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## Appeal Decision

Site visit made on 27 June 2017

**by Andrew McCormack BSc (Hons) MRTPI**

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

**Decision date: 2 August 2017**

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**Appeal Ref: APP/A2525/W/17/3171837**

**Land at Harvester Way, Crowland, Lincolnshire PE6 0GB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Harvey Baker for Wheatley Homes Ltd against the decision of South Holland District Council.
  - The application Ref H02-1087-14, dated 23 December 2014, was refused by notice dated 29 September 2016.
  - The development proposed is for the erection of up to 100 dwellings with associated landscaping and ancillary works - all matters reserved.
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### Decision

1. The appeal is allowed and outline planning permission granted for the erection of up to 100 dwellings with associated landscaping and ancillary works - all matters reserved at Land at Harvester Way, Crowland, Lincolnshire PE6 0GB, in accordance with the terms of planning application Ref: H02-1087-14, dated 23 December 2014, and subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The appellant's name, Mr Harvey Baker for Wheatley Homes Ltd, has been taken from the Appeal Form as there is no individual name given on the original application form. Furthermore, the application was submitted in outline, with all detailed matters reserved. As a result, I have dealt with the appeal on that basis, treating the relevant submitted plans as illustrative.
3. The Council is unable to demonstrate a five year supply of housing land. As a result, all local planning policies relating to housing supply are considered to be out of date and therefore have reduced weight in determining planning applications and appeals. Accordingly, I have assessed the proposal against the policies and guidance within the National Planning Policy Framework (the Framework) and determined the appeal on that basis.

### Main Issue

4. The main issue is whether the proposed development would be acceptable in principle and if so, its effect on the living conditions of future occupiers and the sustainability of commercial operations in the area, with particular regard to noise and disturbance.

### Reasons

5. The appeal site is situated on land between existing residential development and land in commercial and industrial use. Harvester Way runs east to west between these two existing areas of development and the appeal site is to the north and

south of that road. Furthermore, a narrow road known as Crease Drove runs along the west boundary of the site and provides access to an area of Crowland to the north from the commercial and industrial developments.

6. The Council argues there is insufficient information provided by the appellant to fully assess the impact of the proposal in relation to noise and disturbance. There is particular concern regarding the impact on future occupiers in relation to its proximity to the existing industrial development and the related noise and disturbance which would likely occur due to commercial operations. Furthermore, the Council argues that there is insufficient evidence to determine whether the principle of the development of up to 100 dwellings in this location would be acceptable and in accordance with the Framework.
7. Notwithstanding this, the Council is unable to demonstrate a five year supply of housing land. Therefore, the presumption in favour of sustainable development, as set out in the Framework, must come into consideration. As such, I have assessed the proposal against the Framework as a whole. In my view, Crowland is a reasonably accessible settlement with a good range of services and facilities. The appeal site is adjacent an established residential area and would bring a range of social, economic and environmental benefits in terms of affordable housing, construction jobs and areas of informal open space for recreation and leisure. Furthermore, given the Council's lack of a five year supply, I find that residential development at this location would be acceptable in principle.
8. I now turn to the level of information provided by the appellant regarding the impacts of noise and disturbance. The original application sought outline planning approval. As a result, the details required for this outline application are less than for a full application. Therefore, by definition, the details of the scheme such as access, layout and the number of dwellings proposed are not before me.
9. At the application stage, the Council's Environmental Health Officer considered the appellant's noise assessment to be acceptable and provided sufficient information to determine the outline proposal with regard to noise. I see no reason to disagree with that view. Furthermore, an additional noise assessment has been produced by the appellant which provides further details sought by the Council and the appellant has confirmed that another more detailed assessment would be submitted with any subsequent reserved matters application. This could be secured by the imposition of a suitably worded planning condition.
10. I note the Council's argument that the development of housing at the appeal site would likely result in a future restriction of commercial use to B1 on the areas of land adjacent to existing businesses and the appeal site allocated for employment uses in the SHLP. This would be due to the likely impacts regarding noise and disturbance. Whilst I note these points, based on the evidence before me, I find that the noise impacts would be acceptable and note that the Council has only suggested that restrictions of use may occur due to the proposed development rather than confirmed this to be the case. Notwithstanding this, I find that such detailed matters can only be fully assessed at the reserved matters stage.
11. Furthermore, I note the potential impact of the proposal on the commercial operations at Crowland Cranes Ltd (CCL) and the comments made by CCL with regard to the appellant's evidence. Having had due regard to the points raised, the proposal is for outline planning permission. Whilst the appellant's assessment is based on amongst other things illustrative site plans, in my view it provides sufficient evidence to lead me to determine the appeal as I have. This is supported by the comments of the Council's Environmental Health Officer. A more detailed noise assessment is not possible or required at this stage. Moreover, from the

comments made by CCL and other parties, I have seen no substantive evidence to alter my overall decision.

