

**SUBMISSION TO THE EXAMINATION OF THE NORTH LINCOLNSHIRE
HOUSING AND EMPLOYMENT LAND ALLOCATIONS DPD**

Matter 2 – Conformity with the Adopted Core Strategy and National Planning Policy

Land at Holme Lane, Scunthorpe (SITE REF 36-7)

Prepared by
**Roland Bolton of
DLP Planning Ltd
Sheffield**

December 2014

1.0 INTRODUCTION

- 1.1 This submission is made on behalf of our client S. Jackson and Sons in relation to their site at Holme Lane, Scunthorpe (site ref: 36-7).
- 1.2 This submission specifically responds to the Inspectors Issues and Questions Paper on the topic areas for Matter 2 – Conformity with the Adopted Core Strategy and National Planning Policy. It should be considered alongside previous representations made on behalf of our client.
- 1.3 In this session we will confirm that as a result of recent appeal decisions regarding five year housing land supply and due to the lack of progress in delivering the strategic Lincolnshire Lakes development scheme, the housing contingency figure as set out in Core Strategy policy CS7 should be applied and sufficient housing land allocated to meet an increased housing requirement within the plan period. This in order to ensure that the draft document and wider Local Plan are found to be sound.

2.1 CONFORMITY WITH CORE STRATEGY

Five Year Housing Land Supply

- 2.2 In accordance with the National Planning Policy Framework (the 'Framework'), all local authorities should maintain a demonstrate five year supply of housing land. Since the submission of our previous representations on the draft Housing and Employment Land Allocations (HELA) policy document, DLP Planning has received an informal hearing appeal decision, which examines North Lincolnshire's five year housing land position and concludes that there is a significant shortfall.
- 2.3 The appeal decision was in respect of an outline application for 20 dwellings on land at 7 Lakes Industrial Estate, Ealand (Ref. APP/Y2003/A/14/2221377 – see appendix 1 for appeal decision). As part of the appeal process, DLP undertook a detailed assessment of the deliverable housing land supply in North Lincolnshire, which concluded that the Council could only demonstrate 1.5 years of this 5 year supply (see appendix 1). The assessment took into account the supply included in the Revised Submission Draft of the HELA document, in addition to recent planning permissions and pending applications. An Employment Land Review was also prepared, assessing the current employment land position of the district.
- 2.4 The Inspector agreed with the evidence presented by DLP at the Informal Hearing on 7th October 2014 that the Council could not demonstrate a 5 year supply of housing land as required by paragraph 47 of the National Planning Policy Framework (see appendix 1). The evidence presented by DLP confirmed that the Council only held a 1.5 year supply of housing.
- 2.5 The decision also established that a 20% buffer should be applied to the 5 year supply due to persistent under-delivery of housing in the district. The Inspector in that appeal agreed that the application should therefore be considered in light of the presumption in favour of sustainable development.
- 2.6 As this appeal decision establishes that North Lincolnshire Council cannot demonstrate a 5 year supply, the relevant policies contained within the Core Strategy and Local Plan for the supply of housing cannot be considered up to date. This includes Core Strategy policies CS1 (Spatial Strategy for North Lincolnshire), CS2 (Delivering More Sustainable

Development), CS3 (Development limits), CS7 (Overall Housing Provision) and CS8 (Spatial Distribution of Housing Sites) and Local Plan policy RD2 (Development in Open Countryside).

Current Position on Lincolnshire Lakes

- 2.7 Subsequent to the decision set out above regarding the five year supply position, it is acknowledged that further planning applications have been determined including a major development proposal for the Lincolnshire Lakes site. As this site has the potential to contribute significantly to the District's housing supply over the plan period, it is also important for the Inspector to be aware of the impact of this and other recent decisions.
- 2.8 On 22nd October 2014, North Lincolnshire Council's Planning Committee resolved to approve an outline application (references PA/2013/1000 and PA/2013/1001) for 3,000 homes, as well as employment and highways development on the site. The resolution is subject to signing of a S106 agreement and the decision notice has not yet been released.
- 2.9 The Housing Land Supply Position Report Update (May 2014) prepared by DLP in relation to the earlier Ealand appeal concluded that the housing requirement of North Lincolnshire Council is that set out in the following table:

