



Appeal Decision

Inquiry Held on 28 to 30 November 2017

Site visit made on 30 November 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 2 February 2018

Appeal Ref: APP/E2530/W/17/3173367

Land to the North of Longcliffe Road, Grantham, Lincolnshire

- 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 Allison Homes Limited, Mr R Pask, Mr S Pask, the Namulas Pension Trustees Limited and the Trustees of the A J Snarey Settlement against the decision of South Kesteven District Council.
 - The application Ref S15/3189, dated 13 November 2015, was refused by notice dated 8 March 2017.
 - The development proposed is described as *'a sustainable urban extension to Grantham comprising; not more than 480 dwellings; a neighbourhood centre, a single form entry primary school, ancillary (formal and informal) public open space; including structural landscaping and biodiversity enhancement areas; and access works'*.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 19 January 2018.

Decision

1. The appeal is allowed and planning permission is granted for a sustainable urban extension to Grantham comprising; not more than 480 dwellings; a neighbourhood centre, a single form entry primary school, ancillary (formal and informal) public open space; including structural landscaping and biodiversity enhancement areas; and access works at Land to the North of Longcliffe Road, Lincolnshire in accordance with the terms of the application, Ref S15/3189, dated 13 November 2015, subject to the conditions set out in appendix A.

Application for costs

2. At the Inquiry an application for costs was made by Allison Homes Limited, Mr R Pask, Mr S Pask, the Namulas Pension Trustees Limited and the Trustees of the A J Snarey Settlement against South Kesteven District Council. This application is the subject of a separate Decision.

Preliminary Matters

Size and nature of the proposal

3. Originally, the submitted outline scheme sought to erect up to 550 dwellings. This was reduced to no more than 480 dwellings. The plans were amended accordingly. For the avoidance of doubt, I have proceeded on the basis that

the proposal seeks the lesser number of dwellings and the associated development listed in the header of this decision.

4. The proposal has been submitted in outline, with all matters reserved, except for access. Beyond access, I have proceeded on the basis that the submitted drawings are illustrative only, showing broad locations of potential development; with specific details reserved for future consideration by the local planning authority.

Housing land supply and development plan policies

5. The Council concedes, in the Proof of Evidence of Mr Gildersleeves, that the Council is currently unable to demonstrate a five year supply of deliverable housing sites¹. As such, Paragraph 49 of the *National Planning Policy Framework* (the Framework) relating to housing land supply, 'triggers' Paragraph 14 of the Framework in respect of sustainable development and decision-taking. I have taken this, and the suggested ways in which it could be approached as suggested by the main parties, into account in forming my overall conclusions.

Environmental Impact Assessment (EIA)

6. A screening request was made by the appellant in November 2014² for up to 550 dwellings, with a screening opinion issued by South Kesteven District Council (SKDC) on 7 January 2015³ stating that the development would require an Environmental Statement (ES) being considered an 'EIA development'. A subsequent screening request was made by the applicant to the Secretary of State (SoS)⁴, the SoS issued a Screening Direction on 19 May 2015⁵ concluding that the proposed development would *not* be an EIA development.
7. Nevertheless, the appellant voluntarily submitted an ES with the application. The ES has been reviewed in accordance with *The Town and Country Planning (Environmental Impact Assessment) Regulations 2017* (EIA 2017), which came into force on the 16 May 2017. Regulation 76 of the EIA 2017 regulations includes transitional arrangements for qualifying applications and appeals.
8. I have considered the appeal in accordance with these Regulations and am content that it meets the requirements of the transitional arrangements, therefore the *Town and Country Planning (Environmental Impact Assessment) Regulations 2011* (EIA 2011) will continue to apply to this appeal (as applicable). The ES is considered to be satisfactory in terms of Schedule 4 of the EIA 2011 regulations.
9. For the avoidance of doubt, the submission of the ES means that the proposal should be considered as an 'EIA development'. I have had regard to the ES and any other relevant environmental information in coming to my decision.

Main Issues

10. The main issues are:

¹ POE Mr Gildersleeves, Paragraph 6.24, Page 11

² Appendix 1.1 of the Environment Statement (ES)

³ Appendix 1.2 of the ES

⁴ Appendix 1.3 of the ES

⁵ Appendix 1.4 of the ES

- What effect, if any, there would be on the settings of nearby heritage assets, and;
- Whether the proposed development would make adequate provision in respect of local infrastructure, including matters such as affordable housing.

