



Appeal Decision

Site visit made on 20 September 2022

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/Y2003/W/22/3298491

Land South of High Street, Wootton, North Lincs DN39 6SB

- 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 Lincolnshire Estates Ltd against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/610, dated 25 March 2021, was refused by notice dated 10 November 2021.
 - The development proposed is a development of 38 dwellings, one small-scale retail unit, public open space incorporating new green infrastructure, SUDs features, and biodiversity enhancements with details of means of access and layout submitted for consideration (scale, appearance and landscaping to be reserved for subsequent consideration).
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Decision

1. The appeal is allowed and planning permission is granted for a development of 38 dwellings, one small-scale retail unit, public open space incorporating new green infrastructure, SUDs features, and biodiversity enhancements with details of means of access and layout submitted for consideration (scale, appearance and landscaping to be reserved for subsequent consideration) at Land South of High Street, Wootton, DN39 6SB in accordance with the terms of the application, Ref PA/2021/610, dated 25 March 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal was originally scheduled to be heard as an Inquiry. However, prior to the opening of the Inquiry the Council advised that they considered that they could no longer demonstrate a five-year supply of housing land and accordingly their position had materially changed, resulting in them no longer intending to defend the appeal and withdrawing all of the reasons for refusal¹. As such, it was agreed by the parties that the appeal could proceed by way of Written Representations. The relevant notifications of this were sent out by the Council to interested parties.
3. The application was submitted in outline with only access and layout for consideration at this stage. The scale, appearance and landscaping are reserved for subsequent consideration.
4. I have taken the above description from Part E of the Appeal Form as the description was changed from that on the original application form.

¹ North Lincolnshire Council Letter dated 29 July 2022

Main Issues

5. The main issues are:

- Whether the development is in a suitable location with particular regard to access to services, facilities and transport options;
- The effect of the development on the character and appearance of the area; and
- Whether the Council can demonstrate a five-year housing land supply and whether the most important policies for determining the appeal are out of date.

Reasons

Location and Access to Services, Facilities and Transport Options

6. The appeal site adjoins the settlement of Wootton which is classed as a rural settlement for the purposes of the Development Plan. The proposal is in outline at this stage with access and layout submitted for consideration. The proposed development would introduce 38 new properties and one retail unit into the site. The development would also provide public open space incorporating green infrastructure.
7. It is agreed by both parties that, apart from the access, the appeal site falls outside of the development limits for Wootton and as such is considered to be a countryside location. Policies CS2 and CS3 of the North Lincolnshire Local Development Framework Core Strategy (2011) (Core Strategy) seek to ensure that development outside of the defined boundaries will be restricted to that which is essential to the functioning of the countryside, amongst other things. Policy CS1 identifies that the focus for rural settlements will be retaining and enhancing existing local services to meet local needs, limiting development and taking into account levels of local service provision, infrastructure capacity and accessibility and, in the countryside, support development that promotes rural economic diversification and small-scale employment opportunities, amongst other things. Similarly, Policy RD2 of the North Lincolnshire Local Plan (2003) (Local Plan) states that development in the open countryside will be strictly controlled and gives a list of development types for which planning permission would be granted. Policy CS8 of the Core Strategy seeks to restrict housing outside of the development limits however allows some development on sites that would bring additional community benefits and be acceptable in relation to its impact on the countryside, amongst other things. The proposed development would not fall within the scope of the types of acceptable developments listed in the relevant policies.
8. The village of Wootton has a limited level of services. Existing facilities include a public house, a church, a primary school and a village hall. It has been highlighted by a number of local residents that the school is at capacity however I have limited detail to support this, and the Appellant has identified a number of other schools in the wider area.
9. I have been provided with a copy of a bus timetable for the 250 bus which serves the village and connects to larger settlements nearby as well as details

of the school bus services which run through the village. There is also a train timetable with the nearest station being Ulceby. Accordingly, I conclude that there are some public transport options available within the local area.

