The Planning Inspectorate

Appeal Decision

Inquiry held on 9 - 11 May 2017

Site visit made on 7 June 2017

by Phillip J G Ware BSc(Hons) DipTP MRTPI

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

Decision date: 01 August 2017

Appeal Ref: APP/Y2003/W/16/3159191
Land to the rear of North Street and Cemetery Road, Winterton DN19 7HL

- 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 Keigar Homes Ltd against the decision of North Lincolnshire Council.
- The application Ref PA/2015/1390, dated 21 October 2015, was refused by notice dated 29 June 2016.
- The development proposed is the demolition of a house and the erection of dwellings, the construction of roads and sewers, and the formation of public open space and ancillary landscaping.

Procedural matter

1. The application was made in outline, with all matters reserved. I have dealt with the appeal accordingly.

2. During the course of the Inquiry the Supreme Court issued a judgement in the 'Suffolk Coastal case'[1], dealing (amongst other matters) with paragraphs 49 and 14 of the National Planning Policy Framework (the Framework). Both main parties considered the implications of the judgement during the Inquiry and addressed them in closing submissions.

3. Due to the indisposition of one of the advocates towards the end of the Inquiry the final submissions were produced in writing to an agreed timetable. The Inquiry was then formally closed.

Decision

4. The appeal is allowed and planning permission is granted for the demolition of a house and the erection of dwellings, the construction of roads and sewers, and the formation of public open space and ancillary landscaping on land to the rear of North Street and Cemetery Road, Winterton DN19 7HL in accordance with the terms of the application, Ref PA/2015/1390, dated 21 October 2015, subject to the conditions set out in the Annex to this decision.

[1] Suffolk Coastal District Council v Hopkins Homes Ltd and another, Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2017] UKSC 37

Main issues

5. There are two main issues in this case:

   - Whether the proposal would harm the settlement pattern of the area, in the light of the provisions of the development plan.
   - Whether the proposal would harm the character and appearance of the area.

Reasons

Background

6. The appeal site is arable land located immediately to the northeast of the developed area of Winterton and is around 6.8 hectares in extent. It is bounded by housing on the western and southern sides, by an area of woodland known as Simon's Wood to the east, and by open countryside to the north. The site is broadly level and is described in the Statement of Common Ground[2] as featureless. There are no footpaths crossing the site, although there is a path just beyond the site to the north and others through Simon's Wood – although these are clearly well used, it was agreed that they are not public footpaths.

7. The northern part of the site contains below ground archaeological remains and there is a Royal Observer Corps (ROC) underground monitoring post within the site adjacent to the northern boundary. The outline proposal envisages around 4.5 hectares of the site being developed for residential use and the remainder, an area running along the northern boundary, being transferred to the Council as public open space. One property on the west side of the site, fronting North Street, would be demolished to provide vehicle access and there would be a pedestrian and cycle access from the south off Cemetery Road (this route already exists as a private access). None of the proposed dwellings would be on previously developed land.

8. The appeal is accompanied by a completed Planning Obligation[3] (2 June 2017), which provides for affordable housing, and includes clauses related to education, open space and recreation, and archaeology. I will return to these matters below.

Development plan context

9. There are three relevant parts of the development plan. In chronological order these are those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a Direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

10. Dealing first with the CS, policy CS1 sets out a spatial strategy which, amongst other matters, provides that market towns such as Winterton will be supported as service centres and that an appropriate range and level of new housing (2,171 across all the market towns) will be provided during the plan period. Policy CS8 deals with the distribution of housing sites, and identifies Winterton as providing 277 dwellings (2.3% of the total). This overall approach is

[2] CD 30
[3] Doc11

supported by policy CS2 which sets out a sequential approach for development. Within market towns such as Winterton previously developed land within development limits takes precedence, followed by other suitable infill opportunities, then appropriate small scale greenfield extensions to meet identified local needs.

11. Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to certain exceptions – which do not apply in this case.

12. The development limits were subsequently defined in the HELAP, and the appeal site is outside the designated area, although the plan allocated certain housing sites in Winterton. The appeal site was initially considered for allocation in the early stages of the emerging plan, but this was not pursued apparently due largely to the archaeological potential of the northern part of the site – a matter to which I will return later.

13. LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. It is common ground that none of these exceptions apply in this case. Although remaining part of the development plan, this policy has largely been overtaken by policies in subsequent plans addressing the same issue.