Reasons

Heritage matters

11. The Council's decision notice refers to some nearby heritage assets. For the avoidance of doubt, the specific heritage assets that I consider are most relevant here are; the Grade I listed building Belton House⁶, the Grade II* listed Belmont Tower⁷, the Grade I Registered Park and Garden of Belton Park and Gardens (RPG), the Grade II listed St John the Evangelist Church, Manthorpe, and the Manthorpe Conservation Area.
12. The significance of the heritage assets is well documented in the evidence presented by the main parties, Historic England (as the statutory consultee and government adviser on heritage matters), and interested parties such as local residents and the National Trust. I have taken this all into account in considering 'significance'.
13. The significance of Belton House derives from it representing an example of a high status, late 17th century H-plan country house located within a context of an RPG that is a palimpsest of landscape design, retaining features from the late seventeenth century, and more formal gardens of the 19th century. I saw that partial views of some of the appeal site are achieved from South Avenue; albeit seen through the context of the A607 and its T-junction with the Belton Lane.
14. The significance of the Belmont Tower stems from factors such as it being a 'prospect tower' from which to view the RPG and listed Belton House within its wider context. For example, from the foot of the tower one is able to see local landmarks such as the church towers of St Sebastian's (Great Gonerby) and St Wulfrum (Grantham). During my site inspection I was able to see that the hill top location of the tower provides a wide vista towards the west, south and north.
15. Within this panorama it was not only possible to see the wider landscape, which includes elements of Grantham and Great Gonerby, but also see wind turbines to the north-west with a small warehouse facility to the foreground in that direction. It was also possible to see the canopies of trees that form part of the South Avenue leading from Belton House to the junction of Belton/Londonthorpe Lanes and the avenue leading from Belton House to Belmont Tower.
16. I have been directed to the concept of 'borrowed landscape' and that the land to the west of the RPG acts as a rural hinterland to the more formally

⁶ Belton House also contains a number of listed buildings within or near to its grounds, as can be seen in the submitted listing descriptions. For the avoidance of doubt and for brevity, reference to Belton House includes these heritage assets also.

⁷ This is also referred to as Bellmount Tower, for consistency I have used the term Belmont Tower as per the statutory listing description.

landscaped grounds of the RPG. Historic England indicates that *'The panoramic views include the built up area of Grantham, a rural buffer of agricultural fields to the north of Grantham, which stretches from the parkland to the horizon (in which the development site lies), then Great Gonerby with more formal plantations seen below it - with the wide rural landscape to the north. The panorama largely comprises of a rural landscape with simply an urban edge to the south.'*⁸

17. Borrowed landscape or 'scenery' is a concept typically associated with gardens of the Far East. In those cases it can be features visible beyond the garden itself, which add to its atmosphere or experience. In this case, I am not convinced that the wider landscape is necessarily integral to understanding the formal gardens within the RPG. It does, nonetheless, contribute to the distinction between the RPG and the wider landscape. Put another way, the landscape is there by default, rather than having been formally managed in a way to specifically contribute as a 'borrowed landscape'. Nevertheless, I broadly agree with the comments of Historic England on this point; and it is these factors which contribute to the significance of the heritage asset of Belmont Tower.
18. The Church of St John the Evangelist sits within a fairly rural situation, with a nearby farm and open fields visible from the church grounds. The significance of the Church is that it contains architectural and historic interest, with links to the settlement of Manthorpe which is considered to be an 'estate village' and part of the Belton Estate. It is from this, and the character and appearance of the Manthorpe settlement that the significance of both the Manthorpe Conservation Area⁹ and Church partially derives.
19. The proposal originally sought development above a 65m contour line. The amended scheme proposes no development above this contour. This is in part a reaction to an earlier dismissed proposal for up to 1000 dwellings¹⁰, where concerns about the impact on setting, and especially the visual impact, mainly centred on the visibility of the scheme from the RPG and Belmont Tower.
20. In terms of the appeal proposal, Historic England advises that the proposed scheme would, in their view, harm the setting and significance of the RPG, Belton House and Belmont Tower. These are concerns echoed by the Council. Historic England considers that the proposal would *'irrevocably change the character of the development site from agricultural land to housing and related development. It would therefore significantly intrude into the surviving rural buffer to the north of Grantham when seen in the panoramic views from Belmont Tower, and also in views from the South Avenue.... As a result, the proposed scheme would contrast with, and unbalance, the composition of the panorama seen from Belmont Tower of a predominantly pastoral landscape character in which the house is dominant.'*
21. The 'setting' of a heritage asset is defined in the glossary to the Framework as *'the surroundings in which a heritage asset is experienced'*. Setting extends to more than just a visual connection; it can include associative or historical links for example. In this case, the principal concerns of the Council revolve around

⁸ HE Letter dated 25 January 2016 to SKDC

⁹ Whilst conservation areas do not have settings that require specific statutory consideration under S66(1) or S72(1) of the PLBCA, they are heritage assets and therefore their settings can require consideration under policy.

