

**Jack and Jeff Harvey**

**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 Former RAF Kirton in Lindsey Site, North Lincolnshire (Representation ID  
846408)**

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 Jack and Jeff Harvey in relation to their land at the former RAF Kirton in Lindsey site, North Lincolnshire (as shown in appendix 1).
- 1.2 This submission specifically responds to Housing and Employment Land Allocations (HELA) - Inspectors Issues and Questions Paper on the topic areas for Matter 2 – Conformity with the Adopted Core Strategy and National Planning Policy.
- 1.3 This submission should be specifically considered alongside previous representations submitted by Montagu Evans on behalf of the former owner of the RAF site, the Defence Infrastructure Organisation (DIO) as included for reference in appendix 2. The site has now been sold to our client, and previous representations made in June 2014 confirmed that the former landowner (DIO) was happy for the site to continue to be promoted for development by the new owner. On this basis, our client has instructed these submissions to the Examination Hearing.
- 1.4 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, further land must be allocated to meet an increased housing requirement within the plan period. Additional allocations including our clients site will ensure that the HELA document is sound and in accordance with the Core Strategy and national policy.

## 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 3 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 3). 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 7<sup>th</sup> 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 3). 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
<b>Total Requirement (Sedgefield method: CS requirement plus 20% plus shortfall of 2,461)</b>	<b>6,985</b>
<b>Annual requirement for next 5 years (2014-2019)</b>	<b>1,397</b>

- 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 2<sup>nd</sup> 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
<sup>i</sup> Windfall allowance	0
<sup>ii</sup> Non-implementation rate	10%
<b>Total Supply</b>	<b>2,360</b>
Annual Requirement over 5 year period (CS) plus 20% plus shortfall	1,397
<b>Number of years supply - CS target plus 20% (2,360/1,397)</b>	<b>1.69</b>
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.

#### **Allocation of Additional Housing 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 It is recognised that policy CS7 of the Core Strategy identifies a contingency provision should the Council fail to meet the identified need 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.”*

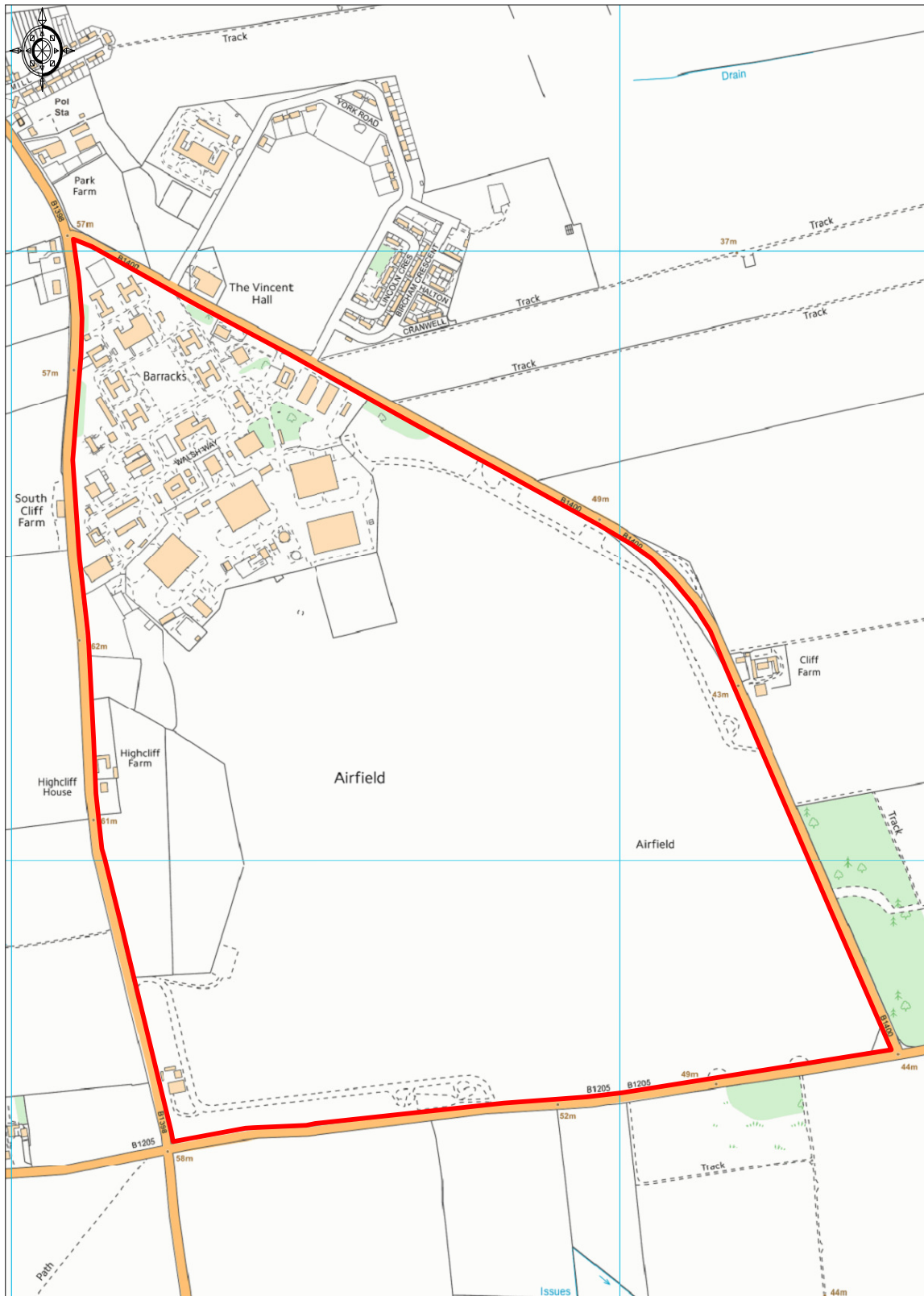
- 2.20 In order to ensure that the HELA document to sound, the Inspector should take account of the extent of under-delivery and the need to identify sufficient additional housing allocations to meet the Framework requirements of flexibility and choice. This will ensure that the plan is deliverable in accordance with both the Core Strategy and the Framework.