14. The Council has published a Countryside Design Summary (1999) (CDS) which addresses the relationship between the settlement edge and the countryside.

The effect on the settlement pattern

15. Starting at the strategic level, the overall approach of the CS, as set out in policy CS1, is to focus development in market towns such as Winterton (in a second tier below Scunthorpe). The principle of the appeal scheme, which would provide around 135 dwellings, is in accordance with that approach and that matter weighs in favour of the proposal.

16. However CS policies go further than simply identifying a general approach, and allocate particular housing numbers to specific settlements. In the case of Winterton CS policy states that the settlement should provide 277 dwellings – being 2.3% of the total. There was discussion at the Inquiry as to the current relevance of these figures, given that the policy was adopted before the Framework and that there is no five year supply of specific deliverable housing sites in the area. With that background I do not consider the precise figures can be accorded any great weight, but the policy still indicates the general pattern of future development across the area.

17. There is nothing to suggest that the broad allocation across the district has changed, or is likely to change, or that there is any sort of hierarchy between the individual market towns. In addition there is nothing in any CS policy to suggest that the housing figures are maxima – were this to be the case, such a policy would conflict with the approach of the Framework which provides that the supply of housing should be boosted significantly.

18. The proposal therefore accords with the overall strategic approach – however the policies are aimed at focussing housing within settlement limits as defined in the HELAP. The appeal site is almost entirely outside the defined development limits and is therefore in breach of policies CS2 and CS8.

19. However the matter is not that simple in that policy CS2 provides that development should be focussed on, amongst other matters, "..appropriate greenfield extensions to meet identified local needs.." as part of the sequential approach. The Council accepted that the proposal could be described in those terms, whilst noting that development outside defined settlement limits should nevertheless be restricted. In a similar vein policy CS8, whilst restricting housing outside development limits, appears to contemplate some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside.

20. Dealing with these elements of CS2 and CS8, there is a clear local need for housing development in the area generally and in Winterton in particular. I will return to housing need below, but this is a matter to which I attach very considerable weight. In addition there is no dispute between the parties that Winterton is a sustainable community (as a market town it would be surprising if it were not) and that the proposal is well located in terms of services and facilities. The landscape effect on the adjoining countryside will be dealt with in the next section, but is limited. The proposal therefore sits comfortably within policies CS2 and CS8.

21. There were two other policies which were discussed in this context at the Inquiry. I have some sympathy with the appellant's contention that policy CS3 is largely aimed at the preparation of subsequent development documents (such as HELAP) which would define development limits – although the general policy of restraint of development outside the limits remains. LP policy RD2 similarly provides that development in the open countryside (which includes the appeal site given its location outside development limits) should be strictly controlled, and this is clearly relevant to the appeal scheme. However these policies, to the extent that they are relevant, add little to the policies I have already summarised as they largely reflect the same approach.

22. In summary, the proposal is in accordance with the adopted strategic approach which is to concentrate significant development on Winterton (amongst other locations). However the location outside the development limits brings it into conflict with other aspects of the policies. That said, the policies do not envisage an absolute ban on the amount of development in Winterton, and even the restrictive policies contemplate the possibility of countryside development in certain circumstances.

23. In addition I am mindful that no evidence was presented by the Council to indicate progress on any of the four Winterton sites identified in the HELAP. This was discussed at the Inquiry and the Council's only evidence of progress on these allocations was that one site has been the subject of pre-application discussions. Very little progress therefore appears to have been made in meeting housing need and this is a significant factor.

24. I will return to the question of housing land supply below, but it is appropriate to note here that the Council's position is that policies CS2, CS3 and CS8 are relevant policies for the supply of housing, are out of date in the context of paragraph 49 of the Framework, and that they should be given significantly reduced weight.

25. Overall, the proposal would harm the settlement pattern of the area, in the light of the detailed provisions of the development plan. However this harm is limited by the factors discussed above.

The effect on the character and appearance of the area

26. North Lincolnshire is divided into six different character areas[4] which broadly accord with Natural England's National Character Areas. The site and the wider area falls within the Lincolnshire Edge area, which is subdivided into local landscape types. The appeal site is within the Elevated Open Farmland type which is described as an exposed open landscape featuring arable farmland with large scale open fields and limited tree cover. The appeal site is representative of that landscape aside from the uncharacteristic presence of the woodland to the east.