¹⁰ Ref: APP/E2530/A/11/2150609

the visual links between land and the heritage assets; and therefore my focus has primarily been on this attribute of setting. I was able to see that views of the appeal site from Belmont Tower, and the contribution of the appeal site to this, is extremely limited.

22. This relationship becomes more apparent when comparing photomontages 3909_01_PM_EX and 3909_01_PM_YR15.¹¹ From these, it is clear to see the limited contribution that the appeal site makes to the wider rural landscape as viewed from the location of Belmont Tower. Over time, subject to a detailed landscaping condition, much of the appeal proposal would be screened as seen from Belmont Tower. In doing so, viewers at this point would continue to experience the various heritage assets within a continued rural setting, with Belton House continuing to be a key dominant visual feature located within a rural context as viewed from Belmont Tower.
23. It is also important to recognise that this setting has changed since Belton House and Belmont Tower were built and the formal areas of the RPG were laid out. For example, the character of the wider area has altered, with Grantham slowly expanding to the north, and small pockets of built development in all directions as seen from Belmont Tower; including wind turbines, garden centres and light industrial buildings. It is against this backdrop that the proposal should be considered and not the context when the heritage assets were first constructed. In this respect, I do not agree with the views of the Council's Conservation Officer or the National Trust, who suggest that the proposal would add to the incremental erosion of the setting of Belton House.
24. Indeed, over time, the appeal site would be barely discernible when viewed from Belmont Tower as shown by the photomontages. Even when visible, it would not to an extent that most visitors would experience a recognisable negative impact on their enjoyment of the views the prospect tower offers in all directions from its top. One would still be able to see the church towers of St Wulfrum and St Sebastian set against their more urban contexts, the avenue of trees leading from Belmont Tower to Belmont House, and the wider rural context these lie within. Moreover, the use of sensitive screening techniques such as short rows of trees and hedging would not be out of place within the existing panoramic views experienced from Belmont Tower.
25. As considered above, views of parts of the appeal site are possible from South Avenue. However, these are seen through surroundings which include the junction of Belton Lane¹² and the A607 with its various roads signs, and factors such as noise and lights associated with traffic movements. Again, as any landscaping of the site would screen most views from the South Avenue and there would be no development constructed above the 65 metre contour line, users of the straight track running from Belton House to the Londonthorpe and Belton Lanes junction would see very little of the proposal.
26. I note Historic England's concerns with respect to noise and setting; especially that arising from the A607 to the RPG. The main parties, within the agreed Statement of Common Ground, do not raise noise as a concern in terms of setting, with this matter discussed at the Inquiry. I consider 'general' noise within the *Other Matters* section below. However, in terms of setting

¹¹ Environmental Statement Volume III – Photo-panels and Photomontages

¹² Confusingly, there are two Belton Lanes near to the appeal site. For clarity, the appeal site would be accessed off the Belton Lane leading to Great Gonerby, not the Belton Lane that joins Londonthorpe Road.

specifically, the proposal is likely to divert traffic off parts of the A607, as per the submitted Transport Assessment and improve the road junction nearest to the RPG. In such circumstances, I agree with the main parties agreed position in terms of noise and setting, and find that at worst any noise impact would be neutral on the setting of the RPG and listed buildings.

27. With regard to the Manthorpe Conservation Area the Council's reason for refusal refers to 'heritage assets within it'. But it fails to identify any specific heritage assets within the Conservation Area which may be affected by the proposal. During the course of the Inquiry concerns were raised in respect of the impact on the setting of the church of St John the Evangelist which lies within the conservation area. This was even though the Council's witness was unable to point to anywhere within his Proof of Evidence on heritage matters of an assessment to the significance of this asset.
28. The main part of the appeal proposal would be located to the west of the 'Running Burrows' water course that runs to the west of Manthorpe Grange, as can be seen on Figure 2.1: Illustrative Masterplan¹³ and various other masterplan drawings. The rural setting of the church would be retained, with a quintessential cricket pitch being located to the southwest of the church, football pitches further south on the other side of a public right of way, and a large area of open space provided to the north. What this means in practice is that the rural character of the setting of the church would remain relatively unaltered.
29. The setting of the Conservation Area closest to the appeal site would also remain fairly unaltered. Activity bordering the conservation area would be restricted to sport facilities, which typically have limited paraphernalia and times of use. The use of this land would not only contribute positively to social well-being of both the proposed development and existing residents, but also has the ability to improve the environment more generally by keeping these areas open and maintained.
30. In considering all of this in the round, I find that the proposal would not result in any harm to the significance of the heritage assets in the form of the listed buildings Belton House, Belmont Tower and the Church of St John the Evangelist, the RPG and the Manthorpe Conservation Area, and the contribution their settings makes to this significance. In this respect, I broadly agree with the conclusions of Dr Miele (for the appellant), who found that the proposal would not result in harm to, or an adverse impact on, the setting of the various heritage assets detailed above.
31. To paraphrase, Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, (PLBCA) requires that in considering to grant planning permission which affects a listed building, the decision-maker shall have special regard to the desirability of preserving the building or its setting. Paragraphs 132 to 134 of the Framework indicate that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

