, including glare and light spill, on sensitive receptors;
 - (d) identification of receptors and the related risk of dust impact at all phases of the development; and dust mitigation measures; and
 - (e) monitoring, recording and complaint investigation procedures, including communication with residents and other receptors.
- The development shall be implemented in accordance with the CEMP throughout the construction period.
- 23) Any application for reserved matters that includes layout and appearance shall show the position, layout and appearance of the on-site recreational open space and the position and equipment for the local equipped area for play (LEAP) to be provided on the site. The recreational open space and LEAP shall be retained thereafter.
- 24) Within six months of the commencement of development a biodiversity management plan shall have been submitted to and approved in writing by the local planning authority. The plan shall include details of bat and bird boxes to be installed; lighting plans to avoid impacts on sensitive habitats; hedgehog friendly fencing; retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers; creation of wetland habitat; timetable for implementation; and arrangements for monitoring, reporting and maintenance of created habitats. The development shall be carried out in accordance with the approved plan.
- 25) The residential development hereby permitted shall not comprise more than 94 dwellings (use class C3).

End of Schedule



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