- 2.21 In its current form, we do not consider that the HELA document is sound.

**Required Change to ensure soundness**

- 2.22 Additional housing sites should be allocated, including our client’s site at the former RAF Kirton in Lindsey site, which is brownfield land and will contribute to the early delivery of housing in order to make the Plan sound in respect of its compliance with the Framework and meeting its requirement to identify sufficient housing land.
- 2.23 Should the Inspector concur with our view, the compliance of our client’s site 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 Housing Allocations – Kirton in Lindsey Omission Sites.

## **Appendix 1 – Land ownership plan**



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## **Appendix 2 – Representation on Draft HELA Revised Submission Document by Montagu Evans on behalf of DIO (June 2014)**



Para 3 306

542(84 6408 -01 -542- 3-306 -NS)

**From:****To:****Date:** Friday, June 06, 2014 04:45PM**Subject:** Fwd: Housing and Employment Land Allocations DPD Revised Submission Draft

Dear sir/madam

On behalf of our client, the Defence Infrastructure Organisation, please find attached a copy of our representations on the Housing and Employment Land Allocations DPD.

A hard copy has also been submitted to the council, and I would be grateful if you could confirm receipt of these representations.

We trust that the attached is of use in the formulation of the plan, but please do not hesitate to call should you wish to discuss the points enclosed.

Kind regards

Jon Bradburn

  
 **MONTAGU  
EVANS**

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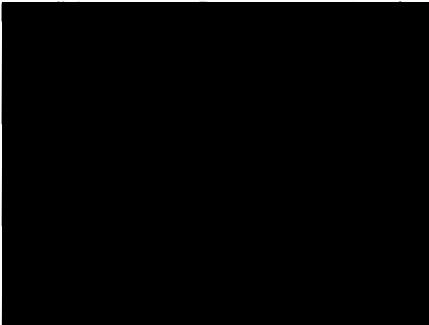
This footnote also confirms that this email message has been swept by Ironport for the presence of computer viruses.

