

nineteen47

CHARTERED TOWN PLANNERS
& URBAN DESIGNERS

Planning Statement

Application for full planning permission for the development of 599no. dwellings and lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station

Lincolnshire Lakes

On Behalf of Keepmoat

Client:

Keepmoat

Project:

Lincolnshire Lakes, Land east of M181 and north of Burringham Road,
Scunthorpe.

Report Title:

Planning Statement

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APPENDIX 1: APPEAL REF: APP/Y2003/W/21/3278257 (LPA REF: PA/2020/554)

APPENDIX 2: APPEAL REF: APP/Y2003/W/22/3307310 (LPA REF: PA/2021/2151)

SECTION 1: INTRODUCTION

- 1.1 nineteen47 is instructed by Keepmoat [“the Applicant”] to prepare and submit an application for full planning permission [“the Application”] to North Lincolnshire Council [“the LPA”] for the development of 599no. dwellings and a lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station [“the Proposed Development”] at Lincolnshire Lakes, land east of M181 and north of Burringham Road, Scunthorpe [“the Application Site” or “the Site”].
- 1.2 The Site forms part of a wider area, which falls within the jurisdiction of the wider Lincolnshire Lakes Area Action Plan [“AAP”] and which also has an extensive planning history. The Area Action Plan designates the wider area as an urban extension to the west of Scunthorpe, as outlined in Sections 2 and 4 of this Planning Statement.
- 1.3 This Planning Statement addresses the planning-related considerations relevant to the Proposed Development and should be read in conjunction with the comprehensive suite of plans and documents supporting the Application, as listed below in Table 1.1:

[Table 1.1: List of Application Plans and Documentation](#)

Covering Letter	
Application Form and Certificates	
Copy of Notices	
CIL Additional Information Form	
Planning Statement	n1720 May 2023
Statement of Community Involvement	n1720 May 2023
Design & Access Statement	n1720_DAS May 2023
Transport Assessment	LTP/22/4772 Issue 1B May 2023
Travel Plan	LTP/22/4772/Issue 1B May 2023
Flood Risk & Drainage Assessment	JAG/AD/JF/45822 – Rp001 May 2023
Phase I Geo-Environmental Assessment	JS/SLR/AC/46069-Rp-002 Feb 2023
Technical Note - Summary of Previous Ground Investigations	JS/SLR/AC/46069-TN002 May 2023
Preliminary Ecological Assessment & Water Vole Survey	17942 V5.0 May 2023
Water Vole Survey & Report	18552 V4.0 May 2023
Bat Transect Surveys Report	18552 V4.0 May 2023
Biodiversity Impact Assessment	424.064871.00001 June 2023
Air Quality Assessment	5386 r3 May 2023
Noise Impact Assessment	NIA/10213/22/10320/v4 May 2023
Written Scheme of Investigation of Archaeological Trial Trenching	maparcha1 – 506854 April 2022
Sustainability Report	May 2023
Viability Appraisal (<u>confidential</u>)	

and the following Plan and Drawings:

Site Location Plan	n1720_001 May 2023
Planning Layout	n1720_008 May 2023
Presentation Layout	N1720_009 May 2023
Materials Plan	n1720_600 May 2023
Boundary Treatment Plan	n1720_700 May 2023
House Type Pack	n1720 May 2023
Visuals Pack	n1720 May 2023
Landscape Masterplan	c-1987-01 Rev C
Detailed Landscape Proposals	c-1987-02 to 15
Play Area Proposal	c-1987-16

1.4 The Proposed Development was the subject pre-application discussions with the LPA and a community engagement exercise, as are summarised in the Statement of Community Involvement ["SCI"] submitted in support of the Application. The Proposed Development was also the subject of an Environmental Impact Assessment Screening Opinion ["the EIA Screening Opinion"], as issued by the LPA on 17th May 2022 (LPA ref: SCR/2022/1), which determined that the scheme did not constitute EIA development.

1.5 This Planning Statement is structured as follows:

- Section 2 describes the Site, its surroundings and relevant planning history;
- Section 3 provides an overview of the Proposed Development;
- Section 4 summarises the relevant planning policy context against which the Application must be determined;
- Section 5 undertakes an assessment of the Proposed Development against planning policy and all other relevant material considerations and provides an overall planning balance; and
- Section 6 sets out a summary and conclusions.

SECTION 2: SITE CONTEXT

The Application Site

- 2.1 The Site is located within the jurisdiction of North Lincolnshire Council to the western edge of the Scunthorpe urban area.
- 2.2 The Site is situated to the east of the M181 and north of the B1450 Burringham Road and comprises 2no. agricultural fields, being broadly oblong in shape and extending to approximately 24.95ha in area. A mapping extract showing the location and extent of the Site edged in red is shown in Figure 2.1 below.

Figure 2.1: Location and extent of Site



- 2.3 A low-level field boundary divides the 2no. existing agricultural fields from east to west across the centre of the Site. The boundaries of the Site are demarcated to the north by a drainage ditch with land in agricultural use beyond; to the east by Carisbrooke Manor Lane with Carisbrooke Manor care home and several residential properties beyond; to the south, in-part by the B1450 Burringham Road with a farmhouse within land in agricultural use and the edge of Ashby Decoy Golf Club beyond and in-part by land in agricultural use; and to the west by the M181 with land in agricultural use beyond.
- 2.4 The topography of the Site is generally flat. The Site includes little by the way of trees or hedgerows, with these limited to a hedgerow running along Carisbrooke Manor Lane to the

east and with a small number of self-seeded trees sporadically located adjacent to the M181 to the west. A number of wooden pylons cross the Site.

- 2.5 The Site falls within Flood Zone 2/3a (tidal) as defined by the Environment Agency’s Flood Maps, though with extensive remodelling having also been undertaken, as considered in the Flood Risk Assessment & Drainage Strategy accompanying the Application and as summarised in Section 5 of this Planning Statement.

The Wider Site Context

- 2.6 Further east of the Site towards Scunthorpe is Lindsey Lodge Hospice, residential properties, a park homes site, a superstore and a petrol filling station. Scunthorpe town centre is situated approximately 4km north-east of the Site.
- 2.7 Within the broader region, Doncaster, Sheffield and Leeds are accessible via the M180 motorway network to the south and by public transport linkages. Currently the nearest bus stops to the Site are located approximately 1km eastward, along Burringham Road and offer 2no. services towards Scunthorpe and Old Brumby. The nearest train station to the Site is located in Scunthorpe and operates on Trans-Pennine routes towards Manchester and Cleethorpes.

Planning History

- 2.8 The Site and the wider surrounding area is the subject of an extensive planning history, the most relevant of which to the consideration of the Application is summarised in Table 2.1 below:

Table 2.1: Relevant Planning History

LPA Reference	Description of Development	Decision	Date
PA/2015/0396	Outline planning permission for the development of up to 2500 new homes including a village centre (Use Classes A1, A2, A3, A4, A5, B1 and D1), a health care facility (Use Class D1), community facilities (Use Class D1), a 3 form of entry primary school (Use Class D1), new roads and footpaths, informal areas of open space, play spaces and new wildlife habitats, water bodies and wetlands with all matters reserved for subsequent approval.	Granted	05.08.2021
PA/2015/0628	Hybrid application for full planning permission for new road and footpaths, informal areas of open space, parklands, play areas and new wildlife habitats, attenuation ponds, recreational	Granted	05.08.2021

	lakes and wetlands community; and outline planning permission with all matters reserved for non-residential institutions (Use Classes D1 and D2), leisure facilities (Use Classes A1 and A3) and storage (Use Class B8).		
PA/2015/0627	Application for full planning permission for highway works to deliver the new terminating junction to the M181 motorway (due to the de-trunked section of the highway to the north and south of the terminating junction) and the development of the eastern and western sections of the east west link road connecting to the B1450 Burringham Road.	Granted	05.08.2021
PA/2017/1386	Application for full planning permission for highway works to deliver a new terminating junction to the M181 motorway comprising a new at-grade roundabout to access the B1450 Burringham Road from the M181, new B1450 side roads and realignment of the existing B1450, two new additional roundabouts on the realigned B1450, drainage ponds and outfalls, landscaping and associated re-profiling and ancillary works.	Granted	17.01.2019
PA/2016/1736	Application for full planning permission for engineering and excavation to form a lake (Lake 1) as part of the wider Lincolnshire Lakes proposals.	Full Planning Permission with conditions	01.11.2017
SCR/2022/1	EIA Screening Opinion for the erection of 599no. dwellings, including public pen space, drainage attenuation, a lake with recreational routes and landscaping.	EIA not required.	17.05.2022

2.9 The following applications are relevant to the wider surrounding area rather than the Site itself but are listed below in Table 2.2 for completeness:

Table 2.2: Other Relevant Planning History

LPA Reference	Description of Development	Decision	Date
PA/2013/1003	Outline application (access not reserved) for a commercial park comprising Use Classes A1 (food) A2, A3, A4, A5, B1, C1 and D2.	Granted	08.07.2018
PA/2013/1000	Outline application (access not reserved) for erection of a maximum of 2550 dwellings including a care/retirement home (Use Classes C2 and C3), primary school and community facilities (Use Class D1), village centres (Use Classes A1, A2, A3, A4, A5 and B1), new roads and footpaths, informal areas of open space, play areas and sports pitches and new wildlife habitat, lakes and wetland.	Granted	08.07.2016
PA/2013/1002	Full planning permission for highways to create new junction to the M181 motorway and construction of the western section of the east-west link road.	Granted	08.07.2016
PA/2013/1001	Outline planning permission (with access not reserved) for the erection of a maximum of 450 dwellings including a care/retirement home (Use Classes C2 and C3), a Village Centre (Use Classes A1, A2, A3, A4, A5, B1 and D1), health care facility and community facility (Use Class D1), new roads and footpaths, informal areas of open space, play areas and sports pitches.	Granted	19.08.2013

SECTION 3: PROPOSED DEVELOPMENT

- 3.1 The Application is supported by a comprehensive Design & Access Statement, which provides a detailed description of the Proposed Development and which is summarised below.

Uses and Amount of Development

- 3.2 The Proposed Development includes the delivery of 599no. new dwellings at a net density of 36 dwellings per hectare [“dph”] across the Site. The dwellings will comprise a range of sizes, from smaller 2 to 3-bedroomed properties to larger 3 to 4-bedroom family properties, across a mixture of detached, semi-detached and terraced properties and bungalows.
- 3.3 The housing mix is a product of the Applicant’s understanding of current market demands, which, in this area, is focused towards the delivery of smaller properties. The housing mix is summarised below in Table 3.1.

Table 3.1: Proposed Housing Mix

No. of Bedrooms	No. of Dwellings	Mix Percentage
2-bedroom	182no. dwellings	30%
3-bedroom	299no. dwellings	50%
4-bedroom	118no. dwellings	20%
Total	599 no. dwellings	100%

- 3.4 The Application is accompanied by a Viability Appraisal, which demonstrates that the Proposed Development will be unviable if it is required to deliver any affordable housing and, as such, all new dwellings proposed will be for sale on the open market, as is set out further in Section 5 of this Statement.

Layout

- 3.5 The Proposed Development is based on a series of character areas, including the frontage onto Burringham Road, the arrival green, the central green and the lakeside edge.
- 3.6 The layout has a strong perimeter block structure, with clearly defined active frontages and private rear gardens that ensures defensible boundaries are created with interlocked gardens to the majority of plots. In addition, this structure also creates outward looking edges, creating natural surveillance to the public realm.
- 3.7 The layout sets out a strong framework of connected and well overlooked streets and spaces. A clear order of streets is created, with a wider primary route and narrower lower order street. Perimeter blocks are used with a clearly defined public fronts and private backs, creating active frontages.
- 3.8 Place-making through street hierarchy, focal points, and building positioning all create help to create a legibility within the Site, allowing users to create a mental map of the Proposed Development.

Scale

- 3.9 The Proposed Development will include a variety of building heights, ranging from single-storey bungalows to 3-storey houses. The majority of the built form will comprise 2-storey houses, with 2.5-storey houses defining key vistas and frontages and 3-storey dwellings defining the heart of the development.

Appearance

- 3.10 The Proposed Development will comprise a mix of house types, including detached, semi-detached and terraced properties, along with a number of bungalows. The proposed dwellings will assume a traditional appearance, though with contemporary influences for their fenestration and detailing.
- 3.11 The proposed dwellings will predominantly have red brick walls and grey tiled roofs. Buff bricks will be used to provide a contrast and to emphasise key buildings that turn corners or terminate vistas. Additionally, render and red roofing tiles will be utilised to define key focal areas of the development, including in the vicinity of the central open space.

Landscaping

- 3.12 The Proposed Development includes extensive open space, comprising a strong network of green and blue infrastructure, including a central green (which includes a LEAP facility), a green corridor, a large new lake itself and the lakeside area and swales that will run adjacent to the primary streets and along the green corridor.
- 3.13 A variety of hard-surfacing materials will be utilised across the Proposed Development, including block paving for shared surfaces and traffic calming measures.
- 3.14 Individual plots will be defined by a variety of boundary treatments, including the use of hedges, low-level planting, screen walls, timber bollards and with brick walls on exposed corners.

Access

- 3.15 The main point of access into the Proposed Development will be via a roundabout that already benefits from full planning permission as granted under LPA reference PA/2017/1386 in January 2019 as part of wider works to deliver a new terminating junction to the M181 motorway comprising a new at-grade roundabout to access the B1450 Burringham Road from the M181, new B1450 side roads and realignment of the existing B1450, two new additional roundabouts on the realigned B1450 (one of which would facilitate access into the Application Site as noted above), drainage ponds and outfalls, landscaping and associated re-profiling and ancillary works.
- 3.16 A secondary vehicular access for the Site will be delivered further eastwards along the B1450 Burringham Road by way of a new priority T-junction, which will help facilitate a bus loop through the Proposed Development.
- 3.17 The primary streets within the Proposed Development will have a carriageway width of 6.75m sufficient to accommodate public transport. Secondary streets will have a carriageway width of 4.8 to 5.5m, shared surface streets an overall width of 6.5m and private drives a carriageway width of between 4.5 to 6m.

- 3.18 A variety of parking typologies are proposed throughout the Proposed Development to ensure that parked cars do not dominate the street scene.
- 3.19 A network of pedestrian and cycle routes are proposed through the Proposed Development, including a route on an east-west axis through the green corridor to the middle of the Site, a route along the northern and eastern site boundaries and a route around the proposed lake and with traffic calming measures proposed where these routes cross streets.

s.106 Contributions

- 3.20 Subject to viability, as assessed in the Viability Appraisal submitted in support of the Application, the Proposed Development will secure the delivery of contributions towards on and off-site infrastructure via a s.106 Agreement, which will be progressed during the consideration of the Application.

SECTION 4: PLANNING POLICY CONTEXT

- 4.1 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 consideration indicate otherwise. The Development Plan material to the consideration of the Application consists of the following:
- The North Lincolnshire Core Strategy (2011);
 - The Housing and Employment Land Allocation DPD (2016);
 - The Saved Policies of the North Lincolnshire Local Plan (2003); and
 - The Lincolnshire Lakes Area Action Plan (2016)
- 4.2 In addition to the Development Plan, applications should also have regard to the National Planning Policy Framework (July 2021) ["NPPF"] and National Planning Practice Guidance ["PPG"], which are material considerations in any determination.
- 4.3 The documents forming the Development Plan are more than 5 years old and have not been updated as required by Paragraph 33 of the NPPF – such reviews being a legal requirement for all local plans under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.4 The LPA's various Supplementary Planning Documents ["SPDs"] and Supplementary Planning Guidance ["SPGs"] are also a relevant material consideration in any determination.

The Development Plan

Core Strategy (2011)

- 4.5 Policy CS1 (Spatial Strategy for North Lincolnshire) states that the spatial strategy will focus on delivering an urban renaissance in Scunthorpe and supporting its role as major sub-regional town. In this respect, Scunthorpe will be the focus for the majority of new development and growth, including in terms of housing, accommodating around 9,892no. new dwellings across the plan period.
- 4.6 The policy provides that high-quality, well-designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built-up area. Major flagship urban renaissance projects will be delivered to enhance the town and its image - the largest of which is Lincolnshire Lakes, which will be located to the west of the town creating a major new sustainable waterside setting that will soften the edge and provide an impressive gateway to the town and place it on a new economic trajectory.
- 4.7 Policy CS2 (Delivering More Sustainable Development) provides that a sequential approach will be taken to determining how future development needs will be met, with the principal focus being on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town and then by appropriate greenfield urban extensions. A sequential approach will also be applied to ensure that development is, where possible, directed to those areas with the lowest probability of flooding and, where development does take place in the flood plain, ensuring mitigation measures are applied to ensure the development is safe. New development will also need to contribute towards achieving sustainable development principles, which include the proximity of public

transport, minimisation of travel, contribution towards a sustainable economy and suitable access to services and facilities.