27. The site is not subject to any formal landscape designation and it is agreed that it is not a valued landscape in the meaning of paragraph 109 of the Framework. However the impact of development on a non-designated landscape can still be a consideration.

28. As mentioned above, one side of the appeal site is bounded by a wood, one side by open fields and two sides by the rear gardens of houses – some of which are unusually long. The consequence of this is that the site is comparatively well contained.

29. There was considerable discussion at the Inquiry regarding the different approaches of the parties. The Council's position is that the appellant's evidence was too generalised and did not sufficiently consider the local effect of the proposal on the edge of the settlement. I have carefully studied the evidence submitted by the appellant and I do not agree with the Council's criticism. The appellant's analysis began by considering the settlement pattern of Winterton in general, including the range of existing linear and non-linear developments at the edge of the settlement. The effect of the sites allocated in the HELAP was assessed. The proposal was then comprehensively assessed at a range of levels of detail. The approach is in line with the methodology set out in the Guidelines for Landscape and Visual Impact (GLVIA3) [5].

30. One of the two key aspects of the Council's criticism was that the appellant had not referred to the Council's 1999 CDS. It is correct that this was not mentioned by the appellants, and I accept that it would have been preferable if reference had been made to that document. However I am persuaded by the appellant's argument that, by adhering to the methodology in current national guidelines, all relevant aspects were covered. Despite questioning on the point, the Council was unable to explain what was missed as a result of reliance on national guidelines as opposed to the CDS. I also note that there was no request from the Council to the appellant at any stage in the application or appeal process that the CDS should be specifically considered.

31. On the other hand the Council's evidence did not assess the value of the appeal site as part of a baseline scenario. The landscape witness for the authority accepted that this could be seen as a fundamental flaw in his approach.

[4] In the North Lincolnshire Landscape Character Assessment and Guidelines
[5] Guidelines for Landscape and Visual Impact Assessment (3rd edition)

32. Overall, in methodological terms, I find the appellant's approach to be more thorough and persuasive.

33. Turning to the effect on the landscape, it is a truism that the proposed development would change the character and appearance of the countryside. But that would apply to any greenfield site, including those proposed in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. For this issue to weigh against the proposal a robust assessment of any specific harm is necessary.

34. The appellant's Landscape and Visual Appraisal[6] shows the effect on the landscape to largely vary between slight adverse and slight beneficial. There would obviously be a slight adverse effect on the open farmland character of the wider area, as an inevitable consequence of the greenfield nature of the site. From the evidence before me including my site visit, I agree with this assessment, and consider that the landscape impact would be no more than slight, especially in the light of the comparatively enclosed nature of the site.

35. The appellant's study concludes that there would be a slight beneficial effect on tree and hedgerow cover in relation to the northern boundary, and the inclusion of new trees in the development. I do not disagree with this, although it is difficult to ascribe much weight to this aspect until the details of the planting are known.

36. The second key point for the Council is the consequence of the length of some of the rear gardens which abut parts of the appeal site. The Council maintains that these soften the edge of the settlement and give the area an unusual character. However, although this softening may be evident in some instances, I saw other gardens which include a range of outbuildings and domestic paraphernalia which, as the Council accepted, have quite the opposite effect. In any event the long rear gardens would remain, and could be beneficial in blending the new development into the existing settlement.

37. Despite the suggestion from the Council, there is nothing to support the idea that these long gardens have any particular historic significance, and the pattern dates from the time of the Enclosures. In fact the evidence of historic maps is that they are of much more recent origin.

38. One landscape advantage of the proposal, which could be considered in more detail at a later stage, but which is enshrined in the Planning Obligation in principle, is the proposed open space along the northern boundary of the site. In addition to providing open space and heritage benefits, this would provide a soft edge to the development in the only location where it abuts open countryside. From what I heard at the Inquiry this approach is not dissimilar to that envisaged in relation to some of the HELAP housing designations.

39. Turning to the visual impact of the proposal, it is clear that the majority of the impact would be on private receptors. The dwellings to the south and west of the site would experience a change in outlook from open fields to housing development and open space (in some instances). The effect would vary depending on, amongst other matters, the length of the gardens and I accept the appellant's assessment as slight to substantial-moderate adverse. However it is important to recognise that those receptors are living in a

[6] CD 19

residential area so the visual effect of housing development would not be unexpected or out of place.