Attachments:

140606 HELA Reps.pdf

Bradburn, Jon.vcf

PD9454/WE/JWB



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Dear Sir/Madam

**NORTH LINCOLNSHIRE LOCAL DEVELOPMENT FRAMEWORK  
HOUSING AND EMPLOYMENT LAND ALLOCATIONS DEVELOPMENT PLAN DOCUMENT  
REVISED SUBMISSION DRAFT APRIL 2014  
SITE OF THE FORMER RAF KIRTON IN LINDSEY**

On behalf of our client, we set out below our representations to the Pre-submission draft of the Housing and Employment Land Allocations DPD ("the Document").

These representations are submitted on behalf of the Defence Infrastructure Organisation ("DIO"), the current owners of the former RAF Kirton in Lindsey base ("the Site"). The site is currently vacant save the occasional use by the local gliding club and, at the time of writing, is due to be sold on the open market. These representations are therefore made to promote this brownfield site for appropriate forms of development.

It is the conclusion of these representations that the plan is unsound in its current wording. In particular it should be revised to take into account brownfield sites of a strategic nature that have become available during the formulation of this document. These representations have been submitted without prejudice to the views of the future owners of the site and reflect those of the DIO as the current land owners. It is expected however that the site will be sold before adoption of this DPD. The DIO are therefore happy that these representations may be taken on by any such future owner.

**Background**

The closure of the site was first announced in October 2008, and, as a result of the 2010 Strategic Defence and Security Review, was confirmed as being surplus to requirements within the 2011 Review of the Defence Estate. The RAF vacated the site in April 2012 following engagement with the local community and the Council.

The RAF Kirton Lindsey site extends to approximately 124 ha (306 acre) located to the south of Kirton in Lindsey, North Lincolnshire, and falls to the south of the built settlement boundary. The site forms a triangular shape, bounded on all sides by the local road network (B1400, B1398 & B1205), and is situated on a raised hillock. Access to the site is gained from two points on the eastern boundary, with a third access point in the south-western corner which only provides access to the facilities located in that part of the airfield.

The site has three distinct elements, which can be summarised below:

- **The Technical Area** - Located in the northern quarter of the site, this 14 ha (34 acre) area consists of the barrack blocks, World War II / Cold War bunkers and associated facilities / light industrial units. The main vehicular gates to the site off of the B1400 are also located in this area. This area has previously been used for training purposes by the Armed Forces, and a licence has recently been granted to the Police for further training opportunities.
- **The Hangars** – Located in the middle quarter of the site, this 10.5 ha (26 acre) part of the site consists of three modified 'Type C' World War II hangars of circa 4,180 sq m (45,000 sq ft), and a modern single storey hangar which has been subdivided into individual units and used, amongst other things, for vehicle repair. This element benefits from its own access point on the western boundary of the site.
- **The Airfield** – The southern half of the site (99.5 ha (246 acres)) consists of agricultural land which has two mown grass landing strips crossing it. A local gliding club has facilities in the south-western corner and regularly use the airfield. The eastern boundary includes a golf course which has been created from surplus land, and some equestrian uses on the western boundary.

The site is mainly vacant and in a state of disrepair. The airfield is used by the gliding club, along with associated facilities in the south west corner of the site. The site is also currently used on an ad hoc basis by the local Police for training, although this use is likely to cease once the site has been sold.

It is considered that the site presents a strategic brownfield opportunity to provide housing in the region of 300 units, a minimum of 15,000 sq m of employment space for North Lincolnshire and the leisure and recreational uses as part of a mixed use development. Discussions to inform the sales particulars for the site have been held with officers at North Lincolnshire Council. In principle, the following land uses have been agreed should redevelopment proposals come forward:

- The Technical Area – Residential, commercial and community uses.
- The Airfield – Agricultural activities, continued use by the Trent Valley Gliding Club, and solar energy generation.
- The Hangars – Class B1 (Business), Class B2 (General Industry), Class B8 (Storage and Distribution), Class D2 (Assembly and Leisure – indoor and outdoor sports and leisure use), sui generis outdoor pursuits utilising the existing facilities and opportunities they present.
- The Manège – Class D2 (Assembly and Leisure)

### **Approach to Housing Delivery**

The Framework seeks to ensure that councils boost significantly the delivery of housing, and provide this at a level which, at the very least, meets the identified local need. Councils must also identify a five year supply of suitable housing sites to meet housing delivery. This is to include a buffer of at least 5% to ensure that there is sufficient market choice and competition.