- 4.8 Policy CS3 (Development Limits) seeks to limit the location of new development within Development Limits, as defined in the Housing & Employment Land Allocations Development Plan Documents. Development Limits are set following existing development patterns, capacity, existing planning consents/development and character. Whilst, in this instance, the Site is located outside the Development Limits as defined in the The Housing and Employment Land Allocation DPD (2016), it is included within the Development Limits as established in the Lincolnshire Lakes Area Action Plan.
- 4.9 Policy CS4 (Creating a Renaissance in North Lincolnshire) defines the transformational projects that will aid in the renaissance of North Lincolnshire. Within this, the Lincolnshire Lakes project is acknowledged as a major waterside setting to the west of Scunthorpe providing a high-quality environment in which to live and work and a significant wildlife habitat, which will be delivered through the creation of a masterplan as part of the development of an Area Action Plan. The policy also states that all developments must meet the highest standard possible in terms of flood risk management standards, including sustainable drainage systems to be incorporated where viable.
- 4.10 Policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new development to be well-designed and appropriate for its context, contributing to a sense of place. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable. The policy sets out those matters which new developments should address in order to achieve quality in design.
- 4.11 Policy CS6 (Historic Environment) seeks to preserve and enhance the rich archaeological heritage of North Lincolnshire and requires development proposals to provide archaeological assessments where appropriate.
- 4.12 Policy CS7 (Overall Housing Provision) sets North Lincolnshire's housing requirement for the period 2010 to 2026 at 12,063no. new dwellings, equivalent to 754no. dwellings per year. The policy advises that housing land will be allocated, released and phased to ensure the delivery of additional remains close to the target figure, with previously developed land taking priority over greenfield land where it is in a sustainable location. The policy further states that allocated sites will be brought forward as required to maintain the five-year supply and distribution of land for housing in the most sustainable locations in accordance with the spatial development strategy.
- 4.13 Policy CS8 (Spatial Distribution of Housing Sites) identifies that the western extension to Scunthorpe - Lincolnshire Lakes - will support the additional need for housing distribution and will be phased to release in such a way as to allow control over the pattern and speed of urban growth. Along with this, the development will only be permitted if the development can demonstrate additional community benefits, provide sustainable communities and a high-quality environment and with flood risk also being taken into account.
- 4.14 Policy CS9 (Affordable Housing) informs the need for affordable housing and the requirement for 20% of all new dwellings to be affordable and with a preference for a 70/30 (rent/intermediate) split basis on developments of 15no. or more new dwellings. Where the percentage of affordable housing may negatively impact the delivery of a mixed community there may be a case for reducing the affordable housing and with viability in such cases needing to be demonstrated via an open book approach.

- 4.15 Policy CS16 (North Lincolnshire’s Landscape, Greenspace and Waterscape) requires development proposals to improve the quality and quantity of accessible landscape, greenspace, and waterscape, where appropriate.
- 4.16 Policy CS17 (Biodiversity) requires new development to produce a net gain in biodiversity by designing in wildlife.
- 4.17 Policy CS18 (Sustainable Resource Use and Climate Change) reflects the LPA’s ambition to actively promote development that utilises natural resources as efficiently and sustainably as possible, including efficient water systems, sustainable drainage schemes [“SuDS”], flood defences CO2 reductions, minimised energy consumption and effective waste management.
- 4.18 Policy CS19 (Flood Risk) addresses the Lincolnshire Lakes directly to ensure the area will comply with flood management principles set out in the Western Scunthorpe Urban Extension Exception Test Strategy and promotes the inclusions of SUDs to manage surface water drainage.
- 4.19 Policy CS23 (Sport, Recreation and Open Space) demonstrates the requirements for sport, recreation and open space and how the provision of good quality, well maintained leisure, recreation and open space facilities are required to meet the needs of the local community. Proposals will be permitted provided that:
- There is no adverse impact to nearby properties or habitats, by reason of noise, general disturbance, fumes or external lighting; and
 - The development contributes to meet identified shortfalls in provisions or enhances the quality of existing provision.
- 4.20 Policy CS24 (Health Care Provision) recognises the provision of enhanced open space, sports facilities, and walking and cycling routes in contributing towards the health of residents. In the context of new development, developers are expected to make an appropriate contribution towards health care services and facilities.
- 4.21 Policy CS25 (Promoting Sustainable Transport) promotes the inclusion of sustainable transport systems that offer a choice of transport modes. Furthermore, the need to travel should be reduced through spatial planning and design through the utilisation of network management tools.
- 4.22 Policy CS27 (Planning Obligations) provides that the LPA will seek contributions to be secured via a s.106 Agreement where a development proposal generates an identified need for additional infrastructure.

Housing and Employment Land Allocation DPD (2016)

- 4.23 The DPD establishes that 65% of Scunthorpe’s housing allocation will be located within Lincolnshire Lakes – amounting to approximately 6,000no. dwellings - with more detailed policies and proposals associated with that allocation being set out within the Lincolnshire Lakes AAP. Paragraph 3.15 indicates that there is a need for densities of 30-35 dwellings per hectare within the Lincolnshire Lakes scheme.

Saved Policies of the Local Plan (2003)

- 4.24 The Local Plan was adopted in 2003 with various policies replaced following the adoption of the Core Strategy and Housing and Employment Land Allocations DPD.

- 4.25 Saved Policy H8 (Housing Design and Housing Mix) sets out the criteria for new development in the context of housing design and housing mix. In summary, new development will need to cohere with the existing local context and enhance the character through high-quality design, which protects natural and built features while promoting the use of sustainable transport modes and healthy living.
- 4.26 Saved Policy H10 (Public Open Space in New Housing Development) sets out that any new housing development on sites of 0.5 ha or more will be required to provide recreational open space on a scale and in a form appropriate to serve the needs of residents. In this respect, the LPA will seek to enter into an agreement with developers in respect of the maintenance and management of such areas.
- 4.27 Saved Policy T2 (Access to Development) requires development to be adequately accessible, which for larger developments will include readily accessible by public transport and provide extensions to services and the highway network.
- 4.28 Saved Policy T6 (Pedestrian Routes and Footpaths) seeks the provision and improvements of pedestrian routes and footpaths and with major developments being required to provide new pedestrian routes that link with existing networks.
- 4.29 Saved Policy T8 (Cyclists and Development) requires new development to include cycle links where such opportunity exists, along with providing adequate cycle parking facilities.
- 4.30 Saved Policy T9 (Promoting Buses and Trains) relates to the promotion of buses and trains, including encouragement for the use of existing bus services and the provision of enhanced facilities.
- 4.31 Saved Policy T14 (The North Lincolnshire Strategic Road Network) outlines the North Lincolnshire Strategic Road Network ["NLSRN"], a road network designed to accommodate concentrated traffic and provide movement through the district. The policy advises that development which compromises the operation or safety of the NLSRN will not be permitted.
- 4.32 Saved Policy T18 (Traffic Management) requires the inclusion of traffic management measures on the road network in order to minimise risk, prioritise sustainable transport modes, concentrate traffic and minimise parking-related conflict.
- 4.33 Saved Policy T19 (Car Parking Provision and Standards) indicates the provision of car parking will be acceptable where it is essential to the viability of a new development, and where it will meet the need of people with disabilities and improve the safety of streets. Appendix 2 outlines the standards for car parking, including the quantity of spaces to be provided per dwelling.
- 4.34 Saved Policy R2 (Protecting Areas of Local Importance for Children's Play) states that proposals will be refused which result in the supply of outdoor playgrounds in the Scunthorpe and Bottesford Urban Area falling below the Council's minimum standard of 0.2ha per 1,000no; and/or result in the supply of casual or informal play space within housing areas in 0.4ha per 1,000no.
- 4.35 Saved Policy R5 (Recreational Paths Network) actively pursues the creation of a strategic recreation path network, linking built-up areas to areas of open space and recreation. The policy advises that favourable consideration will be given to development proposals which extend this network of paths.
- 4.36 Saved Policy LC5 (Species Protection) restricts development which would have an adverse

impact on protected species under the Wildlife and Countryside Act 1981. Where there is potential for such impacts, the policy advises that adequate alternative habitats should be provided, and disturbance minimised.

- 4.37 Saved Policy LC12 (Protection of Trees, Woodlands and Hedgerows) seeks the retention of trees, woodland and hedgerows where possible in new development proposals. The policy requires landscaping, tree and hedgerow planting schemes to accompany applications for new development where appropriate.
- 4.38 Saved Policy LC14 (Area of Special Historic Landscape Interest) provides that, in the instance of known or suspected archaeological importance, an archaeological assessment will be required prior to the determination of a planning application, with the mitigation of harm to archaeologically important sites needing to be suitably provided for.
- 4.39 Saved Policy HE9 (Archaeological Excavation) states that, where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will need to be submitted prior to the determination of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the development is likely to affect them. Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ will be a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.
- 4.40 Saved Policy DS1 (General Requirements) sets out the general requirements for development, which centres around high standards of design to be evidenced in the quality of the design, amenities, conservation, resources, utilities and services.
- 4.41 Saved Policy DS3 (Planning Out Crime) seeks to ensure that new development takes into account personal safety and the security of people by establishing broad design-related parameters.
- 4.42 Saved Policy DS7 (Contaminated Land) states that, in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. The policy advises that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.
- 4.43 Saved Policy DS13 (Groundwater Protection and Land Drainage) sets out the need to secure effective land drainage measures and groundwater protection. Likewise, the provision for the disposal of foul and surface water from new development will need to be agreed upon prior to the approval of planning or through the conditions discharge process.
- 4.44 Saved Policy DS14 (Foul Sewage and Surface Water Drainage) provides that the LPA will require satisfactory provision to be made for the disposal of foul and surface water from new development, 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.
- 4.45 Saved Policy DS15 (Water Resources) states that development will not be permitted which would adversely affect the quality and quantity of water resources or adversely affect nature

conservation, fisheries and amenity by means of pollution from the development unless adequate measures are undertaken to reduce the impact to an acceptable level.

- 4.46 Saved Policy DS16 (Flood Risk) outlines the considerations to be overcome in order to in order that planning permission can be granted where the land is within a floodplain. The policy advises that, whilst development is not restricted per se, it will need to demonstrate adequate protection or mitigation measures are undertaken.

Lincolnshire Lakes Area Action Plan (2016)

- 4.47 The AAP sets out the strategy to provide a new sustainable urban extension along the western edge of Scunthorpe, based around the creation of 6no. new sustainable villages. The extension will include the provision of approximately 6,000no. new homes, commercial development, new infrastructure and public spaces, focused around a waterside environment.
- 4.48 The purpose of the AAP is to establish a policy and delivery framework which provides clear and firm guidance to ensure that the Council's aims set for Lincolnshire Lakes are achieved, and that the AAP is consistent with the established approach in the adopted Core Strategy (2011).
- 4.49 The development objectives for the AAP area include, inter alia:
1. To ensure sound place-making principles and a high quality of design underpinning the development of the Lincolnshire Lakes to create a successful, distinctive and sustainable place to live, work and visit;
 2. To create approximately 6,000 sustainable new homes varying in typology and tenure, with a high quality of design, and variety of character, reflecting where appropriate local characteristics in the form of distinct waterside villages of a density appropriate for their rural setting, supported by social and community infrastructure;
 3. To expand North Lincolnshire's strong infrastructure through the provision of green infrastructure (a network of green spaces) which will be effectively distributed to maximise opportunities for habitat/biodiversity creation and other environmental benefits and to enable the achievement of major socio-economic benefits such as environmental, education, recreation, better health and well-being;
 4. To see a high standard of sustainable design and to explore innovative approaches to delivering energy & waste solutions;
 5. To create a new centrally located mixed use destination, providing a strategic gateway to the AAP site and Scunthorpe town, with opportunities for the delivery of new employment, retail, sports, leisure and community facilities and services that are complementary to the town centre and that will strengthen the local economy, provide job opportunities and support the delivery of sustainable communities;
 6. To maximise opportunities for the introduction of new strategic road network arrangements through the partial de-trunking of the M181 and the creation of two new junctions, the integration of communities via sustainable transport routes, as well as integration with the surrounding movement network, through the creation of a hierarchy of roads, providing a choice of routes, designed with a presumption in favour of walking, cycling and public transport modes of travel;

7. To develop sustainable areas that are flood resilient and adaptable for the future with exemplar flood risk defence and drainage infrastructure to enable the achievement of major social and environmental benefits, including overall reduction of flood risk to nearby communities and the introduction of Sustainable Urban Drainage Systems as part of the drainage strategy for the development;
8. To create a series of new lakes that are integral to the development, creating a unique gateway setting for Scunthorpe and a leisure offer that will provide recreational and sporting opportunities for new residents and visitors alike.

4.50 Policy SS1 (Delivering the Presumption in Favour of Sustainable Development) provides that, when considering proposals for the Lincolnshire Lakes development the LPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

4.51 Policy SS2 (Spatial Concept & Place-Making) details how the Concept Framework and Design Principles should inform detailed proposals within the AAP Area, including in terms of green infrastructure, place and movement, as detailed below:

Green Infrastructure:

- Water and specifically lakes, should be a central characteristic and structuring element of the development that provide for multi-functional spaces, habitat and biodiversity enhancement and public use and enjoyment;
- A cohesive and integrated landscape structure that responds to the differing landscape characteristics to the west and east of the M181 should be provided that assists in linking the blue infrastructure with the green infrastructure and villages and integrates advance and structural planting to mitigate the impact of development on neighbouring uses, enhance the setting of new buildings and help to mitigate the noise and visual impact of the M181;
- Existing ditches and drains should be integrated into the new development and landscape structure to provide for sustainable drainage, ecological enhancements and creating a distinctive character to the village developments;
- The delivery of a robust flood mitigation and drainage solution should be a leading design and development consideration, building on the existing extensive network of drainage channels and considering future ground levels and the role of the new lakes;
- Ecological enhancements and new habitat creation to diversify the range of habitats and support biodiversity should be integrated into all proposals.

Place:

- A high-quality place with a distinctive 'waterside and woodland' character that balances existing townscape characteristics with contemporary and innovative design to provide a new vernacular for Lincolnshire Lakes;
- Each village should have a well-structured layout and clear identity that responds to the site opportunities and landscape characteristics. A sense of place and clear orientation should be developed through the use of landmarks, gateways, key buildings, framing and enhancing views, and focal points and ensuring sufficient

continuity and enclosure of spaces and streets;

- Development blocks should be designed to create continuous frontage into the public realm, protecting and enlivening it with activity and passive surveillance;
- Building, street and space typologies should positively respond to and integrate with the water areas and distinctive design should make the most of the waterfront;
- The public realm, including hard and soft spaces, pedestrian routes and cycleways and lakes must be attractively designed and constructed with high quality durable materials with carefully defined thresholds between public and private space to avoid unusable left over space;
- Spaces should be created for public art and public events that help to create a sense of place, express the identity of the area and support activity and interest;
- A series of strategic views and vistas should be created within and between the villages and lake areas to assist with integration, accessibility and legibility;
- The design of the development should minimise the use of energy and maximise energy efficiency through the use of renewables and maximise solar orientation through optimal use of east-west street alignments and passive design within dwellings.

Movement:

- Integrated walkable neighbourhoods with a mixture of housing densities, type and tenure linked to local facilities and the public transport network should be identified;
- Development should ensure sustainable transport routes are delivered within and beyond the site through a network of streets providing a choice of route with a presumption in favour of walking, cycling and public transport;
- A clear hierarchy of streets which incorporate the principles of Manual for Streets focusing on the spatial quality of streets and their place-making role should be developed;
- A permeable and high quality network of pedestrian and cycle connections should be provided across the development (north-south and east-west) to link the village areas together with the lakes, community facilities and services and existing settlements and facilities.

4.52 Policy SS3 (Strategic Development Requirements) establishes the broad mix and quantum of development and uses that will make up the Lincolnshire Lakes development. The policy sets out that development will be delivered across 6no. Strategic Site Allocations. The Application Site is located within the 'Villages 1 and 2 and Lake 1 Area' the subject of Policy SSA2.

4.53 Policy SS4 (Development Limits) provides that no built development will be permitted in the AAP Area outside of its defined built Development Limits.

4.54 Policy SSA2 (Villages 1 and 2 and Lake 1) requires development within this area to be designed in a way that creates an attractive and seamless transition between the urban area and new villages. The policy defines the Application Site as falling within Village 2, which is to deliver,

inter alia, approximately 1,188no dwellings across approximately 57ha of land; a local centre of approximately 500 sqm; Lake 1 – approximately 13ha and to be used principally for leisure and sporting activity and to provide surface water attenuation for the two villages; approximately 2.68km of primary route; approximately 8.26km of pedestrian, cycle way and bridleway network; approximately 44ha of natural and semi-natural greenspace; approximately 5.76ha of parks and gardens including children’s play space; approximately 4ha of outdoor sports provision; approximately 0.83ha of allotments provision; strategic green linkages to be integrated within the strategic allocation.

4.55 Policy SSA2 also establishes the masterplanning principles for the area, including:

- Higher density housing to be located in the centre of the village and within the surroundings of the Local Centre, with lower densities allowed towards the village fringe;
- Dwellings next to the lakes to be designed so that they front the waterside providing an exciting interface and a high quality housing environment for North Lincolnshire;
- Buildings and plots to be suitably spaced so that fingers of green infrastructure and SuDs features can permeate the built form;
- Strategic green infrastructure to maintain clear separation distances between the new villages and existing development;
- Landscaping buffers to be created to the northern, eastern and western fringe of the allocation;
- Biodiversity enhancement in the built environment to be concentrated near areas of woodland and wetland;
- Strategic green linkages to bisect both villages at the locations set out on the Illustrative Site Diagram;
- Primary gateways to be created along the Primary Route;
- A pedestrian, cycleway and bridleway network to be set out in the Illustrative Site Diagram.

4.56 Policy H1 (Housing Distribution) establishes that Village 2 will deliver approximately 1,188no. dwellings. The number of dwellings permitted in each village will be informed by monitoring of housing delivery. In order to achieve approximately 6,000no. dwellings during the Plan Period, higher numbers of dwellings may be supported in certain villages in the event that lower numbers of dwellings are completed in other villages.

4.57 Policy H2 (Housing Requirements) reaffirms that approximately 6,000no. dwellings will be delivered in the AAP Area. The villages should be developed at a density of 30 – 35no. dwellings per hectare. Higher density development is encouraged in and around the Local Centres, the District Centre, and the Strategic Mixed-Use Area and along Primary Routes. Lower density development is encouraged towards the village fringes. Housing in the AAP area should provide the following mix of dwellings:

- 20% of the units - two-bedroom houses/bungalows;
- 53% of the units - three-bedroom houses/bungalows;
- 27% of the units - four-bedroom houses/bungalows.

