

Appeal Decision

Hearing Held on 23 June 2022

Site visits made on 3 May and 23 June 2022

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/Y2003/W/21/3278257

Land at Brigg Road, Messingham, North Lincolnshire DN17 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a hybrid planning permission.
 - The appeal is made by Cyden Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2020/554, dated 19 March 2020, was refused by notice dated 26 February 2021.
 - The development proposed is a hybrid planning application for 99 dwellings on land at Brigg Road, Messingham (5 full – 94 outline) and associated works. Full application for 5 no. dwellings. Outline application for 94 dwellings on 3.62ha.
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Decision

1. The appeal is allowed and planning permission is granted for 99 dwellings and associated works (full application for 5 dwellings and outline application for 94 dwellings) at land at Brigg Road, Messingham, North Lincolnshire DN17 3QX in accordance with the terms of the application PA/2020/554, dated 19 March 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Cyden Homes Ltd against North Lincolnshire Council. This application is the subject of a separate decision.

Procedural matters

3. The application is a hybrid application, with full planning permission sought for 5 dwellings, and outline permission sought for 94 dwellings with access applied for and appearance, landscaping, layout and scale reserved for future consideration. An indicative layout has been provided in respect of the outline proposal. I have considered the appeal on this basis.
4. Both parties requested at the outset that the appeal be dealt with by means of written representations. However, following my initial site visit and review of the documents, that procedure was changed to a hearing in order to better test the evidence.
5. A planning obligation was submitted and discussed at the hearing, and subsequently finalised. I return to the obligation below. I have removed superfluous and duplicate wording from the description of development in my above decision.

Main issues

6. The main issues are:
- whether or not the Council can demonstrate a five year supply of deliverable housing land;
 - whether or not the proposed development is in a suitable location, in light of local and national policies for housing;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on the drainage system, with regard to foul and surface water.

Reasons

7. The appeal site is agricultural land, comprising two distinct areas. First, a smaller infill section of land fronting onto Brigg Road with existing housing either side. Second, a larger open field bounded by existing residential development to the west, with a stepped boundary to residential and vacant land to the south, and open countryside to the east and north.
8. The proposal is for 5 dwellings and access road within the southern infill part of the site, and 94 dwellings within the larger open field to the north.
9. The development plan includes the saved policies of the North Lincolnshire Local Plan (2003)(LP), the North Lincolnshire Core Strategy (2011)(CS), and the Housing and Employment Land Allocations Development Plan Document (2016)(DPD). The emerging North Lincolnshire Local Plan is at publication plan stage (2021)(ELP).

Housing land supply

10. To support the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework (the Framework) states that it is important that a sufficient amount and variety of land can come forward where it is needed. To this end, local planning authorities should identify and update annually a supply of specific deliverable sites to provide for a minimum of five years' worth of housing.
11. The annual housing need is agreed by the parties as being 383 homes per annum, using the standard method and applying a 5% buffer, resulting in a total five year requirement of 2,011 homes over the period 1 April 2021 to 31 March 2026.
12. The application was refused by the Council in February 2021, having regard to a housing land supply position at that time of 4 years. In August 2021, the Council issued a five year housing land supply statement (HLSS), indicating a supply of 5.64 years. The Council's appeal statement notes a correction to that figure and, at the hearing, the Council accepted that three other sites should be removed from the supply. Those sites being 90 units at Burringham Road (PA/2020/1333), 8 units at Applefields (PA/2017/674) and 7 units at 68 High Street, Messingham (PA/2018/978). On that basis, the Council's revised supply amounts to 2,113 homes or 5.3 years. The appellants calculate the supply to be 1273 homes or 3.2 years.
13. To be deliverable, the Framework states that sites for housing should be available now, offer a suitable location for development now, and be achievable

with a realistic prospect that housing will be delivered on the site within five years. Where a site has outline planning permission or has been allocated in a development plan, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