Paragraph 47 of the Framework goes on to identify that where there has been a record of persistent under delivery of housing, local authorities should adopt a 20% housing buffer on their five year housing supply,

brought forward from later in the plan period. As demonstrated below, the Council have only been able to facilitate the delivery of 5,090 units since 2004/2005, against a target 6,853 creating a shortfall of over 1,700 units.

What constitutes "persistent under delivery" has been discussed at the High Court in *Cotswold District Council v Secretary of State for Communities and Local Government & Anor* [2013] EWHC3179 (Admin) November 2013 ["Cotswold"]. The case identified that to identify whether such a record exists, there is the need to look at the plan period as a whole, as well as the overall delivery figure against adopted policy.

Drawing from the Council's 2013 Monitoring Report and 2014 Strategic Housing Land Availability Assessment, the following housing figures are noted:

Year	Delivery	Target *	Surplus / Shortfall	Cumulative Total
04/05	551	550	1	1
05/06	1160	550	610	611
06/07	688	550	138	749
07/08	480	550	-70	679
08/09	337	754	-417	262
09/10	302	754	-452	-190
10/11	457	754	-297	-487
11/12	399	754	-355	-842
12/13	326	754	-428	-1,270
13/14	390	883	-493	-1,763

\* For clarity, the source of the targets are as follows: 550 units per annum: RSS target; 754 units per annum: RSS / Core Strategy Target; 883 units per annum: SHLAA target (Core Strategy + shortfall + 5% buffer) as taken forward into the Housing and Employment Land Allocations DPD

The Council have failed to deliver their housing target over the past 10 years, despite the annual target being set on housing figures which they were involved in preparing. This has resulted in a significant cumulative shortfall of 1,763 units, or the equivalent of 2.34 years of the Core Strategy target of 754 units per annum.

Drawing on the conclusions of Mr Justice Lewis, at paragraph 47 of his Judgement in Cotswold, the ten year period assessed above is considered to be an appropriate period of time, encompassing three different evidence based housing targets. There is a clear record of the Council failing to meet the targets over this time frame, and not just at one particular point in time or against one individual target.

Accordingly, the Council should be adopting a 20% buffer for their housing figures, increasing the annual target to 1,009 units per annum ( $841 \times 1.20$ ) for the purposes of assessing the five year housing supply and for allocating sites within the document. With this in mind, the five year position stands as follows:

	2014 - 2019 (1-5 yrs) Deliverable sites
North Lincolnshire Housing requirement (inc 20% buffer: 1009 units per annum):	5,046
Total number of dwellings on deliverable and developable sites	2,713
Expecting Lincolnshire Lakes to come forward from 2015	1,800
Total 5 yr supply	4,513
Surplus / shortfall	-533

*Based on Table 10.1 of the Strategic Housing Land Availability Assessment Review (2014)*

To achieve this target, there is self evidently the need to bring forward additional site to overcome the 533 unit shortfall. The Council have already included a number of contingency sites which could be used for this purpose. It is highlighted, however, that all of the 9 contingency sites are located within Scunthorpe, and 237 units are located on 6.39 hectares of Greenfield land which is currently used by the local community for sports provision and open space. Some of this space is also constrained by flood risk, requiring an exception test, and have ecological and heritage constraints and justifications to overcome. There must, therefore, be some doubt as to the extent these contingency sites can realistically deliver the shortfall and certainly in the required 5 year period.

This is not therefore a sound strategy and is therefore unjustified. Not only does the plan seek to allocate valuable community resources (open space and sports provision) it also identifies all of the contingency sites within a single area. This does not provide an appropriate spatial distribution that ensures sufficient market choice and competition as required by the framework.

