



Appeal Decision

Site visit made on 9 September 2022

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 30/09/2022

Appeal Ref: APP/Y2003/W/22/3292743

Land at B1207 Station Road, Hibaldstow

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Albemarle Homes Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1210, dated 30 June 2021, sought approval of details of reserved matters pursuant to condition no. 1 of planning permission Ref PA/2018/1716, granted on 6 February 2020.
 - The application was refused by notice dated 17 December 2021.
 - The development proposed is up to 48 residential dwellings.
 - The details for which approval is sought are the access, appearance, landscaping, layout and scale pursuant to outline application PA/2018/1716.
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Decision

1. The appeal is allowed, and the reserved matters are approved, namely access, appearance, landscaping, layout and scale details submitted pursuant to condition no. 1 of outline application Ref PA/2018/1716, in accordance with the terms of the application Ref PA/2021/1210 dated 30 June 2021 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The parties have confirmed that, since submission of the appeal, applications for approval of all reserved matters and discharge of drainage conditions 21 and 23 further to outline consent PA/2018/1210 have been approved¹. I understand that the approved reserved matters relate to a resubmission of the same proposed layout and description of development as that before me.
3. The approved applications are a material consideration in the determination of this appeal. I have therefore proceeded on the basis that the Council is now satisfied with the proposed arrangements for disposal of foul and surface water drainage. The applications have been published and the relevant drainage authorities have issued responses to consultation. As such I do not consider there would be any prejudice to third parties.
4. The Planning Practice Guidance on Flood Risk and Coastal Change (PPG) has been comprehensively updated since submission of the appeal and the main parties have had the opportunity to comment on it. No further matters were raised as a consequence of the revised PPG.

¹ PA/2022/636 and PA/2022/438

Main Issue

5. The Council's sole reason for refusal concerns the lack of information in relation to surface water drainage. From the evidence before me, it would appear that this also relates to foul water drainage. Whilst this is not explicit in the reason for refusal I consider 'drainage' in the round as part of this decision.
6. The main issue is whether sufficient information has been submitted to determine that the proposed layout is acceptable with regard to the provision of an adequate drainage scheme.

Reasons

7. The appeal site comprises a previously undeveloped greenfield site located to the edge of Hibaldstow, situated within flood zone 1 (low risk). It benefits from outline consent for up to 48 dwellings granted in February 2020, which established that the site was suitable for residential development with all matters reserved for future approval.
8. The Council's reason for refusal is inextricably linked to conditions imposed on the outline consent. Condition 21 requires submission and implementation of an agreed strategy for management of surface water drainage, with a range of criteria for that strategy including use of sustainable drainage systems (SuDS). Condition 23 requires approval and implementation of a foul water strategy.
9. Drainage arrangements can affect the layout of a housing site, in particular if on-site drainage attenuation is to be incorporated into the design. Furthermore, the presence of existing infrastructure may require specific easements. In this case, Anglian Water (AW) have specified a three metre easement of their 150mm diameter public sewer which is situated to the boundary of the site.
10. The proposed layout before me (20120 01 Rev G) takes account of such matters. SuDS are incorporated, including both private and public soakaways and highway drains which would connect to an on-site attenuation basin. The drainage strategy and plans before me² clarify that the hierarchical approach to drainage has been satisfied with infiltration as the preferred approach, as required by paragraph 169 of the National Planning Policy Framework (the Framework) and guidance contained within the PPG.
11. Detailed design of the SuDS features is dependent on existing groundwater levels, and as such soakaway testing with groundwater monitoring has been carried out by the appellant. The results have subsequently been agreed by the Lead Local Flood Authority (LLFA), with no design changes required to the proposed layout before me. The exercise has proved to be sufficient to indicate infiltration rates and the suitability of the SuDS.
12. In terms of foul drainage, AW raise no objections given that surface water would be drained to SuDS and not connect to the sewer. AW have confirmed they would accept the foul flows, and their response indicates that they would ensure there is sufficient treatment capacity should permission be granted. Furthermore, the proposed layout satisfies the requisite separation distances between dwellings and sewer easements.

