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## Appeal Decision

Inquiry opened on 23 June 2015

Site visit made on 1 July 2015

**by Philip Major BA (Hons) DipTP MRTPI**

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

**Decision date: 25 August 2015**

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**Appeal Ref: APP/B2002/W/14/3001106**

**Land off Shaw Drive and Glebe Road, Scartho, Grimsby DN33 2JB.**

- 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 Cyden Homes Ltd against the decision of North East Lincolnshire Council.
  - The application Ref: DC/281/13/SCA, dated 11 April 2013, was refused by notice dated 4 June 2014.
  - The development proposed is the construction of up to 160 new residential dwellings served via Shaw Drive and Glebe Road (with all matters reserved except means of site access); landscaping and open space; car parking; storm water storage including earthworks to facilitate drainage and other ancillary works.
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### Preliminary Matters

1. The application was made in outline with means of access for consideration at this stage. All other matters have been reserved for future consideration. An illustrative drawing of how the site might be developed has been submitted, but this does not represent binding detail of any matters other than means of access to the site.
2. The Council does not dispute that it cannot demonstrate a 5 year supply of deliverable housing land. It differs from the Appellant in the extent to which there is a shortfall, though there is agreement that the shortfall is significant. However, the Rule 6(6) party, Scartho Village Action Group (SVAG), believes that there is a demonstrable 5 years housing land supply (HLS) and presented evidence on this matter at the inquiry.

### Decision

3. The appeal is allowed and planning permission is granted for the construction of up to 160 new residential dwellings served via Shaw Drive and Glebe Road (with all matters reserved except means of site access); landscaping and open space; car parking; storm water storage including earthworks to facilitate drainage and other ancillary works at land off Shaw Drive and Glebe Road, Scartho, Grimsby DN33 2JB in accordance with the terms of the application, Ref: DC/281/13/SCA, dated 11 April 2013, subject to the conditions set out in the attached schedule.

### Location and Planning Policy Background

4. The appeal site is located on the edge of Scartho to the southern end of the built up area of the wider Grimsby urban area. The site includes 2 triangular

shaped indents of agricultural land in the hard urban edge and 2 areas of contiguous woodland which have been planted in recent years. These areas of woodland would be retained (with minor tree removal only where the 2 parts of the site would be linked). The site falls within an identified 'landscape area of strategic importance' referred to during the inquiry as a strategic gap, which separates the settlements of Grimsby and New Waltham in this location.

5. Saved Policy GEN2 of the North East Lincolnshire Local Plan of 2003 (LP) deals with development in the open countryside, setting out those types of development which are considered to be appropriate in such areas, with criteria brought into play for considering proposed development. The criteria mirror those in GEN1 (which has not been cited in the reasons for refusal) which apply to proposed development within defined development areas. There is nothing unusual about the criteria, which reflect general development management principles and the advice in many aspects of the NPPF.
6. It is not in dispute that Policy GEN2 is restrictive of residential development of the type proposed (principally market housing) in open countryside. To that extent it is patently a policy relevant to the supply of housing. The Council accept that the first part of the policy is out of date because it cannot demonstrate a 5 year HLS, but argues that the second part of the policy is not out of date because it sets criteria for development in open countryside which are consistent with the principles explained in the National Planning Policy Framework (NPPF). However, given the way the policy is structured and written it seems logical to me that the criteria are to be used to assess development which is acceptable in principle in open countryside. The purpose of the policy is one of restricting development to certain types in the countryside. Its whole *raison d'être* is such. Hence I do not accept that the dependent assessment criteria can reasonably be read alone and separated from the purpose of the policy. I am therefore satisfied that GEN2 is out of date in its entirety so far as it is restrictive of market housing in open countryside and can therefore attract minimal weight. As a result, if the proposed development can be judged to be sustainable, then paragraph 14 of the NPPF would come into play.
7. Saved LP Policy NH9 identifies and deals with strategic gaps. The policy seeks to ensure that settlements do not coalesce; that is described as a primary consideration. I heard arguments that the extent of the strategic gap is so wide and all encompassing that it in effect reflects a policy restriction on housing development and is therefore to be taken as a policy relevant to the supply of housing. On the other hand it has been held elsewhere that specific policies which restrict development in 'green gaps' and the like, and which seek to protect particular landscapes or features, are not relevant policies for the supply of housing. For policies such as this case law generally has developed to the point where each case must be looked at in the light of its particular circumstances.
8. In this locality it seems to me that the former of the above scenarios applies rather more than the latter. The strategic gap is indeed wide ranging, arcing around much of the urban area. It does seek to restrict development, not just of housing, in the area between a number of settlements. No specific qualities of any part of the gap are identified and no landscape appraisal has been undertaken. In essence this is a rather blunt tool designed to keep open a significant proportion of the land around the built up area. As such it can only

be seen as being restrictive of housing development, and therefore it is proper to regard it as a policy relevant to the supply of housing.