14. The Planning Practice Guidance (PPG) gives examples of what evidence may demonstrate deliverability, including current planning status and written agreements between Council and site developer confirming delivery intentions and timescales. The PPG also makes it clear that this should be done using the latest available evidence.
15. There are some 25 sites that remain in dispute. I deal first with those sites which I regard as being the most important in assessing future housing delivery and where delivery is likely to fall short.
16. The three allocated sites at Western Avenue and Wrawby Road (BRIH-2, BRIH-3 and BRIH-4) were anticipated by the Council to deliver 180 homes in the last two years of the five year period (2024/25 and 2025/26). However, despite the Council's expectations at the time of the HLSS of an application being submitted in 2021, and the developer's optimistic indication of a start on site commencing mid-2022, no planning application has yet been submitted for any of the sites. The bid for funding described in the HLSS for a link road to cross the three sites has failed, and a further funding bid is yet to be submitted. Even if parts of the sites can be bought forward without the link road, no clear evidence has been provided how this alternative scenario would be delivered in the projected timescales. Whilst I am satisfied that progress is being made towards submission of an application, given the slippage already occurring, it seems more likely to me that delivery will occur in year five. I discount one year of supply from delivery, that being 90 homes.
17. The land north of Ings Road (PA/2020/588) was granted outline planning permission in March 2021. The Council assert there will be delivery of 60 units across years three, four and five. However, no reserved matters application has been submitted to date. At the time of the HLSS, an application to discharge a condition relating to land contamination had been submitted, but that condition has still not been discharged. Moreover, again at the time of the HLSS, the site was being marketed by land promoters. Given that the promoters will not be developing the site themselves, this raises considerable doubt over how the indicated delivery timescales can be realistically achieved by them. Although there was some discussion at the hearing about the current status of marketing and a potential offer for the site having been made, clear evidence has not been submitted to confirm that there is a developer for the site, what developer intentions are, or any realistic anticipated start and build out rates. I deduct 60 units from supply for these reasons.
18. The allocated site at former South Leys School, Enderby Road (SCUH-C7) seeks to deliver 30 units in year five. The site is owned by the Council. As with the above site, it has been marketed for sale. Despite the Council's claim of significant housebuilder interest, it has not yet been sold. No planning application has yet been submitted, nor is there any indication that one is forthcoming. There is no written agreement between the Council and any purchaser or site developer which confirms delivery intentions and anticipated start and build out rates. In the absence of evidence to indicate the Council intend to develop the site themselves, I am not persuaded that the pro-forma

from the Council's head of estates and asset management can be taken as clear evidence of a realistic prospect of delivering completions in the five year period, even though the site forms part of a town investment plan. I discount 30 units from supply.

19. On the basis of the above, I discount a total of 180 units. The Council's supply therefore reduces from 2,113 to 1,933. Based on the agreed requirement of 2,011, that equates to some 4.8 years supply.
20. As a consequence of this, I do not need to consider the other sites in any detail. Even on the basis of the limited number of sites I have considered above, my findings do not conclude as great a shortfall as is suggested by the appellant. Nor do my findings echo the Council's position in this respect. Therefore, were I to assess all the disputed sites, the actual housing supply position is likely to be above the 3.2 years suggested by the appellant, but below the 4.8 years I have calculated.
21. Even though the Council can demonstrate increased housing delivery rates over the past two years, with Housing Delivery Test results of 94% in 2020 and 113% in 2021, past delivery is no guarantee of future supply. I conclude that the Council cannot demonstrate a five year supply of deliverable housing land.

Location

22. Saved policy RD2 of the LP restricts development in the open countryside other than in particular circumstances and only allows housing where it is affordable and meets a proven local need. Policies CS2, CS3 and CS8 of the CS similarly also only allow development in the countryside or outside of defined settlement boundaries which is essential to the functioning of the countryside. Whilst the ELP originally identified the site as a preferred option site for residential development, it was removed from the publication plan following public consultation. However, this document is still at an early stage and can only be given very limited weight as a material consideration.
23. The smaller part of the proposal for 5 dwellings is within the settlement boundary for Messingham and, as such, accords with the locational aspects of the above policies. However, the remainder and majority of the site subject to the outline proposal for 94 dwellings would be sited in the open countryside and outside the settlement boundary.
24. Messingham is a sustainable and accessible settlement with a range of facilities and services, and with good public transport links to nearby larger settlements. Nevertheless, when judged against the above locational policies, the proposed development taken as a whole would not be in a suitable location. However, footnote 8 of the Framework indicates that where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then the policies which are most important for determining the application should be considered as out-of-date. This includes the above locational policies, and I return to this in the planning balance.

Character and appearance

25. Policies RD2, H5 and DS1 of the LP and policies CS5 and CS8 of the CS together expect development to have a high standard of design that reflects or enhances the character, appearance and setting of the immediate area and the settlement as a whole. Although paragraph 174 of the Framework recognises

the intrinsic character and beauty of the countryside, the appeal site is not a designated or valued landscape as described in the Framework.