The policy provides that variation to this mix will be permitted in line with any update to the Council’s Strategic Housing Market Assessment, or should an applicant produce adequate evidence that they consider an alternative mix to be more appropriate.

4.58 Policy H2 further requires up to 20% of the dwellings in new developments of greater than

15no. dwellings to be affordable, stating that affordable housing provision of less than 20% will be subject to assessment of viability (with a full viability assessment to be provided by the developer) and subject to agreement by the LPA on a case-by-case basis.

- 4.59 Policy SC1 (Education Requirements) provides that applicants will be expected to meet the capital cost of primary and secondary school provision where such provision is on-site. If preferred to on-site secondary education provision, applicants will instead be required to fund secondary education provision outside of the AAP Area for the benefit of new pupils living in the AAP area.
- 4.60 Policy T6 (Primary Route) requires the primary route as identified on the AAP Policies Map to represent the principal movement corridor between the 6no. proposed Villages and the strategic highway network, setting parameters for their design and operation.
- 4.61 Policy T7 (Local Roads) requires a secondary network of local roads to be provided that encourage permeability through the villages and encourage walking and cycling access to the Local Centres and the lakes.
- 4.62 Policy T8 (Public Transport Provision) requires strategic and primary routes to provide bus routes for the AAP area. The policy provides that routes capable of accommodating buses and bus stops shall be provided within 400 metres walking distance of all domestic properties.
- 4.63 Policy T9 (Pedestrian, Cycleways and Bridleways) requires a network of pedestrian, cycle and bridleways to be provided throughout and between the proposed Villages that are safe, attractive and usable.
- 4.64 Policy G1 (Natural and Semi-Natural Greenspace) provides that approximately 235ha of natural and semi-natural green space will be provided on the edge of the proposed Villages and outside their built Development Limits as identified on the Green Infrastructure Parameters Plan. The policy requires natural and semi-natural greenspaces around Lakes 1, 2 and 5 to be publicly accessible.
- 4.65 Policy G2 (Recreational Provision) provides that recreational green space will principally be provided within the proposed Villages. Provision will include new parks and gardens within built Development Limits and linking villages (24ha), outdoor sports facilities located within built Development Limits (16.8ha) and provision for children and young people within new parks/amenity green spaces (1ha).
- 4.66 Policy G3 (Strategic Green Linkages) requires strategic green linkages to link together key destinations and created or enhanced as shown on the Green Infrastructure Parameters Plan. Other local green linkages should also be created or enhanced through the villages utilising the existing land drain network to create a multi-functional network of routes.
- 4.67 Policy G4 (Ecological Enhancement and New Habitat Creation) sets out areas specifically identified for ecological and habitat protection, creation or enhancement as including, inter alia, new areas of woodland, acid grassland, neutral grassland, wetland and ponds within the areas identified as natural and semi-natural greenspace on the Green Infrastructure Parameters Plan, new and existing ditches and swales, new and existing hedgerows and new and existing trees.
- 4.68 Policy G4 also requires smaller-scale opportunities to deliver green and brown walls & roofs, hibernacula, bird and bat habitat boxes, bird and bat bricks and bat lofts, stone and log piles and bunds in order to assist in providing suitable habitats for key species in the AAP area.

Planning applications should include proposals for the creation and enhancement of these areas where appropriate and should also individually consider specific impacts of development proposals on biodiversity and associated opportunities for ecological protection and enhancement within their specific site boundaries.

- 4.69 Policy G5 (Landscape Strategy) provides that the AAP's landscape strategy will require specific consideration in terms of features to retain / enhance and strategic planting locations/sensitive edges, as well as the treatment of strategic gateways. The boundaries of the strategic site allocations are identified as areas for such consideration of landscape strategy. Proposed strategic and primary gateways and landmark locations are shown on the AAP Concept Plan.
- 4.70 Policy G6 (Management and Maintenance of Green Infrastructure) requires proposals for the management and maintenance of green infrastructure to be submitted as part of planning applications. Applicants will be required to contribute to the management and maintenance of green infrastructure where they do not intend to undertake these themselves.
- 4.71 Policy SD1 (Sustainable Building Design and Construction) requires applications for development to be accompanied by an assessment that considers the opportunities and measures considered for delivering resource energy efficient sustainable development and for future services provision (for example, through an IDNO model). Achieving the Government's optional national technical standards should be the target for residential development in the AAP area. Where this is not achievable reasoned justification should be provided by an applicant. Building Regulations will remain a baseline standard that must be achieved.
- 4.72 Policy D1 (Strategic Infrastructure and Development Phasing) defines Village 2 (in which the Application Site is located) as falling within Phases 1-4 of the Lincolnshire Lakes development. The policy states that each phase will be supported by the delivery of the necessary on-site infrastructure (lakes, green infrastructure and non-motorised user routes), with enabling primary route and land raising works to be undertaken prior to the development of relevant plots.
- 4.73 Policy D2 (Delivery and Funding Mechanisms) states that development in the AAP area will be supported by public sector funding, which will play an important part in delivering the required upfront transport and flood mitigation infrastructure. The Council will also seek developer funding of infrastructure through s.106 and Community Infrastructure Levy ["CIL"] if applicable.
- 4.74 Policy D3 (Strategic Design Code) requires a Strategic Design Code - in accordance with the Strategic Design Guide Supplementary Planning Document - to be submitted and approved prior to the approval of any reserved matters or grant of detailed planning permission. Planning permission will subsequently be granted for proposals which are in accordance with the design principles set out in the Strategic Design Code and they must demonstrate conformity with the masterplanning principles set out in the Strategic Site Allocations policies. Applications for planning consent should be accompanied by a Design Statement which clearly sets out how the relevant sections of the Code have been complied with. The policy sets out those matters that the Strategic Design Code should address.
- 4.75 Policy D4 (Area Masterplanning), requires an Area Masterplan Framework to be approved for the relevant site allocation policy area in accordance with Part A of the Strategic Design Guide Supplementary Planning Document prior to the approval of any planning application within any of the AAP strategic site allocations. The focus will be on key principles to assist the LPA in securing a high standard of design quality without being overly prescriptive on issues of

detailed design. The policy sets out those matters that the Area Masterplan Framework should address.

Other Material Considerations

The National Planning Policy Framework (2021)

- 4.76 The National Planning Policy Framework (July 2021) [“the NPPF”] sets out the Government’s planning policies and explains how these are to be applied. It represents an important material consideration. The sections and paragraphs of the NPPF of most importance to the Application are set out below.
- 4.77 Paragraph 47 reaffirms the statutory requirement for decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should also be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.78 Paragraph 218 of Annex 1 confirms that the policies contained within the NPPF are material considerations to a particular decision or determination. Paragraph 219 confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to them, according to their degree of consistency with the NPPF – the closer the policies in the Plan to the policies in the NPPF, the greater the weight that may be given.
- 4.79 Section 2 of the NPPF defines sustainable development, with Paragraph 8 detailing that there are three overarching objectives to achieving sustainable development which are interdependent. These objectives are:
- 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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.80 Paragraph 9 provides that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the NPPF; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

- 4.81 Paragraphs 10 and 11 state that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking, this means:
- c) Approving development proposals that accord with an up-to-date development plan without delay, or
 - d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF 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.
- 4.82 Paragraph 33 explains 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. Reviews should be completed no later than five years from the adoption date of a plan and should take into account changing circumstances affecting the area or any relevant changes in national policy.
- 4.83 Section 5 supports the Government's objective of significantly boosting the supply of housing. In this respect, Paragraph 60 details that it is important a sufficient amount and variety of land can come forward where it is needed.
- 4.84 Paragraph 65 notes that where major development involving the provision of housing is proposed, planning policies and decision should expect at least 10% of the homes to be available for affordable home ownership.
- 4.85 Paragraph 66 details that strategic policy-making authorities should establish a housing requirement figure for their whole area which shows the extent to which their identified housing need (and any need that cannot be met within neighbouring areas) can be met over the plan period.
- 4.86 Paragraph 68 explains that planning policies should identify a supply of specific, deliverable sites for years one to five of the Plan period with an appropriate buffer.
- 4.87 Paragraph 74 seeks to maintain supply and delivery and provides 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, calculated using the standard method, where the strategic policies are more than five years old.
- 4.88 Section 11 promotes the effective use of land and, in this respect, Paragraph 119 explains that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.89 Section 8 of the NPPF promotes healthy and safe communities, and requires the planning system to promote social interaction, create places which are safe and accessible, and enable and support healthy lifestyles.

- 4.90 Section 9 of the NPPF supports the promotion of sustainable transport and Paragraph 104 states that transport issues should be considered from the earliest stages of development proposals. Paragraph 110 of Section 9 adds that applications for development should ensure that appropriate opportunities to promote sustainable transport can be, or have been, taken up, that safe suitable access to the site can be achieved for all users and, that any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree.
- 4.91 Paragraph 111 details that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 4.92 Paragraph 112 adds that development should give priority first to pedestrian and cycle movement, and second, to facilitating access to high quality public transport services. Development should also address the needs of people with disabilities, allow for the efficient delivery of goods and access by service and emergency vehicles.
- 4.93 Section 12 of the NPPF refers to achieving well-designed places and notes that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.94 Paragraph 130 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.95 Section 14 of the NPPF refers to meeting the challenge of climate change, flooding and coastal change and, in this respect, Paragraph 167 of Section 14 details that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that applications should be supported by a site-specific flood-risk assessment, where appropriate. Paragraph 169 provides that applications for major developments should incorporate sustainable drainage systems unless there is clear evidence this would be inappropriate.

4.96 Section 15 of the NPPF refers to conserving and enhancing the natural environment, with Paragraph 174 stating this should be by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.97 Paragraph 180 seeks to protect and enhance biodiversity and geodiversity by stating that local planning authorities should apply the following principles when determining applications:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

4.98 Paragraph 183 states that planning policies and decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.

4.99 Paragraph 185 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as

well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

- 4.100 Section 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraphs 190 to 196 state that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance

- 4.101 The Planning Practice Guidance ["PPG"] provides additional national planning guidance to ensure the effective implementation of the planning policy set out in the NPPF.

National Design Guide

- 4.102 The National Design Guide seeks to inspire higher standards of design quality in all new development.

Lincolnshire Lakes Strategic Design Guide SPD (2016)

- 4.103 The Strategic Design Guide SPD contains an overarching site masterplan and a series of design codes for the entire Lincolnshire Lakes Area. It expands on the principles outlined in the AAP by providing a series of framework layers and guidance to influence the scale and form of new development, including plans centred around delivering a masterplan, access & movement, green infrastructure and place.
- 4.104 The overall purpose of the SPG is to guide a coherent character and high-quality development across the wider Area Action Plan, with the understanding the entire development is likely to be delivered by various developers, architects and contractors.
- 4.105 The SPG follows an analysis of the local area to inform the following framework sections. For the Masterplan framework for Village 2, in which the Site sits, 60.6 ha of the total 86.9 ha of land is developable and with 26.3ha allocated for green/blue infrastructure and 13.1 ha for Lakes.

The Provision of Open Space in New Housing Developments SPG (2006)

- 4.106 The SPG is based on the standards of the former Planning Policy Guidance Note 17 – Sport and Recreation (2002) plus its companion guide and Planning Policy Guidance Note 3 – Housing (2000). The SPG focuses on saved Policies Local Plan H10 and R2.

Planning for Health and Wellbeing SPD (2016)

- 4.107 The SPD focuses on a number of key themes, which highlight all the fundamental links between planning and health, including in term of sociable places, environmentally sustainable places, well-designed places, accessible and active places and inclusive places.

Sustainable Drainage Systems (SuDS) and Flood Risk Guidance (2017)

- 4.108 Gives advice for developers and designers on sustainable drainage systems appropriate for developments, depending on size and location, to avoid increasing the risk of flooding to the site and surrounding areas.

The Emerging North Lincolnshire Local Plan

- 4.109 The LPA is in the process of preparing a new local plan to replace the Core Strategy (2011), the saved policies of the Local Plan (2006) and the Housing and Employment Land Allocation DPD (2016). The Proposed Submission version of the emerging Local Plan ["the Emerging Local Plan"] was submitted for Examination in November 2022. The weight to be afforded to the policies of the Emerging Local Plan are discussed in Section 5 of this Statement under the heading of The Planning Balance.
- 4.110 The policies of the Emerging Local Plan of relevance to the Proposed Development are set out below.
- 4.111 Housing provision is defined as a key challenge of the Emerging Local Plan, with an objective of providing a sufficient supply of housing land and quality houses supported by infrastructure provision, in the right locations in North Lincolnshire to support economic growth. The Spatial Vision for North Lincolnshire seeks to deliver at least 7,128no. new dwellings within the Plan period up to 2038. Spatial Objective 3 seeks to increase the supply of quality housing to meet future needs and support the growth of the economy.
- 4.112 Policy SS1 (Presumption in Favour of Sustainable Development) seeks to align with the provisions of the NPPF in promoting sustainable development.
- 4.113 Policy SS2 (Spatial Strategy for North Lincolnshire) sets out that the spatial vision, objectives and development needs for North Lincolnshire will be delivered through the spatial strategy, which includes for the delivery of 7,128no. new dwellings (396no. per year) to meet the needs of the existing and future population in sustainable and balanced communities. The policy defines Scunthorpe as a Major Sub-Regional Centre, which will be the priority focus for growth in North Lincolnshire and the focus for the large-scale residential development through the provision of allocations, including sustainable urban extensions.
- 4.114 Policy SS3 (Development Principles) provides a framework against which all proposals for new development will be considered in term of its design and contribution towards sustainable development.
- 4.115 Policy SS5 (Overall Housing Provision) establishes North Lincolnshire's housing requirement to be 7,128no. new dwellings (396no. per year) across the Plan period 2020 to 2038. Policy SS6 states that 3,758no. of these dwellings – equivalent to 51.3% - will be distributed towards the Major Sub-Regional Centre of Scunthorpe and Bottesford Urban Area, including the Lincolnshire Lakes designation.
- 4.116 Policy SS7 (Strategic Site Allocation – Lincolnshire Lakes) sets out the vision for the Lincolnshire Lakes allocation and the broad parameters for applications to address in respect of masterplanning and design, flood risk and drainage, blue and green infrastructure, transport and utility and service provision. In terms of housing, the policy seeks to deliver an appropriate mix of house types and tenures to reflect housing need and with development in the Northern Strategic Allocation including 1,275no. dwellings. Policy SS7-1 (Northern Strategic Allocation)

– in which the Application Site is located - sets out the more detailed requirements for the northern strategic element of the Lincolnshire Lakes allocation to achieve an attractive and landscaped transition between the existing urban area and the new villages.

- 4.117 Policy SS11 (Development Limits) establishes that development limits will be applied to, inter alia, the Scunthorpe and Bottesford urban area, as will be defined on the Policies Map.
- 4.118 Policy H2 (Housing Mix and Density) sets the parameters for new housing developments to achieve in respect of mix and densities. The precise mix should take account of market conditions, housing needs and economic viability, site specific circumstances and the North Lincolnshire Housing and Economic Needs Assessment Housing Mix. In terms of densities, the policy requires new housing development to make effective use of land and to be built at a density appropriate to the character, location and setting of an area, with the Lincolnshire Lakes Strategic Site Allocation achieving 30 to 35 dph.
- 4.119 Policy H3 (Affordable Housing) provides that new residential housing development of 10no. or more dwellings must make provision for 10% of affordable housing provision on-site. The policy requires full justification of exceptional circumstances should an applicant consider there are significant economic viability constraints that would prevent such provision.
- 4.120 Policy DQE1 (Protection of Landscape, Townscape and Views) seeks to restrict development that would cause unacceptable harm and not respect and protect the distinctive character and quality of the landscape or important features or views.
- 4.121 Policy DQE2 (Landscape Enhancement) seeks to ensure that development will only be permitted where it provides opportunity for landscape enhancement or creation.
- 4.122 Policy DQE3 (Biodiversity and Geodiversity) sets out the broad parameters for new developments to achieve in protecting, managing and enhancing biodiversity and geodiversity interests on a site, with development resulting in the loss or deterioration of irreplaceable habitats being refused unless in exceptional circumstances. The policy seeks new developments to deliver a minimum 10% measurable biodiversity net gain, with a preference for this to be delivered on-site.
- 4.123 Policy DQE5 (Managing Flood Risk) requires development within the Lincolnshire Lakes allocation to comply with the flood management principles set out in the Lincolnshire Lakes Flood Risk Assessment and Drainage Strategy.
- 4.124 Policy DQE6 (Sustainable Drainage Systems) seeks to encourage the conservation of water and the management of surface water, with a preference for the integration of sustainable drainage systems into new developments to also create amenity, enhance biodiversity and contribute to a network of green/blue open space.
- 4.125 Policy DQE7 (Climate Change and Low Carbon Living) requires new development to mitigate the impacts of climate change and minimise carbon emissions to meet the climate change challenge, setting out the broad parameters to achieve this objective. The policy requires new residential development of 11no. or more dwellings to meet at least 10% of their energy needs from renewable and/or low carbon energy sources.
- 4.126 Policy DQE11 (Green Infrastructure Network) is supportive of new developments that are consistent with and assist delivery of the opportunities, priorities and initiatives identified in the North Lincolnshire Green Infrastructure Network and Biodiversity Opportunities Mapping.