10. I therefore find that the proposed development would not be in a location that would be well served by existing facilities in the village, however there would be some scope for residents to access the nearby services and facilities via public transport. However, the appeal site is located outside of the settlement, within the countryside, and would therefore not wholly meet the sustainability principles set out in the development plan. As such, it would be contrary to the provisions of Policies CS1, CS2, CS3 and CS8 of the Core Strategy and Policies DS1 and RD2 of the Local Plan. It would also be contrary to the National Planning Policy Framework (2021) (the Framework) insofar as it considers the location of new housing in rural areas. I will return to the matter of whether the policies are considered out of date below.

Character and Appearance

11. The appeal site comprises part of a wider area of agricultural land. I note that it is currently fallow but that recently there were crops growing on the site. To the north, east and west of the appeal site are residential properties along High Street, Swallow Lane and Cherry Lane, Sycamore Close. The south of the site comprises wider agricultural land and sporadic rural properties.
12. The dwellings would be located adjacent to the existing settlement and would be encompassed within the existing built form which runs along Swallow Lane, High Street and Cherry Lane. The southernmost part of the site would be provided as landscaped open space to assist with the transition between the built form and the open countryside to the south.
13. Whilst the appeal site is outside of the defined settlement boundary and within the countryside, the existing developments along Cherry Lane and Swallow Lane would flank the appeal site, encompassing it within the built form to a degree. I accept that the proposed development would encroach onto agricultural land and, as a result of its location outside of the settlement limits, into the countryside. However, this encroachment would not be beyond the existing built form to either side. As such, I consider it would have the appearance of infilling, or rounding off, the settlement to the south.
14. The appeal site is not subject to any formal landscape designations, however it does fall within the areas classed as Character Area Lincolnshire Drift in the North Lincolnshire Countryside Design Summary (1999) and forms part of an area of open undulating farmland. The majority of the appeal site is used for arable crop production, although currently fallow, with some vegetation around the boundaries.
15. In terms of visual receptors, the main impacts of the proposed development on the character and appearance of the area would be viewed from within the appeal site, its access and the rear of the existing properties which adjoin the site. There are some more long-distance views from further along Swallow Lane and to the south. In some areas views are partially obscured by existing hedging along the roadside. The Appellant has provided a number of viewpoints indicating the positioning and likely extent to which the proposed development would be visible.

16. Considering the scale of the proposed development, its location adjacent to the existing built form of the village and the intervening land uses, I do not find that the proposed development would result in an unduly urbanising effect on the surrounding landscape. Whilst there would be visual impacts, based on the evidence before me, these would predominantly be short distance impacts and I consider these would be sufficiently mitigated with the proposed positioning of the buildings and a sensitive landscaping scheme.
17. The appeal site forms part of a field of grade 1 agricultural land, which comprises the highest quality of agricultural land. The Framework seeks to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland². It goes on to define the best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification.
18. The development would result in the loss of part of this best and most versatile agricultural land. However, the adjoining land would remain in agricultural use and there are further swathes of grades 1 and 2 land in the surrounding area which would remain in active use. As such, I find that the loss of this part of agricultural land would not be unduly harmful given the amount of land lost and the quality of the remaining agricultural land in the immediate vicinity.
19. Consequently, I find that the proposed development would not be unduly harmful to the character and appearance of the area and would not lead to a significant or harmful urbanising effect. As such, it would comply with the provisions of Policies CS1, CS2, CS3 and CS8 of the Core Strategy and Policies DS1 and RD2 of the Local Plan, insofar as they relate to minimising impacts on the surroundings, protecting and enhancing settlement character and appearance and the open countryside, environment or landscape and avoiding loss of amenity to neighbouring land uses, amongst other things.