40. Although the footpaths to the north and east are clearly well used, they do not appear to be public rights of way. The impact of the proposed housing on those using the footpath to the north of the site would be limited by the presence of the proposed open space along that frontage together with the intended enhancement of the screening vegetation (which could be controlled at the detailed stage). The view from Simon's Wood to the east would be filtered by the vegetation, as it is at present. In any event the magnitude of change from either direction would be relatively low as the current view across the field is of the rear of houses. The appellant assesses these impacts as moderate reducing to slight once the planting matures in views from the north, and slight when viewed from the wood. I agree with these assessments.

41. There are two other matters which need to be considered in terms of the effect on the character of the area. Firstly in evidence to the Inquiry the Council criticised the density of the proposal, although this was not a reason for refusal. In any case the CS provides an indicative density range for market towns such as Winterton of 40-45 dwellings per hectare (dph), whereas the appeal scheme (depending on the eventual layout) is agreed to be around 35 dph. This criticism of the scheme was based on the assumption by the Council's landscape witness that the authority would not receive a satisfactory design for the development, which he stated influenced his approach to the proposal as a whole. However he gave no reason for this assumption.

42. Secondly it is notable that landscape matters, though they were raised by third parties and I would therefore have addressed them in any event, were not mentioned in the Council's reasons for refusal. Similarly the Council's reasons for refusal did not include any landscape policies – although saved LP policies RD2 and LC7, and CS Spatial Objective 10 were referenced by the Council's landscape witness. The absence of a reason for refusal dealing with landscape matters or reference to relevant policies does not assist the Council's case.

43. In many respects, the difference in landscape and visual impact appraisal between the parties is one of professional judgement. Overall, the site is of low sensitivity and the magnitude of change to the character of the landscape and public views will be minor. The overall conclusion is that the impact of the development would be slight adverse. Although there would be some limited harm to the character and appearance of the area and a conflict with the development plan in that respect, the extent of the harm does not weigh heavily in the balance.

Conditions and s106 Obligation

44. The attached conditions were discussed at the Inquiry and largely agreed. I have made slight amendments for clarity and to accord with the advice in Planning Practice Guidance.

45. The one area which was outstanding at the end of the Inquiry was the suggestion that the development might go ahead in phases, and that therefore an overall phasing condition (1) would need to be applied, and that several of the pre-commencement conditions would need to reflect the phased nature of the development. These conditions were all subsequently agreed in writing by the parties, aside from the Council's suggestion that the requirement to

complete the estate road should be phased. In that respect I agree with the appellants that if one phase of the roadway were entirely finished, including a wearing course, this would inevitably be damaged by construction traffic for subsequent phases. It would be unreasonable to require this and I have not imposed such a phasing element.

46. Various conditions are necessary to require the submission of details and to clarify the approved plan (2 – 5). A condition is necessary to limit the maximum number of dwellings to 135, to accord with the illustrative details and in the interests of the appearance of the development (26).

47. A Biodiversity Management Plan needs to be approved and implemented to conserve and enhance biodiversity in accordance with policies CS5 and CS17 (6, 7). In a similar vein, an Archaeological Mitigation Strategy needs to be approved and implemented in order to address the archaeological interest of the site and to accord with LP policy HE9 (8 - 10).

48. In order to prevent increased flood risk and protect water quality, in line with policies CS18 and CS19 and LP policy DS16, conditions are necessary to address foul and surface water drainage (11 - 13).

49. A range of highway matters need to be submitted for approval and be implemented. These relate to the estate roads, footways and visibility and are in line with LP policies T2 and T19 (14 – 19). In addition a Construction Traffic Management Plan needs to be approved in the interests of highway safety (20). The proposed details of the pedestrian and cycle access off Cemetery Road need to be approved and a condition imposed to ensure that this access is not used for construction traffic (21, 22).

50. In the interests of the appearance of the development and to accord with LP policies LC6, LC12 and RD2 and policies CS5, CS16 and CS17, a full range of hard and soft landscaping details need to be submitted for approval and be implemented. These should be accompanied by a maintenance plan (23 – 25).

51. The Planning Obligation (2 June 2017) makes provision for 27 affordable housing units, and contributions towards education, open space and recreation (along with the open space and the Local Equipped Area of Play to be transferred to the Council), and archaeology (both a financial contribution and the transfer of the ROC Monitoring Post to the Council).