- 4.127 Policy DQE12 (Protection of Trees, Woodland and Hedgerows) seeks to ensure the retention of trees, woodland and hedgerows in new developments.
- 4.128 Policy HE1 (Conserving and Enhancing the Historic Environment) requires development proposals to value, protect, conserve and seek opportunities to enhance the historic environment and with development proposals affecting archaeological remains to take every practical and reasonable steps to protect and, where possible, enhance their significance. Where possible and appropriate, mitigation strategies should ensure that important archaeology is retained in-situ to allow for expert investigation at some future time.
- 4.129 Policy CSC1 (Health and Wellbeing) seeks to improve health and wellbeing and looks to promote improvements and enhancements to accessibility to the historic environment, nature, accessible greenspaces and green infrastructure corridors and blue and green infrastructure – setting out key design principles in order to achieve these objectives.
- 4.130 Policy CSC2 (Health Care Provision) seeks to secure a healthcare contribution via a s.106 Agreement for development of 10no. or more dwellings in Scunthorpe.
- 4.131 Policy CSC3 (Protection and Provision of Open Space, Sports and Recreation Facilities) requires the provision of high-quality open spaces and sports and recreation facilities to meet the needs of additional residents in residential developments of 10no. or more dwellings, as identified in a new Developer Contributions SPD.
- 4.132 Policy CSC8 (Educational Facilities) requires major new housing proposals (25no. or more dwellings in the Scunthorpe and Bottesford Urban Area) which would result in an increased demand for educational facilities that cannot be met by existing schools and colleges to contribute towards new or extended facilities via contributions to be secured via a s.106 Agreement.
- 4.133 Policy CSC10 (Community Facilities and Services) states that developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for community services and facilities arising from their development proposals.
- 4.134 Policy WAS6 (Waste Management in Development) seeks to ensure that proposals for new development supports the efficient use and recovery of resources through its lifetime, including during construction, operation and/or occupation.
- 4.135 Policy T1 (Promoting Sustainable Transport) seeks to reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, setting out the broad parameters in order to achieve these objectives. Policy T2 (Promoting Public Transport) seeks to support fixed bus services across the area by seeking contributions from developers.
- 4.136 Policy T3 (New Development and Transport) sets out the means by which proposals should assess their likely transport impact and mitigate accordingly. The policy requires developers to demonstrate their proposals are adequately served by a variety of modes of transport and will not have an adverse effect on transport near the site.
- 4.137 Policy T4 (Parking) seeks to ensure that development proposals which generate additional parking demand should ensure that appropriate parking provision is made and with this incorporating facilities for electric vehicle charging. Policy T5 (Cycle and Motorcycle Parking) requires development proposals that generate additional parking demand to include cycle and motorcycle parking.

- 4.138 Policy T7 (Safeguarding Transport Infrastructure) seeks to safeguard specific routes which will deliver, maintain and improve key transport infrastructure, including the Lincolnshire Lakes road and transport infrastructure.
- 4.139 Policy DM1 (General Requirements) requires all new development to achieve high-quality sustainable design that contributes positively to local character, landscape and townscape and which supports diversity, equality and access for all. The policy sets out key design principles and amenity considerations in order to achieve these objectives.
- 4.140 Policy DM3 (Environmental Protection) seeks to ensure that development proposals demonstrate that environmental impacts on receptors have been evaluated and that appropriate measures have been taken to minimise the risks of adverse impacts to air, land and water quality, whilst assessing vibration, heat, energy, light and noise pollution.
- 4.141 Policy ID1 (Delivering Infrastructure) requires all developments to meet the on and off-site infrastructure requirements needed to support the development and mitigate the impact of the development on the existing community and environment to make it acceptable in planning terms.

[Lincolnshire Lakes Position Statement \(November 2022\)](#)

- 4.142 The Lincolnshire Lakes Position Statement was prepared by the LPA as part of the evidence base for the Emerging Local Plan and acknowledges that North Lincolnshire Council remains committed to the delivery of the Lincolnshire Lakes scheme.
- 4.143 Paragraph 5.2 sets out the proposed policy position and refers to the Council aiming to deliver 2,150no. homes to the eastern side of the Lincolnshire Lakes development by 2038 with the further 4,000no. dwellings being developed after the Plan period, including the application to deliver 1,900no. dwellings on the western side of the M181.
- 4.144 Paragraph 5.5 highlights that the LPA has amended planning policy for the Lincolnshire Lakes development to be less prescriptive in terms of land use to provide flexibility for developers – the policy providing broad locations for residential development and blue/green infrastructure without a prescriptive masterplan as to where villages or waterbodies should be precisely located.

SECTION 5: PLANNING ASSESSMENT

5.1 On the basis of the policy framework set out in Section 4 of the Statement and in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Proposed Development is considered below within the context of the Development Plan, together with other key material considerations.

5.2 The key issues in the determination of the Application include an assessment of the Proposed Development in the context the following considerations:

- Whether or not the LPA can demonstrate a five-year supply of deliverable housing land;
- Whether or not the Site represents a suitable location, in light of local and national policies for housing;
- Design and effects on the character and appearance of the surrounding area;
- Effects on heritage assets;
- Effects on flood risk and surface water and foul drainage;
- Effects relating to ground conditions and contamination;
- Effects on highways safety and the local highway network;
- Effects on ecology;
- Effects relating to air quality;
- Effects relating to noise
- Effects relating to energy/sustainability
- The Planning Balance

These matters are considered, in turn, below, and also take into account the EIA Screening Opinion that was issued by the LPA in May 2022 (LPA ref: SCR/2022/1).

Housing Land Supply

5.3 To support the Government's objective of significantly boosting the supply of homes, the NPPF states it is important that a sufficient amount and variety of land can come forward where it is needed. To this end, LPAs should identify and update annually a supply of specific deliverable sites to provide for a minimum of a 5-Year Housing Land Supply ["YHLS"].

5.4 The LPA acknowledged it cannot currently demonstrate a 5-YHLS as required by NPPF Paragraph 74 as part of an appeal in North Lincolnshire from July 2022 (LPA ref: PA/2020/554), in which an Inspector determined the LPA could demonstrate only a maximum 4.8-YHLS. A copy of this appeal decision is included in Appendix 1.

5.5 In a more recent appeal in North Lincolnshire that was allowed in June 2023 (LPA ref: PA/2021/2151), the appellant found that the LPA could demonstrate only a 4.07-YHLS. The LPA did not dispute that figure and the Inspector therefore accepted its use when determining the appeal. A copy of that appeal decision is included in Appendix 2.

5.6 The implications of the LPA's lack of 5-YHLS in the context of the determination of the Application are explored later in this section under the heading of The Planning Balance.

The Principle of the Proposed Development in this Location

- 5.7 The Application Site is located within the jurisdiction of the Lincolnshire Lakes AAP, which comprises proposals for a major urban extension to the west of Scunthorpe, based around the creation of 6no. new sustainable villages, including the provision of approximately 6,000no. new homes, commercial development, new infrastructure and public spaces, focused around a waterside environment. In this respect, Core Strategy Policies CS1, CS2 and CS4 are all supportive of the general principle of an urban extension being developed in this broad location, with Paragraph 3.10 of the Housing and Employment Land Allocation DPD setting out that 65% of Scunthorpe's housing allocation (amounting to approximately 6,000no. dwellings) will be located within the Lincolnshire Lakes urban extension.
- 5.8 The Lincolnshire Lakes AAP forms part of the LPA's statutory Development Plan within the Local Development Framework for North Lincolnshire, forming part of the planning and growth agenda for the area. The AAP sets out the planning policy framework to deliver the urban extension, with Policy SS3 establishing the strategic development requirements across the extent of the urban extension, which will include 6,304no. new dwellings, along with commercial, retail and leisure opportunities. Policies H1 and H2 set out the proposed housing distribution and mix, which, for Village 2 (in which the Application Site is located), amount to approximately 1,188no. dwellings and with a mix of 20% of the dwellings being 2-bedroom houses/bungalow, 53% being 3-bedroom houses/bungalows and 27% being 4-bedroom houses/bungalows. Policy SSA2 of the AAP shows the Site as forming part of Village 2 of the Lincolnshire Lakes urban extension, which is to deliver, inter alia, approximately 57ha of housing development, Lake 1 (extending to approximately 13ha), open space and pedestrian and cycle linkages. The Proposed Development will make a positive contribution to the delivery of the quantum of development as prescribed by the objectives and policies of the AAP.
- 5.9 The Site currently comprises agricultural land of Grade 2 (very good quality) classification and therefore represents some of the best and most versatile land for agricultural purposes. However, the EIA Screening Opinion acknowledged that there is an abundance of the best and most versatile agricultural land in the wider area and that the loss of this Site from agricultural use will not be significant. Furthermore, as explained above, the Site forms part of the Lincolnshire Lakes allocation and its loss to new residential development has already been accepted through the development plan process with the adoption of the AAP.
- 5.10 With the Application Site forming part of the wider Lincolnshire Lakes urban extension as designated in the Development Plan, it therefore represents a suitable, accessible and sustainable location for the Proposed Development. Furthermore, the Proposed Development will help to realise the development objectives of the AAP in the wider allocation, including in terms of the delivery of new housing, green infrastructure and new lake infrastructure.
- 5.11 The fact that the Site forms part of a wider allocation for an urban extension as allocated in the Development Plan means that the location for the Proposed Development is in accordance with NPPF Paragraph 23, which requires the broad locations for development to be identified on a key diagram and with land-use designations and allocations identified on a policies map. The Proposed Development is also in accordance with NPPF Paragraph 8 (b) in terms of ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- 5.12 The wider Lincolnshire Lakes urban extension continues to be supported in the Emerging Local Plan in Policies SS2, SS3, SS5, SS7 and SS11.

- 5.13 The Site is also located within the red line area of a wider site that already benefits from an extant outline planning permission granted in August 2021 for a mixed-use development of, inter alia, up to 2,500no. new homes, commercial, health and educational uses, new open space and wetlands (LPA ref: PA/2015/0396) and part of a wider area that already benefits from a hybrid permission as granted in August 2021 for, inter alia, new open space and recreational lakes (LPA ref: PA/2015/0628). The principle of the Proposed Development has therefore already been established in this location and with there having been no significant change in either the Development Plan or national planning policy since those permission were granted.

Design, Character, and Appearance

- 5.14 The impacts of the Proposed Development on the character and appearance of the existing rural landscape need to be considered in the context of the Site falling within a wider area forming part of the Lincolnshire Lakes urban extension, as already designated in the Development Plan. Impacts on the character and appearance of the wider rural landscape were considered as part of that designation process and with the AAP and the Lincolnshire Lakes Strategic Design Guide SPD subsequently being prepared and including the overarching design parameters for the development of the Lincolnshire Lakes urban extension to follow – this generally following a masterplanned approach.
- 5.15 More generic design policies relating to new development are also included in the Core Strategy and the saved policies of the Local Plan and with national planning guidance on design-related matters also being included in the NPPF and Planning Practice Guidance.
- 5.16 The Design & Access Statement accompanying the Application provides a comprehensive description and breakdown of the Proposed Development and includes an assessment of how its design aligns with the parameters as established in the AAP and the Strategic Design Guide SPD, other Development Plan policies of relevance and other material considerations, including national planning policies and guidance, which is therefore not repeated in detail here. However, the Design & Access Statement culminates in a Building for a Healthy Life Assessment, which concludes that the Proposed Development accords with policy requirements of the Development Plan and other material considerations, including national planning policies and guidance and local supplementary design guidance.
- 5.17 The Proposed Development is therefore in accordance with Policies CS5, CS16, CS23 and CS24 of the Core Strategy; Saved Local Plan Policies H8, DS1, DS3, T8, T9, T19 and R5; and AAP Objectives 1, 3, 4 and 8 and Policies SS2, SSA2, H2, G1, G2, G3, G5, G6, D3, D4, T7, T8 and T9, including in terms of ensuring sound masterplanned place-making principles and delivering quality sustainable design to an appropriate housing mix; planning out crime; ensuring no unacceptable loss to neighbouring amenity; protecting, enhancing and supporting a diverse and multi-functional network landscape, greenspace and waterscape; delivering good quality recreation and open space including walking and cycling routes and promoting public transport linkages.
- 5.18 The Proposed Development is broadly in accordance with the Lincolnshire Lakes Strategic Design Guide SPD and the Provision of Open Space in New Housing Developments SPG.
- 5.19 The Proposed Development is in accordance with Paragraphs 8(b), 8(c) and 119 and Section 12 of the NPPF, including in terms of the social and environmental objectives of achieving sustainable development; making an effective use of land; and achieving well-designed places. The Proposed Development is also in broad accordance with the design-related guidance of the PPG and the National Design Guide.

- 5.20 The Proposed Development is also in accordance with Policies H2, DQE1, DQE2, CSC1 and DM1 of the Emerging Local Plan, including in terms of achieving an appropriate housing mix and density; protection of landscape, townscape and views; landscape enhancement; and health and wellbeing.

Heritage

- 5.21 The EIA Screening Opinion highlighted that the Site has the potential to contain archaeological remains of an as yet unknown significance, which could potential be disturbed or destroyed by the Proposed Development. In this respect, it noted that the Proposed Development has the potential to impact non-designated heritage assets and their settings, including known and potential archaeological remains, geoarchaeological and paleoenvironmental deposits. Those heritage assets include known and potential archaeological remains of prehistoric to post-medieval date and associated paleo-environmental evidence buried within the underlying stratigraphy of sands, peat and warp deposits, which have the potential to contain well-preserved archaeological structures and artefacts as well as paleo-environmental evidence that can inform the archaeological record, through to evidence of the post-medieval drainage and warping of the former low-lying marshland.
- 5.22 The EIA Screening Opinion documented how a number of significant Bronze Age finds have come from Burringham Common and how archaeological investigations adjacent to and on part of the Site have revealed that considerable depths of peat are present at shallow depth below ground level to the east of the M181.
- 5.23 The Application is supported by a Written Scheme of Investigation for Archaeological Trial Trenching, which sets out details of the archaeological work to be undertaken in connection with the Proposed Development.
- 5.24 A scheme of archaeological investigation was previously agreed with the LPA as part of the outline permission for the mixed-use development including, inter alia, up to 2,500no. new dwellings on the wider site (LPA ref: PA/2015/0396) and the hybrid permission including, inter alia, new recreational lakes (LPA ref: PA/2015/0628).
- 5.25 A variation to the previously agreed methodology is now proposed. In this respect, a geophysical survey will not now be carried out, owing to the presence of warped sands across the Site and the potential for such a survey to identify modern anomalies, and, instead, 48no. trenches will be excavated, allowing for a larger sample and offering an even spread across the Site. Within a fortnight of the completion of the fieldwork, an interim report will be issued to the LPA presenting the findings of the investigations. On completion of the post-excavation assessment, a site assessment report will be prepared within 12-weeks of the completion of the fieldwork to include a conclusion with recommendations for further post-excavation work if required.
- 5.26 The Proposed Development is therefore in accordance with Core Strategy Policy CS6 and Saved Local Plan Policies LC14 and HE9, including in terms of the preservation and enhancement of archaeological heritage.
- 5.27 The Proposed Development is in accordance with the statutory duties of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 8(c) and Section 16 of the NPPF, including in terms of the environmental objectives of achieving sustainable development; the protection and enhancement of the historic environment; describing the significance of any heritage assets affected including any contribution made by their setting; providing clear and convincing justification for the proposed works; and weighing any less than

substantial harm against the public benefits of the proposals.

- 5.28 The Proposed Development is also in accordance with Policy HE1 of the Emerging Local Plan, with particular regard to requiring development proposals to protect, conserve and enhance the historic environment.

Flood Risk and Drainage

- 5.29 The EIA Screening Opinion noted that a flood defence scheme (LPA ref: PA/2017/1977) comprising of sheet piling along the River Trent and associated works was approved in May 2018 and has since been completed and with this increasing the height of existing defences and providing a long-term flood defence solution in anticipation of future flood risk. It also considered the Proposed Development has the potential to increase both the rate and volume of surface water run-off, thereby increasing the potential risk of flooding to others, or indeed to the development itself. However, the EIA Screening Opinion acknowledged that, subject to an acceptable Flood Risk Assessment and drainage strategy, the Proposed Development is not likely to have a significant impact on flooding or drainage.
- 5.30 The Application is supported by a Flood Risk & Drainage Assessment, which provides an assessment of the Proposed Development in the context of relevant local and national planning policies and guidance.
- 5.31 The primary focus of a flood risk assessment is to protect life, then consideration should be given to buildings, contents, operation and re-use. Exceedance and the routing of flows away from buildings should also be considered as a scheme design progresses.
- 5.32 The Site falls within both Flood Zones 2 (medium probability of flooding) and Flood Zone 3a (high probability of flooding) as defined in the Environment Agency's maps. The Proposed Development is considered to fall within the 'More Vulnerable' classification in terms of flood risk vulnerability. The primary risk to the Site is from tidal flooding from the River Humber resulting from the river defences being breached or overtopped during an extreme flood event. The Assessment also considers other potential sources of flooding to the Site, including groundwater, surface water, existing sewers, water mains and other artificial sources.
- 5.33 The Assessment proposes mitigation measures to reduce the risk to the development from flooding to an acceptable level and with these aligning with the findings or an equivalent report as associated with the earlier outline planning permission (LPA ref: PA/2015/0396), which remains extant. Overall, the Assessment demonstrates that the flood risk to the Proposed Development is reasonable and acceptable providing that the recommended mitigation measures are adopted.
- 5.34 The Assessment also demonstrates that the foul and surface water drainage networks for the Proposed Development can be designed and constructed to meet the requirements of the relevant Development Plan policies.
- 5.35 Surface water run-off from the Proposed Development will be attenuated and discharged by gravity at the greenfield run-off rate to the watercourse along the western boundary.
- 5.36 Foul water waste from the Proposed Development will be discharged by means of a pumped outfall to the public foul water sewer located approximately 150m to the east of the site.
- 5.37 The Proposed Development is therefore in accordance with Policy CS18 and CS19 of the Core Strategy and Saved Local Plan Policies DS1, DS13, DS14, DS15, DS16 and Policy SS2 of the

AAP, including in terms of promoting development that utilises efficient water systems, SuDS and flood defences; and ensuring the management principles of the Western Scunthorpe Urban Exception Test Strategy are met.