12. From what I have seen and read, I find that the appellant has provided sufficient information to support the outline application. Taking this into account, in my view the principle of residential development at this location is acceptable. Furthermore, in the absence of any substantive evidence to the contrary, I find that there would be no significant adverse impact on the living conditions of future and neighbouring occupiers or existing commercial operations with regard to noise and disturbance. Notwithstanding this, further information at the reserved matters stage will be required to determine the more detailed matters of the proposal which are not before me now. Moreover, I am satisfied that the submission of such information could be secured through suitably worded planning conditions.
13. I appreciate that the Planning Committee deemed the information provided by the appellant was insufficient to determine the application and therefore considered the only option was to refuse the application. Notwithstanding this, I take a different view and, in doing so, I have had regard to the Council's lack of a five year supply of housing land, the outline nature of the planning application, the appellant's submitted evidence regarding noise and disturbance, officer comments regarding that evidence and the comments of other interested parties. Accordingly, I have given due weight to these matters in determining the appeal.
14. The proposed development would be located on the edge of Crowland and would be adjacent to existing residential development. The site is accessible to local services and facilities and would provide up to 100 new dwellings in an area where there is no five year supply of housing land and a boost to that housing supply is required. Furthermore, the proposal would create benefits in terms of construction jobs and the provision of affordable housing to meet an identified local need. Whilst concerns have been raised relating to noise and disturbance, I am satisfied that there would be no significant adverse impacts resulting from the proposal, subject to reserved matters. Accordingly, I find that the potential harm resulting from the proposal would be outweighed by the benefits identified.
15. Consequently, I conclude that residential development in this location would be acceptable in principle and that its impact on future residents and existing and future businesses with regard to noise and disturbance would not be so significant as to warrant a reason for refusal at this outline stage. It would therefore be in accordance with the relevant policies of the Framework and its overall aims with regard to the presumption in favour of sustainable development.

### **Other Matters**

16. I note concerns raised by the Council and other interested parties regarding the impact of the proposal in relation to such matters as highway safety, traffic congestion, school places and the need to retain a buffer zone between existing residential development and the commercial operations to the west of the appeal site. I have given these concerns due consideration and weight in determining the appeal. However, whilst I appreciate the importance of such matters to those affected, I find that the details relating to these matters are most appropriately dealt with at the reserved matters stage.
17. Notwithstanding this, the highway authority has indicated that the proposal is acceptable at this outline stage, subject to conditions and further information being provided at the reserved matters stage. Furthermore, I note the comments relating to Crowland having no secondary school. This raises queries as to where the young people who would be future residents on the proposed development

would go to school and what impact that would have on the surrounding area. Nonetheless, such detailed matters are not appropriately considered at the outline application stage. Furthermore, the relevant details of the proposal, such as the number, size and type of houses and therefore the potential number of school places required do not form part of this outline proposal and are not before me.

### **Conditions**

18. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance.
19. In addition to the standard implementation condition (1), I have imposed conditions specifying the approved plans (2) and the details of reserved matters (3) which are necessary and reasonable to provide certainty. Condition 4 is needed for reasons of character and appearance. A condition relating to providing affordable housing (5) is necessary and reasonable to ensure that such affordable dwellings are provided to meet identified local need and remain affordable in perpetuity. Condition 6 concerns detailed designs for surface water drainage and is necessary in the interests of the living conditions of future and neighbouring occupiers of the proposed development. Condition 7 is necessary for reasons of highway safety and the living conditions of future occupiers of the proposal. Conditions 8, 9, 10 and 11 are necessary and reasonable in the interests of the living conditions of future and neighbouring occupiers.
20. A condition relating to the details of proposed boundary treatments (12) is necessary for reasons of character and appearance. Conditions 13 and 14 relate to vehicular access to, from and around the proposed development and are required in the interests of highway safety. Condition 15 relates to the appearance of necessary external boxes, flues and pipes on dwellings and is necessary for reasons of character and appearance. A condition to ensure accordance with the approved Flood Risk Assessment (16) is necessary and reasonable to ensure that the development does not increase the risk of flooding. Condition 17 relates to a further noise assessment with the reserved matters application and is necessary in the interests of the living conditions of future occupiers and the sustainability of nearby commercial operations. Furthermore, a condition to ensure accordance with the submitted Ecology Report (18) is necessary for wildlife conservation.
21. It is necessary that the requirements of Conditions 5, 6, 7, 8, 9, 10, and 11 are agreed prior to the commencement of the development hereby permitted to ensure an acceptable development in respect of the provision of affordable housing to meet identified local needs, in the interests of the living conditions of future and neighbouring occupiers of the proposed development and highway safety.