² Foul and Surface Water Drainage Statement (OEC, 1 December 2021), Drainage Feasibility Layout (130.005 SK02 Rev A), and Foul Water Drainage Layout (130.005 SK04)

13. Conditions 21 and 23, including the additional information required by the LLFA and AW, have since been discharged by the Council. The subsequent approval of the resubmitted reserved matters provides comfort that no change in layout has been necessary.
14. Overall, it has been adequately demonstrated that a sustainable drainage scheme for both surface and foul water can be successfully achieved without increasing flood risk elsewhere. The proposed development therefore complies with North Lincolnshire Local Plan Policies H5, DS1(xiii) and DS14 and North Lincolnshire Core Strategy Policy CS19, together with national policy set out in section 14 of the Framework, and consistent with guidance within the PPG.

Other Matters

15. I have had regard to comments raised by a local resident, however the majority of their concerns appear to relate to the principle of residential development of the site, highway safety, effects during construction and the capacity of local services. These are matters which would have been considered by the Council when granting outline consent for the site. There is provision for additional planting of trees and hedges as part of the proposed development and this can be appropriately secured by condition.

Conditions

16. I have imposed a condition requiring that the development is carried out in accordance with the approved plans, in the interests of certainty. There were some inaccuracies between the plan references, therefore I have included the most up-to-date plans submitted as part of this appeal. The Council's list includes planting plans, but inexplicably excludes plots 7 and 8, with inclusion of an extra condition relating to these plots. To avoid confusion, I have instead imposed a condition requiring updated planting plans for the full site. So that it meets the tests in paragraph 56 of the Framework, I have included clauses to ensure the works are carried out and maintained in accordance with the approved details.
17. A condition is required in respect of details of materials in the interests of the character and appearance of the area. I have deleted the Council's condition regarding provision of a footway across the whole of the site frontage, because it does not meet the tests in terms of precision or necessity. The outline consent already includes a condition (no. 5) regarding widening of the existing footway on Station Road to two metres.
18. The Council's final condition requires details of finished floor levels. Levels appear to have been provided on the drainage layout plans, however such plans relate to the discharge of condition application and are not approved as part of this appeal for reserved matters. Therefore for the avoidance of doubt, it is necessary to impose a levels condition in the interests of flood risk, as well as the character and appearance of the area.

Conclusion

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

Susan Hunt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – 20120 00
 - Site Plan - 20120 01 Rev G
 - Boundary Treatment Details - 20120 DWG 04
 - Boundary Treatment Layout - 20120 03
 - Bungalow 2B4P Detached – 20120_HT_03
 - Type A Elevations 2B4P Semi-Detached –20120_HT_02
 - Type A Floor Plans 2B4P Semi-Detached –20120_HT_01
 - Type B Elevations and Floor Plans 3B5P - 20120_HT_03
 - Type C1 Elevations and Floor Plans 3B5P –20120_HT_04
 - Type E SA Elevations and Floor Plans 4B7P –20120_HT_05
 - Type K Elevations and Floor Plans 4B8P –20120_HT_06
 - Type L Elevations and Floor Plans 3B5P –20120_HT_07
 - Type N Elevations and Floor Plans 4B8P –20120_HT_08
 - Type Q Elevations 3B6P –20120_HT_10
 - Type Q Floor Plans 3B6P –20120_HT_09
 - Double Garage - 20120_HT_13
 - Single Garage - 20120_HT_11
 - Twin Garage Floor Plans and Elevations - 20120_HT_12
- 2) Prior to the first occupation of any of the dwellings hereby approved, updated planting plans and an updated landscape masterplan with implementation programme and scheme of maintenance for the whole site shall be submitted to and agreed in writing by the local planning authority. The landscaping scheme shall be carried out in accordance with the approved details in accordance with the agreed implementation programme, and the completed scheme shall be managed in accordance with the approved scheme of maintenance. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 3) Prior to any above ground works, details of all external materials shall be submitted to and agreed in writing with the local planning authority. The works shall be carried out in accordance with the approved details.
- 4) Prior to any above ground works, details of finished floor levels of all dwellings shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be completed in accordance with the agreed details.

End of Schedule.