Table 1 Revised Housing Requirement

RSS/Core Strategy Requirement 2004-2026	15,700
Built 2004-2014	5,079
What should have been built (754 x 10)	7,540
Shortfall	2,461
Future requirement (754 x 5)	3,770
Plus 20% for consistent undersupply	4,524
Total Requirement (Sedgefield method: CS requirement plus 20% plus shortfall of 2,461)	6,985
Annual requirement for next 5 years (2014-2019)	1,397

- 2.10 The five year housing land supply requirement for North Lincolnshire over the period 2014-2019 is therefore 6,985 dwellings.
- 2.11 In undertaking a revised assessment of supply, the following sources have been considered:
1. Outline planning consent for 3000 dwellings at the Lincolnshire Lakes scheme (Refs. PA/2013/1000 and PA/2013/1001)
 2. Other planning consents gained since May 2014 (date of Ealand appeal evidence) for schemes of 10 or more dwellings.
- 2.12 A review was undertaken of the Council's Weekly Lists of planning decisions between May 2014 and 2nd December 2014. For each of the consents identified, the following assumptions were used:
1. Delivery rate of 30 dwellings per year per housebuilder;
 2. 1 year to obtain reserved matters and discharge pre-commencement conditions.

- 2.13 This exercise indicates that, in addition to the supply of 2,278 dwellings identified in the previous assessment, a further 342 dwellings may be included in the 5 year housing land supply (2014-2019).
- 2.14 A land supply calculation following the revised review of sites is provided in the table below.

Table 2 Revised Housing Land Supply Calculation

Dwelling numbers identified between 2014-2019	Number of units
Sites with planning consent (<i>Table 3 of May 2014 Assessment</i>)	2,258
Sites in SHLAA (2014) with planning consent but not included as an allocation (<i>Table 4 of May 2014 Assessment</i>)	14
Additional sites since May 2014 with planning consent	342
Sub-total	2,544
ⁱ Windfall allowance	0
ⁱⁱ Non-implementation rate	10%
Total Supply	2,360
Annual Requirement over 5 year period (CS) plus 20% plus shortfall	1,397
Number of years supply - CS target plus 20% (2,360/1,397)	1.69
i. no provision from windfall has been allowed as it is submitted that the Council has not provided compelling evidence that windfalls will continue to provide a reliable source of supply, which is a high test.	
ii. 10% non-implementation rate has been applied.	

- 2.15 It is concluded that the housing land supply position in North Lincolnshire for the period of April 2014 to March 2019 continues to fall significantly below the five year supply (+20%) required by the Framework.
- 2.16 As demonstrated in this assessment there is an anticipated supply of 1.69 years in the next five years.
- 2.17 The Lincolnshire Lakes decision, although for a significant quantum of future housing, has a limited impact on the five year supply due to the outline status of the permission and the significant preparatory and pre-commencement works to be undertaken on the site prior to delivery.

Release of Contingency Sites

- 2.18 On the basis of the above it is clear that the Council cannot demonstrate a 5 year supply of housing land and it is therefore necessary to identify further housing sites to meet the requirements of the Framework.
- 2.19 Policy CS7 of the Core Strategy sets out the level of housing required to meet identified need and makes provision for under-delivery as follows:

“To provide flexibility in the delivery of housing the council will allocate contingency sites through the Housing and Employment Land Allocations Development Plan Document to deliver 1,300 additional dwellings within the Scunthorpe Urban Area. If over any continuous three year period the net additional housing requirement varies by more than 20% the allocated contingency sites will be brought forward.”

- 2.20 In order to ensure that the HELA document to sound, the Inspector should consider the need to identify additional housing allocations for the provision of 1,300 dwellings. This will ensure that the plan is deliverable in accordance with both the Core Strategy and the Framework.
- 2.21 In the Plan's current form, we do not consider it may be found sound. The allocation of additional housing sites, including our clients site at Holme Lane which is directly adjacent to the Scunthorpe Urban Area, will contribute towards making the Plan sound in respect of its compliance with the Framework and meeting its requirement to identify sufficient housing land.
- 2.22 Should the Inspector concur with our view, the compliance of our client's site at Holme Lane in relation to the tests of soundness (positively prepared, justified, effective and consistent with national policy) are considered under separate submission made in relation to Matter 3 of the Hearing in respect of Scunthorpe Area Omission Sites.