- 5.38 The Proposed Development is broadly in accordance with the SuDS and Flood Risk Guidance Document.
- 5.39 The Proposed Development is in accordance with NPPF Paragraphs 8(c), 167 and 169, including in terms of the including in terms of the environmental objectives of achieving sustainable development; ensuring flood risk is not increased; and requiring major developments to incorporate SuDS.
- 5.40 The Proposed Development is also in accordance with Policies DQE5 and DQE6 of the Emerging Local Plan, including in terms of development within the Lincolnshire Lakes allocation needing to comply with the flood management principles set out in the Lincolnshire Lakes Flood Risk Assessment and Drainage Strategy; and seeking to encourage the conservation of water and the management of surface water.

Ground Conditions and Contamination

- 5.41 The EIA Screening Opinion acknowledged that the Site comprises agricultural land and is previously undeveloped, with previous site investigations undertaken in association with outline planning permission PA/2015/0396 on the wider area in which the Site is located, such that there is unlikely to be any significant contamination on the Site. The EIA Screening Opinion also acknowledged that planning conditions could be used to carry out further ground investigations and remediation works as appropriate to mitigate any contamination that is found.
- 5.42 The Application is supported by a Phase I Geo-Environmental Assessment and an accompanying Technical Note, which summarises previous ground investigations at the Site. The Assessment and Technical Note demonstrate that no evidence of contamination has been recorded within previous investigations and that risk to controlled waters is deemed to be very low.
- 5.43 It is also considered that ground conditions are deemed to be suitable following engineered land raising for shallow foundations, e.g. reinforced strip or raft foundations.
- 5.44 Additional site investigations are recommended in order to inform the land raising and foundation solutions for the residential element of the Proposed Development, including in terms of ground gas and groundwater monitoring, settlement calculations, geo-environmental and geotechnical testing pursuant to the preparation of a Phase II Assessment, a Hazardous Ground Gas Risk Assessment and detailed settlement calculations.
- 5.45 Subject to those matters being suitably secured and addressed via planning conditions, the Proposed Development is in accordance with Saved Local Plan Policies DS7 and DS15, including in terms of demonstrating that contamination can be overcome by remedial measures; and ensuring that development does not adversely affect the quality and quantity of water resources and amenity by pollution.
- 5.46 The Proposed Development is in accordance with NPPF Paragraphs 8(c) and 183, including in terms of the environmental objectives of achieving sustainable development; and ensuring a site is suitable for its proposed use, taking account of ground conditions and any risks arising from contamination.

- 5.47 The Proposed Development is also in accordance with Policy DM3 of the Emerging Local Plan, including in terms of ensuring developments demonstrate that environmental impacts have been evaluated and appropriate mitigation measures undertaken.

Highways

- 5.48 The EIA Screening Opinion noted that the Proposed Development has the potential for impacts on the strategic road network and the local highway network, including the M180/M181, Burringham Road (B1450), Scotter Road as a result of vehicles and HGVs during construction and an increase in vehicular traffic from residents of the new dwellings and users of the new lake. The EIA Screening Opinion acknowledged that these impacts could be mitigated by a robust Transport Assessment ["TA"] and Travel Plan ["TP"], noting the need to factor in cumulative impacts of other planning permissions for residential development in the vicinity of the Site. The EIA Screening Opinion acknowledged that such cumulative impacts, whilst potentially significant, were likely to be more localised and could be mitigated through s.106 contributions towards highway improvements and planning conditions, such that it considered the Proposed Development was unlikely to result in significant environmental impacts with regards to the strategic road network and local highway network.
- 5.49 The Application is supported by a TA and a TP. The TA provides a detailed appraisal of the expected transport impact associated with the residential element of the Proposed Development.
- 5.50 The Proposed Development will be accessed via a new simple priority T-junction and roundabout with Burringham Road to the southern boundary of the Site. Pedestrian and cycle access to the Site will also be provided via this access, with footways, shared foot/cycleways to also be provided within the Site. Associated works to Burringham Road are already the subject of an extant full planning permission that was granted in in January 2019 for highway works to deliver a new terminating junction to the M181 motorway comprising a new at-grade roundabout to access the B1450 Burringham Road from the M181, new B1450 side roads and realignment of the existing B1450, two new additional roundabouts on the realigned B1450, drainage ponds and outfalls, landscaping and associated re-profiling and ancillary works (LPA ref: PA/2017/1386).
- 5.51 The TA finds that the Application Site is well-placed to generate trips by sustainable modes of transport, particularly in the context that improvements to sustainable infrastructure within the vicinity of the Site are to be delivered as part of the wider Lincolnshire Lakes urban extension, with walking and cycling providing realistic travel modes for local journeys. The Site includes a number of local amenities within a 2km walking distance, including schools and retail facilities and with bus stops on Burringham Road within a 900m walk of the Site that accommodate services to Ashby and Scunthorpe town centre. Additionally, the TP provides a strategy for further encouraging sustainable travel from the Site.
- 5.52 A road casualty study shows that 22no. Personal Injury Collisions occurred within the study area around the Application Site during the 5-year study period. The TA finds that, if the proposed access junctions and internal roads of the Proposed Development are designed with due consideration to road safety, there should be no detrimental road safety impact on the local transport network, nor adverse impact upon the safety of pedestrians and cyclists.
- 5.53 The TA finds that the Proposed Development could be expected to generate up to 433no. 2-way vehicle trips during the AM peak hour and 422no. 2-way vehicle trips during the PM peak hour. The distribution of these trips across the local highway network was previously assessed in the granting of outline permission in August 2021 for the wider mixed-use development of,

inter alia, up to 2,500no. new homes, commercial, health and educational uses, new open space and wetlands (LPA ref: PA/2015/0396), and was found to be acceptable, including in terms of capacity assessments at key local junctions.

- 5.54 The number of dwellings now proposed in the Application, i.e. 599no, does not trigger the need for additional mitigation measures that were agreed as part of that outline planning permission and it is instead considered that the local highway network has suitable capacity to accommodate the vehicular movements generated by the Proposed Development.
- 5.55 The TA concludes that the Proposed Development is not expected to have a severe impact in road safety, traffic and highway terms and is therefore in accordance with Core Strategy Policy CS25; Saved Local Plan Policies T2, T6, T8, T9, T14, T18, T19 and R5; and AAP Objective 6 and Policies SS2, T6, T7, T8 and T9, including in terms of not compromising the operation of the strategic road network; including traffic management measures; minimising parking-related conflicts; requiring larger developments to be accessible by public transport and promoting sustainable transport options; and delivering and improving pedestrian routes, footpaths and cycle links.
- 5.56 As the impact of the Proposed Development is not expected to be severe, the Proposed Development is in accordance with NPPF Paragraphs 8(b), 104, 110, 111 and 112, including in terms of the environmental objectives of achieving sustainable development; ensuring that transport issues are considered from an early stage; that safe suitable access to the site can be achieved for all users; that any impacts from the development on the transport network or on highway safety can be effectively mitigated to an acceptable degree; that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe; and that new development should give first priority to pedestrian and cycle movement and, second, to facilitating access to high-quality public transport.
- 5.57 The Proposed Development is also in accordance with Policies T1, T3, T4, T7 and DM1 of the Emerging Local Plan, including in terms of seeking to reduce congestion; ensuring the provision of appropriate parking; seek to safeguard specific routes, which will deliver, maintain and improve key transport infrastructure.

Ecology

- 5.58 The EIA Screening Opinion confirmed that the Site is not within a Sensitive Area but does lie within approximately 2.5km from the Humber Estuary, which is a designated Special Area of Conservation ["SAC"], Site of Special Scientific Interest ["SSSI"] and a Ramsar site. The EIA Screening Opinion also noted that local nature reserves are located approximately 1km to the south-east of the Site and with a number of local nature reserves within approximately 1.8km of the Site to the north-east. The EIA Screening Opinion concluded that, with suitable mitigation measures in place, the Proposed Development is unlikely to result in a significant environmental impact with regards impacts on these designations.
- 5.59 The EIA Screening Opinion found that the Site comprises arable land and has biodiversity value in marginal hedgerows and drains. It noted that biodiversity net gain and enhancements on the Site will need to be achieved as part of the Proposed Development, with mitigation and enhancement measures including design and layout and with planning conditions used to require the submission and approval of biodiversity/landscape enhancements and management plans, sensitive working practices, SuDS, appropriate phasing mechanisms and external lighting details. With such measures in place, the EIA Screening Opinion concluded that the Proposed Development is unlikely to result in significant environmental impacts for

wildlife and protected species on the Site.

- 5.60 The Application is supported by a Preliminary Ecological Appraisal ["PEA"] (with Water Vole survey), a Bat Transect Surveys Report, a Water Vole Survey Report and a Biodiversity Impact Assessment.

Preliminary Ecological Appraisal

- 5.61 The PEA was carried out via a ecological desk study and an extended Phase 1 habitat survey to form an assessment of the ecological value of the Site and its potential to support habitats or be used by species protected under UK or European nature conservation legislation.
- 5.62 The PEA notes the presence of 1no. statutory designated site (a Local Nature Reserve) ["LNR"] and 4no. Local Wildlife Sites ["LWS"] for locations within a 2km radius of the Site. Due to the distance between these sites and the Application Site, plus the local nature of works associated with the Proposed Development, it is not expected that any direct or indirect impacts will occur on any of the designated sites.
- 5.63 The PEA found that habitats on the Site offer limited suitability for amphibians, with higher value habitat located around its boundaries. A Great Crested Newt ["GCN"] District Level Licensing ["DLL"] enquiry has been submitted to Natural England to avoid a requirement for the undertaking of further waterbody assessments and with a countersigned agreement having since been received back from Natural England, confirming that the Site is suitable for inclusion in the DLL scheme.
- 5.64 The PEA found that no trees were observed to display potential bat roost features, though recommended that an updated assessment of the trees should be undertaken prior to their removal. The woodland, scrub and ditch habitats on the Site display moderate suitability for foraging and commuting bat species and a single bat activity transect survey is therefore recommended per season. The PEA proposes that building-integrated bat boxes are provided on 30% of new dwellings in order to provide an enhancement for roosting bats at the Site.
- 5.65 The PEA reports that water vole were found in ditches on part of the Site, with a recommendation of further survey work prior to the commencement of development to fully assess the level of such activity. The PEA proposes best practice measures are taken with regards badger, reptiles and hedgehog.

Bat Transect Surveys

- 5.66 The Bat Surveys Transect Report details the additional survey work undertaken as was recommended in the PEA. Differing levels of bat activity were noted during the 3no. transect surveys. The Report acknowledges that the boundary habitats where bat activity was at its highest will be retained as part of the Proposed Development but proposes enhancement to areas of the Site with new open-spaced trees, native scrub and shrub mix planting and the creation of areas of wildflower grassland in order to mitigate against any habitat loss.
- 5.67 The Report also recommends a sensitive lighting scheme is designed and implemented with the new development in order to limit light spill on the retained boundary features and central green corridor.

Water Vole Survey Report

- 5.68 The Water Vole Surveys Report details the additional survey work undertaken as was

recommended in the PEA. Water Vole presence was confirmed on areas of the Site and, as such, the Report proposes a precautionary approach during construction works, including a toolbox talk, buffer zones and fencing and a pre-works check.

- 5.69 The Report also recommends enhancements in the form of the re-wetting of specific ditches, management of the vegetation currently present supplemented with further new planting where necessary, particularly around areas where members of the public will not use.

Biodiversity Impact Assessment

- 5.70 The Biodiversity Impact Assessment ["BIA"] was prepared following an ecological walkover of the Site, which identified the broad habitat types present in accordance with the UK Habitat Survey methodology and to undertake condition assessments of the habitats present following Biodiversity Metric 4.0 guidance. The PEA was also used to support the field survey and Biodiversity Net Gain ["BNG"] baseline assessment.
- 5.71 The BIA found the UK habitat types located on the existing Site to comprise 22.6ha of cereal crops, 0.3ha of modified grassland in moderate condition, 1.04ha of modified grassland in poor condition, 0.5km of ditch on-site and 0.85km of ditch along site boundary in poor condition, along with some hedgerow and bramble scrub outside the boundary of the Site. This equates to 23.94ha and with the existing Site calculated to old a baseline biodiversity value of 48.48 habitat (area) units and 2.03 watercourse (linear) units. The impact of the Proposed Development on this baseline biodiversity value will be calculated in due course during the consideration of the Application and with mitigation put forward accordingly to mitigate against any net loss.
- 5.72 Subject to assessment in a further BIA, the Proposed Development is therefore, in accordance with Core Strategy Policies CS17; Saved Local Plan Policies LC5 and LC12; and AAP Policies SS2 and G4, including in terms of requiring new development to produce a net gain in biodiversity; restricting development that would have an adverse impact on protected species unless adequate alternative have been provided; and seeking the retention of trees and hedgerows where possible.
- 5.73 The Proposed Development is in accordance with NPPF Paragraphs 8(c), 174 and 180, including in terms of terms of the environmental objectives of achieving sustainable development; conserving and enhancing the natural environment; and protecting and enhancing biodiversity and geodiversity.
- 5.74 The Proposed Development is also in accordance with Policies DQE3, DQE11 and DQE12 of the Emerging Local Plan, including in terms of setting out the broad parameters for new developments to achieve in protecting, managing and enhancing biodiversity and geodiversity interests on a site; and seeking to retain trees and hedgerows in new developments.

Air Quality

- 5.75 The EIA Screening Opinion considered that the Proposed Development would result in additional traffic generation that would have the potential to impact on air quality and that the Site is bound by the M181, where there will be emissions from existing vehicles on users of the residential and other uses on the Site. However, it acknowledged the Site is not located within or adjacent to an Air Quality Management Area ["AQMA"] and, given the residential nature of the Proposed Development, its impact on existing air quality is unlikely to be significant and could be suitably mitigated by the use of planning conditions.

- 5.76 The Application is supported by an Air Quality Assessment, which was undertaken in order to determine baseline noise conditions, consider site suitability for the Proposed Development and to assess its effects.
- 5.77 The Assessment found that, assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities will be not significant.
- 5.78 Dispersion modelling was undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network, both with and without the Proposed Development in place. Review of the dispersion modelling found the following:
- Impacts on annual mean nitrogen dioxide, PM10 and PM2.5 concentrations as a result of new traffic generation will be negligible at all sensitive receptor locations;
 - Predicted annual mean nitrogen dioxide, PM10 and PM2.5 concentrations are below the relevant AQOs and Interim Target at all locations across the Proposed Development.
- 5.79 As such, air quality impacts as a result of the operation of the Proposed Development are considered to be not significant.
- 5.80 Overall, the Air Quality Assessment concludes that air quality impacts are not considered to pose a constraint to the Proposed Development, in accordance with Saved Local Plan Policy DS1, which seeks to ensure there is no unacceptable loss of amenity in respect of noise from new developments.
- 5.81 The Proposed Development is in accordance with NPPF Paragraphs 8(c) and 174, including in terms of the environmental objectives of achieving sustainable development; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution.
- 5.82 The Proposed Development is also in accordance with Policy DM3 of the Emerging Local Plan, including in terms of ensuring developments demonstrate that environmental impacts have been evaluated and appropriate mitigation measures undertaken.

Noise

- 5.83 The EIA Screening Opinion considered that noise and disturbance will be generated as a result of traffic generation and construction operations whilst the Proposed Development is being built, and with it likely to generate noise, dust, vibration and light nuisance as a result of HGV movements to and from the Site and the operation of construction machinery on the Site. However, the EIA Screening Opinion acknowledged that such impacts could be appropriately mitigated against, with disruption during construction being temporary and with potential issues being able to be suitably mitigated through the submission of a Noise Impact Assessment to be submitted with a planning application and with conditions subsequently imposed to require agreement to a Construction Environmental Management Plan.
- 5.84 The EIA Screening Opinion found that the proposed use of the Site for residential development with a lake for recreational purposes would be unlikely to result in significant noise impacts. In this respect, it considered there would be potential noise impacts from additional vehicles using the M181 and from recreational users of the proposed lake but acknowledged that these impacts would be localised and not result in a significant environmental impact, with

landscaping, buffer zones, design, management plans and planning conditions able to further mitigate noise impacts.

- 5.85 The Application is supported by a Noise Impact Assessment, which determines the ambient noise climate at the Site, assesses the potential impact of the ambient noise climate on the residential element of the Proposed Development and provides recommendations for a scheme of sound attenuation work, as necessary, to ensure that its future occupants do not experience an unacceptable loss of amenity due to noise.
- 5.86 The Assessment found that the ambient noise climate at the Site is formed by road traffic noise from the M181 motorway and the B1450 Burringham Road. Accordingly, a scheme of sound insulation measures is proposed to protect future residents of the Proposed Development from the ambient noise climate, with such measures including a mechanical ventilation strategy for a small number of plots and with 2.0m high fences or brick walls proposed for a small number of properties along the southern and western edges of the proposed residential element in order to provide effect noise screening to the private garden areas of those plots.
- 5.87 Overall, the Noise Impact Assessment concludes that air quality impacts are not considered to pose a constraint to the Proposed Development, in accordance with Saved Local Plan Policy DS1, which seeks to ensure there is no unacceptable impact on air quality resulting from new developments.
- 5.88 The Proposed Development is in accordance with NPPF Paragraphs 8(c) and 174, including in terms of the environmental objectives of achieving sustainable development; and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
- 5.89 The Proposed Development is also in accordance with Policy DM3 of the Emerging Local Plan, including in terms of ensuring developments demonstrate that environmental impacts have been evaluated and appropriate mitigation measures undertaken.