¹³ ES Non-Technical Summary, July 2015

32. I acknowledge the representations made by the statutory consultee Historic England¹⁴ and also the National Trust; the latter who manage Belton House and its estate which includes the RPG. I have considered all concerns raised in respect of the impact on the significance of the various heritage assets by these and other interested parties. However, I find that any harm or impact identified by these parties to the significance of the heritage assets, as derived or contributed to from their settings, is over-stated.
33. The proposal would result in some changes to the landscape of the area, and parts of the development would be visible from some heritage assets. However, these changes would not detrimentally alter the visual relationships between the heritage assets and their wider context, nor would it fundamentally alter how the assets are experienced; whether visually or in historical or other associative aspects of setting. As such, I find that the proposal would not result in any harm to the setting of the heritage assets.
34. I therefore conclude that the proposal would preserve the settings of the Grade I listed building Belton House, the Grade II* listed Belmont Tower, the Grade I Registered Park and Garden of Belton Park and Gardens, the Grade II listed St John the Evangelist Church Manthorpe, and the Manthorpe Conservation Area.
35. Accordingly, the proposal would accord with Policies SP1, H1 and EN1 of the *South Kesteven Local Development Framework Core Strategy 2010* (CS), which, amongst other aims, seek to ensure that the majority of all new developments are focussed upon Grantham and that all developments are assessed in relation to the historic character, patterns and attributes of the landscape. It would also accord with the Policies of the Framework, which include conserving heritage assets in a manner appropriate to their significance.

Local Infrastructure

36. The Council submitted a *CIL Compliance Statement*¹⁵ prior to the Inquiry. Following the round table discussion at the Inquiry, this was updated with references to relevant development plan policies on 30 November 2017¹⁶. This indicates that the Council seeks development contributions under Policies H3, H4, EN1 of the CS and SP3, SP4, SP10, SD1 of the Local Plan Site Allocations and Policies DPD, as supported by the Planning Obligations SPD.
37. The Appellant submitted a completed and dated unilateral undertaking (also known as a S106 agreement) after the Inquiry. The final draft of this formed the basis of the roundtable discussion at the Inquiry and in the formulation of the Council's *CIL Compliance Statement*. The S106 would secure affordable housing of about 30% of the total¹⁷, and land/schemes for Green Areas (and management plan), Sustainable Urban Drainage Scheme (SUDs), a primary school, and financial contributions to health, education (including primary, secondary and sixth form levels), cycleway, bus services, and fire hydrants.

¹⁴ The Gardens Trust was consulted at the Inquiry stage in relation to the RPG, but no comments/observations were submitted to the Inquiry

¹⁵ CD59a

¹⁶ See updated CIL Compliance Statement at LPA4

¹⁷ Policy H3 seeks a provision of affordable housing of up to 35%. Whilst the initial provision in this case would be lower than the level sought, this is a target figure and not a minimum. The LPA does not raise significant issue with the roughly 30% offered as being too low or unacceptable. I concur with this position in this case.

38. Paragraph 204 of the Framework and CIL Regulation 122(2) set out three tests for seeking planning obligations: that they must be '*necessary to make the development acceptable in planning terms, directly relate to the development, and fairly and related in scale and kind to the development*'. In considering the evidence before me, I find that all of the obligations in this case would meet these tests and would comply with the aforesaid development plan policies. They should therefore be taken into account in the decision. It was also confirmed at the Inquiry that the contributions sought would not exceed the 'more than five contributions' pooling restrictions.