26. The part of the site nearest to the road is largely flat grassland that is bookended by existing residential development for a considerable distance either side. The remainder of the site is within open countryside and is bounded by residential development to the east and partially so to the south. Beyond the site, the open countryside is largely flat, divided into small fields with mature hedgerows and occasional trees.
27. The effect of the proposal for full planning permission would be to infill a gap within a long row of existing dwellings, and within a part of the site that already experiences a significant urbanising effect from neighbouring buildings. As such, the siting of the five proposed dwellings and an access road would be in keeping with the surrounding area.
28. The effect of the outline proposal would be to introduce a new area of residential development on the edge of the existing settlement. The site is already bounded on two sides by existing dwellings, such that the proposal would relate to those existing built forms. Other field boundaries are marked by existing hedges and sporadic trees, which provide some enclosure for the site. The generally flat topography of the site and surrounding countryside, along with intervening buildings and landscaping, would ensure that the site would not be visually prominent in wider views, despite the size of the site.
29. As seen from Brigg Road to the east, outside the settlement, the proposal would be screened by existing roadside vegetation. Where there are gaps, the proposal would be seen as being defined by the existing eastern boundary hedge. Furthermore, this proposed eastern boundary aligns with the existing eastern extent of the settlement. Although the dwellings would inevitably be more visible in the short term, the effect would only be moderately harmful. A landscaping scheme would, over time, reduce residual effects.
30. From Holme Lane to the north, the distance and intervening vegetation are such that the proposal would not be seen as urban creep but rather as a relatively minor addition to the much more extensive backdrop of the existing settlement. From the rural footpath that links with Egton Avenue, the development would be seen as being much closer in the foreground, and the impact would be greater. Even so, the site would be visually contained within well defined existing field boundaries, aligned with the eastern extent of the village, and with landscaping mitigating further over time.
31. Some harm to character and appearance would be caused by the development of what would otherwise remain a greenfield site. Furthermore, residential properties adjacent to the site would experience a change in aspect and a number of properties may experience high adverse effects. Nonetheless, it is widely known that there is no right to a view from residential properties.
32. Overall, although the site is moderately well contained and the proposal would relate reasonably well to the existing settlement, the proposed development would inevitably result in a degree of urbanisation to the eastern edge of Messingham. I find that the proposal would have an adverse effect on the character and appearance of the surrounding area, albeit that the effect is no more than moderate. The proposal would therefore conflict with policies RD2, H5 and DS1 of the LP and policies CS5 and CS8 of the CS.

Drainage

33. Policy DS14 of the LP states that the Council will require satisfactory provision to be made for the disposal of foul and surface water. It further states that this will be achieved either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome. Policy CS19 of the CS supports development that avoids areas of flood risk and does not increase the risk of flooding elsewhere.
34. The Council's case is based on the lack of a consultation response to the application from Severn Trent Water (STW) and the representations made on this matter by the Parish Council and a number of interested parties. The Council reiterate the claims that raw sewage currently enters watercourses, that the existing drainage system is unable to accept additional flows, and that there have been instances of surface water flooding in Messingham. Whilst any raw sewage incidents are concerning, such incidences are existing pollution control matters that cannot be remedied through this current planning appeal. No substantive evidence has been submitted as to why the existing system is unable to accept additional loads or why existing flooding would be worsened by the proposal.
35. On the other hand, the appellant has provided a flood risk assessment (FRA) and drainage statement (DS) by relevant consulting engineers. The FRA, along with the consultation response from the Environment Agency, identifies the site as being within the low probability Flood Zone 1 when considering rivers, and that flooding from other sources is unlikely to affect the site. The DS indicates that whilst the existing ground soils are not currently suitable for infiltration, surface water can be discharged to the adjacent watercourses and public sewer. In doing so, final outfall rates would, with on-line detention and attenuation balancing pond, be less than the local lead flood authority stipulated green field values. In effect, the DS indicates that the proposal would deliver betterment to the existing situation.
36. The DS also includes a letter from STW to the appellant confirming that the development can be accommodated in the existing network and that there are no known capacity issues. Although this pre-dates the application, this letter was nonetheless available to the Council when it determined the application. This letter significantly undermines the Council's case on this point.
37. Overall, I find the appellant's case to be substantially more persuasive than that of the Council. I conclude that the proposal would not have a significant adverse effect on the current drainage system, with regard to foul and surface water. The proposal accords with policy DS14 of the LP and CS19 of the CS.