Energy and Sustainability

- 5.90 The Application is supported by a Sustainability Report, which highlights those measures that will be incorporated into the design of the Proposed Development.
- 5.91 The Report identifies the following measures:
- A Site Waste Management Plan will operate during the construction period;
 - Building materials will be procured from sustainable sources;
 - In response to recent revisions to Part L of the Building Regulations, all dwellings will be capable of complying with the Fabric Energy Efficiency standard;
 - High levels of insulation will be utilised in the ground floors, external walls and roof spaces of all dwellings;
 - All dwellings will be fitted with photovoltaic panels;
 - Efficient gas condensing boilers will be installed in all dwellings;
 - All light fittings will be installed with energy efficient lamps
 - High-performance glazing will be installed in all dwellings
 - Low-flow sanitary ware and eco-sanitary products will be incorporated into the design of each dwelling to achieve a low water consumption rate.
- 5.92 The Proposed Development is therefore, in accordance with Core Strategy Policy CS18; Saved Local Plan Policy DS1; and AAP Objective 4 and Policies SS2 and SD1, including in terms of

reflecting the LPA's ambition to actively promote development that utilises natural resources as efficiently and sustainably as possible; and seeks a high standard of sustainable design.

- 5.93 The Proposed Development is in accordance with NPPF Paragraphs 8(c), 157 and 159, including in terms of its environmental objectives; minimising energy consumption; and avoiding the risk of flooding.
- 5.94 The Proposed Development is also in accordance with Policy DQE7 of the Emerging Local Plan, including in terms of requiring new development to mitigate the impacts of climate change and minimise carbon emissions.

The Planning Balance

- 5.95 Section 38(6) of the Planning and Compulsory Purchase Act 2024 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.96 The NPPF is a material consideration in the determination of the Application. The Development Plan is now more than 5 years old and requires review, as set out in NPPF Paragraph 33. Whilst the Emerging Local Plan is at a relatively advanced stage of preparation, it is also currently the subject of a number of unresolved matters and requests for numerous modifications, with a consequent delay to forthcoming hearing sessions. Therefore, having regard to NPPF Paragraph 48, the weight to be afforded to the Emerging Local Plan is limited, as was confirmed to be the case by an Inspector in the determination of an appeal in North Lincolnshire that was allowed in June 2023 (LPA ref: PA/2021/2151), a copy of which is included in Appendix 2.
- 5.97 Furthermore, as the LPA is unable to currently demonstrate a 5-YHLS, the 'tilted balance' of NPPF Paragraph 11 (d) is engaged, meaning that the policies that are most important for determining the Application should be considered out-of-date and be afforded a more limited weight than would be the case if the Development Plan was up-to-date.
- 5.98 Those Development Plan policies that are most important for the determination of the Application in this instance include those as referenced in Sections 4 and 5 of this Statement. Those Development Plan policies therefore have a more limited weight than would have been the case if the LPA could have demonstrated a 5-YHLS.
- 5.99 The tilted balance also provides that planning permission for sustainable development should be granted unless one of the two exceptions apply.
- 5.100 The first of these exceptions, relates to policies of the NPPF which protect areas or assets of particular importance, as listed in the NPPF's Footnote 7. In considering the Proposed Development in this context, the application of policies in the NPPF that protect those areas or assets of particular importance do not provide a clear reason for refusing the Application in this instance.
- 5.101 The second exception states that planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 5.102 In terms of benefits that contribute to social sustainability (as defined in NPPF Paragraph 8(b)), the Proposed Development will result in a broad mix of housing types and sizes to help meet current and future housing needs within the North Lincolnshire area. The Site is available and

the Proposed Development is capable of being delivered in full, or at least significantly so, during the current 5-year period and will therefore make a significant contribution towards the existing shortfall. The principle of the delivery of new residential development on part of the wider Lincolnshire Lakes allocation is therefore given significant positive weight in the planning balance, resulting in the delivery of new housing in a sustainable location at a time when the LPA continues to be unable to demonstrate a 5-YHLS.

- 5.103 The Proposed Development will also result in the creation and maintenance of publicly accessible natural green space, including a lake, landscaping and a play facility on the Site, which will be accessible to existing residents and the general public as well as to future occupants of the proposed new housing – this also constituting a social benefit of significant positive weight in the planning balance.
- 5.104 In terms of benefits that contribute to economic sustainability (as defined in NPPF Paragraph 8(a)), the Proposed Development will help to meet economic objectives through job creation during the construction phase of the development, with other indirect jobs also being created as a result, including in terms of contractors and suppliers. This is considered to constitute an economic benefit of moderate weight in the planning balance. Once completed the additional population generated by the Proposed Development will help to support existing shops and facilities in the locality, helping to ensure their viability and helping to indirectly create new employment opportunities in the retail and leisure services. This is considered to constitute an economic benefit of moderate weight. The Proposed Development will also result in the generation of increased New Homes Bonus payments for the Council. This is considered to constitute an economic benefit of moderate weight in the planning balance.
- 5.105 In terms of benefits that contribute to environmental sustainability (as defined in NPPF Paragraph 8(c)), the Proposed Development is in a sustainable location, with good access to local services and facilities and with good public transport linkages, therefore reducing the need for future residents of the new housing to rely on the private car for travel. This is considered to constitute an environmental benefit of significant weight.
- 5.106 In summary on the second exception of NPPF Paragraph 11(d), therefore, the Proposed Development performs well against the requirements of the Development Plan – as established above in Paragraphs 5.1 to 5.94 of this Statement and, with the tilted balance of NPPF Paragraph 11 (d) engaged, planning permission should therefore be granted unless the adverse effects of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- 5.107 In this instance, any harms from the Proposed Development do not significantly and demonstrably outweigh the benefits identified above in Paragraphs 5.102 to 5.105 and the Application should therefore be granted full planning permission.

SECTION 6: CONCLUSIONS

- 6.1 The Proposed Development seeks to deliver 599no. dwellings and a lake, along with associated infrastructure, including landscaping, public open space and play area, pedestrian and cycle links, pumping station and sub-station at Lincolnshire Lakes, Land east of M181 and north of Burringham Road, Scunthorpe.
- 6.2 The Application is supported by a comprehensive suite of plans, which, along with other associated supporting plans and technical assessments, demonstrate how the Site can suitably accommodate the Proposed Development.
- 6.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this instance comprises the North Lincolnshire Core Strategy (2011), the Housing and Employment Land Allocation DPD (2016); the Saved Policies of the North Lincolnshire Local Plan (2003); and the Lincolnshire Lakes Area Action Plan (2016).
- 6.4 The NPPF (July 2021) is a material consideration in the determination of the Application. The Development Plan is more than 5 years old and has not been updated as required by NPPF Paragraph 33.
- 6.5 The Proposed Development is in general accordance with the Development Plan in terms of whether or not the Site represents a suitable location, in light of local and national policies for housing; its design and effects on the character and appearance of the surrounding area; its effects on heritage assets; its effects on flood risk and surface water and foul drainage; its effects relating to ground conditions and contamination; its effects on highways safety and the local highway network; its effects on ecology; its effects relating to air quality; its effects relating to noise and its effects relating to energy/sustainability
- 6.6 The Application is accompanied by a Viability Appraisal, which justifies the lack of affordable housing proposed in the Application and which will also influence the extent of s.106 contributions to be agreed during the determination period.
- 6.7 The Proposed Development is therefore in broad accordance with the adopted Development Plan.
- 6.8 The Proposed Development is also in broad accordance with the Emerging Local Plan, albeit that this attracts limited weight at present.
- 6.9 Furthermore, the LPA acknowledges it can demonstrate only a 4.07-YHLS at present and with the evidence base of the Development Plan also being out-of-date. The tilted balance of NPPF Paragraph 11 (d) is therefore engaged, meaning that the Application should be granted unless any harms arising significantly and demonstrably outweigh the resulting benefits when assessed against the policies in the NPPF taken as a whole. The benefits in this instance include a range of social, economic and environmental benefits, which are considered to weigh significantly in support of the Application and which are not outweighed - let alone significantly and demonstrably - by any harms arising from the Proposed Development.
- 6.10 It is therefore respectfully requested that the Application is approved and full planning permission granted for the Proposed Development.

APPENDIX 1



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

APPENDIX 2



Appeal Decision

Site visit made on 23 February 2023

by **S Hunt BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/Y2003/W/22/3307310

**Land to the West of Brigg Road and to the South of Horkstow Road,
Barton upon Humber**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Banks Property Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/2151, dated 22 November 2021, was refused by notice dated 9 June 2022.
 - The development proposed is outline application for residential development of up to 390 dwellings and associated infrastructure.
-

Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 390 dwellings and associated infrastructure at Land to the West of Brigg Road and to the South of Horkstow Road, Barton upon Humber in accordance with the terms of the application, Ref PA/2021/2151, dated 22 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with all matters reserved for future approval except for access, which is detailed on plan references PA08, PA09 and PA10. I have considered the Indicative Masterplan (ref. PA05) as an indication of how the site could accommodate the proposed development.
3. The Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site, and Site of Special Scientific Interest (SSSI) is situated nearby. As the competent authority, I have a duty under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to consider whether the proposal would be likely to have a significant effect on the integrity of its interest features.
4. A shadow Habitats Regulations Assessment (HRA) was submitted by the appellant with the application, and further information to support their case submitted as part of this appeal. In coming to my decision, I have had regard to the Council's assessment, and I consulted Natural England under Regulation 63(3) of the Habitats Regulations in relation to the appellant's additional information including their proposals to secure mitigation measures. I return to this matter later in this decision.
5. The appeal submission includes a Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990. The Council were given the

opportunity to comment on it, and I make further references to the UU later in this decision.

6. The Council screened the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and I agree with their conclusions that it does not constitute EIA development.

Main Issues

7. The main issues are:

- Whether the appeal site is in an appropriate location for housing having regard to the development plan and its strategy for the distribution of new development;
- The effect of the proposed development on the character and appearance of the area; and
- The effects on the integrity of the Humber Estuary SPA and Ramsar site.

Reasons

Location for Housing

8. The appeal site comprises an arable field situated adjacent to the southern extent of the existing built-up area of the town of Barton upon Humber. A large area of housing is located immediately to the north of the site around Tofts Road and Bowmandale, including a number of dwellings which directly front Horkstow Road. The A15 dual carriageway skirts the western edge of the town and leads towards the nearby Humber Bridge. Barton upon Humber is classed as a market town in the North Lincolnshire Core Strategy 2011 (CS), the second tier in the settlement hierarchy as defined in policy CS1.
9. Barton upon Humber is a relatively compact settlement, with the town centre and a number of other local services within reasonable distance of the appeal site as detailed on the submitted plans¹. These include bus and rail services, primary and secondary schools, supermarkets, and leisure and recreation facilities. There is a large manufacturing works (Wren) to the east side of the town.
10. Notwithstanding the accessible location of the appeal site on the edge of a market town which is well served by existing facilities, its countryside location would conflict with the spatial strategy set out in CS policy CS1. It also fails to meet the sequential approach to development in policy CS2, and any of the criteria within CS policies CS3 and CS8 and North Lincolnshire Local Plan 2003 (LP) policy RD2 regarding exceptions to the control of residential development in the countryside.
11. Nonetheless, whilst at the time of the publication of the committee report the Council could demonstrate a five year deliverable housing land supply, the Council have since confirmed in their statement of case (following a recent appeal decision² in the district) that they can no longer do so. A great deal of evidence has been supplied by the appellant regarding an updated position on

¹ Sustainability Plan PA Drawing 13 HJB/4142/19 and Movement Framework Plan PA Drawing 15 HJB/4142/32

² APP/Y2003/W/21/3278257 Land at Brigg Road, Messingham 20 July 2022

housing land supply, with an overall calculation of 4.07 years³. This has not been disputed by the Council therefore I do not consider the details of any shortfall any further.

12. It is a matter of dispute, however, whether the presumption in favour of sustainable development as set out in paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. The Council contend that both parts are applicable; part i) regarding footnote 7 in respect of Framework policies relating to habitats sites, and part ii) in relation to adverse impacts arising from effects on landscape character. I return to such matters later in this decision.
13. I understand that the appeal site was assessed as part of the preparation of the draft North Lincolnshire Local Plan 2022 (NLLP), and was discounted for a number of reasons. I have been notified that the Proposed Submission version of the NLLP was submitted for Examination in November 2022. Whilst the NLLP is at a relatively advanced stage of preparation, there appears to be a number of unresolved matters, and numerous modifications are sought by the panel, with a consequent delay to forthcoming hearing sessions. Therefore, having regard to paragraph 48 of the Framework, the weight I give to the NLLP is limited.

Character and Appearance

14. The appeal site comprises gently rolling farmland typical of the 'Lincolnshire Wolds' landscape character area (LCA) as described in the North Lincolnshire Landscape Character Assessment and Guidelines 1999. Detractors in the landscape include the adjacent A15 dual carriageway and associated bridges and embankments. Whilst the main body of the site does not contain any trees, they line its boundary with the A15 and around Horkstow Road. Here, a regular line of two storey detached dwellings form a stark urban edge to the town of Barton upon Humber.
15. Glimpses of the site are possible from the A15, and from the bridge where Horkstow Road crosses the dual carriageway. The appeal site can be clearly seen from Horkstow Road where the boundary adjoins Brigg Road, but as one travels further south along Brigg Road views are restricted by both field hedges and landform. The town of Barton upon Humber is dominant in views to the north, with the striking backdrop of the Grade I listed Humber Bridge forming an important focal point for the town's location adjacent to the Humber Estuary.
16. The appellant's Landscape and Visual Appraisal (LVA) appropriately assesses the landscape and visual effects in accordance with GLVIA3. It includes a number of visuals taken from key viewpoints around the site, which are sufficiently representative of sensitive receptors. The LVA considers the landscape value of the site to be 'medium' and the effect of the proposed development on the Lincolnshire Wolds LCA to be 'minor adverse' overall. Although I concur with the Council that the appeal site forms an attractive setting to the edge of the town, I do not agree that there is an ample green boundary transition, given the existing hard edge formed by the existing dwellings which line Horkstow Road. The proposed development would provide

³ Paragraphs 10.2 to 10.52 and Appendix 6, Statement of Case on behalf of the Appellant, and Johnson Mowat Assessment of the North Lincolnshire Five Year Housing Land Supply

an opportunity to incorporate green spaces and landscaping to soften a new edge to the town and a more gradual transition to the open countryside beyond.

17. The scale of the site and the number of dwellings is significant and there is no doubt that the proposed development would have an urbanising effect on the landscape causing a degree of harm. Nevertheless, such effects would be localised. Subject to appropriate layout, design and landscaping at reserved matters stage, the harm to the character and appearance of the area would not necessarily be significant. I acknowledge that the submitted plans are indicative, but they provide comfort that notwithstanding the significant number of dwellings proposed, ample space would remain within and around the site for open spaces and landscaping. Additional vegetation on a field currently largely devoid of such features would result in visual and environmental benefits in terms of screening and providing a buffer between the town and the open countryside.
18. Although the towers of the Grade I listed Humber Bridge are clearly visible from a number of directions on and around the appeal site, this is true of much of the town and its surroundings. The Bridge would remain a dominant feature in the landscape, and following development of the site its setting could still be appreciated. Nonetheless, as this is an outline proposal only, consideration of key views of the Bridge within the layout would be of importance at reserved matters stage.
19. The topography of the appeal site makes a positive contribution to the character of the area and the gently rolling landscape would provide some visual interest to the proposed development as well as a degree of screening from a southerly direction. On my site visit I viewed the adjacent housing development between Tofts Road and the A15. This large area of housing has been successfully assimilated into a similar landscape with appropriate use of landscaped buffers. The appeal site would be visually contained both by existing and proposed vegetation together with the natural topography of the site and its surroundings. Although the dwellings would inevitably be readily visible, over time the implementation of a high quality landscaping scheme would reduce residual effects.
20. There would be moderate adverse visual effects of the proposals, particularly on the outlook of residents of Horkstow Road. I also concur with the LVA that effects upon users of the nearby public right of way 37 and users of adjacent roads would be moderate adverse, reducing to minor adverse in the long term as landscaping matures. I acknowledge that local residents, in particular those who have direct views over the site, value the site and the wider landscape. However, I am not satisfied that the site is part of a 'valued' landscape in the context of paragraph 174 a) of the Framework. It is not identified as such in the development plan nor does it have any statutory designation.
21. The nearest part of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is situated over 20 kilometres from the appeal site. I understand that there is a proposal to extend the AONB boundaries to include a wider area, including the appeal site. However, after seeking an update, the proposed extension appears to only be an aspiration of the Council at this stage, and there are no fixed timescales for its potential designation. The existing AONB boundary is a significant distance from the appeal site and I am not aware of

any direct interrelationship with it. There is insufficient evidence before me to indicate the likelihood of its designation therefore I do not consider this matter any further.

22. I conclude on this main issue that the scale and location of the proposed development would inevitably result in urbanisation of the countryside to the southern edge of Barton on Humber, resulting in a moderate level of harm to landscape character and the visual character and appearance of the area. I therefore find conflict with policies CS2, CS5 and CS8 of the CS and policies H5, RD2, LC7 and DS1 of the LP which, together and amongst other things, expect development to reflect or enhance the character, appearance and setting of the immediate area, the local character of the landscape and the settlement as a whole. Paragraph 130 of the Framework includes a number of criteria which aim to ensure the creation of well-designed places. Such aims could be met within the future design, layout and landscaping of the proposed development, which would be the subject of future reserved matters applications subject to approval by the Council.

