



Chave Planning

Chave Planning Limited
Enterprise Centre
Bridge Street
Derby
DE1 3LD



www.chaveplanning.com

6th April 2023
Our ref. 1239.L03

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only to north2@planninginspectorate.gov.uk

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Qudos Homes LTD ref APP/Y2003/W/22/3312089

Site Address: Land off Main Street, Sturton, Brigg, DN20 9DL

Thank you for the opportunity to provide these final comments on behalf of the appellant, which I shall set out below under relevant headings.

Local Planning Authority (LPA) – Statement of Case

As indicated in my appeal statement, I waited with interest to see what grounds would be advanced by the LPA in terms of the actual impact of the development, since the officer's recommendation for approval to planning committee had said that development on this site would represent suitable and logical infill which would improve the built environment in this location by its high standard of design. The stated reason for refusal did nothing to elaborate on why the proposals would be considered out of character with an harmful to the surroundings, at odds with the officer's professional recommendation in the committee report.

First of all, with regard to paragraph 4.1 of the LPA statement, I would challenge the statement that the development would result in the "*majority of the site covered by buildings*". I can confirm that, as validated in the Biodiversity Net Gain calculation, that the total of buildings and all hard surfaces, including driveways and footways, would total 48% of the site area. Buildings would only be a smaller component of this.

The LPA statement continues at paragraph 4.1 to say that *“a modern residential housing will be formed on the site that will be out of character with the rural, spacious open character of the area. Furthermore the proposed development will be highly intrusive on the area”*. As described in the Design & Access Statement, the housing design has had regard to the character of the surroundings and taken cues from local building traditions. This is validated by the following assessment of character, appearance and visual impact in the committee report, with which the appellant very much concurs:

“Plot 1 is a stone cottage that reflects the other traditional stone cottages in Sturton and is located on the site frontage. Plot 1 will be viewed essentially as an infill plot along Main Street. The access will be visible from Main Street with the remainder of the development set well back and therefore not particularly visible from Main Street, with adjoining dwellings providing some screening. There will be glimpses of the dwellings from Station Road, but the impact will be mitigated in part by existing properties and by the distance the plots are from Station Road. In terms of design, a well-designed scheme has been submitted with a mix of house types and garaging that reflect the rural character of Sturton”.

Paragraph 4.2 of the LPA statement continues, at odds with the committee report, to describe the proposed access *“a harsh, urban feature into the green open countryside which will be highly visible from Main Street”*. It says that *“this style of backland, cul-de-sac style of development is not characteristic of this area of Sturton which comprises mainly of more rural style dwellings set within a pattern of frontage development”*. This does not appear to take account of the Sturton Nurseries site, being developed immediately to the south and now named ‘Sturton Gardens’, which forms a cul-de-sac of 5 dwellings behind the two dwellings fronting Main Street immediately to the south of the appeal site. In any case, with the appeal proposals presenting a positive dwelling frontage to Main Street, integrating with the rest of the development, the proposals would not exhibit a ‘backland’ character of development.

The LPA statement continues at paragraph 4.2 to say that *“the development will create harmful encroachment into the open countryside creating a modern residential housing estate on this greenfield site that ‘jars’ awkwardly against the more softer, spacious surrounding rural area which comprises mainly frontage development, with dwellings facing Main Street”*. This is quite a leap from the assessment in the committee report, which found that the site to be a *“suitable and logical infill site which is bounded on three sides by existing residential development and their gardens”* and *“not particularly visible from Main Street”*. Furthermore, the appellant challenges the assertion that the development would appear as a *“modern residential housing estate”*. The proposed dwellings and their garages have been bespoke-designed for this small housebuilder to reflect the built character of the surroundings.

With regard to paragraph 5.3 of the LPA statement, the appellant would challenge the statement that *“economic benefits would be limited during construction of the dwellings and 14 dwellings will not provide a high level of support for existing facilities in Scawby”*. The development of 14 dwellings is significant for the local economy. This ‘major’ development (in planning terms) would deliver economic benefits to a large number of workers, contractors and suppliers, employed and contracted by this local housebuilder, for a year or more while the dwellings are constructed. Then once the dwellings are occupied the residents of the development would provide appreciable support for local facilities such as the Co-op, pub and other small businesses locally. The LPA statement dismisses the contribution to the 5YHLS as *“very slight”*, which seems an erroneous

assessment when the (minimum) 5YHLS shortfall is 78 dwellings and the proposals would address 18% of this shortfall. Furthermore, small sites such as this are important in the housing trajectory as they deliver dwellings easily within the 5 year period. The LPA statement seems otherwise to ignore social benefits entirely when talking about the tilted balance, whereas they are discussed extensively at paragraphs 6.9-6.13 of the appellant's statement.

At paragraph 5.4 of the LPA statement it is stated that *"the appellant has not carried out any formal landscape appraisal and has failed to substantiate the claim that '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.'* The council contends that the proposal will introduce a harsh urban development into the open countryside creating encroachment which has a harmful impact on the open countryside". The Council agreed to validate the application without any 'formal landscape appraisal' and at no time requested such an appraisal. The site is surrounded on 3 sides by housing, such that the visibility of the site in the public domain is limited to the view from Main Street and to what would be seen behind existing housing from Station Road. The Design & Access Statement (page 4) confirms that there are no public rights of way in the vicinity. The site is not visible from any wider public vantage point and therefore there would be no scope for any formal landscape appraisal.