Five Year Housing Land Supply

20. At the time of their consideration of the planning application, the Council could demonstrate a 5.64 year supply of housing land³. However, following a recent appeal decision⁴ which concluded that the Council did not have a 5-year supply the Council's position on this matter has materially changed.
21. It is now the case that the Council cannot demonstrate a 5-year housing land supply and that there is a clear and demonstrable need for housing in the North Lincolnshire area. As such, the tilted balance in paragraph 11 d) is engaged and therefore the relevant policies for the supply of housing are deemed to be out of date⁵.
22. As the Council have not got an updated 5-year housing land supply position statement, I have not been presented with any evidence which would lead me to conclude that the Council could demonstrate a five-year supply. Consequently, based on the evidence before me, I conclude that the Council cannot demonstrate a 5-year supply of housing land. I will return to the overall 'tilted' balance in the planning balance section below.

² Paragraph 174 b)

³ Council's Planning Officer Report and Five-Year Housing Land Supply Statement

⁴ APP/Y2003/W/21/3278257

⁵ Footnote 8 National Planning Policy Framework

Other Matters

Heritage

23. The appeal site is located north west of Manton Cottage, which is a Grade II listed building with the List Entry Number 1103692. It is a traditional 18th century property with some later elements and fronts onto Swallow Lane. The Appellant has identified that the main public appreciation of the property is from the front. The proposed development would be located at a distance from the property and the intervening outbuilding and vegetation provides a separation between the appeal site and both the setting of the listed building and the building itself. The appeal site appears to have no functional or historic connection to the property.
24. A Heritage Impact Assessment has been submitted which concludes that the listed buildings in question will generally not be affected by the proposal, either physically or in terms of their settings. I have little before me which would lead me to conclude otherwise and therefore, I find that the proposed development would preserve the setting of the listed building and would lead to no harm to its significance and special interest. I note the correspondence from the Council⁶ confirming that they consider that the appeal proposal would not materially harm the listed building or its setting.
25. There are 6 further listed buildings within the village set to the north of the appeal site. These comprise the Church of St Andrew (GI), The Grove (GII), The Old Vicarage (GII), Vicarage Cottage (GII), the Gate and Flanking Garden Wall to the West of The Old Vicarage (GII) and Folly/Screen Wall South of The Old Vicarage (GII). These listed buildings are located at a distance from the appeal site and are all separated from it by numerous intervening buildings and structures. As such, these have no visual or historic relationship with the appeal site and would not be affected by the proposal.

Noise

26. The original planning application refusal included a reason relating to the noise from the commercial unit and HGV deliveries. The Council confirmed that they now consider that this matter has been satisfactorily addressed by the Appellant and could be dealt with by planning conditions to control noise from the commercial unit and commercial deliveries
27. The Appellant has produced a Noise Impact Assessment which has assessed the potential noise impacts on surrounding receptors, including neighbouring residents, from any increase in vehicle movements and from deliveries to and from the retail unit and any running noise. The proposed access would be located along the existing field access which runs between existing residential properties. Having regard to the likely vehicle movements associated with the development and the low speeds that would occur along this stretch, I conclude that, based on the evidence before me, there would not be harmful levels of noise and disturbance to neighbouring residents from the use of the access and the wider development.
28. I have had regard to the content of the reports, the scale of the proposed development and the correspondence from the Council and I am satisfied that, with the imposition of relevant conditions, the proposed development would not

⁶ Email dated 11 July 2022 – Appellant’s Submission Ref: JE5

be unduly harmful in terms of noise and disturbance, and I have little before me that would lead me to conclude differently to the Council.

Legal Agreement

29. A signed Section 106 Legal Agreement⁷ dated 14 September 2022 has been submitted. It makes provision for affordable housing, an education contribution towards the provision of primary and secondary school places, a recreation contribution and provision of open space, sustainable drainage system and local area of play.
30. I have considered the content and the form of the submitted document and find it to be legally sound and enforceable. Based on the information before me I am satisfied that the contributions are necessary, directly related, and fairly and reasonably related in scale and kind, thus meeting the tests in this instance.