Other considerations

38. Whilst the appeal for a residential development at nearby Egton Avenue¹ was dismissed due to an unacceptable effect on the character and appearance of the surrounding area, that decision was made in light of an undisputed five year housing land supply of 5.64 years. Concerns have been raised by interested parties regarding highway safety, particularly regarding busy traffic

¹ Appeal decision APP/Y2003/W/21/3279028

and parking around the proposed junction. In response, the appellant has undertaken to fund a traffic regulation order to restrict any such inappropriate parking, thereby ensuring appropriate visibility is maintained. Speeding vehicles are not a matter within my jurisdiction.

39. Whilst archaeological sites exist in the surrounding area, these are sufficiently distant that the parties agree there is negligible archaeological potential at the site itself. Designing out crime can be considered at the detailed application stage. Although concerns have been raised about pressure on the local doctors surgery, there is an expectation that the health service would provide the necessary facilities to meet the needs of the local population. Employment opportunities in Messingham may be limited, however, the site is in an accessible location with bus services to surrounding larger settlements.
40. No affordable housing would be secured and no contributions would be provided towards leisure or to compensate for biodiversity net-loss. However, this has been agreed by the Council as part of viability assessments that conclude that the site would not otherwise be viable. The loss of good to moderate quality agricultural land also raises no objection from the Council. The living conditions of the occupants of neighbouring properties and of the proposed scheme, including in terms of light, privacy and noise, have been assessed by the Council, and no objection on these grounds has been raised. I see no substantive evidence that would cause me to reach a different conclusion on these matters.

Planning Obligation

41. The submitted planning obligation is a deed by way of unilateral undertaking under s106 of the Town and Country Planning Act 1990 and is signed and dated 27 June 2022. The obligation has been agreed by the Council. The phased education contribution would meet the increased demand for facilities that would arise directly from the development. Open space would be secured on a tariff basis, along with an equipped play area, to meet the needs of future residents, with long term maintenance also secured. The traffic regulation order contribution is required to ensure the site access is safe. For these reasons, I am satisfied that the above obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework.

Conditions

42. A list of suggested conditions was submitted, which were discussed at the hearing and have been agreed by the appellant, including pre-commencement conditions. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication with other conditions or reserved matters applications, and to ensure accordance with the tests set out in paragraph 56 of the Framework.
43. Conditions relating to timeliness, submission of reserved matters, the identification of plans, and numbers of dwellings permitted are all necessary to provide certainty. In the interests of highway safety, conditions are attached relating to the redundant access, visibility, parking, highway infrastructure, and phasing. To safeguard against impacts upon living conditions of neighbouring

and future occupants, conditions for construction management plan, construction hours, and contaminated land are necessary.

44. Conditions relating to drainage of the site are required to ensure that the site can be adequately drained. Conditions for landscaping, protection of trees, site levels and materials are necessary to ensure the character and appearance of the area is protected. A travel plan is necessary to encourage modal shift. In order to ensure species and habitat protection, conditions for a construction environment management plan and biodiversity management plan are required. A condition for open space is necessary to ensure adequate recreational facilities are provided.
45. The suggested condition regarding electric vehicle charging points is no longer required as this is now dealt with by other legislation. Conditions relating to service strips have been removed, as none are currently proposed.

Planning balance

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in conflict with the development plan, for the above reasons. The Framework is a material consideration and, as the Council is unable to demonstrate a five year housing land supply, paragraph 11(d) states that the policies that are most important for determining the application should be considered as out of date. The policies are therefore of reduced, but still significant, weight.
47. The so called 'tilted' balance is therefore triggered. There are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
48. The harm caused by conflict with the locational policies of the development plan attracts moderate weight. The proposal would also cause harm to the character and appearance of the area, to which I again give moderate weight. Given the viability justification, only limited weight is given to the failure of the scheme to provide affordable housing, contribute towards leisure facilities and compensate for biodiversity net loss. Only very limited harm would be caused by the conflict with the emerging development plan.
49. In terms of benefits, the Framework emphasises the importance of the delivery of housing, and the provision of 99 new market homes will make a considerable contribution to meeting the current shortfall. Accordingly, I attach significant weight to the proposed provision of housing. Moderate economic benefits would also accrue from construction of the development and from local spending by future occupants. Whilst the proposal includes contributions towards education, open space, play equipment, and traffic orders, these are largely required to mitigate the impacts of the development and are therefore neutral in the planning balance.
50. Drawing together the above harms and benefits, even though the housing land supply shortfall is very small, the adverse effects of the proposed development

would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. Although the proposal would conflict with the development plan as a whole, material considerations indicate a decision other than in accordance with it.