9. The fact that Policy NH9 is a general restrictive and non-specific policy does not sit well with the advice of the NPPF. Indeed I have some sympathy with the view expressed that its terms can be regarded as more stringent than Green Belt policy. Whether that is so or not is not of primary importance. What matters is that the judgements and balancing exercises which flow through the advice of the NPPF are severely limited in Policy NH9. The NPPF does not rule out development in the countryside, though requires due consideration to be given to the recognition of the intrinsic character and beauty of the countryside. Policy NH9, though, is described as being supplementary to countryside protection Policy GEN2 and that development to be permitted in the strategic gap must be compatible with a countryside setting, not to be in the form of ribbon or a fragmented pattern, and not to result in a significant increase in the scale of built development between defined development areas. Indeed the Council's own evidence at the inquiry accepted that the policy could not operate as an 'in principle' objection to development on the urban edge, and that has been followed through in the Council's decisions on other proposals around the urban area but within the strategic gap. It seems to me that Policy NH9 should therefore attract, at best, limited weight.

### **Main Issues**

10. The main issues in the appeal are:
- (a) Whether the Council can demonstrate a 5 year supply of deliverable housing sites and;
  - (b) The impact of the proposed development on highway safety and the convenience of users of the highway network;
  - (c) The impact of the proposed development on the local landscape and the strategic gap within which it lies;
  - (d) The Planning Balance. If there is no deliverable 5 year housing land supply whether the NPPF presumption in paragraph 14 should apply in the light of any impact of the proposal on highway safety, landscape and the strategic gap, and other matters.

### **Reasons**

#### ***Five Year Housing Land Supply***

11. The Council and Appellant agree that the demonstrable supply of housing land falls well short of 5 years. Although there is acknowledgement that the calculation of supply is not an exact process the Appellant calculates it to be very much at the lower end of the scale, and the Council something over 2 years. A conclusion that either of those figures is appropriate would, I agree, indicate a significant shortfall.
12. Turning to the position of SVAG I have a number of concerns with their approach to assessing the housing land supply. First, it cannot be right that the backlog in housing provision should be calculated only from 2013. It is clear from the evidence provided that there was a failure to meet housing objectives for many years prior to that (in 11 of the previous 13 years). Although the previous targets no longer exist the failure to meet them is still a material consideration. I agree that the failure is persistent and therefore that

- a 20% buffer should be applied to current housing need in setting supply objectives.
13. Secondly, although there is no disagreement that the household and population projections produced by the Office for National Statistics should be used as a starting point they are just that – a starting point. It is a valid exercise to factor in projected growth scenarios when assessing future needs, as has been done here. The fact that the area which includes the appeal site has not enjoyed great growth in past years is not a good reason not to aspire to realistic future growth. The studies carried out on behalf of the Council have assessed housing need based on scenarios of no growth, intermediate growth and high growth. That the Council has chosen to follow the path of intermediate growth seems to me to be reasonable, and I have no evidence to suggest that it is not achievable or desirable. SVAG has taken the approach that this part of the country has of late been in the economic doldrums, and as such a more realistic approach to growth should be taken. That seems to me to be overly pessimistic. In my view an objective of modest growth in jobs (below what would be expected in more prosperous areas of the region) is itself a reasonable approach. Hence the higher housing supply figures resulting from the Council's preferred scenario are entirely justified.
  14. Thirdly, SVAG argue that no account has been taken of properties brought back into use. However, Planning Practice Guidance (PPG) makes it clear that care should be taken not to double count by including empty homes in the existing stock as well as in any empty housing strategy. There is nothing in the evidence before me that suggests the Council has not followed the appropriate guidance here, and I cannot agree that the SVAG position is correct. Taken overall I do not find that the SVAG assessment of housing need and supply can be supported. The Council's position is to be preferred.
  15. Although there is a difference in the calculated shortfall of deliverable housing land between the Appellant and the Council, both agree that the shortfall is significant. On the evidence before me I agree with that position. Given that housing land supply assessments are not a precise exercise it is my view the precise difference between the parties is not of major significance in this case. The magnitude of the shortfall by either the Appellant's or Council's measure is so great that substantial weight in support of the appeal proposal attaches to it. Furthermore, there is an acknowledged and significant shortfall in affordable housing provision in the area. The fact that this development would deliver 20% of its homes as affordable housing is a further significant element in support of the proposal.