52. The educational provision is designed to mitigate the impact of the proposal and this element, though necessary, therefore does not add weight in favour of the proposal. However other matters, most notably the provision of affordable housing and the provision of open space (above normal requirements) and the archaeological contribution weigh in favour of the appeal. I consider that the Obligation generally meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken the relevant clauses into account.

53. All the above provisions of the Obligation are agreed between the parties. One matter is in dispute, namely the payment of a monitoring fee to the Council, which has been the subject of correspondence and is covered by a 'blue pencil' clause (2.7) which provides for its severance if I conclude that the provision is unlawful or unenforceable.

54. Whilst Councils have powers to secure compliance with planning controls, there is no specific statutory requirement that they do so – the powers are discretionary. Any requirement for funding to meet these costs would need to satisfy the three tests in the light of the Oxfordshire judgement[7] . The Council has submitted material (with its closing submissions) which notes that each case requires assessment on its own merits, based on a series of criteria.

55. However even if I were to conclude that monitoring is something other than a normal function of an authority, the Council's material is lacking specificity to this particular case. The monitoring fee is stated to be £2,724, but the way in which this has been calculated in this particular case is unclear. Therefore I consider that this element of the Obligation does not meet the policy in paragraph 204 of the Framework or the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. This element of the Obligation should be severed from the deed in the context of Clause 2.7 of the document.

Other matters, planning balance and conclusion

56. Some residents have raised the issue of highway capacity and safety. However the appellant's Transport Assessment[8] has demonstrated that the site access could be designed in line with current standards, and that the proposed access and the nearby junction with Cemetery Road would still retain substantial spare capacity. I have no significant evidence to counter this position, and I note that there is no objection from the Highway Authority. This matter does not weigh against the proposal.

57. The presence of bats was raised towards the end of the Inquiry. However this had been the subject of an unchallenged report[9] and subsequent correspondence[10]. This matter does not weigh significantly against the appeal scheme.

58. The presence of underground archaeology, believed to be a Roman villa, in the northern part of the site was apparently a reason why the land was not allocated in the HELAP. However following further work the parties agreed that the contribution towards archaeology in the planning obligation and the imposition of conditions satisfactorily addresses that issue.

59. The parties agree that the Council does not have a five year supply of housing land and that there is also a substantial need for affordable housing. The North Lincolnshire Assessment of Five Year Land Supply April (2016 – 2021) states that the Council has a 3.9 year supply[11], although the appellant considers this to be optimistic. However the parties agreed that this s78 appeal was not the place to debate the detail of the shortfall.

60. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five year supply of housing in accordance with paragraph 47 of the Framework. Accordingly the operation of paragraph 49 triggers the 'tilted balance' in paragraph 14 of the Framework. Both parties agreed that

[7] Oxfordshire CC v SoSCLG [2015] EWHC 186 (Admin)
[8] CD 16
[9] CD12
[10] Doc 6
[11] CD 6

this tilted balance applies in this case and that, in the light of the Supreme Court judgement, it is not necessary to explore the reasons for the shortfall.

61. As noted above, the Council accepted that certain relevant policies are out of date within the meaning of Framework paragraph 49. However it is unnecessary to label policies in this way.

62. The proposal would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing as well as affordable housing (in line with policy CS22). Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The appellant's evidence[12] showing a wide range of facilities within easy reach of the site on foot or by bicycle was not challenged, and the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social roles of sustainability.

63. The only disagreement in terms of sustainability relates to the environmental role. Clearly the loss of some greenfield land is an environmental disbenefit, although for reasons set out above I consider that this represents only a limited harm. However the provision of a substantial area of open space and planting, the safeguarding of the ROC observation post, the archaeological contribution and the preservation of the remains in situ, and the provision of new pedestrian and cycle routes are all environmental benefits which outweigh the limited disbenefit arising from the principle of the development. The environmental dimension of sustainable development would therefore be achieved.

64. The Council's assessment did not fully consider the landscape benefits and the other aspects of sustainability, or balance the landscape and any other harm against the benefits of the proposal. This became clear at the Inquiry and is a flawed approach as the aspects of sustainability should not be considered in isolation. They are mutually dependent and should be sought jointly and simultaneously.