Other Matters

39. A number of concerns have been raised by interested parties beyond those already considered above. I have taken into account all of those submitted at the various application (both for 550 and 480 dwellings) and appeal stages, before coming to an overall decision.
40. Many concerns have been raised in respect of the potential increase in traffic levels, highway safety, traffic junctions and local infrastructure. I saw during my site inspection that traffic in and out of Grantham on the A607 (Manthorpe Road) was congested, with traffic queuing on the road. This took place during the afternoon of the 30 November 2017; but it is not unreasonable to consider that such situations are likely to be commonplace and I am reinforced in this view by the numerous observations raised on this point by local residents.
41. In addition to the Travel Assessments and other evidence before the Inquiry, a *Statement of Common Ground on Traffic Matters* (SOCGTM), which is agreed between Lincolnshire County Council (the local highways authority) and the appellant, has been submitted. In summary, this agreed that the proposal would not result in any significant adverse impact and result in capacity improvements at the Belton Lane/Newark Hill junction. This reflects the earlier comments received by Lincolnshire County Council and Highways England – both of whom raised no objections to the proposal, subject to the use of conditions.
42. I am also mindful that the reason for refusal, which was the decision of the planning committee, did not record a reason for refusal highway impacts. There is little technical evidence before me which indicates that I should take a contrary stance to that set out in the SOCGTM.
43. Concerns have also been raised in respect of air quality; both in terms of human health and the potential impact on the built environment. The main parties agreed in the SOCG that air quality was not a reason for refusal. The appeal site does not lie within an Air Quality Management Area (AQMA), with the Grantham AQMA located over 1km from the site. The *Environmental Statement Update – October 2016, Volume I – Text and Appendices* sets out that '*the proposed development, with mitigation in place, will not lead to an unacceptable risk from air pollution, or to any breach in national objectives*¹⁸.
44. There is also mitigation on matters such as dust and the use of a travel plan to promote modes of sustainable public transport. An emission damage cost assessment was also submitted as set out in the Air Quality Position Statement, which specifically considered NO² emissions. As a result of the

¹⁸ *Environmental Statement Update – October 2016, Volume I – Text and Appendices*, page 85, Para. 13.4.9

- various mitigation measures proposed, the main parties agree that the air quality impacts of the development would be mitigated. With little cogent evidence to the contrary I see no reason to disagree.
45. In terms of concerns relating to trees and biodiversity, including trees subject to Tree Preservation Order (TPO) I note the comments from the council's Chartered Arboriculturalist¹⁹, who raises no objection, subject to the use of appropriate conditions. Given this response, and the fact that landscaping is a matter reserved for future consideration, I am satisfied that the proposal would comply with the requirements of Section 197 of the *Town and Country Planning Act 1990*, as amended, (TCPA) with regard to trees and planning applications.
46. With regard to concerns raised in terms of biodiversity I note that the Lincolnshire Wildlife Trust was mainly content with the biodiversity enhancements, that Natural England made no specific comments on protected species, and that the Lincolnshire Bat Group made no objections - but recommended newer surveys are undertaken. Taking into account the need to consider the purpose of conserving biodiversity, as set out in Section 40 of the *Natural Environment and Rural Communities Act 2006*, as amended, I am content that the proposal would at the very least conserve biodiversity, with credible opportunities to provide a net gain.
47. In terms of the impact of the proposal on infrastructure such as schools, doctors and dentists; I have considered this under the main issues. The comments of interested parties are noted, but do not alter my findings in terms of the way in which the effects arising from the proposal on local infrastructure can be adequately mitigated through monies, management and land secured through the submitted legal agreement under S106 of the TCPA.
48. In terms of noise and lighting, whilst a development of this scale which includes not only residential development but aspects of community infrastructure, would result in noise and light pollution above that of an agricultural field. However, in the main, this would be seen in the context of the existing urban edge created by dwellings along highways such as Longcliffe Road, Wensleydale and Langsdale Closes, and Borrowdale Way. In terms of noise, it is unclear as to how this would be any greater than that which would normally be associated with residential development more generally. In such circumstances, this does not provide justification for the refusal of permission.
49. With regard to the possible loss of property value and the potential loss of private views, both are private matters beyond the general considerations of a planning nature.
50. With regard to waste water treatment impact, Anglian Water confirmed that there is capacity at the Marston Water Recycling Centre for the flows arising. In terms of foul water and flooding more generally I note the concern originally raised by Anglian Water in respect of flooding further downstream and of local residents more widely. However, a Flood Risk Assessment (FRA)²⁰ has been submitted and this concluded that the development will not be subject to a significant risk of flooding nor would it add to risk of the wider catchment area as a result of surface water run-off. Subject to the use of conditions and/or

¹⁹ Email dated 9 February 2016 to Council's Planning Manager

²⁰ CD28

obligations to secure any required mitigation, I do not find that the proposal would result in an unacceptable increase in risk from flooding.