Appendix 1 – Appeal Decision

**(App ref: APP/Y2003/A/14/2221377 - 7 Lakes Industrial Estate,
Crowle Wharf, Ealand, Scunthorpe)**

Appeal Decision

Hearing held on 7 October 2014

Site visit made on 7 October 2014

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2014

Appeal Ref: APP/Y2003/A/14/2221377

7 Lakes Industrial Estate, Crowle Wharf, Ealand, Scunthorpe DN17 4JS

- 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 Mr Colin Muscroft against the decision of North Lincolnshire Council.
 - The application Ref PA/2013/1256, dated 30 September 2013, was refused by notice dated 9 April 2014.
 - The development proposed is described as 'outline planning permission for residential development on 0.80ha of land approx at 7 Lakes Industrial Estate, Ealand, Scunthorpe'.
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Decision

1. The appeal is allowed and planning permission is granted for residential development at 7 Lakes Industrial Estate, Crowle Wharf, Ealand, Scunthorpe DN17 4JS in accordance with the terms of the application, Ref PA/2013/1256, dated 30 September 2013, subject to the conditions set out at the end of my decision.

Procedural Matters

2. I have used the Council's description of development from their decision notice for my formal decision as opposed to that described on the application form as this description is more precise.
3. The application was submitted in outline, with all matters reserved. It was confirmed at the Hearing that the site plan submitted is for illustrative purposes only and I have dealt with the appeal on this basis.

Main Issue

4. Based on all that I have seen, read and heard, the main issue in this case is whether or not the site would provide a suitable site for housing, having regard to the principles of sustainable development, housing land supply, and the provision of employment land in the Council area.

Reasons

5. The appeal site lies to the west of the village of Ealand, and is located between the A161 and 7 Lakes Country Park, a large recreational and residential caravan park. The site forms part of a larger vacant area which is accessed by

a disused road, and services such as drainage and electricity already appear to be in place. Adjacent to the site is an area bordered with a large metal palisade fence which was previously used as a builders yard. The area is unkempt and appears derelict.

6. Paragraph 49 of the National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
7. The appellant considers that the Council can only demonstrate a 1.5 year supply of deliverable housing sites. This calculation is based on detailed evidence including consented housing, proposed allocations, contingencies, and sites identified in the Council's Strategic Housing Land Availability Assessment, April 2014 (SHLAA). The results of this are shown in paragraphs 5.10-5.11 of the Statement of Common Ground. The Council consider that they have a five year supply of deliverable housing sites. However, the details of this supply are not provided in evidence and were described in the Hearing as not being in the public domain. Given this lack of transparency and the evidence produced to the contrary, I consider that a five year supply of deliverable housing sites has not been *demonstrated* in this case.
8. Policies CS1, CS2 and CS3 of the North Lincolnshire Local Development Framework Core Strategy, June 2011 (the Core Strategy) provide a spatial strategy for North Lincolnshire, describe a sequential approach to future development needs and concern development limits. The policies relate to all development requirements, as opposed to just housing. However, I consider that so far as these policies relate to housing that they do constitute 'relevant policies for the supply of housing', a view which was agreed upon by the Council at the Hearing. Because of the content of the preceding paragraph in accordance with paragraph 49 of the Framework they are therefore not up to date and I place little weight on them. Paragraph 14 of the Framework states that, where relevant policies are out-of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
9. The site is a brownfield site and is located around a 5 minute walk from Crowle Railway Station, located on the main Doncaster to Cleethorpes railway line. This line has regular, hourly services to both Scunthorpe and Doncaster at times convenient for a normal working day, and includes relatively late night services in both directions. The Ealand Post Office and Stores is around a 10 minute walk away and there is a restaurant and bar open to the public located very close to the site, at the Country Park. Other facilities within the village include a community hall, a nursery and a large children's playground. Educational facilities are located in Crowle, around a mile north of the site along the A161.
10. The Council have referenced an Accessibility Criteria in their appeal statement which refers to the Scunthorpe and Bottesford Urban Area and Market towns. This contains a range of criteria on which scoring is allocated negatively or positively depending on a site's accessibility. Evidence produced by the

appellant at the Hearing on public transport times was accepted by the Council to show that the site would meet the relevant accessibility criteria. Whilst the distances and pedestrian access to local schools is not ideal, the range of facilities available in Ealand and the proximity of the railway station show to my mind that the site has good accessibility, particularly in the context of a rural area.