Local Representations

31. A large number of objections have been received from the Parish Council, local residents, councillors and interested parties concerning, in addition to the above matters, impacts on traffic and highway safety, drainage, climate change and flooding impacts, impacts on archaeological remains, impacts upon biodiversity and habitats, other developments in the area and whether there is a need, impacts on water pressure, increase in pollution, impact on local businesses and animal welfare, the closure of the previous village shop, setting a precedent for further development, adverse impacts on neighbouring residents, community impacts, and the lack of a local police force.
32. With regards to the impacts on highway safety there have been Transport Assessments and a Travel Plan carried out by the Appellant. The access is an existing one, albeit the use would intensify as a result of the proposed development. The development would include off-site pedestrian improvement works. Based on the information before me, including the comments from the local highway authority, I consider that conditions can be imposed which would satisfactorily mitigate the impacts on the highway and pedestrian networks and as such there would not be harm to highway safety that would result in the development being unacceptable.
33. Similarly, potential impacts in relation to drainage and flooding have been considered in the Appellant's submissions, including a Flood Risk Assessment and Drainage Strategy, and drainage conditions can be applied to ensure the development is fit for purpose. I note the photographs provided by local residents however these are limited in detail and do not give a clear indication when, or how frequently these areas of standing water occurred. Furthermore, I note that the site falls within Flood Zone 1 within the Council's Strategic Flood Risk Assessment (SFRA) and I have had regard to the comments of the Environment Agency and Lead Local Flood Authority who do not raise concerns in this regard, and the comments from Anglian Water which highlights available capacity for the flows.

⁷ Agreement under Section 106 of the Town and Country Planning Act 1990 relating to the Land South of High Street and West of Swallow Lane, Wootton – PA/2021/610 between (1) North Lincolnshire Borough Council and (2) Lincolnshire Estates Limited

34. I understand that the appeal site does not fall within a designated area of local archaeological importance, although the Historic Environment Record notes the potential for archaeological remains within the site. An archaeological assessment and field evaluation has been carried out which demonstrated that there were no significant remains found on site.
35. The appeal site is not subject to any formal wildlife or nature conservation distinctions and the evidence before me indicates that the appeal site has limited biodiversity value in its current form and limited potential for protected species. Protection of any species in or around the area and the provision for biodiversity gains on site can be secured by conditions to ensure that the development is not detrimental to wildlife and habitats. Ecological and Biodiversity Appraisals and Plans have been carried out.
36. I note that there are other new developments within Wootton and the surrounding area, and I have had regard to the planning history on the appeal site. The Council have accepted that they cannot demonstrate a five-year supply of housing land and therefore there is a need for new housing within the area.
37. I have little evidence before me to demonstrate that there are issues with the water pressure or that this would arise as part of the development and similarly, I have limited evidence as to the levels of pollution increase that would occur, if any. Furthermore, electric car charging points could be secured as part of the development.
38. I note that there are local businesses in the area, including a boarding cattery. I acknowledge that there may be some noise and disruption during the construction phase in proximity to some of these businesses, however construction activity can be controlled by conditions and once constructed the properties would be family homes. I am not therefore persuaded that local businesses would be unduly harmed as a result of the development.
39. With regards to the closure of a previous local shop, I have little before me to indicate the scale or type of shop this was and the reasons for it closing therefore, I cannot make a reasonable comparison with the proposed retail facility included in this proposal.
40. I note the concerns relating to the possibility of further development of the field once this development had been constructed however any expansion of the site would be subject to a new planning application and would be assessed on its particular merits at the time of application.
41. The proposed properties would be located towards the existing residential properties adjoining the appeal site. At this stage the scale and appearance of the dwellings have not been detailed therefore at Reserved Matters stage these aspects of the proposal can be considered so as to not give rise to adverse impacts on nearby residents such as through overshadowing or overlooking.
42. Although utilising its own access I have little before me to suggest that the future occupiers of the proposed development would fail to properly integrate with the existing community. In addition, concerns have been raised over the construction of a fence to the rear of the existing bungalows, however boundary treatments can be considered as part of any subsequent Reserved Matters applications.

43. I have been provided with little detail of the level of local police cover and therefore cannot conclude that the development would result in any issues relating to crime or local safety.