51. Having considered all other matters raised, I do not find, whether individually or cumulatively, that these provide justification for the dismissal of the appeal proposal.

Conditions

52. A list of agreed suggested conditions of the main parties was presented to the Inquiry in Core Document 60. These formed the basis of a roundtable discussion. I have considered both their content and ordering these in light of Paragraph 206 of the Framework and the national Planning Practice Guidance (the Guidance) and the use of planning conditions.
53. Conditions requiring the submission of reserved matters, the commencement of the proposal, that no more than 480 dwellings shall be erected, that the proposal is constructed in broad conformance with the illustrative plans, a phasing plan is submitted, and that no building is constructed above the 65 metres contour line are necessary and reasonable to provide certainty.
54. The submission of details relating to a noise attenuation bund are necessary in order to minimise noise and disturbance arising from the East Coast Main Railway line.
55. Conditions restricting and clarifying the area of retail and non-retail use within the neighbourhood centre are necessary to ensure that such uses are retained for the benefit of the local community and their day-to-day needs.
56. The submission of details of how trees will be protected during construction are reasonable in order to protect their long-term survival. A condition requiring Archaeological investigation work is necessary in order to identify and/or preserve any finds in situ on the appeal site. With regard to a condition relating to the provision and retention of fire hydrants, I note that the S106 covers monies for this. However, the potential locations of these within the development are not clear and therefore a condition requiring details and that the hydrants are retained, is reasonable in the interests of public safety.
57. With regard to foul and surface water drainage schemes and strategies, conditions relating to these are necessary in order to minimise the potential risk of flooding and to ensure that the site and its buildings are properly and adequately drained.
58. Conditions relating to a masterplan and design code, full engineering details and details of street lighting, bus stops (including raised kerbs), access to dwellings, and roads for example, are reasonable to ensure that the site is served by appropriate infrastructure and ensure that development as built represents high quality design. However, the suggested condition requiring external surfaces to be completed before occupation of buildings would be onerous and is not necessary.
59. The submission of travel plan(s) relating to non-residential buildings, such as the school and neighbourhood centre, are necessary to ensure that sustainable transport modes are encouraged.

60. With regards to a condition relating to the submission of an agreed S278 agreement under the *Highways Act 1980*, as amended, the Guidance indicates that a negatively worded condition limiting development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. However, a 'Grampian-style' condition can be used prohibiting occupation until a specific action has taken place, such as the provision of supporting infrastructure. I have therefore amended the wording of the suggested condition to reflect this.
61. The submission and approval of a construction method statement, which includes that access will be only from Belton Lane, is necessary to minimise disturbance during the construction phase.
62. Conditions relating to the implementation of the ecological section of the Environmental Statement, and the submission of landscape and ecological management plans, and that any plants or trees dying within 5 years are replaced, are necessary and reasonable in order to provide a net benefit in biodiversity and to ensure that any visual impacts are suitably mitigated.
63. Lastly, a condition requiring that no more than 300 dwellings shall be occupied before the neighbourhood centre is completed and available for occupation is reasonable to ensure that future residents are able to access day-to-day services within an appropriate timescale.

Overall Conclusion

64. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, (PCPA), sets out that in the determination of proposals, this must be made in accordance with the development plan, unless material considerations indicate otherwise. In this case, I have found that the proposal would accord with the policies of the development plan when considered as a whole.
65. I have also found that the proposal would not conflict with any specific policies of the Framework, including those which seek to conserve heritage assets in a manner appropriate to their significance.
66. I note that the Council is currently unable to demonstrate a five year supply of deliverable housing sites, and as such Paragraph 49 of the Framework 'triggers' the tilted balance set out in Paragraph 14 of the same document.
67. However, the proposal would accord with the development plan and should be approved without delay as per the first bullet point of the decision-taking section of Paragraph 14. In terms of the second bullet point, there are no policies indicating development should be restricted. Potential benefits of the proposal are set out in the SOCG, and I see no reason to disagree with these. I have not found any adverse impacts arising from the proposal. As such, there is no justification for the dismissal of the appeal proposal and no material considerations indicate that it should be.
68. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss S Clover of Counsel

Instructed by Mr J Armstrong,
Business Manager Legal and
Democratic Services SKDC

She called:

Mr Ian Wright, DipURP, MA, MRTPI,
Affiliate IHBC

Principal Conservation Officer, SKDC

Mr M Gildersleeves, BA(Hons), PGCert,
MSc, MRTPI

Principal Planning Officer, SKDC

FOR THE APPELLANT:

Mr M Kingston QC

Instructed by Mr R Thurling of
Shakespeare Martineau

He called

Mr C Crawford, MA (Cantab),
DIP LA, CMLIA

Landscape Architect

Dr C Miele, MRTPI, IHBC

Director, Montagu Evans

Mr A Aspbury, BA(Hons), MRTPI

Director, Aspbury Planning

INTERESTED PERSONS:

Mr Worth

Local Resident

Councillor Mrs J Smith

District Councillor

Mr G Thompson

Parish Councillor Great Gonerby, and
Local Resident

Councillor Wooton

County and District Councillor

Councillor Kaberry-Brown

District Councillor

Mr M Morris

Local Resident

DOCUMENTS SUBMITTED AT INQUIRY

- LPA1 Opening on behalf of SKDC
- LPA2 Timings and appearance on behalf of SKDC
- LPA3 Errata to the POE of Ian Wright, November 2017
- LPA4 CIL Compliance Statement (dated 29 November 2017)
- LPA5 Closing on behalf of SKDC
- LPA6 Suggested site visit agenda

- APP1 Opening Statement on behalf of the Appellants
- APP2 Appearances on behalf of the Appellant
- APP3 Application for an award of costs made by the Appellants
- APP4 Closings submissions on behalf of the Appellants

- IP1 Written statement of Mr M Worth
- IP2 Article from Daily Telegraph 12 November 2017 from Mr M Worth
- IP3 Letter from Mrs P J Chapman
- IP4 Written statement of Mr M Morris
- IP5 Letter from Mrs Bramley
- IP6 Letter from Mrs P J Chapman in relation to site visit
- IP7 Written statement of Mr R Pask (one of the Appellants)

DOCUMENT SUBMITTED AFTER THE INQUIRY

- AI1 Section 106 Unilateral Undertaking dated 6 December 2017 by Appellants to SKDC and Lincolnshire County Council

Appendix A – List of conditions imposed

1. Details of the layout, appearance, scale and landscaping (hereinafter called the 'reserved matters') for any phase shall be submitted to and approved in writing by the local planning authority before any development in that phase begins and the development shall be carried out in accordance with the approved details.
2. Application for approval of the reserved matters as set out in condition 1, shall be made to the local planning authority no later than three years from the date of this permission.
3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
4. Prior to the submission of any reserved matters application, a detailed 'phasing plan and timetable' for the development, based on the submitted Phasing Parameters Plan, that identifies stages at which each element of the proposed development shall be commenced, completed and made available for occupation (including the affordable housing, neighbourhood centre, primary school, landscaping and open space, outdoor sports facilities, play equipment, allotments, housing and highway infrastructure including the provision of two pairs of bus stops within the development), shall be submitted to and approved in writing by the local planning authority. Thereafter, the phasing plan and timetable for the development shall be implemented as approved.
5. Prior to the submission of any reserved matters application, a detailed masterplan and design code covering the whole of the site shall be submitted to and approved in writing by the local planning authority. The design code shall be formulated having regard to the Design and Access Statement, illustrative masterplan and parameters plans, and the principles of standards such as 'Building for Life 12' and shall include the following details:
 - i. The character area objectives and principles for each part of the site in support of the overall vision for the scheme to guide the design for each component of the development;
 - ii. The proposed movement network delineating the primary, secondary and tertiary streets and pedestrian and cycleway connections, setting out the approach to estate design, treatment of non-vehicular routes and car and cycle parking;
 - iii. The proposed layout, use and function of all open space and green infrastructure within the development;
 - iv. The approach to and design principles applied to parking (on street and off-street);
 - v. Layout principles to include urban structure, form and layout of the built environment, building heights, densities, legibility, means of enclosure, key gateways, landmark buildings and key groups;
 - vi. Specifications for areas within the public realm including landscaping and hard surface treatments, lighting, street trees, boundary treatments, street furniture and play equipment;

- vii. Servicing, including utilities, design for the storage and collection of waste and recyclable materials;
- viii. The design principles that will be applied to the external appearance and layout of dwellings;
- ix. The design principles that will be applied to the development to encourage security and community safety;
- x. The specific design principles that will be applied to the local centre and school;
- xi. The specific design principles that will be applied to the green infrastructure; and,
- xii. The design principles for the incorporation of SUDS throughout the development.

Thereafter, any reserved matters application for any phase of development shall comply with the principles established.