Conclusion

51. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

Patrick Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Jim Lomas	DLP Consultants
Roland Barton	DLP Consultants
Stella Heeley	DLP Consultants
Andrew Burling	Cyden Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY

Tanya Coggon	Principal Development Management Officer
Kate Mills	Housing Specialist
Rachael Major	Housing Officer

INTERESTED PARTIES

Neil Poole	Ward Councillor
Michael Mawson	Local resident
Alison Mawson	Local resident
Chris Holden	Local resident
Melanie Holden	Local resident
Jack Simpson	Local resident

HEARING DOCUMENTS

1. Appeal decision APP/Y2003/W/21/3279028 Land north of Egton Avenue, Messingham, North Lincolnshire, and map of appeal site location
2. NLC Housing Land Supply Statement developer proformas (ordered)
3. Housing and Employment Land Allocations DPD Messingham inset map
4. Appellant comments on planning conditions
5. Signed unilateral undertaking under s106 dated 27 June 2022

SCHEDULE OF CONDITIONS

FULL PLANNING PERMISSION CONDITIONS

(the "Full Plans Application Layout" on approved drawing no. 183/004)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 183/002 Rev C (Site layout), 183/004 (Proposed site and landscape layout plan for plots 1-5), 183/102 (Floor plans and elevations - Plot 03 House type dH403 Plot 04-05 House type sH303), 183/027 (site location plan) and 183/101 (Floor plans and elevations - Plot 01 House type dH402 Plot 02 House type dH414).
- 3) Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge including the provision of full height kerbs in accordance with details that shall have been submitted to and approved in writing by the local planning authority.
- 4) No structure, erection or planting exceeding 1.05 metres in height shall be placed or planted within visibility splays of 2.4 x 44 metres to the west and 2.4 x 38 metres to the east of the access with Brigg Road.
- 5) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed with hard surfacing. Once provided the vehicle parking spaces shall be retained for the lifetime of the development.
- 6) No development shall be commenced until details of the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Brigg Road shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans and retained thereafter.
- 7) No dwelling on the site shall be occupied until the access road and footway to serve the dwelling has been completed to at least base course level and street lighting provided from the junction with Brigg Road up to the access to the dwelling.
- 8) No development including ground works, foundation construction and site clearance shall be commenced on the site until the access road junction with Brigg Road, including the required visibility splays, has been provided.
- 9) The penultimate dwelling on this site shall not be occupied until the access road and footway to serve the approved development have been fully completed.
- 10) No development shall take place until a construction phase traffic management plan showing details of:
 - (a) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - (b) any abnormal load movements; contractor parking and welfare facilities;
 - (c) storage of materials; and

- (d) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway; shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the plan throughout the construction period.
- 11) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be based upon the Flood Risk Assessment, Version 2, dated December 2020; the Drainage Statement, Version 2, dated 17 December 2020; and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site, and that flood risk both on and off the site is not increased. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development.
- 12) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 11 above, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.
- 13) No development shall take place unless a scheme for the disposal of foul water shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied unless it is connected to the approved drainage system.
- 14) If during development any contaminated material is found to be present at the site then no further development shall be carried out unless a written method statement, detailing how this contamination shall be dealt with, shall have been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development recommencing on the site.
- 15) Construction and site clearance operations shall be limited to the following days and hours:
- 0730 to 1800 Monday to Friday
- 0730 to 1300 on Saturdays.
No construction or site clearance operations shall take place on Sundays or public/bank holidays.
- 16) The approved landscaping shown on drawing number 183/004 shall be carried out within the first planting season following the occupation of any dwelling on the site (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

- 17) The methods of protecting the existing trees and hedgerows to be retained on the site, as specified in the submitted arboricultural method statement report, throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.
- 18) No above ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 19) No above-ground works shall take place until a full schedule of the external materials for all the dwellings to be constructed on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

OUTLINE PLANNING PERMISSION CONDITIONS

(the red line boundary on approved drawing no. 183/027 excluding the "Full Plans Application Layout" on approved drawing no. 183/004)