Planning Balance

44. Turning to the overall planning balance, I have found that the proposed development would fail to comply with Policies CS1, CS2, CS3 and CS8 of the Core Strategy and Policies DS1 and RD2 of the Local Plan in respects of the site's location outside of the defined settlement boundaries, and therefore the development plan as a whole. However, as the Council cannot demonstrate a five-year supply of housing land, the 'tilted' balance in paragraph 11 d) of the Framework is engaged and the policies which are most important for determining the application are deemed to be out of date. This matter is not disputed and accordingly, the most important policies and thus the conflict with them, carry reduced weight in the planning balance.
45. There would be benefits arising from the development. These would include the provision of new housing to meet an identified need. Furthermore, benefits would arise through the provision of affordable housing. Given the shortfall in the Council's housing land supply I give substantial weight to these benefits.
46. There would also be some economic benefits arising in the short term through employment during the construction phase. In the longer term, economic benefits would arise through additional expenditure from future residents in the local area, additional council tax payments as well as through the provision of a small retail unit as part of the proposed development. I consider that these should be given moderate weight in the planning balance.
47. Environmental and social benefits would also arise through biodiversity enhancements including the provisions of bat and bird boxes and bricks and the creation of habitats through the landscaping and SuDS, as well as the provision of landscaped areas of public open space which exceeds the minimum requirements per dwelling. There would also be off-site improvements to the pedestrian infrastructure and links to the wider settlement.
48. Taken collectively, for the above reasons, I find that the benefits and the application of the 'tilted' balance significantly and demonstrably outweigh the adverse impacts and policy conflict that I have identified above in relation to the location of the appeal site and the development plan, when assessed against the Framework, taken as a whole. I therefore conclude that the proposed development would be acceptable and should be allowed.

Conditions

49. In addition to the standard conditions for the submission of the reserved matters and commencement of development, I have imposed a condition listing the approved plans as this provides certainty. The Council have provided a list of suggested conditions which I have considered against the tests in the Planning Practice Guidance.
50. Conditions 6, 7, 8, 10, 11 12, 13, 14, and 16 are necessary in the interests of highway safety. Condition 19 is also imposed in the interests of highway safety, and I have amended the wording following consideration of both parties' comments.

51. I have imposed conditions 5 and 30 to ensure a satisfactory development in terms of the character and appearance of the area.
52. Condition 15 is necessary in the interest of protecting the living conditions of nearby residents as well as highway safety. I have imposed conditions 20, 21, 23, 24, 25, 26, 28 and 29 in the interests of the living conditions of existing and future residents.
53. In respect of Condition 9 the Appellant objected to the pre-commencement element of the condition. Whilst I note the Appellant's comments in respect of the details required under the Highways agreement, I consider it necessary that the details required in this condition are secured to ensure a suitable layout of the development overall. I consider that this could be acceptable as a pre-occupation condition and have amended it as such.
54. Conditions 17 and 18 are necessary to prevent the risk of flooding and improve water quality. Condition 22 is imposed in order to reduce emissions from the increase in vehicles arising from the proposed development.
55. I have imposed conditions 31, 32, 33 and 34 to ensure that natural features and biodiversity is preserved and enhanced.
56. I note the Appellant's comments in relation to condition 27 (suggested condition 30) however I have imposed this condition as I have given weight in the planning balance to the provision of the retail until as a benefit of the development and therefore find the condition to be reasonable and necessary to secure the provision and delivery of an important element of the proposed development.
57. I have omitted the condition related to the acoustic barrier (suggested condition 33) as based on the evidence before me the Appellant has proposed no acoustic barrier based on the noise assessments. As such this condition does not meet the tests. In any event, the necessary boundary treatments can be considered as part of any Reserved matters applications.
58. Conditions 6, 11, 14, 17, 20, 24, 33 and 34 are required to be pre-commencement as it is fundamental to have these details agreed prior to any works being carried out on site.