We can confirm that the former RAF Kirton in Lindsey site is available now, offers a suitable location for development and, subject to planning, has a realistic prospect that housing will be delivered on site within five years. This will provide an opportunity to deliver in the region of 300 homes on a brownfield site and in an alternative location to Scunthorpe, without the need to build on playing fields. This will go some way to assisting the Council in achieving a five year housing supply on sustainable sites when utilising the required 20% buffer, and allow the contingency sites to remain as a fall-back position within the longer Plan period.

### **Brownfield Development**

The delivery of new development on brownfield land is one of the core principles of the Framework, and Council should be proactive in identifying patterns of growth that makes the most effective use of this land source. As currently drafted 70% of the area allocated for residential development (140 ha) constitutes Greenfield land.

To date the site has not been included or assessed within the draft DPD or prior to this the Council's Strategic Housing Land Availability Assessment (SHLAA). This is a failure of the Plan, inherent with the age of the evidence and should be addressed.

The formulation of the document has taken place over a period of 8 years, starting with a call for sites in 2006. This was the only call for sites undertaken by the Council. Given the length of time that has passed it would have been reasonable to expect the Council to undertake a further call for sites towards the end of the recession to gain an accurate picture of the availability of sites.

Additionally, the Council also have a duty to monitor their built environment and the closure of RAF Kirton in Lindsey was publically announced as far back as 2008. Accordingly, the Council should have noted this site coming forward or at least its potential within the evidence base. As it stands the Council has not undertaken this exercise and has therefore failed to produce a robust evidence base upon which it can base the strategy for allocating housing sites. Whilst one could argue that a number of sites have become available over the recession, the strategic scale of this site and importance within the local economy and in particular to the local community of Kirton Lindsey.

This is particularly the case as it has the ability to bring forward a significant amount of housing on large brownfield site. It is noted that of the housing sites identified within the Document, 140 ha (70%) can be classified as Greenfield land. This equates to some 4,400 units on previously undeveloped sites, and when compared to the 1,978 units to be built on brownfield land, clearly shows that the Council are not delivering sustainable development in this regard.

The former RAF Kirton in Lindsey is brownfield land and has the potential to deliver in the region of 300 units, proving an opportunity to increase the number of brownfield units being created within the area.

Whilst Kirton in Lindsey is currently identified as being suitable for a relatively low number of units, it is considered that this is a historical target of its time. The Council should revisit this given the opportunities that the site offers both in terms of delivering housing but also accompanying infrastructure and community facilities.

The site also has the potential to deliver a number of community benefits including a structure of an RAF museum as part of a local heritage trail, and continued use of the gliding club, opportunities which could be lost if the site does not come forward within a positive policy framework.

This is a large and complex brownfield site that has the potential to deliver a number of local benefits and promote sustainable development. However, for this to take place, the market requires a suitable planning policy framework which provides a degree of certainty for bringing the site forward. Without this, these benefits have the potential to be lost.

### **Built Settlement Boundary**

To best facilitate the delivery of this site for development there is a need to alter the settlement boundary of the town. As noted within Section 6 of the report, the development limits need readdressing to ensure that they are up to date and appropriate. The majority of alterations to the settlement boundaries have been made to bring new development into the towns which was formerly not included due to the timescales involved in the statutory process.

It is believed that the military buildings of RAF Kirton in Lindsey and the associated military residential surrounding the site should be brought into the settlement boundary of Kirton in Lindsey, as demonstrated on the enclosed plan.

As noted within the document, adopted Core Strategy Policy CS3: Development Limits, includes a criteria assessment to determining whether settlement boundaries should be changed. Turning to each of the point of the policy in turn:

- **Existing development patterns** – The policy states that *“Scattered, sporadic or disbursed development separated from the main body of the settlement area by area of undeveloped land...will not be included.”* The developed part of the former RAF base covers some 24.5 hectares (60 acres), with the military housing area a further 18 hectares (44 acres) which includes sports pitches and leisure facilities available to the local community. These areas cannot conceivably be termed as “scattered, sporadic or dispersed” development. Whilst there is an area of open space between the town and the site, there are existing dwellings which can be seen along this linear link thus providing a connection. It would in bringing forward redevelopment of the site be important to enhance connectivity between the sites, which could reinforce the relationship. The function of this area as an area of separation is therefore considered to be transitional and of a limited nature. The policy also states that limits should follow clearly defined features or constraints such as roads. The built area of the former RAF base clearly provides such a features, not only in plan form, but also visually through the four store hangers.
- **Capacity** – One of the key points of this policy is the availability of previously developed land. This is a finite resource. The proposed allocation of further greenfield land goes to demonstrate that the town requires additional sources to allow it to continue to develop in a sustainable manner. The former RAF Kirton in Lindsey site provides an extensive area of previously developed land which is suitable for inclusion within the built settlement boundary. Furthermore, it is noted that the military base had 680 personnel stationed at its peak, over half of which lived on site, and was adequately served by the local infrastructure network. It is also noted that there are a number of benefits that could arise from the scheme, which should be maximised for the local community.
- **Existing planning consents / development** – Whilst the site does not have planning permission for residential or employment uses, it is clearly suitable for these and its last use did include the provision of living quarters. Furthermore, the site provides a number of opportunities for public benefit, including the potential for a museum in one of the former bunkers as well as the continuation of the gliding club.
- **Character** – The existing developments are seen on the skyline and from the local road network, and are already read as part of the Market Town, both on approach and exit to the south. The RAF base has been located on the site for over 70 years and it forms an intrinsic part of the town’s character. Altering the built settlement boundary to include the RAF base will not alter the settlement character, and will not alter the characteristics of the open countryside or other areas of open space.

The policy goes on to note that development outside of the defined boundaries will be restricted to that which is essential to the functioning of the countryside. It is acknowledged that the site was created for a bespoke use which has now ceased. It is, however, brownfield land that does not add to the functioning countryside.



In our view managed development can enhance the area. This provides a unique opportunity to include the site within the development boundary and allow the council to identify and control alternative uses which will allow this site to continue to provide important community benefits and bring forward sustainable development. Failure to do so will mean that the market will not respond to this opportunity as strongly as it should, potentially allowing these benefits to fall away. Furthermore, should the Council end up in a position whereby it cannot demonstrate a five year housing supply, it will leave itself open to challenge from other, less sustainable development sites.

### **Conclusions**

The Framework states that development plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency (paragraph 17). The former RAF Kirton in Lindsey site is a major brownfield site of strategic importance capable of delivering significant housing and employment opportunities. As drafted, the Document does not provide such a framework.

The Council have acknowledged that this site presents an important regeneration opportunity which can potentially deliver community benefits as well as jobs and housing, and have publically expressed an interest to purchase the site for this purpose.

This only serves to highlight the importance of the site and the need for its future development to be guided by an appropriate planning policy allocation. The Council has clearly failed in their duty to prioritise brownfield sites for development, or fully consider the sites available for development in the production of this Development Plan Document.

Additionally, the Council's proposed housing figures downplay the significance of the undersupply of housing, impacting on the ability to deliver the necessary level of housing.

Therefore, without the inclusion of the former RAF Kirton in Lindsey site, the plan is considered to be unsound on the basis that:

- It is not positively prepared – It is not consistent with achieving sustainable development as the emphasis on new sites coming forward is for greenfield development, rather than fully utilising brownfield opportunities.
- It is not justified – It does not provide the most appropriate strategy for delivering new housing and employment opportunities, as it fails to consider a strategically important brownfield site.
- It is not deliverable – The plan should include a 20% housing buffer if there is reasonable prospect of the Council fulfilling its five year housing demand and making up the historical shortfall. If this buffer is applied, further brownfield sites should come forward within the first five years of the plan, and as currently drafted, only greenfield sites have been identified.
- It is not Consistent with national policy – The plan fails to bring forward a plan that promotes sustainable brownfield development that provides the levels of housing required by the Framework or identify a practical framework for planning decisions for the former RAF Kirton in Lindsey site.

To make it sound, we believe that the Plan should seek to allocate the former RAF for residential and employment purposes and, at the very least, bring the site into the settlement boundary of Kirton in Lindsey.