### **Highway Safety**

16. There are 2 main aspects to this issue. First, the impact of the proposal on the traffic flows of the wider network, and secondly the impact of the traffic generated by the development on highway safety in surrounding streets. Although there was some discussion at the inquiry about the meaning of the Council's highway reason for refusal all parties presented evidence such that it could be thoroughly aired. Hence, although I understand why the Appellant may be concerned that the highway reason for refusal was unduly 'extended' at appeal, this has not prejudiced the consideration of the wider highway impacts.
17. The Transport Assessment submitted with the application was revised and the transport Statement of Common Ground further refines transport information.

It is not entirely surprising that matters changed over time, and indeed part of the evidence before me illustrates the range of assessments, and differing results, which have been carried out in relation to development proposals locally. This in fact ties in with my observations during the inquiry when I used the local roads on a daily basis at peak and non peak times. I experienced variable queuing and delays at comparable times, ranging from moderate levels of congestion to virtually no congestion. This seems to me to demonstrate that there is no wholly consistent pattern of traffic flow and hence the differing results from the various transport assessments.

18. However, even with the worst case scenario it seems to me that the traffic generated by the proposed development would be unlikely to cause significant extra difficulties. I accept that queue lengths (and delays) may be extended to a degree. But I find it difficult to reach a conclusion that the change would be severe even taking into account other proposed or permitted schemes. On streets in the immediate vicinity of the appeal site I accept that there would be a modest impact at worst, with about one extra vehicle per minute during peak hours. In turn that modest impact would be unlikely to have more than a small impact on the wider network.
19. On that wider network, particularly where Louth Road connects with roundabouts to the north and south, it has been suggested that mitigation could improve flow (and therefore limit delay) by increasing the width at the entry to roundabouts (mitigation is offered by planning obligation, which I deal with later). Whilst computer modelling suggests that this mitigation may be theoretically effective, it does seem counter-intuitive to suggest that very minor road widening of the scale proposed would have the predicted effect. Observation and use of the roundabouts concerned does not persuade me that the minor changes proposed would in themselves offer much relief or increase capacity to the degree computer modelling suggests. The scope for enhancing traffic flows would be greater if any alterations formed part of wider improvements. In this case I have greater faith in the possibility that minor changes to traffic light phasing at the Matthew Telford Park junction would have beneficial impact on traffic flows whilst not being materially detrimental to the interconnected network of signals.
20. In any event, as I have noted, it is my judgement that the likely impact of the modest traffic increases resulting from this and other development would be manageable. I cannot agree that the resulting residual impact would be severe. The greatest impact would seem likely (as predicted) at the Scartho Road roundabout. But that roundabout is affected by the Mathew Telford Park junction when traffic backs up, and any clearing of Mathew Telford Park would have a commensurate effect at Scartho Road.
21. Turning to the local streets I was able to observe their use at first hand. It is right that there are many householders who park on the highway, and this causes, in effect, a series of chicanes which must be negotiated when seeking to access the appeal site. Nonetheless I did not observe any situations in which the streets were blocked, or where unacceptable hazard would be likely. The limited increase in traffic movements brought about by the proposal should not materially alter that situation.
22. I do not doubt that there will be occasions when users of the highway are required to wait for oncoming traffic to pass parked vehicles, as is the case