65. I have considered the weight to be applied the restrictive policies (CS2, CS3 and CS8) which relate to the settlement pattern in the light of all the circumstances of the case and the policies consistency with the Framework. In this case the lack of a 5 year supply of housing land, the scale of the shortfall and the limited progress aimed at remedying the position all limit the weight I attribute to those policies. The restriction of development to land within the development limits, if strictly applied, would mean that the authority could not address the need for housing.

66. Overall, the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

[12] CD 9

67. For the reasons given above I conclude that the appeal should be allowed.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mr A Gill of Counsel	Instructed by Head of Legal Services
He called	
Mr T Allen BA(Hons) DipCM	Head of Environment and Sustainability
Ms T Coggon BA(Hons) DipTP	Senior Planner

FOR THE APPELLANTS:	
Ms A Ogley of Counsel	Instructed by Avoca Planning
She called	
Ms P Randall BSc(Hons) MA FLI	Partner, Randall Thorpe
Mr M Rayers BSc(Hons) CILT MIHT	Director, BSP Consulting
Mr I Stuart DipTP MRTPI RSA	Director, Avoca Planning Landscape and Development Ltd

INTERESTED PERSONS:	
Cllr H Rowson	Ward Councillor
Cllr P McCartan	Winterton Town Council
Mrs K Spackman	Local resident
Mr G Cousins	Local resident
Mr J Hackney	Local resident

INQUIRY DOCUMENTS

1	Lists of persons present at the Inquiry
2	Muller Property Group v SSCLG and Cheshire East Council [2016] EWHC 332 (Admin)
3	Statement by three Ward Councillors
4	Suffolk Coastal v Hopkins Homes, Richborough Estates Partnership v Cheshire East Borough Council [2017] UKSC 37
5	Updated accident records (Mr Rayers)
6	Letter (11 May 2017) from Scarborough Nixon to appellant
7	Photographs illustrating sewage issue
8	Email (5 June 2107) setting out the position of the parties on phasing conditions
9	Council's closing submissions
10	Appellant's closing submissions
11	Completed Planning Obligation (2 June 2017)

CORE DOCUMENTS

1	Decision notice
2	Committee report
3	Committee minute
4	Policies CS1, CS2, CS3, CS8, RD2; SPG 5a and 5b Landscape Guidelines; Countryside Design Summary
5	National Planning Policy Framework
6	5 year Housing Land Supply
7	Sustainable Settlement Survey 2009
8	Planning application form
9	Local Amenities Map; Location Plan; Proposed Access Layout Plan; Revised Site Layout (Rev B); superseded Site Layout Plan
10	Design and Access Statement; 2 Planning Statements; supporting letter
11	Site Investigation Reports 1 and 2; Humber Materials Lab Gas Analysis
12	Ecology and Protected Species Survey; Bat Surveys 1, 2, 3 and 4
13	Drainage Strategy
14	Flood Risk Assessment
15	Anglian Water pre – planning assessment
16	Transport Assessment
17	Heritage Assessment
18	Archaeology Reports 1 and 2; Archaeological Mitigation Strategy; proposed Mitigation Areas of Geophysics and Trial Trenching Drawing
19	Landscape and Visual Appraisal
20	Consultee responses
21	Letters of comment
22	Questionnaire
23	Core Strategy
24	North Lincolnshire Local Plan 2003
25	Housing and Employment Land Allocations; Housing and Employment Land Allocations map; HELAP plan of Winterton
26	Statement of Case (Appellant)
27	Statement of Case (LPA)
28	Draft Planning Obligation
29	Guidelines for Landscape and Visual Impact Assessment – extracts
30	Statement of Common Ground (April 2017)

Land at the rear of North Street and Cemetery Road - Annex

Schedule of conditions

1) A Phasing Plan shall be submitted to and approved in writing by the local planning authority before submission of the first reserved matters application, which shall show the phases in which development is to be carried out, including details on the broad number of dwellings (including affordable units) to be provided in each phase. The development shall thereafter only be carried out in accordance with the approved Phasing Plan.

2) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the local planning authority before any development takes place on that phase and the development shall be carried out as approved.

3) 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.

4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

5) The development hereby permitted shall be carried out in accordance with the following approved plan: NSW/165/101A.