Relevant policies for housing and employment use could be worded as follows:

**Policy KIRH-2**

*The northern part of the former RAF Kirton in Lindsey (14 ha) is allocated for housing (300 dwellings) and other appropriate uses as part of a mixed use development. The site will be developed in accordance with the following site specific criteria:*

- *A mix of housing size and tenure should be provided on the site and developed at approximately 30 dwellings per hectare*
- *Affordable housing provision will be negotiated at the time of the planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development and in accordance with Core Strategy Policy CS9*
- *A Transport Assessment and Residential Travel Plan will be required to demonstrate that the development will have no adverse impacts upon the local highway network*
- *Footpath and cycle provision should be provided throughout the site, linking the development to local services, residential areas and wider network.*
- *A Flood Risk Assessment should be prepared as part of the application process to assess and mitigate the risk of flooding from surface water drainage. Where practical, Sustainable Urban Drainage Systems should be incorporated into the development.*
- *This site is subject to environmental constraints including potential land contamination and potential adverse noise impact associated with the industrial units allocated under Policy KIRE-1. Prior to submission of a planning application for residential development, it will be necessary to carry out assessment of land contamination and noise so that appropriate design criteria and mitigation measures can be considered.*
- *Residential development should investigate the potential to provide appropriate facilities on site for a museum and how it can contribute towards the continued operation of the gliding club.*
- *Design must be in accordance with Core Strategy Policy CS5*

**Policy KIRE-1**

*The southern part of the former RAF Kirton in Lindsey site (110 ha) is allocated for employment, leisure and agricultural use. This site will be developed in accordance with the following site specific criteria:*

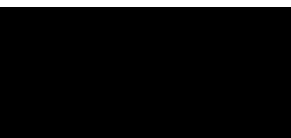
- *99.5 ha of the site is allocated for agricultural use and / or the creation of a solar farm.*

- *Any proposals for a solar farm will need to be accompanied by a landscape and visual assessment, incorporating the assessment criteria of the Council's Supplementary Planning Document for Renewable Energy.*
- *10.5 ha of the site is allocated for a mix of B1 (Business / Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses or Class D2 / sui generis leisure opportunities.*
- *A Transport Assessment and Travel Plan will be required for each use.*
- *Footpath and cycle provision should be provided throughout the site, linking the development to local services, residential areas and wider network.*
- *Development should investigate the potential for facilitating the continued operation of the gliding club.*
- *A Flood Risk Assessment should be prepared as part of the application process to assess and mitigate the risk of flooding from surface water drainage. Where practical, Sustainable Urban Drainage Systems should be incorporated into the development.*
- *Design must be in accordance with Core Strategy Policy CS5*

It is acknowledged that this is potentially a major change to the document. However, the Council have had ample time in which to assess and include the site within this document since its closure was announced; not only during the initial stages of drafting, but also within the 3 year hiatus before publishing a submission draft and proceeding to an Examination in Public.