Humber Estuary Habitats Sites

23. The evidence indicates that the nearest point of the appeal site lies around 1.7km from the Humber Estuary SPA, Ramsar and SSSI, and some 2.3km from the Humber Estuary SAC. The qualifying features of the Humber Estuary comprise extensive wetland and coastal habitats as set out in section 3 and Appendix 2 of the Appellant's shadow HRA. The SAC qualifying features include sandbanks, mudflats and sandflats, coastal lagoons and dunes. A sizeable range of waterbirds make up the qualifying features of the SPA, which are largely repeated in the Ramsar designation. The proposal is not directly connected with or necessary for the conservation management of the designated sites. Potential impact pathways include water quality, loss of supporting habitat, and recreational disturbance.
24. The shadow HRA does not anticipate a likely significant effect on the qualifying features of the more distant SAC, by virtue of the lack of direct connection between the qualifying features of the SAC and the appeal site, and the presence of the intervening settlement of Barton upon Humber. I agree with these conclusions, noting that Natural England and the Council also have no concerns in this respect. The likely significant effects of the development are therefore limited to the SPA and Ramsar habitats sites.
25. The shadow HRA and the drainage strategy⁴ establish that there are no direct hydrological connections to the habitats sites, and do not anticipate impacts on the water quality of the Humber Estuary through foul and surface water management. Again, I note that Natural England have not raised concerns in this regard and I would agree with the appellant's assessment in this respect.
26. In terms of potential loss of supporting habitat, both the appellant and the Council's Ecologist have adequately explained that the records data mentioned by Natural England is not up-to-date nor sufficiently detailed to contribute to the assessment. The appellant's own surveys are comprehensive, with the results of a suite of 14 targeted surveys completed in 2021 and 2022 on the site and surrounding land not recording the presence of any SPA birds. The

⁴ APP1.5.11 Flood Risk Assessment and Drainage Strategy, Wardell Armstrong November 2021

Council have therefore confirmed that the site does not comprise functionally linked land, and I have no reason to disagree with these conclusions.

27. The proposed housing development would result in an increase in the local population, who have the potential to generate increased recreational disturbance to qualifying features of the Humber Estuary SPA and Ramsar, and likely significant effects in relation to recreational disturbance therefore cannot be ruled out. The appellant's shadow HRA, their appeal statement and further supporting information⁵, provide suitable information for me in my role as the competent authority to carry out an appropriate assessment of the potential impacts in relation to recreational disturbance.
28. The requirement for an appropriate assessment is notwithstanding that the appeal site is geographically separated from the Humber Estuary by the town of Barton upon Humber, and the limited extent of public right of ways between the appeal site and the Humber Estuary and nearby functionally linked land. The appeal site lies within the 4.42km zone of influence identified by the Council⁶, and significant residential development within this zone could result in increases in visitor pressures to the area around the Humber and impacts on sensitive habitats. Where impacts cannot be avoided, appropriate mitigation would be required to ensure no adverse effects on integrity. The Council's shadow HRA for the NLLP indicates that the provision of open space and recreational facilities as part of a proposed development allocation could meet the requirement for mitigation. The parties have not contested that the appeal site should be subject to the same considerations as those sites being assessed as part of the examination of the NLLP, given its location within the zone of influence of the Humber Estuary.
29. I am also aware that Natural England's proposed England Coast Path between Maplethorpe and Easington was subject to HRA in 2021⁷. The route is part of a National Trail which aims to improve public access to the coastline, including alongside the Humber Estuary. Whilst this is an entirely different development to that before me, it has relevance in that the effects relate to recreational disturbance on the same habitats sites at the Humber Estuary, and it incorporates avoidance and mitigation measures at Appropriate Assessment stage to rule out adverse effects on integrity.
30. Mitigation is proposed via a package of on-site measures comprising Suitable Alternative Natural Greenspace (SANG) to include extensive areas of greenspace as indicated on the masterplan⁸ which shows a range of public open spaces, green corridors, swales and basins for sustainable drainage systems, and a landscape buffer. Together, these open spaces would comprise approximately 12 hectares of the 26 hectare site (around 46%). Footpath routes of around 2.5km in length are indicated, enabling a circular walk of around 2km within the appeal site. When combined with the local public right of way network through farmland and nearby streets this would allow a dog walking route of 3km to be achieved, a good distance away from the habitats

⁵ APP6.1 to APP6.8 and Response of the Appellant to the Statement of Case of North Lincolnshire Council, the consultation responses to the appeal, and to the representations of third parties paragraphs 2.25 to 2.45 and Outline PAMMS, Appendix 5

⁶ Appendix 3, Response of the Appellant to the Statement of Case of North Lincolnshire Council, the consultation responses to the appeal, and to the representations of third parties: North Lincolnshire Local Plan Publication Draft Addendum Shadow Habitats Regulations Assessment (May 2022)

⁷ APP6.6 Natural England England Coast Path Stretch: Mablethorpe to Easington HRA (12 May 2021)

⁸ PA Drawing 06: Annotated Indicative Masterplan HJB/4142/30

sites. A large area of additional public open space opposite is also easily accessible around Horkstow Road/Tofts Road.

31. I have had regard to the consultation response from Natural England regarding long term management of the open spaces and measures to secure them in perpetuity⁹. The UU before me provides for the formation of a Management Company. It includes provision for the agreement of their role and responsibilities and for management, maintenance and monitoring in perpetuity and includes the transfer of all types of open space to be subject to a covenant which prohibits their use for any other purpose (Schedule 3 of the UU). The obligations require details of the management to be agreed by the Council as part of a Landscape and Ecological Management Plan (LEMP). I am therefore satisfied that the appellant's proposals to provide SANG as part of a LEMP, and having regard to Natural England's guidance¹⁰, would meet the aims to divert recreational pressure away from the Humber Estuary habitats sites. Full details would need to be agreed by the Council both at reserved matters stage and within the LEMP.
32. Any residual harm would be satisfactorily addressed by the Project Access Monitoring and Management scheme (PAMMS) put forward by the appellant. This would include information sheets to be distributed to occupiers of the new dwellings (and on a regular basis thereafter), setting out local access routes and recreational facilities and responsible use of the coastal habitats. Installation of several information boards and implementation of a regular visitor survey are also proposed as part of the PAMMS, which would be appropriately secured by condition. The condition also specifies that Natural England should be consulted. Whilst I acknowledge that surveys alone are not mitigation in themselves and leaflets would be insufficient to sufficiently change the behaviour of residents, I appreciate that such measures would be in addition to the LEMP and provision of SANG.
33. Natural England's previous consultation response¹¹ referred to the need to secure Strategic Access, Management and Monitoring (SAMM) relative to the level of residential development. However, the Council have confirmed that there is no such scheme operating in the North Lincolnshire district at present. Neither Natural England's own HRA for the aforementioned England Coast Path, nor the Council's shadow HRA for the submission NLLP, refer to the need for SAMM to be in place to address potential recreational impacts. Furthermore, there is no evidence before me which indicates any imminent plans to develop a SAMMS. Given the lack of a current scheme in place, which is the responsibility of the Council, this is not a matter which is within the control of the appellant. Instead, the aforementioned PAMMS would achieve similar aims.
34. In-combination effects have been assessed with other plans and projects which include the proposed allocations in the draft NLLP, which are expected to include their own mitigation as set out in the Council's own shadow HRA. In the absence of evidence to the contrary, I am satisfied that there would be no residual impacts to the habitats sites that could combine with other plans or projects.

⁹ Natural England email to PINS 18 May 2023

¹⁰ APP6.8 Natural England Guidelines for Creation of SANG (August 2021)

¹¹ Natural England application consultation response dated 20 May 2022

35. Natural England have not made comments in relation to the specific wording of the conditions or UU, and the Council have not raised any concerns with the UU. In the absence of evidence to the contrary, and having regard to Natural England's correspondence which clarifies that they do not object to the scheme and that there were errors in their previous consultation response¹², I am able to conclude on the appropriate assessment. Taking into account the proposed mitigation coupled with other measures secured by both conditions and a UU, I conclude that the development would not adversely affect the integrity of the Humber Estuary habitats sites, either alone or in combination with other plans or projects.
36. Consequently, I find that the proposed development is compliant with policy CS17 of the CS and policy LC1 of the NLLP which require an assessment of implications on nature conservation sites and use of conditions or planning obligations to secure mitigation or compensation measures. Nor do I find conflict with the relevant policies within the Framework that protect areas of particular importance relating to habitats sites, specifically paragraphs 174, 180 and 182. Consequently, there is no clear reason for refusing the development proposed in respect of such matters, and footnote 7 of the first limb of paragraph 11 d) is not applicable. I return to this in the planning balance.

Other Matters

37. A number of other matters have been raised in representations by local residents and other interested parties, and I do not underestimate the strength of feeling raised in relation to this sizeable proposal. Some issues have been raised that do not relate to planning merits or planning policy relevant to this case, including property values, and the financial motives and background of the appellant. Consequently, these have no bearing upon my deliberations on this appeal.
38. In respect of highway safety and additional traffic generated by the proposed development, a Transport Assessment has been submitted which concludes that it would have a negligible effect on the operation of the local highway network and that safe and suitable access is achievable. The location of the site means it can be accessed from various directions thus dispersing the impact of traffic on the existing highway network. Improvements to nearby footpaths are also proposed to facilitate safer pedestrian access and connectivity to local services, and there would be provision to extend the 30mph speed limits on Horkstow Road and Brigg Road. Neither National Highways nor the Highway Authority have any outstanding concerns in respect of traffic or highway safety subject to appropriate conditions and highway agreement and/or planning obligations, and I have received no substantive evidence which causes me to disagree. The evidence demonstrates that the proposed development would not have an unacceptable impact on highway safety in compliance with paragraphs 110 and 111 of the Framework.
39. Whilst it is inevitable that a proportion of occupiers would use their private cars to access local shops, employment and services, there are existing bus and rail services in the town with connections to the wider rail network and numerous measures have been put forward by the appellant to assist in reducing vehicle movements and increase access to sustainable modes of transport. The UU

¹² APP6.7 Email from Natural England to appellant 13 June 2022

secures a significant contribution to enable delivery of a new bus route loop via the appeal site which would enable connections with the existing bus routes and the railway station. This, together with the appointment of a travel plan co-ordinator, a bus ticket contribution for new residents, and provision of travel information packs and promotion of car sharing would assist in sustainable travel aims. In this context there is a lack of evidence to persuade me that the appeal site is in a location which is inaccessible or remote from local services, nor is there any evidence from the Council that parking provision in the town centre is insufficient to support the increase in population. In terms of walking routes used currently by local residents, existing public rights of way would be retained in the vicinity of the site, and new circular paths and open space on the site would also be publicly accessible. The implementation of a construction traffic management plan would assist in reducing effects on the local highways and pedestrian routes during construction.

40. Numerous third parties have referred to a potential relief road to serve the town's employment area. However there are no details of this road before me, nor any evidence to indicate that it is related to the proposed development, therefore it does not form part of my considerations.
41. The evidence before me suggests that the habitat conditions of the site and its surroundings including the presence of existing vegetation have potential for the presence of protected species. I have a duty under the Wildlife and Countryside Act 1981 (WCA Act) and the Habitats Regulations to consider the extent to which the presence of protected species may be affected by the proposed development before planning permission is granted¹³. Surveys should be carried out where there is a reasonable likelihood of species being present and affected by the development. The appellant has submitted a range of documents to support their proposals in this respect. These include an Ecological Assessment which provides a comprehensive survey and assessment of features of ecological value within the site itself, with particular potential for bats and nesting birds. The existing intensive arable use of the site and lack of other habitat features would limit the presence of other protected species.
42. The majority of the trees and hedgerows are able to be retained within the development, and there is significant potential for biodiversity enhancement with the creation of new habitats. The appellant calculates that a net gain of 21.7% habitat units and 112.13% hedgerow units could be achieved, and this represents a significant increase above that which would be expected. Significant areas of open space of different types are proposed which would include comprehensive landscaping, and have the potential to attract a wider range of species which may currently populate the arable field. Overall, I am satisfied that there is sufficient information at this outline stage and appropriate steps have been taken to establish the presence of protected species. I am satisfied that conditions can appropriately secure the biodiversity net gain and a management plan in accordance with mitigation measures set out in section 6.3 of the Ecological Assessment, which would minimise disturbance to existing species during construction in accordance with the relevant legislation and local and national planning policy.
43. The appeal site is currently in use for intensive farming of crops. The appellant's Agricultural Land Classification Report provides an up-to-date and

¹³ Natural Environment and Rural Communities Act 2006 and Circular 06/2005, paragraph 99

detailed assessment of the quality of the land, taking into account the relevant guidelines. It assesses around 9.75ha is graded at 3a which is good quality agricultural 'best and most versatile' (BMV) land, with the majority of the land (around 15.58ha) being classed at grade 3b, moderate quality land capable of supporting a more narrow range of crops. The loss of BMV agricultural land is an important consideration but I note that the Council nor Natural England do not raise concerns in this respect, with the Council stating that there are vast amounts of BMV farmland in the locality. The loss of BMV land would overall represent a very small proportion of the land available for growing food.

44. Whilst a number of representations refer to the site being within a Green Belt, the Council has not designated the land as such. Accordingly, the site does not carry those restrictions which relate to such a designation and I have assessed the proposal on the basis of its status as open countryside, as in the first main issue above. Furthermore, I am not aware of the availability of previously developed 'brownfield' land within the town which may be suitable for major residential development. Whilst the Local Plan housing chapter and policy RD1 refers to a prioritisation of re-use of previously developed land, the plan was adopted in 2003 and the housing policies were produced in the context of now out-dated national policy (Planning Policy Guidance note 3). The current Framework does not seek a sequential approach to the location of housing akin to that which is suggested by interested parties. Notwithstanding the current housing land supply position, the inconsistency of the Local Plan with the Framework significantly limits the weight which I can give to the relevant housing policies in my decision.
45. The addition of new housing can add pressure on local infrastructure and services including schools, leisure facilities, and healthcare. I acknowledge the pressures faced by the existing health facilities in the town, however this in itself does not justify rejection of the proposals, because there is an expectation that the health service would provide the necessary facilities to meet the needs of the local population. The UU secures significant contributions to both primary and secondary education and to local leisure facilities. Furthermore, as previously noted, the proposals include significant areas of public open space and contributions to an additional bus service as well as improvements to highways and local pedestrian links.
46. I accept that 2011 census data has been used for some of the submitted assessments and that the 2021 census has since been published. However I am satisfied that the assessments are robust in providing the evidence to enable me to make a decision. I also acknowledge that there has been a reduction in Humber Bridge tolls and subsequent changes in commuting and shopping patterns into and out of Hull and the East Riding. This has limited bearing on my decision as there is little to suggest that such matters alter Barton upon Humber's position in the settlement hierarchy of the district.
47. Reference has been made to sewage and drainage issues in the locality. There are no objections from the Lead Local Flood Authority or Anglian Water, and I have not been provided with evidence that the development would exacerbate any existing drainage conditions. I acknowledge the reservations of some interested parties and the past issues that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail

yet to be designed. The site is capable of hosting a sustainable drainage scheme, details of which could be submitted at reserved matters stage and controlled by conditions.

48. Air quality and CO² emissions were not raised by the Council's Environmental Protection team as matters of concern, and their climate change targets are not before me for consideration as part of the appeal. I acknowledge that a development of this scale will take place over several years. The submission of a construction environmental management plan to be agreed by condition, would assist in minimising effects during construction on nearby occupiers in relation to construction dirt, dust, noise and air pollution. The new homes would need to meet energy efficiencies set out in the relevant building regulations at the time, and the integration of low carbon technologies would be agreed at reserved matters stage. A lighting scheme is also capable of being agreed as part of future detailed proposals.
49. I am aware that the site location plan¹⁴ indicates large areas of land adjacent to the appeal site which are also within the control of the appellant. The 'blue line' land simply indicates land ownership and does not include land for development as part of this appeal. Any potential future proposals would be considered by the Council on their own merits having regard to relevant planning policies in place at the time.

Planning Obligations

50. The UU, under section 106 of the TCPA 1990 was signed and completed on 3 January 2023 and forms part of my decision making. It relates to the provision of affordable housing, education and leisure contributions, locally equipped areas of play, a Traffic Regulation Order and public transport contributions, and submission of a LEMP to include SANG as discussed in the main issues above. The Council were given the opportunity to assess the contents of each obligation against Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) and paragraph 57 of the Framework. The Council accepted each of the obligations and provided appropriate reasoning for doing so. The payments reflect the consultation responses provided by the relevant Council departments and external consultees for housing, education, highways, sport and open space, with calculations provided where required.
51. I have already commented on many of the obligations in the main issues and other matters. I consider that each of the contributions are necessary, directly related to the development and fairly related in scale and kind. Importantly, the UU appropriately secures the open spaces and management of them which enabled me to complete my appropriate assessment in respect of the Humber Estuary habitats sites. I am therefore satisfied that the obligations meet the tests in paragraph 57 of the Framework and Regulation 122(2) of the CIL Regulations.

Conditions

52. I have considered both the wording and reasons for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. I have made minor amendments to some of the conditions in the

¹⁴ Other Land in Applicant's Control PA Drawing 03 HJB/4142/28

interests of clarity, precision and consistency. All pre-commencement conditions have been accepted by the appellant in writing and are consequently compliant with the necessary legislation. Conditions requiring the approval of reserved matters and the relevant time limits, and in accordance with the approved plans, are necessary to ensure development is implemented as approved [1 to 4]. I have considered the longer timings suggested by the appellant but I consider the standard three year/two year time limits recommended by the Council to be appropriate given the local and national need for housing.