Conclusion

59. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping 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: Drawing 1597CCB-SLW-LP01A Site Location Plan, Drawing 1597CCB-SLW-IM02B Proposed Layout 03-09-2021, Drawing 16-1064-002 Proposed Access and Highway Improvements and Drawing R-2463-2 Access Road Section 05-05-2021.
- 5) The details submitted pursuant to any reserved matters application shall be based upon the principles contained within the following approved documents: Reserved Matters Design Brief Rev A 03-09-2021 and Outdoor Learning Environment Brief Rev A 03-09-2021.
- 6) No development shall take place until details of the number, location and layout of vehicle parking and turning 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.
- 7) No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with the approved plans and details. Once provided, the vehicle parking and turning facilities shall be retained for the lifetime of the development.
- 8) No dwelling served by private driveways shall be occupied until it has been constructed in accordance with details including:
 - i. The proposed method of forming access from the highway, including the required visibility splays;
 - ii. The method of constructing/paving the drive;
 - iii. The provision of adequate drainage features;
 - iv. The provision of suitable bin collection facilities adjacent to the highway;
 - v. The provision of suitable lighting arrangements; and
 - vi. The provision of street name plates that shall include the words 'Private Drive'.which have been agreed in writing by the local planning authority. Once constructed the private driveways shall be retained.
- 9) Prior to the first occupation of the development hereby permitted, details of the layout, drainage, construction, services and lighting of the

proposed access road, including the junction with Swallow Lane, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

- 10) No dwelling on the site shall be occupied until the access road and footway to serve the dwellings has been completed to at least base course level and street lighting provided from the junction with Swallow Lane up to the access to the dwellings.
- 11) No development shall commence on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.
- 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) No works shall commence on the retail unit until the following details have been submitted to and approved in writing by the local planning authority of:
 - i. The number, location and layout of the vehicular access to the retail unit;
 - ii. The number, location and layout of vehicle car parking spaces, including access aisles, surface markings and turning facilities;
 - iii. The location and layout of vehicle loading, offloading and turning facilities for delivery vehicles; and
 - iv. The pedestrian means of access to the retail unit.

The retail unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once completed the vehicle parking, turning and servicing areas shall be retained.

- 14) No development shall take place until a construction phase traffic management plan showing details of:
 - i. All associated traffic movements, including delivery vehicles and staff/construction movements;
 - ii. Any abnormal load movements;
 - iii. Wheel washing facilities on site;
 - iv. Contractor parking and welfare facilities;
 - v. Storage of materials; and
 - vi. Traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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.

- 15) The retail unit shall not be brought into use until a delivery/management plan has been submitted to and approved in writing by the local planning

authority. Thereafter, the approved scheme shall be implemented in accordance with the agreed details.

- 16) Prior to the first occupation of the development hereby permitted, full details showing the off-site highway improvements identified in the Transport Assessment and in Drawing Number 16-1064-002 Site Access Arrangement and Highway Improvements shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved scheme shall be implemented in complete accordance with the approved details prior to the occupation of the penultimate dwelling.
- 17) No development shall take place until a detailed surface water drainage scheme for the site shall be 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 must be based upon the submitted Flood Risk Assessment for Lincolnshire Estates Limited, prepared by KRS Environmental Service Ltd Ref: KRS.0319.001.R.002.B March 2021.

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. SuDS must be considered, and reference made to the North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

- 18) The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 17 and shall be completed prior to the occupation of any dwelling or occupation of the retail unit (whichever is sooner) on the site and thereafter retained and maintained in accordance with the scheme for the life of the development.
- 19) Prior to the construction of the areas of hard paving and hardstanding within the development hereby permitted, details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway shall be submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter retained.
- 20) No development shall take place until a scheme for the disposal of foul water has been submitted to and agreed in writing by the local planning authority. Thereafter, none of the dwellings shall be occupied until it is connected to the approved foul drainage scheme.
- 21) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- i. A survey of the extent, scale and nature of the contamination;
- ii. An assessment of the potential risks to human health, property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments
- iii. An appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPD23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time, when carrying out the approved development that was not previously identified, it must be

reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

- 22) Prior to the first occupation of the development, a scheme for the provision of Electrical Vehicle Charging Points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control. The approved scheme shall be installed in full and retained in perpetuity thereafter.
- 23) Construction and site clearance operations shall be limited to the following days and hours:
- 08:00 to 18:00 Monday to Friday;
 - 08:00 to 13:00 Saturday; and
 - No construction, demolition or site clearance operations on Sundays or public or bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

- 24) No stage of the development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the CEMP throughout the construction period.