11. Economically the proposed site would have a positive effect in terms of construction jobs in building new houses, and socially the residents of the proposal would add to the village, providing more support to local services and facilities. The small increase in the supply of housing to the area that the scheme would provide would also be a social benefit. The environmental effect of developing the land would be minimal and the proposal would have the potential to improve the character of the area. I therefore consider that the proposal would constitute sustainable development.
12. The site has formed part of a larger allocation for employment land since 1993. Since this time there have been a number of permissions for varying forms of employment development on the wider site, but very few have been implemented, and none on the actual appeal site. The allocation has been marketed for around 7 years with little interest. It is common ground amongst the parties that there is an oversupply of employment land in the Council area, with the Council stating that there is an oversupply of 141 hectares, or 96% over the plan period from 2011 to 2026. A loss of 0.80 hectares would therefore have very little impact on the overall provision of employment land in the area.
13. The Council consider that in a local sense the site is required as an allocation to support the market town of Crowle and the Isle of Axholme. However, I note that the proposal would still leave around 3.2ha of land for employment uses, and that a further employment site is allocated to the south of the railway in Ealand, which provides for around 7.4ha, as stated by the Council in the Hearing. There would therefore remain over 10ha of employment land suitable for local employment uses, in addition to the large strategic site of Sandtoft located nearby.
14. I do not agree that the proposed development would sterilise the remainder of the employment site. Conditions could be applied at reserved matters stage to ensure suitable boundary treatments and landscaping is applied to the site boundaries. B1 uses are also suitable for provision within residential areas, and possible B2 or B8 uses could be utilised on other parts of the site or with suitable buffer areas. I also note in this respect that the overall site directly abuts the 7 Lakes Country Park, and the residential caravans within that site, upon which any industrial use would have a similar effect as to the proposed development, if not greater, given the differing noise insulation qualities of a house and a caravan.
15. The wider site is identified within the Council's Housing and Employment Land Allocations Development Plan Document (the DPD). The DPD is at a relatively advanced stage and has been submitted for examination. This is likely to take place in November 2014, and accordingly the Council consider that the future use of the site, which has been identified through the developing DPD for the past 7 years, should be determined through the Local Plan process. However, given the amount of land that would remain for employment uses both locally

and across the Council Area, I consider that the development proposed is not so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new employment or housing development that is central to the emerging DPD.

16. Policy RD5 of the North Lincolnshire Local Plan, May 2003 (the Local Plan) states that the change of use of existing industrial and commercial sites to non-employment uses in the open countryside will only be permitted if evidence of attempts made to sell the site on the property market for twelve months have been fully explored without success. At the Hearing the Council considered that this had been demonstrated. I am also mindful in this respect of paragraph 22 of the Framework which states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Whilst I am satisfied that the land allocation has been regularly reviewed, the appeal site has been allocated since 1993 with no development proposals for it, a period of over 20 years. The use of the site for housing would help support the sustainable local community.
17. I therefore conclude that the proposed site would provide a suitable site for housing, having regard to the principles of sustainable development, housing land supply, and the provision of employment land in the Council area. The site is sustainable, would contribute towards housing land supply and would not adversely affect the overall provision of employment land in the Council area. The proposal would comply with those elements of Policies CS1 and CS2 of the Core Strategy which refer to supporting thriving rural communities and delivering sustainable development, and would also comply with Policy RD5 of the Local Plan and the Framework.

Other matters

18. At the Hearing interested parties raised the issue of flooding, both from rivers and surface water. However, I note in this respect that the site is an established employment allocation which has always been expected to be developed, that the site has had a flood risk assessment carried out, and that the Environment Agency and Severn Trent Water raise no objections to the proposal subject to conditions being imposed.
19. A signed Planning Obligation was submitted at the Hearing. This obligation ensures that two of the proposed houses on the site would be affordable housing. This is in accordance with Policies CS9 and CS27 of the Core Strategy. The Undertaking also contains an overall sum towards public open space in the District, in accordance with Policy H10 of the Local Plan. I consider that the measures in the obligation are necessary, related directly to the development and are fairly related in scale and kind. As such they accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework. In particular due to the affordable housing provisions, I give the Obligation weight in favour of the development.