53. A site-wide phasing plan [5] is necessary to ensure the development is brought forward in a coherent and planned manner. The appellant's condition is preferred to that suggested by the Council in being more precise. A condition is required limiting the number of dwellings [6] to that stated on the application and description, as this is the number of dwellings assessed in the relevant documentation including the contributions for planning obligations, and my appropriate assessment for the Habitats Regulations. Any increase in dwellings may necessitate further assessment therefore it is reasonable to impose a limit. Provision of a minimum of 20 bungalows as part of the reserved matters housing mix [7] is reasonable in seeking to ensure a balanced mix of housing which meets a range of local needs.
54. Highway conditions [8 to 15] requiring details of junction and highway improvement works, bus stops, footways and street lighting and visibility splays to Horkstow Road, Brigg Road and Tofts Road, access roads, private drives, and limiting development in service strips are required in the interests of highway safety and improving accessibility by non-motorised users. I have simplified and amalgamated some of these conditions for clarity and to avoid repetition. I have amended condition [16] from the Council's suggested wording to make it more precise in terms of the completion of the access roads to each phase. The appellant's suggested amendments are not accepted, given the penultimate dwelling on this large site could take several years to complete, and it is necessary in terms of highway safety for internal access roads for each phase to be completed before that time. I have not imposed conditions requiring details of cycle and vehicle parking and storage, driveway surfacing and on-site street lighting at this outline stage as these are standard requirements for major housing developments which would be dealt with at reserved matters.
55. A finalised travel plan [17] is necessary in accordance with the framework travel plan to ensure that the measures contained within are implemented and monitored for a reasonable period. A construction traffic management plan condition [18] is necessary to minimise effects on the living conditions of nearby residents and the new occupiers of the ongoing residential development throughout the construction period, as well as in the interests of reducing pollution and highway safety.
56. Drainage conditions [19 to 22] are necessary to ensure satisfactory and sustainable drainage and to prevent increasing flooding elsewhere, together with confirmation that sewage capacity would be made available by the relevant water authority. They have been simplified to require submission of a scheme, which would need to be in accordance with the relevant regulations at that time.

57. Given the agricultural use of the land a contamination condition [23] is required to ensure that any unexpected contamination is properly assessed and remediated in the interests of public health. A noise mitigation scheme [24] is necessary given the proximity of the site to the A15 and Brigg Road, to minimise impacts to living conditions of future residents. Electric vehicle charging points [25] are required to encourage use of such vehicles and reduce pollutants.
58. A Construction Environmental Management Plan [26] including measures to control and monitor pollution is necessary to reduce the impacts on the living conditions of existing residents and those occupying the new development. I have included a requirement to agree working and delivery hours to give the Environmental Protection team an opportunity to consider what hours would be appropriate.
59. There are a number of trees and hedges worthy of protection on and around the site which should be considered with reserved matters applications, and a condition requiring measures to protect them during construction and potentially be replaced would be reasonable and necessary [27]. The masterplan includes allotments and a community orchard, which represents a desirable social and environmental benefit of the proposals therefore details are required for their provision and management [28].
60. Submission of an updated Biodiversity Metric [29] and a biodiversity management plan [30] are necessary to ensure that there would be a biodiversity net gain, biodiversity enhancements and protection of existing wildlife in accordance with submitted proposals and the WCA. I have split the Council's suggested condition and included the appellants suggested amendments to ensure the tests are met and that biodiversity net gain and enhancement are dealt with separately.
61. Submission of a PAMMS [31] is necessary to address any residual recreational impact arising from the development on the Humber Estuary habitats sites. I have made it more specific by including measures set out in the appellant's outline PAMMS included at Appendix 5 of the appellant's final comments. The condition that the Council suggested to Natural England¹⁵ is unnecessary (apart from those measures included in the PAMMS condition 31) because such open space details would be secured in perpetuity as part of the LEMP in the UU.
62. The site lies in an area of archaeological interest. Archaeology trial trenching and a geophysical survey have already taken place in accordance with an agreed programme. Conditions are required for any additional investigations relating to the finds as well as recording and assessment, mitigation and management strategies [32 and 33]. I have simplified the wording to prevent repetition whilst ensuring all stages are carried out.

Planning Balance and Conclusion

63. 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 Framework is such a material consideration. It is common ground between the parties that paragraph 11 d) of the Framework and the 'tilted balance' is

¹⁵ APP.6.3 Email from Andrew Taylor to Natural England, 9 May 2022

applicable, and that the policies most important for determining the application are out-of-date given that the Council is unable to demonstrate a five-year supply of deliverable housing sites.

64. As a result of my conclusions on the first two main issues, I give moderate weight to both the harm caused by the development plan policy conflict resulting from the site's location in the countryside and the harm caused to area character and appearance, in particular to landscape character at the southern edge of the town of Barton upon Humber.
65. There would be several benefits arising from the proposed development. The provision of up to 390 dwellings would assist in the Government's objective of significantly boosting the supply of homes and would make a considerable contribution to meeting the current shortfall and beyond, and to this I attach significant weight. Affordable housing would be provided via submission of an Affordable Housing Scheme which would deliver a policy compliant 20% affordable units in a phased manner across the site. Given the uncontested stated need for affordable housing in the district, this is a substantial benefit of the proposals. There is limited evidence before me about the proposed housing mix which would be considered at reserved matters stage, however I acknowledge that the provision of bungalows within the development would assist in meeting a local need for a range of occupiers, and I give this moderate weight.
66. The UU secures a range of contributions including towards education provision and sports facilities (which could be enjoyed by both existing and new residents). These are necessary to mitigate the pressure on local services by reason of the increase in population created by the development, and as such they attract neutral weight in the planning balance. The contribution to a new bus route, also secured by the UU, is a benefit which may not arise without the proposed development and is not one which is specifically required by development plan policies. I acknowledge that this is supported by both the Council and the bus operators and that it would also benefit the existing population to the south of the town. Consequently, I give it significant weight. The proposed footpath links and improvements to existing footways and highways would assist in encouraging non-motorised methods of travel and provide safer access to the town centre and other facilities within the town, and I give these improvements moderate weight.
67. The proposed open spaces and recreational walking routes within the site would not only assist in reducing recreational pressure on the Humber Estuary but would provide a number of other benefits. These include visual and biodiversity enhancements as well as promoting outdoor activity which would benefit both the new residents and occupants of nearby housing areas. In particular, the stated biodiversity net gain would be well in excess of the requirements arising from the Environment Act 2021 which come into force later this year. Provision of a community orchard and allotments would promote sustainable local food growing as well as social integration. Overall, I apply significant weight to the benefits relating to open space, recreation and biodiversity within the site.
68. Finally, moderate economic benefits would arise from the development including employment during construction and additional local spending both during construction and by future residents.

69. In considering the first limb of paragraph 11 d) of the Framework and the associated footnote 7, I find that the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. It is not triggered having regard to paragraph 182 of the Framework, in that my appropriate assessment under the Habitats Regulations found that the development would not adversely affect the integrity of the Humber Estuary habitats sites, either alone or in combination with other plans or projects.
70. Overall, I find that the adverse effects of the proposed development in relation to harm to the character and appearance of the area and the conflict with the development plan as a whole would not significantly and demonstrably outweigh its benefits, when assessed against the policies in the Framework as a whole. The proposal therefore benefits from the presumption in favour of sustainable development.
71. In view of the above I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

Susan Hunt

INSPECTOR

Schedule of Conditions

- 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 approved plans listed: PA Drawing 2 – Site Boundary Plan, PA Drawing 8 – Proposed Detailed Site Access Arrangement Overview, PA Drawing 9 – Proposed Detailed Site Access (Brigg Road), PA Drawing 10 – Proposed Detailed Site Access (Horkstow Road) and PA Drawing 14 – Open Space and Landscape Framework.
- 5) No development shall commence (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) until a phasing plan setting out the proposed phasing of the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.
- 6) The residential development hereby permitted shall not comprise more than 390 dwellings (use class C3).
- 7) The development hereby approved shall provide a minimum of 20 bungalows as part of the detailed housing mix. Where a phase of the development is to contain any bungalow, the reserved matters submission for that phase must include details of such provision.
- 8) No development shall commence until details of junction improvement works proposed for site accesses at Brigg Road and Tofts Road/Horkstow Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved works shall be implemented as approved and prior to occupation of any dwelling.
- 9) No development shall commence until the following details for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Proposed bus stop infrastructure within the site;
 - b) The provision of a footway on the northern side of Horkstow Road as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements);
 - c) The provision of a footway along the site frontage on Brigg Road and details of how it will connect into existing facilities on Brigg Road;

- d) Proposed improvements to Tofts Road including details of carriageway widening, drainage and footways as identified on plan PA10 (Proposed Detailed Site Access, Horkstow Road); and
- e) Details of the drop kerb crossings on key routes as identified on plan PA11 (Pedestrian Connectivity to Local Facilities Proposed Enhancements).

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition X.

- 10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- a) The provision of additional street lighting on Brigg Road across the site frontage, up to and including the point where the 30mph speed limit is to be positioned; and
 - b) The provision of signage and lining, including gateway features on Brigg Road, to facilitate the development and amended 30mph speed limit.

Thereafter the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under Condition 5.

- 11) Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 90 metres to the north and 215 metres to the south from the highway boundary across the site frontage as identified on plan PA09 (Proposed Detailed Site Access, Brigg Road).
- 12) No development, even if otherwise permitted by the Town and Country Planning (General Permitted Development) Order, shall take place within any service strip adjacent to any Shared Surface Road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the Local Planning Authority prior to planting.
- 13) No dwelling served by a private driveway shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority.
- a) the proposed method of forming access from the highway, including the required visibility splays;
 - b) the method of constructing/paving the drive;
 - c) the provision of adequate drainage features;
 - d) the provision of suitable bin collection facilities adjacent to the highway;
 - e) the provision of suitable lighting arrangements; and
 - f) the provision of street name plates that shall include the words 'Private Drive'. Thereafter the approved works shall be implemented as approved, unless otherwise agreed with the Local Planning Authority.

The works shall be implemented as approved.

- 14) No dwelling on the site shall be occupied until the access roads have been completed to at least base course level and adequately lit and the footways have been constructed up to base course level from the junctions with the adjacent highway to the access to the dwellings.
- 15) No other works on any phase of development shall be commenced on the site until the access road junctions serving that phase, including the required visibility splays, have been set out and established.
- 16) The penultimate dwelling on each phase of the site as approved by condition 5 shall not be occupied until the access roads serving that phase have been completed to wearing course level as agreed in advance with the Highways Authority.
- 17) A final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within six months of the development being brought into use. The Travel Plan shall be based upon the measures set out within the submitted Framework Travel Plan and should include provisions for annual monitoring for up to three years. The Travel Plan shall be implemented as approved.
- 18) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:
 - a) pre and post construction condition surveys of the relevant carriageways to identify any damage caused as a result of the development and how they will be rectified;
 - b) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - c) any abnormal load movements;
 - d) the parking of vehicles of site operatives and visitors;
 - e) location of welfare facilities;
 - f) loading and unloading of plant and materials;
 - g) traffic management requirements; and
 - h) construction vehicle wheel washing facilities and methods of cleaning the highway.

The approved CTMP shall be adhered to throughout the construction period for the development.
- 19) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of surface water drainage for the whole site, including a timetable for its implementation for each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise sustainable urban drainage systems, unless comprehensive justification for other methods is agreed. Thereafter the drainage scheme shall be implemented and maintained in accordance with the approved phasing under the approved scheme.
- 20) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement

works) shall commence until details of a method of preventing surface water run-off either from hard paved areas within the site onto the highway or from the highway onto the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

- 21) No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of foul drainage for the whole site, including a timetable for its implementation for each phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Such details shall be accompanied by written confirmation from the sewerage undertaker that sufficient capacity exists to accommodate the foul water drainage or that an agreement is in place for necessary works to ensure such capacity. Thereafter the foul drainage scheme shall be implemented and maintained in accordance with the approved phasing under the approved scheme.
- 22) Prior to the occupation of any dwelling for any phase of the development, written confirmation of the sewerage undertaker that sufficient sewage capacity exists at Barton upon Humber Water Recycling Centre to accommodate the relevant foul water drainage, and that any necessary works to ensure this capacity have been completed, shall be provided to the Local Planning Authority.
- 23) No development shall commence, other than that required to be carried out as part of an approved scheme of remediation, must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: - human health; - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; - adjoining land; - groundwaters and surface waters; - ecological systems; - archaeological sites and ancient monuments;

(ii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

Subject to the findings of part 1, and confirmation that contamination either on or off site exists which requires remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part 3.

- 24) No development shall commence until a Noise Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the Noise Mitigation Scheme shall include:
- a) Details of noise mitigation measures;
 - b) Predicted noise levels to be achieved at sensitive locations as a result of the Noise Mitigation Scheme; and

- c) Details of how the Noise Mitigation Scheme will be maintained for the lifetime of the development.

The Noise Mitigation Scheme shall be implemented as approved and before occupation of the development and mitigation measures shall be retained thereafter.

- 25) Prior to occupation of the development details of the location and specification for the provision of an Electrical Vehicle Charging Point for each home shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to take account of good practice guidance and building regulations. The approved scheme shall be implemented as approved.
- 26) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for:
 - a) Details of construction working and delivery hours;
 - b) Measures to control and monitor noise and vibration;
 - c) Locations for contractors' compounds, welfare facilities and materials storage areas;
 - d) Location and type of temporary lighting and methods to prevent light nuisance;
 - e) Measures to control the emission of dust and dirt, including monitoring of such measures;
 - f) Provision of water to the site;
 - g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - i) Details of complaint recording and investigation procedures

The approved CEMP shall be adhered to throughout the construction period for the development.

- 27) No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at Reserved Matters stage, without the written consent of the Local Planning Authority. Any existing tree, shrub or hedge or any tree, shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species.
- 28) No dwelling shall be occupied until details of the allotments and community orchard to be provided as part of the development have been submitted to and agreed in writing by the Local Planning Authority. The details shall be based on Drawing PA14 (Open Space and Landscape Framework) and shall confirm the number and location of allotments and orchard, as well as the method and timing of their creation and their

future management. Thereafter the approved allotments and community orchard shall be implemented and retained as approved.

- 29) No above ground development shall take place until an up-to-date biodiversity metric and strategy for achieving a minimum of 10% biodiversity net gain fully within the site has been submitted to and agreed in writing by the Local Planning Authority. The details shall be based on the Ecological Impact Assessment (Appendix 3 to the Planning Statement) and Drawing PA14 (Open Space and Landscape Framework) and shall confirm the quantum of biodiversity net gain to be delivered. Thereafter, the approved strategy shall be implemented as approved.
- 30) No above ground development shall take place until a Biodiversity Management Plan has been submitted to and approved by the local planning authority including the following:
- a) Details of at least two different designs of bat boxes or bat bricks to be installed on at least 15% of houses, targeted close to proposed woodland and wetlands;
 - b) Details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
 - c) Details of nesting sites to be installed to support a variety of other species including starling, house martin and house sparrow;
 - d) Details of restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
 - e) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
 - f) Prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
 - g) Details of wetland, calcareous grassland and orchard habitats to be created and managed;
 - h) Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
 - i) Procedures for monitoring and on-going management of created habitats;
 - j) Measures to avoid light, noise and water pollution, fly tipping and other factors that would harm habitats and species;
 - k) Prescriptions for the provision of a wildlife gardening leaflet for each new resident; and
 - l) An implementation timetable for the above works in relation to the completion of the dwellings.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Prior to the occupation of the 100th, 200th and 300th dwellings hereby approved, a report shall be submitted to the local planning authority, providing evidence of compliance with the Biodiversity Management Plan.

- 31) No dwelling within the development shall be occupied until the Local Planning Authority (in consultation with Natural England) has approved the details of a Project Access Monitoring and Management Scheme (PAMMS) to address any residual recreational impact (taking account of other site specific measures such as the Suitable Alternative Natural Greenspace) arising from the development on the Humber Estuary Special Protection Area. The approved PAMMS shall be fully implemented in accordance with its terms, which shall include:
- a) Details of leaflets providing information about the open space facilities on site and the importance of the Humber Estuary biodiversity sites, to be distributed to the residents of every dwelling on initial occupation and every five years thereafter;
 - b) The locations, designs and content of four or more information boards to be placed around the development to describe the recreational facilities and encourage responsible recreation around the Humber Estuary, together with details of long term maintenance;
 - c) Details of a regular visitor survey to gain an understanding of use of the open spaces within the development and offsite within the vicinity of the Humber Estuary, including methodology and reporting methods, with recommendations for any further facilities that may be required; and
 - d) a timetable for its implementation.
- 32) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:
- a) the programme and methodology of site investigation and recording;
 - b) the programme for post-investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - f) the nomination of a competent person(s) to undertake the works set out within the Written Scheme of Investigation.

Thereafter the Written Scheme of Investigation shall be implemented as approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 33) Prior to the submission of reserved matters, an Archaeological Management Plan shall be submitted to and agreed by the Local Planning Authority. The document shall include:

- a) A copy of the final archaeological evaluation report;
- b) Details of methods of protection of any archaeological remains proposed for in situ preservation;
- c) Details of protection measures to be put in place prior to and during all construction;
- d) Details of proposed management of the archaeological area throughout the construction period including time periods and methods of funding;
- e) Details of provision of on-site interpretation of the archaeological remains;
- f) Demonstration of the overall compatibility of the Archaeological Management Plan with the landscape and biodiversity proposals for the development site; and
- g) A timetable for implementation and maintenance with identification of personnel involved.

The Archaeological Management Plan shall be implemented in accordance with the approved details and timings, and the approved features shall be retained and maintained thereafter. Prior to the occupation of the 100th, 200th and 300th dwellings hereby approved a report shall be submitted to the local planning authority providing evidence of compliance with the Archaeological Management Plan, and thereafter for the period as set out in the approved timetable.

End of Conditions Schedule

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CHARTERED TOWN PLANNERS
& URBAN DESIGNERS