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 183/004 (site access).
- 5) No development shall take place until details of the number, location, layout and materials of the vehicle parking spaces within the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme and retained for the lifetime of the development.
- 6) Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge including the provision of full height kerbs in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

- 7) No structure, erection or planting exceeding 1.05 metres in height shall be placed or planted within visibility splays of 2.4 x 44 metres to the west and 2.4 x 38 metres to the east of the access with Brigg Road.
- 8) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed for this approved development. Once provided the vehicle parking spaces shall be retained for the lifetime of the development.
- 9) No development shall be commenced until details of the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Brigg Road, shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plans and retained thereafter.
- 10) No dwelling on the site shall be occupied until the access road and footway to serve the dwelling has been completed to at least base course level and street lighting provided from the junction with Brigg Road up to the access to the dwelling.
- 11) No development including ground works, foundation construction and site clearance shall be commenced on the site until the access road junction with Brigg Road, including the required visibility splays, has been provided.
- 12) The penultimate dwelling on this site shall not be occupied until the access road and footway to serve the approved development have been fully completed.
- 13) Prior to occupation of the development a detailed travel plan shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify initiatives to be implemented by the development to promote and maximise the use of sustainable travel to and from the site by a variety of non-car means (including public transport, walking and cycling), and set out measures to ensure compliance with, and monitoring of, the Travel Plan objectives. The development shall operate in full accordance with all measures identified within the travel plan from first occupation.
- 14) No development shall take place until a construction phase traffic management plan showing details of:
 - (a) all associated traffic movements, including delivery vehicles and staff/construction movements;
 - (b) any abnormal load movements; contractor parking and welfare facilities;
 - (c) storage of materials; and
 - (d) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway;shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the plan throughout the construction period.
- 15) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable

drainage principles and an assessment of the hydrological and hydro-geological context of the development. This shall be based upon the Flood Risk Assessment, Version 2, dated December 2020; the Drainage Statement, Version 2, dated 17 December 2020; and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site, and that flood risk both on and off the site is not increased. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development.

- 16) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.
- 17) No development shall take place unless a scheme for the disposal of foul water shall have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it is connected to the approved drainage system.
- 18) If during development any contaminated material is found to be present at the site then no further development shall be carried out unless a written method statement, detailing how this contamination shall be dealt with, shall have been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development recommencing on the site.
- 19) Construction and site clearance operations shall be limited to the following days and hours:
 - 0730 to 1800 Monday to Friday
 - 0730 to 1300 on Saturdays.No construction or site clearance operations shall take place on Sundays or public/bank holidays.
- 20) The methods of protecting the existing trees and hedgerows to be retained on the site, as specified in the submitted arboricultural method statement report, throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed in writing with the local planning authority.
- 21) No above ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

- 22) No development shall be commenced unless a construction environmental management plan (CEMP) shall have been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- (a) the works, the method by which they are to be carried out, and specified locations for contractor's compounds and material storage areas;
 - (b) attenuation measures to minimise noise and vibration resulting from the works, including noise limits;
 - (c) areas where lighting will be required for health and safety purposes, location of potential temporary floodlights; identification of sensitive receptors likely to be impacted upon by light nuisance; and proposed methods of mitigation against light nuisance, including glare and light spill, on sensitive receptors;
 - (d) identification of receptors and the related risk of dust impact at all phases of the development; and dust mitigation measures; and
 - (e) monitoring, recording and complaint investigation procedures, including communication with residents and other receptors.
- The development shall be implemented in accordance with the CEMP throughout the construction period.
- 23) Any application for reserved matters that includes layout and appearance shall show the position, layout and appearance of the on-site recreational open space and the position and equipment for the local equipped area for play (LEAP) to be provided on the site. The recreational open space and LEAP shall be retained thereafter.
- 24) Within six months of the commencement of development a biodiversity management plan shall have been submitted to and approved in writing by the local planning authority. The plan shall include details of bat and bird boxes to be installed; lighting plans to avoid impacts on sensitive habitats; hedgehog friendly fencing; retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers; creation of wetland habitat; timetable for implementation; and arrangements for monitoring, reporting and maintenance of created habitats. The development shall be carried out in accordance with the approved plan.
- 25) The residential development hereby permitted shall not comprise more than 94 dwellings (use class C3).

End of Schedule