The CEMP shall include the following:

Noise and vibrations: The CEMP shall set out the particulars of:

- a) The works, and the method by which they are to be carried out;
- b) The noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including and noise limits; and
- c) A scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of:

- a) Specified locations for contractors' compounds and materials storage areas;

- b) Areas where lighting will be required for health and safety purposes;
- c) Location of potential temporary floodlights;
- d) Identification of sensitive receptors likely to be impacted upon by light nuisance,
- e) Proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of:

- a) Site dust monitoring, recording and complaint investigation procedures;
 - b) Identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
 - c) Provision of water to the site;
 - d) Dust mitigation techniques at all stages of development;
 - e) Prevention of dust trackout;
 - f) Communication with residents and other receptors;
 - g) A commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
 - h) A no burning of waste policy.
- 25) The hours of operation of the retail unit shall be restricted to the following times: 7:00am to 7:00pm on Monday to Sunday.
- 26) Deliveries to the retail unit shall be restricted to 7:00am to 7:00pm on Monday to Sunday and shall not be undertaken by any Heavy Goods Vehicle(s) (HGV) at any time.
- 27) The retail unit hereby permitted shall be constructed on the site before the penultimate dwelling on the site is occupied.
- 28) The retail unit hereby permitted shall only be used for Class E(a) of F2(a) and for no other purposes (including any other purpose in Class E and F2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).
- 29) No fixed plant and/or machinery shall come into operation in association with the retail unit until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The total cumulative rating level of the noise emitted from the fixed plant shall not exceed existing background as identified in report reference DC3417-R2 dated 1/10/2021. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

- 30) Any application for Reserved Matters that includes the landscaping and appearance shall show the position, layout and appearance of the on-site recreational open space and the position and equipment for the Local Area for Play (LAP) to be provided on the site. Thereafter the recreational open space and LAP shall be retained thereafter.
- 31) Within three months of the date of commencement of development the applicant or their successor in title shall submit an updated biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:
- i. Details of measures required to provide more than 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0 compared to the baseline assessment described in the submitted 'Preliminary Ecological Appraisal for land off Swallow Lane, Wootton' and 'Biodiversity Net Gain for land off Swallow Lane, Wootton';
 - ii. Details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;
 - iii. Details of bat boxes and bat bricks to be installed on at least 15% of houses;
 - iv. Details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
 - v. Details of nesting sites to be installed to support a variety of other species, including barn owl, barn swallow, house martin, house sparrow and tree sparrow;
 - vi. Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
 - vii. Provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
 - viii. Prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
 - ix. Details of wetland habitat, including ponds, to be created and managed as part of sustainable drainage;
 - x. Appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
 - xi. Procedures for monitoring and ongoing management of created habitats;
 - xii. Measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
 - xiii. Prescriptions for the provision of a wildlife gardening leaflet for each new resident; and
 - xiv. Proposed timings for the above works in relation to the completion of the dwellings.
- 32) The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be

retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 35th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

- 33) Before the development commences on the site, the methods of protecting the existing trees and hedgerows to be retained on the site, as specified in the submitted arboricultural reports and assessment shall be submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented before construction commences and 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.
- 34) No development shall take place until a scheme of offsite landscape works has been submitted to and approved in writing by the local planning authority. The scheme shall be based on the principles sets out in the GL1922 11 – Landscape Strategy Plan. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the 19th dwelling.