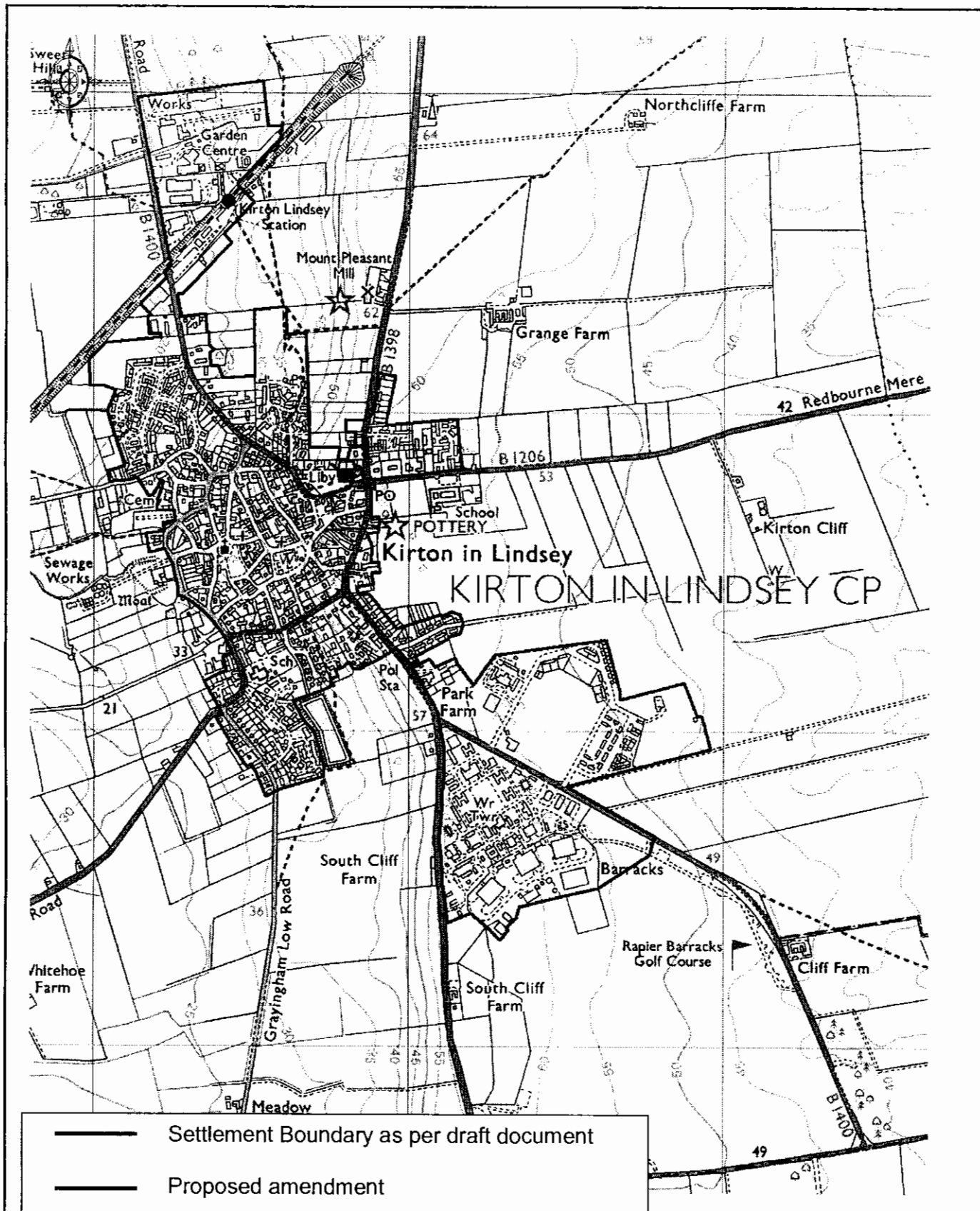
The allocation of a strategically important brownfield site should be included within this plan. Should the Inspector agree and identify this as a main modification to the document, the Council can consult on this at the same time as any other main modifications and, if necessary, hold a further Examination in Public session to discuss the comments received.

We trust that these representations are of use in the formulation of the Plan, and reserve the ability for the future owners of the site to appear at the Examination in Public to discuss its inclusion within the Council's Housing and Employment Land DPD. In the meantime, please do not hesitate in contacting either Will Edmonds (020 7312 7410 / [will.edmonds@montagu-evans.co.uk](mailto:will.edmonds@montagu-evans.co.uk)) or Jon Bradburn (020 7312 7452 / [jon.bradburn@montagu-evans.co.uk](mailto:jon.bradburn@montagu-evans.co.uk)) should you wish to discuss this in further detail.



Montagu Evans LLP

Enc.



**FORMER RAF KIRTON IN LINDSEY**  
**HOUSING AND EMPLOYMENT LAND ALLOCATIONS DPD**  
**REVISED SUBMISSION DRAFT**

**PROPOSED SETTLEMENT BOUNDARY CHANGES**

June 2014

Not to Scale

▲ North

**MONTAGU  
EVANS**

**CHARTERED SURVEYORS**

Montagu Evans LLP  
 5 Bolton Street  
 London  
 W1J 8BA  
 Tel: 020-7493 4002

## **Appendix 3 – Appeal Decision**

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

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## 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**

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**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'.
- 

### 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.