- now. In fact such waiting can help to reduce overall speeds, which in any event were low during my site visits. I accept that there will be rare occasions when streets may be blocked by emergency vehicles, but the permeability of the appeal scheme would allow an alternative access or egress if necessary.
23. The scheme would involve the reduction of footway widths in one area in order to provide adequate road width. SVAG is concerned for wheelchair users and those pushing buggies, amongst others. That is a valid concern. But the distances of width reduction are modest and in my judgement the footways concerned would still retain adequate width alongside lightly trafficked roads. I was referred to a number of technical publications at the inquiry, such as Manual for Streets. Whilst these do recommend optimal footway widths, they also refer in most instances to minimum footway widths. Taking the guidance from the publications in the round the appeal proposals seem to me to be reasonable.
24. Other concerns expressed by SVAG include junction priorities, blind bends and crests, the distance to services (for the disabled) and the use of streets by school pupils. Again, all of these are valid concerns. However, the background situation here is that the existing streets away from Louth Road are residential in nature. Traffic speeds are low. The likelihood of the proposed development materially increasing risk on those highways seems to me to be limited. I do not seek to minimise the concerns expressed at the inquiry, but the development would not be generating great volumes of traffic, and the streets on approach to the site would be capable of accepting the modest increase.
25. A further concern has been expressed in relation to the proposed construction access, which would be from the A16 to the south-east, thereby avoiding residential streets. I do not share the concerns which suggest that that access would itself be hazardous. The A16 is a fast road, but traffic will be travelling at modest speeds when approaching or leaving the nearby roundabout. Adequate signing of the construction access would further reduce risk. I am therefore satisfied that the construction access proposed would be satisfactory. As the access track crosses the open land towards the appeal site it follows the course of a public footpath. I am also satisfied that the safety of users of that footpath could be ensured by imposing an appropriate condition on any planning permission.
26. The distance to services from the site entrances would be about a 10 minute medium paced walk. Bus stops on Louth Road are a little closer. This seems to me to be acceptable and I therefore consider the site to be sustainable in highway terms. It would be inevitable that any disabled residents of the proposed development may have difficulty with that walk, but I heard that alternatives exist, such as the 'on demand' bus service. In any event I do not accept that the likely numbers of disabled residents on the proposed development can be determined by the arithmetic model used by SVAG.
27. Drawing the threads of this issue together it is clear to me that the following conclusions can be drawn:
- The wider network would be capable of accommodating the traffic generated by the development;
  - The local streets would be capable of accommodating the traffic generated by the development;

- Impact on congestion would be likely to be modest and manageable;
  - There would be likely to be no material impact on highway safety;
  - No other matters concerning the impact on the local highways or footpaths are such as to militate against the proposal.
28. The Council's highway authority was closely involved in the discussions surrounding this proposal and has not objected to the development. In my judgement the balance lies with the scheme in highway matters. There would be no severe residual impact sufficient to justify dismissing the appeal.

### ***Landscape and Strategic Gap***

29. The site adjoins the built up area of Scartho and the 2 fields which form the majority of the site are currently in use for growing crops. There can therefore be no doubt that in planning terms the site is within the open countryside, notwithstanding the discussion at the inquiry about whether it is truly 'open' or 'enclosed' by vegetation and development. Any suggestion that the existing woodland in the northern part of the site is somehow uncharacteristic of the area is not a view with which I agree – indeed an increase in woodland is an aspiration for the area. Whilst I acknowledge that the northern part of the site in particular has an enclosed feel to it, this does not materially detract from the clear perception that it is squarely within open countryside. Any suggestion that such a countryside location is somehow diminished by the degree of enclosure is a suggestion which I reject in this case. One of the essential features of open countryside is that it is undeveloped, and that is the situation here.
30. That said, there is a clear influence imparted by the adjacent developed area in terms of the character of the locality. This is open countryside with a hard urban edge, and that factor plays an important role as one of the defining characteristics of the appeal site. It is particularly important to note that the areas of the appeal site which are proposed for development are largely contained within those parts of the fields which project into the urban area in the form of triangular 'indentations'. Reference has been made to the fact that indentations are characteristic within settlement form in this locality. However, this observation seems to me to make sense only in relation to historic settlement pattern rather than the hard edge of modern development.
31. The relatively flat and featureless rural fields are of simple character and form, with limited views out in the northern sector because of adjacent woodland. Even in the southern sector the more extensive views across to New Waltham are diminishing because of the emerging woodland plantation. Taken together with the influence of the adjacent urban area I agree that this particular area of open countryside is of moderate landscape quality overall.
32. The wider Landscape Character Area (LCA) has been assessed as having a medium to low capacity for development. But in the case of the appeal site (as part of that wider LCA) the enclosure and indentations in the existing urban edge reduce the sensitivity to development and increase the capacity for development. In my judgement there is scope for development, which would have limited impact on the character of the LCA and the visual quality of the landscape.