6) No development shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
   a) Details of measures to avoid harm to nesting birds, badgers, hedgehogs and amphibians, including great crested newts during demolition, vegetation clearance and construction works;
   b) Details of bat roosting features to be installed in at least 10% of new houses;
   c) Details of nesting sites to be installed in at least 10% of new houses to support swifts and house sparrows;
   d) Details of nest boxes for barn owl, tree sparrow and starling to be installed;
   e) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
   f) Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
   g) Prescriptions for the planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value throughout the development area including the new access road;
   h) Prescriptions for the creation and management of a landscape buffer around Simon’s Wood comprising grassland, tree and shrub species recorded in Simon’s Wood;
   i) Details of habitats of principle importance to be created and maintained within public open space;
   j) A commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;

k) Proposed timings for the above works in relation to the completion of the new dwellings;

7) 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 construction of the 50th dwelling, a report shall be submitted to and approved by the local planning authority, providing evidence of compliance with the Biodiversity Management Plan.

8) No development shall take place other than in accordance with the archaeological mitigation strategy and programme of archaeological work in accordance with the document 'Archaeological Mitigation Strategy: Land Off North Street, Winterton, North Lincolnshire' prepared by Allen Archaeology Limited, dated 11th February 2016, and until the following details have been submitted to, and approved in writing by, the local planning authority:
   a) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
   b) Monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works;
   c) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

9) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme and provision made for analysis, publication and dissemination of results and archive deposition has been secured. The material shall be deposited at the North Lincolnshire Historic Environment Record within one month of the date of completion of the development.

10) No ground disturbance or other works shall take place within the area of archaeological preservation in situ shown on site layout plan ref:NSW/165/102 B.

11) No development shall commence until a foul water strategy has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

12) No phase of the development shall take place until a strategy for the management of surface water drainage the implementation of SuDS, their adoption and maintenance, has been submitted to and agreed in writing by the local planning authority.

13) The surface water strategy shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any dwelling or building within each phase of the development and thereafter retained and maintained in accordance with the scheme for the life of the development.

14) No dwelling shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained thereafter.

15) No development shall begin on any phase of the development until details of:

a) The layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
b) The number and location of vehicle parking spaces in that phase;

have been submitted to and approved in writing by the local planning authority.

16) No dwelling on any phase of the development shall be occupied until the access road has been completed to at least base course level and adequately lit either from the junction with the adjacent highway or the adjacent phase up to the access to the dwelling.

17) No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been constructed.

18) No dwelling on the site shall be occupied until the footway fronting it has been constructed up to base course level from either the junction with the adjacent highway or the adjacent phase.

19) No development, whether permitted by the Town and Country Planning (Development Management Procedure) (England) Order 2010 or not, shall take place within any service strip adjacent to any shared surface road.

20) No development on any phase shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

21) No development shall take place until details of the pedestrian, cycle and emergency access) from Cemetery Road (including the means of preventing unauthorized vehicular access) have been submitted and approved in writing by the local planning authority. This access shall not be brought into use until it has been constructed in accordance with the approved details and all measures to prevent unauthorised access to the site shall be retained.

22) At no time shall the access from Cemetery Road be used for construction traffic.

23) No phase of the development shall take place until a Landscape Management Plan for that phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the local planning authority. The Landscape and Management Plan shall include the following elements:

<u>Soft landscaping</u>

a) Full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants;

b) 1:200 plans (or at a scale otherwise agreed) with cross-sections of any mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site;
c) The landscape treatment of roads through the development;
d) The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the site as appropriate;

Hard landscaping
e) Full details of all proposed methods of boundary treatment, including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site;
f) Utility routes, type and specification;
g) The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns/brackets;
h) 1:200 plans (or at a scale otherwise agreed) including cross-sections, of roads, paths and cycleways;
i) Details of all hard surfacing materials (size, type and colour);
j) Details of management objectives;
k) Details of maintenance regimes;
l) Details of management responsibilities (for the duration of the project and once complete);
m) Proposed finished levels or contours;
n) Car parking layouts.

The Landscape Management Plan shall be carried out in full in accordance with the approved details and timings, and the approved features shall be retained thereafter.

24) Prior to the introduction of landscaping for each phase of development, a Schedule of Landscape Maintenance for a minimum period of five years shall be submitted to and approved in writing by the local planning authority and shall be subsequently implemented.

25) There shall be no more than 135 dwellings constructed on the site at any time.