### **Conclusion**

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and outline planning permission granted, subject to the conditions attached to this decision.

*Andrew McCormack*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: 17239/1002 - Flood Risk Assessment - (prepared by Woods Hardwick, Revision A, dated June 2016); Breach Analysis (prepared by MEC Ltd - ref: 22016/03-16/4265 Rev A); Phase 1 Geo-Environmental Desk Study (prepared by BRD Environmental Limited - ref: BRS2186-OR1-A, dated July 2014); Phase 2 Geo-Environmental Desk Study (prepared by BRD Environmental Limited - ref: BRS2186-OR2-A, dated July 2014); Planning and Noise Assessment (prepared by Spectrum Acoustic Consultants - ref: MWH1597/15168/1, dated March 2017); and Ecology Appraisal (prepared by Green Environmental Consultants Limited - ref: 1020/1).
- 3) The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
  - i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
  - ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
  - iii) the siting and design of any vehicular access to a highway or estate road;
  - iv) the means of foul and surface water disposal;
  - v) details of landscaping and tree planting; and
  - vi) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.
- 4) When the reserved matters application is made to the local planning authority, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the local planning authority before any development is commenced. Such scheme as is approved by the local planning authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. **Note:** The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.
- 5) No development shall be commenced until a scheme for the provision and phasing of a minimum of one third of the total residential units as affordable housing on the site to meet local housing needs has been submitted to and approved in writing by the local planning authority. The scheme shall identify how the affordable housing is to be provided in each phase, whether by means of a non-profit registered provider or otherwise, and the timing of delivery. In the submission of the details of the design and layout of each phase, the location of each affordable housing unit shall be indicated, along with the size and tenure, the type of affordable housing, and arrangements for ensuring that the affordable housing to be provided meets identified local housing need. Not more than 50% of the total number of the approved dwellings within each phase, excluding the affordable element, shall be occupied until there has been

a material commencement on the affordable housing units in that phase and not more than 90% of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

**Note:** In order to comply with this condition it may be necessary for the applicant / developer to enter into a planning obligation and / or agreement. You are therefore asked to bear this in mind when determining the timing of your submissions.

- 6) No development shall take place before the detailed design of the arrangements for surface water drainage has been agreed in writing by the local planning authority and no dwelling shall be occupied before it is connected to the agreed drainage system.
- 7) No dwelling shall be commenced before the first fifty metres of estate road that will serve that dwelling, from its junction with Harvester Way has been completed less its carriageway surface course.
- 8) A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to, and approved in writing by, the local planning authority, before the development commences, and the construction process shall be carried out in accordance with the scheme so approved.
- 9) Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development, shall be submitted to, and approved in writing by, the local planning authority, before the development commences. These facilities shall include the provision of wheel washing facilities, where considered necessary by the local planning authority. These precautions shall be made available before commencement of the construction of the development, and be kept available and in full working order, until such time as the local planning authority agrees, in writing to their withdrawal, or the completion of the development.
- 10) Before the commencement of development hereby permitted, a management plan for the areas of publicly accessible open space, including management responsibilities and maintenance schedules, shall be submitted to, and approved in writing, by the local planning authority. The management of these areas shall be carried out in accordance with the details so approved.
- 11) Before the commencement of development hereby permitted, details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts / private drives, shall be submitted to, and approved in writing, by the local planning authority. Thereafter these areas shall be maintained in accordance with the approved details.
- 12) Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to, and approved in writing by, the local planning authority, and the details so approved shall be implemented in full before the development is first brought into use.
- 13) There shall be no vehicular access from the permitted development onto Crease Drove. Nor shall there be any vehicular access from any dwelling on the permitted development directly onto Harvester Way.
- 14) Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage, from the existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriage and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

- 15) Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to, and approved in writing, by the local planning authority prior to their installation and there shall be no variation from the details so approved.
- 16) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (prepared by Woods Hardwick, Revision A, dated June 2016), including the setting of finished floor levels no lower than 1.486 m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.
- 17) Notwithstanding the findings of the submitted Planning and Noise Assessment (prepared by Spectrum Acoustic Consultants - ref: MWH1597/15168/1, dated March 2017) a further assessment shall be submitted when application is made to the local planning authority for approval of reserved matters. This assessment will demonstrate how the interrelationship between the proposed dwellings and existing commercial businesses and allocated employment land to the west has been taken into account in the design and layout of the development. This will ensure that any impact on existing businesses and future occupants of the proposed dwellings is minimised and clear mitigation measures are outlined.
- 18) The development hereby permitted shall be carried out in accordance with the proposed mitigation measures outlined in the submitted Ecology Appraisal (prepared by Green Environmental Consultants Limited - ref: 1020/1).

**END OF SCHEDULE**

Richborough Estates