33. As noted, this part of the countryside is part of a strategic gap designed to keep the built up area of Grimsby (including Scartho) apart from surrounding settlements. I have dealt with the relevant development plan policy (NH9) above, and explained why it carries limited weight. In any event the incursion into the strategic gap in this instance is small. The perception of incursion is even smaller given that much development would in fact be within the indentations between the existing projecting urban edge. The incursion of development into the strategic gap would not be discernible from points to the south and east. Overall the development would not compromise the function of the strategic gap.

34. Summarising on this issue I find that:

- The impact on the character of the surroundings would be limited;
- The impact on the visual qualities of the area would be limited;
- The impact on the function of the strategic gap would be minimal.

35. There would be conflict with the terms of the development plan as expressed in Policies Gen2 and NH9, but that conflict must be seen in the context of the weight I attribute to those policies. The limited degree of harm identified must be added to the planning balance, which I deal with below.

### **Other Matters**

36. I deal now with other matters raised at the inquiry and in writing.

37. There is a drainage pipe running across the site with an associated raised manhole. Several people have expressed concerns that drainage would be a problem and that an already difficult situation at surrounding dwellings would be made worse, especially as properties along Kensington Place are located on ground at a lower level. I was able to visit those properties and have noted the difference in ground levels. However I have nothing in evidence which indicates that a satisfactory drainage scheme, involving sustainable drainage techniques, would not be possible. On the contrary, evidence suggests that such a scheme is possible and could be delivered at the next design stage. This matter does not weigh against the proposal.

38. A number of residents are concerned that amenity and privacy would be compromised by the development. I fully understand those concerns, which are important material considerations. Clearly any development of the appeal site would result in some change for the residents of the adjoining dwellings, be it in terms of outlook, noise or disturbance. However, there are no fixed designs for any proposed dwelling at this stage. The illustrative site layout drawing shows a diagrammatic representation of how the site might be developed but is not part of my consideration. What matters is that the degree of change introduced would not be unduly harmful to the living conditions of existing residents. Based on the evidence before me there is nothing which suggests that a scheme could not be designed which would adequately protect existing living conditions. That would be a matter for the next design stage and is not something which can preclude the granting of planning permission for this outline scheme. For the same reason I have no reason to doubt that any future design would be able to 'design out' the potential for increased crime.



39. A number of judgements and planning appeal decisions have been brought to my attention. Each deals with a different set of circumstances, yet each has some relevance in dealing with similar matters as those in play here. The cases reflect the differing judgements reached over time in relation to matters such as the appropriate buffer to apply to housing supply, and the relevance and weight applicable to 'green wedge' type policies, and whether such policies can be applicable 'in part'. I have explained above my approach to the application of the buffer and the relevance and weight attaching to Policies Gen2 and NH9 in this case. Any distinguishing features between this case and others brought to my attention are therefore apparent, and those cases do not offer a compelling precedent for this development.

### ***The Planning Balance***

40. I draw together here the threads of the main issues and other matters. As noted earlier the presumption in paragraph 14 of the NPPF would apply in this case if the development is sustainable. In that regard there are 3 strands to consider.
41. First the economic dimension. Self evidently the proposal would create or retain jobs in the building and allied trades. That in itself would be advantageous to some degree. The proposal would also assist in supporting the Council's aspirations for economic growth by providing underpinning housing provision. That too is of economic assistance. Local services would be likely to benefit economically. There are no identified economic drawbacks associated with the proposal and I am therefore satisfied that the proposal would be of economic benefit.
42. Secondly, the social dimension of sustainability would be engaged. The provision of much needed housing, and in particular some affordable housing to meet the serious shortfall, would provide significant social benefits.
43. Environmentally the development would be of limited impact. Land take would be of moderate quality countryside in a location which has capacity to accept development. There would be some enhancement of opportunity to enjoy the surroundings with the inclusion of woodland walks and enhanced connectivity for pedestrians (subject to detailed planning later). The location of the development would offer opportunities to reduce private vehicle use by walking to local services and by using the nearby bus services.
44. Taken together these impacts indicate that the development would be sustainable in the terms set out in the NPPF. Paragraph 14 is therefore engaged and planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
45. There would be conflict with the development plan policies noted above, but those policies carry little weight. In this instance there would be minor adverse impacts in relation to the impact on open countryside, and the possibility of minor adverse impact on highway users through slightly increased congestion (though not in my judgement on highway safety). But these minor impacts do not outweigh the significant benefits to be gained in providing housing, including affordable housing, as well as supporting the Council's long term development strategy. Notwithstanding the conflict with the development plan it is my judgement that the material considerations in favour of the

development clearly outweigh that conflict and the minor adverse impacts. The balance in this case clearly favours the granting of planning permission.