Third Party Comments

The statement by Mark Simmonds Planning Services on behalf of the 'residents/objectors of Sturton Village' (the third party statement) repeats many of the matters discussed above in relation to the LPA statement so it is not proposed to discuss them further. The third party statement, however, goes further to describe the proposals as *"dense in design"* where dwellings have been *"packed into the site"*, leading to an *"oppressive outlook"* for adjoining residents. Density is discussed at paragraph 15 of the Design & Access Statement, where it is confirmed that the proposals would achieve a density of 14 dwellings per hectare, which is considerably below the density range required by Core Strategy Policy CS7, but this is justified by taking into account the low-density nature of the surroundings and their character. The pattern of development and plot dimensions reflects some of the development in the surroundings (including the Sturton Gardens development adjacent) and therefore, taking into account the Scawby Village Design Statement, the density proposed is considered appropriate. Furthermore, the site has been laid out so as to minimise any impact on outlook from adjacent dwellings, by locating dormer bungalows so as to minimise the massing of development in relation to neighbouring dwellings.

The third party statement says that the proposal *"sets an unacceptable precedent where any field beyond the villages built form, despite being open countryside is acceptable"*. This is a surprising statement to be made by a planning professional, since they will be well aware that each planning application is determined on its own merits and a decision based on the planning balance in this particular case will not set any precedent for other planning decisions.

The third party statement makes the exaggerated statement that the proposal *"vastly increases the highway activity which will change the nature of this section of the village and detrimentally impact upon the amenity of residents through activity and noise"*. The vehicular activity associated with 14 dwellings is insignificant and the impact from any change in vehicular activity is unlikely to be

discernible, particularly when considering that the site has an existing access which is used by agricultural vehicles.

With regard to the local residents' fears regarding drainage, the proposed planning conditions are robust and remove any uncertainty that foul and surface water drainage will adequately be dealt with. There is no risk that the development will cause flooding problems.

s106 Agreement

The completed s106 agreement has been submitted to PINS by the local planning authority. The s106 agreement includes clause 2.7 to allow that, should the Inspector attach no weight to any of the obligations contained therein, confirming this in the decision letter, then those obligations shall cease to have effect.

The matter of the Biodiversity contribution was subject of debate throughout the planning application. Although the applicant's ecological advisor calculated¹ a Biodiversity Net Gain of 25.17% in Habitat Units and 33.13% in Hedgerow Units, the Council's ecology consultee would not agree to it, there being a dispute over the way in which value was attributed to existing and proposed ecological features. The Council's ecology consultee also insisted that wildflower grassland planting was not acceptable in verges, despite reassurance being given about the management of this feature and best practice examples of where such planting has enhanced biodiversity and created an attractive feature elsewhere in the country. In any case, Biodiversity Net Gain has not yet been made a legal requirement under the provisions of the Environment Act 2021 and therefore can only be required to make development acceptable in planning terms when this is in accordance with the adopted Development Plan.

Policy CS5 of the Core Strategy (copy provided by the Council) says that new development should incorporate appropriate landscaping and planting which enhances biodiversity.

Policy CS17 of the Core Strategy (copy attached) says that the council will promote effective stewardship of North Lincolnshire's wildlife through ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

Neither of these policies say that new developments must produce a net gain to biodiversity, nor do they prescribe any percentage net gain that must be achieved.

Paragraph 174 of the NPPF says that planning decisions should contribute to and enhance the natural and local environment by (inter alia) minimising impacts on and providing net gains for biodiversity. However, again, until the Environment Act 2021 formally introduces provisions there is no requirement for any percentage net gain to be achieved.

Therefore, the Inspector is invited to determine whether any weight can be given to the Biodiversity obligation in the s106, bearing in mind the biodiversity net gain that has been demonstrated in the submitted application.

¹ Spreadsheet entitled "Sturton BNG Calc AUGUST 2022".

Thank you for drawing these comments to the attention of the Inspector.

Yours sincerely



Caroline Chave *BA (Hons) DipTP MRTPI*

Director

Chave Planning

Enc. Policy CS17 of the North Lincolnshire Core Strategy Adopted June 2011

- Identifying greenspace sites in supporting documents within or evidencing the LDF, and through the consideration of planning applications
- Production of a Green Infrastructure Study.

CS17: BIODIVERSITY

The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. Safeguarding national and international protected sites for nature conservation from inappropriate development.
2. Appropriate consideration being given to European and nationally important habitats and species.
3. Maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space.
4. Ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features.
5. Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.
6. Supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans.
7. Improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.

- 11.39 This policy is primarily about conserving and enhancing North Lincolnshire's wildlife, including inter-tidal and peat moor locations and supporting a richness of biodiversity that will underpin the creation of sustainable neighbourhoods and green tourism. Alkborough Flats is a recent example (completed in 2006) where a flood risk management scheme has been and a managed nature conservation area provided which includes the creation of some 170 hectares of intertidal habitat. The spatial distribution of the hierarchy of important nature conservation sites is illustrated in the Key Diagram. It recognises the importance of protecting species and the assets found within the statutorily designated sites, but also the need to view biodiversity enhancement as an integral opportunity in all development. Certain developments may be required to submit an impact assessment to quantify the effect on biodiversity and inform design and mitigation measures. Development proposals need to consider protected species at an early stage. Where development adversely affects biodiversity interest, negative impacts should be minimised and compensation to offset these impacts should be provided. Any proposed development likely to have a significant effect on a wildlife site of international importance will be subject to a thorough ecological assessment. A Habitat Regulations Assessment under the Habitat Regulations will be made by the council to inform development control decisions. Where it cannot be demonstrated that a development proposal will not have an adverse effect on the integrity of a site of European or international importance to nature conservation, such development is not supported by this Plan and will not be permitted.
- 11.40 This policy will be implemented through specific proposals, where appropriate, in supporting documents within or evidencing the LDF and by the planning application process to positively bring about development which supports wildlife policy. It will be amplified through special studies/delivery frameworks and by a Supplementary Planning Document.