Conditions and Conclusion

20. At the Hearing a list of 10 proposed conditions was provided in the event of the appeal being allowed. I have imposed conditions concerning the details of reserved matters in the interests of proper planning, and for the avoidance of

- doubt. I have also imposed a condition ensuring that the mitigation measures included in the submitted flood risk assessment (FRA) from March 2014 are incorporated and that finished floor levels of the proposed development are set at the height recommended by the FRA.
21. Given the brownfield nature of the site, I have also imposed a condition concerning the site contamination and remediation scheme (if necessary) in the interests of the environment, although I have simplified the condition provided by the Council to make it more precise. I have also included reference to noise and dust controls during any required remediation works given the closeness of the residents of the Country Park. Given the proximity of the railway line and other local noise from road traffic, I have also imposed a condition requiring a noise impact assessment and mitigation measures if required, in the interests of the future living conditions of residents.
 22. A condition is also imposed for a scheme of pedestrian improvements to be submitted to ensure the site is well linked to the main village of Ealand and the railway station. Although there is a tactile paved crossing area and small central refuge on the A161, this is a busy road and improvements will help to ensure that the proposal is sustainable, and has no adverse impact on highway safety. Finally I have also imposed a condition concerning foul and surface water drainage, in the interests of the environment.
 23. 7 Lakes Country Park request that any permission includes conditions relating to boundary treatments, landscaping and proposed building heights. Such matters would be considered at reserved matters stage.
 24. I therefore conclude that the proposed site would provide a suitable sustainable site for housing. The minor adverse impact of granting permission through the loss of a small area of employment land would not significantly and demonstrably outweigh the benefits of granting consent. In addition, the proposed affordable housing adds weight to my decision.
 25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) Details of the access, 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 begins 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 three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved, or before the expiration of five years from the date of this permission, whichever is the later.
- 4) The detailed design of the development shall incorporate all the mitigation measures identified in the Flood Risk Assessment, prepared by Howard J Wroot and dated 28 March 2014. Finished floor levels of the proposals shall be set at 4.57m AOD.
- 5) Development shall not begin until a Noise Impact Assessment for protecting the proposed residential development from noise has been submitted to and approved in writing by the local planning authority. The assessment shall be carried out with reference to
 - (CRN) Calculation of Railway Noise – Department of Transport (1995)
 - World Health Organisation Guidelines for Community Noise (1999)
 - World Health Organisation Night Noise Guidelines for Europe (2009)
 - BS8233 (1999) Sound Insulation and Noise Reduction for Buildings- Code of Practice
 - BS4142 (1997) Rating Industrial Noise Affecting Mixed Residential and Industrial Areas
 - (CRTN) Calculation of Road Traffic Noise – Department of Transport (1988)

The assessment report shall provide details of likely noise sources which will impact upon the proposed development, mitigation measures to be employed and the resulting predicted level of noise at sensitive locations. All approved mitigation measures shall be completed before any part of the development is occupied.

- 6) Development shall not begin until a scheme to provide safe vehicular access to the site and pedestrian movements across the A161 has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details prior to occupation of 50% of the dwellings on the site.
- 7) Development shall not begin until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any part of the development is occupied.
- 8) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The report shall include details of provisions to protect nearby residents from noise and dust during remediation works if

required. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

APPEARANCES

FOR THE APPELLANT:

Colin Muscroft	Appellant
Roland G Bolton	DLP Consultants Ltd
Susannah Boyce	DLP Consultants Ltd

FOR THE LOCAL PLANNING AUTHORITY

Scott Jackson	North Lincolnshire Council
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INTERESTED PERSONS:

Councillor T Barker	North Lincolnshire Council
Councillor M Grant	North Lincolnshire Council
Roger Harden	Interested party
Mr Sargeantson	Interested party
Jason Keedy	7 Lakes Country Park

DOCUMENTS SUBMITTED AT THE HEARING

1. Policies CS9 (Affordable Housing), CS27 (Planning Obligations) of the Core Strategy, and Policy H10 (Public Open Space Provision in New Housing Development) of the Local Plan.
2. Public transport information on times from site to Scunthorpe, Crowle, and from Scunthorpe to Scunthorpe General Hospital.
3. List of suggested conditions.
4. Signed Planning Obligation, dated 07/10/14.
5. Copy of Flood Risk Assessment prepared by Howard J Wroot, dated 28/03/14.