## **Conditions and Obligation**

### *Conditions*

46. An agreed list of conditions (agreed between the Council and Appellant) was submitted at the inquiry. There is agreement that the time limits for submission of details and commencement of development should be shorter than 'standard' to encourage early delivery. In light of the significant shortfall in housing delivery this is reasonable. Approved plans should be specified by condition.
47. Conditions specifying in greater detail what is required at reserved matters stage in relation to landscaping and drainage are reasonable to ensure that development is satisfactory. The requirement for the submission of a construction method statement is also reasonable and necessary to ensure that local interests are safeguarded.
48. It would be necessary and reasonable to impose conditions relating to the provision of local highway improvements, and the provision of adequate access before any dwelling is occupied, in the interests of highway safety. In the interests of sustainable development the travel plan submitted should be implemented. A condition dealing with any contamination found on site would also be reasonable.
49. The SVAG suggested a number of additional conditions dealing with a number of detailed matters relating to highway configuration, provision of crossing facilities, and a road safety audit. None of these matters were identified as necessary by the Highway Authority. Although I understand that these matters are allied to the SVAG case, there is insufficient evidence of the need for them to justify those conditions being imposed. They would not meet the tests set out in Planning Practice Guidance.
50. Where it is necessary I have amended conditions for precision and to reflect current advice and the discussion which took place at the inquiry.

### *Obligation*

51. An executed planning obligation pursuant to S106 of the 1990 Act has been submitted. This deals with a number of matters. First, and importantly, there is an obligation to provide 20% of the development as affordable housing. Secondly there are commitments to pay contributions towards educational provision, and public open space provision and management. In addition there is provision for highway improvements to the wider network or, in the alternative, contributions to larger scale improvements in the same localities.
52. I am satisfied that these matters are in accordance with the Community Infrastructure Levy Regulations (CIL Regs). All of the matters within the obligation are necessary to make the development acceptable. A CIL compliance note has been submitted to support the obligation and in light of the evidence before me I accept that there would be no breach of the Regulations and that the obligation can be taken into account in reaching my decision.

## **Overall Conclusion**

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

*Philip Major*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 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 begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters for the first phase of the development shall be made to the local planning authority not later than one year from the date of this permission, and application for the remaining reserved matters not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than (i) 18 months from the date of this outline permission or (ii) one year from the date of approval of the reserved matters for the first phase of the development.
- 4) The details to be submitted in accordance with Condition 1 above shall include a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees and hedges both proposed and to be retained along with ditches and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes; and a location plan indicating which of the dwellings are reserved for affordable homes.
- 5) No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any ground level raising, and a strategy for the management of the surface water drainage scheme. Development shall be carried out only in accordance with the approved scheme.
- 6) No development shall take place until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved scheme.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- (i) arrangements to stop construction traffic entering and leaving the site via the existing residential road network;
  - (ii) measures to separate construction traffic from users of the public rights of way;
  - (iii) the routing and management of construction traffic;
  - (iv) the parking of vehicles of site operatives and visitors;
  - (v) loading and unloading of plant and materials;
  - (vi) storage of plant and materials used in constructing the development;
  - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
  - (viii) wheel cleaning facilities;
  - (ix) measures to control the emission of dust and dirt during construction;
  - (x) details of noise reduction measures;
  - (xi) a scheme for recycling/disposing of waste resulting from construction work;
  - (xii) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.
- 8) No development shall take place until details have been submitted to and approved in writing by the local planning authority indicating proposed improvements to local highways by the introduction of dropped kerbs. Development shall be carried out only in accordance with the approved details and no dwelling shall be occupied until the works have been completed.
- 9) No development shall take place until details have been submitted to and approved in writing by the local planning authority indicating the proposed extended footway(s) alongside Shaw Drive. Development shall be carried out only in accordance with the approved details and no dwelling shall be occupied until the works have been completed.
- 10) No development shall take place until details have been submitted to and approved in writing by the local planning authority indicating the proposed alterations to be carried out along Grantham Avenue. Development shall be carried out only in accordance with the approved details and no dwelling shall be occupied until the works have been completed.
- 11) None of the dwellings on the approved site shall be occupied until the access road within the site leading to it has been constructed to at least base course level, and lit, in accordance with details first submitted to and approved in writing by the local planning authority.
- 12) The measures detailed in the Travel Plan prepared by AECOM Transportation dated June 2012 shall be implemented in their entirety. Contact details for the Travel Plan Coordinator shall be provided to the local planning authority before the first dwelling on site is occupied. Details of the annual monitoring, review, and action plan carried out in accordance with the Travel Plan shall be provided to the local planning authority.
- 13) If, during development, contamination is found that has not previously been identified, the local planning authority shall be notified on that or the next working day and no further work on the contaminated part of the site shall be carried out until a method statement for dealing with the contamination found has been submitted to and approved in writing by

the local planning authority. Development shall thereafter proceed in accordance with the approved method statement.

14) The development hereby permitted shall be carried out in accordance with the following approved plans:

- 20651-01-1 Revision D – Site Plan
  - 20651 21-1 Revision G – Application Master Plan
  - 60267648-P-001 Revision B – Shaw Drive Access 1
  - 60267648-P-002 Revision B – Shaw Drive Access 2
  - 60147851-P-003 Revision C – Glebe Road Access
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Richborough Estates

## APPEARANCES

### FOR THE APPELLANT:

Mr M Reed of Counsel

He called	
Rebecca France MSc	AECOM Transportation
BA(Hons) MCILT	
Matthew Chard	Barton Willmore LLP
BA(Hons) Dip(Hons)	
MAUD CMLI	
Michael Knott BA(Hons)	Barton Willmore LLP
DipTP MRTPI	

### FOR THE LOCAL PLANNING AUTHORITY:

Mr G Keen of Counsel

He called	
Gerard McKinney	PTB Transport Planning Ltd
BA(Hons) MSc MCILT	
Paul Reynolds MUD	Atkins Ltd
DipLA CMLI	
Stefanie Hedgman DIR	Atkins Ltd
MRTPI	

### FOR SCARTH VILLAGE ACTION GROUP:

Graham Pendred BA(Hons) MSc	Lead for SVAG
Clive Ashby BA CMS IEng FIHE	CA Traffic Solutions LLP
FCIHT FSoRSA RegRSA(IHE)	

### INTERESTED PERSONS:

Mr C Brown	Local resident
Mrs C Ballard	Local resident and SVAG supporter
Mr H Wilkinson	Local resident and SVAG chair
Mr A Baxter	Local resident
Mr S Smith	Local resident and SVAG supporter
Mrs G Morgan	Local resident
Mrs J Walmsley	Local resident
Mr D Thompson	Local resident
Mr K Clarke	Local resident

## **DOCUMENTS HANDED IN DURING THE INQUIRY**

### **From the Council**

- Doc 1 Opening statement
- Doc 2 Comparison traffic flow change figures
- Doc 3 Appeal decision APP/R0660/A/14/2212992
- Doc 4 Statement of compliance with CIL Regulations
- Doc 5 Draft Planning Obligation
- Doc 6 Closing submissions

### **From the Appellant**

- Doc 7 Opening statement
- Doc 8 Extract from Planning Practice Guidance on assessing housing need
- Doc 9 Extract from Planning Practice Guidance on dealing with empty housing
- Doc 10 Appeal decision APP/Y2810/A/14/2228921
- Doc 11 First draft planning obligation
- Doc 12 Extract of evidence from Keystone Developments case
- Doc 13 Draft agreed conditions
- Doc 14 Report to Committee on site off Humberston Road, Grimsby
- Doc 15 Decision notice and report to Committee on site at Buff Lane, Laceby
- Doc 16 Closing submissions

### **From SVAG**

- Doc 17 Opening statement
- Doc 18 Appeal decision APP/K2420/A/12/2181080
- Doc 19 Centre for Cities – Cities Outlook 2015
- Doc 20 Understanding the latest DCLG household projections
- Doc 21 Appeal decision APP/X1165/A/11/2165846
- Doc 22 Closing submissions

### **Other documents handed in at the inquiry**

- Doc 23 Letter from Mrs Ballard
- Doc 24 Statement from Mr Smith
- Doc 25 Letter from Miss S Brown

### **Document received after the close of the inquiry with the Inspector's permission**

- Doc 26 Executed Planning Obligation