- 6. The number of dwellings to be constructed on the application site shall not exceed 480 in total.
- 7. No buildings within the appeal site shall be constructed in the area above the 65 metre contour line, as shown on the Illustrative Masterplan drawing no. EMS.2490_101G.
- 8. The development hereby permitted, shall be carried out in accordance with the broad principles of the following plans and documents:
 - i. Illustrative Masterplan - drawing no. EMS.2490_101G
 - ii. Access Parameters Plan – drawing no. EMS.2490_107E
 - iii. Land use Parameters Plan – drawing no. EMS.2490_105E
 - iv. Building Heights and Parameters Plan – drawing no. EMS.2490_106F
 - v. Phasing Parameters Plan – drawing no. EMS 2490_103G
 - vi. Landscape Parameters Plan – drawing no. EMS.2490_108F
 - vii. Design and Access Statement
- 9. The reserved matters application(s) corresponding to Phase 1 of the submitted Phasing Parameters Plan shall include a detailed design and specification for the noise attenuation bund and associated measures adjoining the East Coast Main Railway Line. No dwelling within Phase 1 of the development as defined on the submitted Phasing Parameters Plan shall be occupied until the noise attenuation bund and associated measures adjoining the East Coast Main Railway Line have been implemented. The bund and associated measures shall thereafter be retained.
- 10. The reserved matters applications for phases which include the Neighbourhood Centre (in whole or in part) shall include details of the floor area allocated to retail and non-retail uses within that centre (including storage and delivery areas). The gross internal floor area of the retail part (for all uses falling within Part A of the Use Classes Order 1987, as amended, or any statutory instrument revoking and re-enacting that Order with or without modification) of the proposed Neighbourhood Centre shall not exceed 630 square metres and that of the largest unit therein shall not exceed 390 square metres and shall be retained as such.

11. The non-residential part of the proposed Neighbourhood Centre shall not be used for any purpose other than those falling within Part A (Classes A1 to A5 inclusive) and Class D1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory instrument revoking and re-enacting that Order with or without modification).
12. Concurrently with each reserved matters application, details of a site specific tree protection method statement and plan shall be submitted to and agreed in writing by the local planning authority. The details to be submitted shall ensure that all existing trees shown on the approved plan as being retained are fenced off to the limit of their root protection area or branch spread, whichever is the greater, in accordance with BS 5837 or similar standard. The approved tree protection method statement and plan shall be implemented as approved.
No works shall be permitted within these protected areas including:
 - i. the removal of earth,
 - ii. the storage of materials,
 - iii. any vehicular movements (including parking), and/or
 - iv. the siting of any temporary buildings.
13. Before the development hereby permitted is commenced, a written scheme of archaeological investigation shall have been submitted to and approved in writing by the local planning authority. The archaeological investigations shall be completed in accordance with the approved details before development commences and access shall be afforded to an archaeologist appointed by the local planning authority to the appeal site to observe any such scheme, until archaeological investigations are finished.
14. No dwellings shall be commenced until a foul water strategy has been submitted to and approved in writing by the local planning authority. Thereafter, no dwellings shall be occupied until drainage works have been implemented in accordance with the approved foul water strategy.
15. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall:

- i. Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- ii. Provide attenuation details and discharge rates which shall be restricted to 41 litres per second;
- iii. Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- iv. Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory

Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No building hereby permitted shall be occupied until the sustainable drainage system for the site shall have been completed in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

16. In accordance with the agreed Phasing Parameters Plan no development shall take place within each phase until a Construction Method Statement (CMS) for the works proposed has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the period of the construction/works. The CMS shall provide details of amongst other matters:

- i. the periods (days and hours within days) when construction work is only permitted;
- ii. areas for the parking of vehicles of site operatives and visitors;
- iii. that all construction traffic shall enter and leave the site via the proposed access to Belton Lane only;
- iv. the location of construction compounds;
- v. areas for loading and unloading and storing plant, equipment and materials;
- vi. the erection and maintenance of security hoarding;
- vii. wheel washing facilities;
- viii. measures to control the emission of dust and dirt during reclamation, remediation and construction;
- ix. measures to control the emission of noise;
- x. a Construction Waste Audit and Strategy for recycling/disposing of waste resulting from construction.

17. No development shall be commenced on each phase until full engineering, drainage, street lighting and construction details of the streets proposed for adoption, as well as shared private roads/drives within that phase have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

18. Before any part of the development hereby permitted is first occupied/brought into use, a landscape and ecological management plan based on the recommendations and mitigation measures identified in the ecological section of the submitted ES shall have been submitted to and approved in writing by the local planning authority. The plan shall include:

- i. long term design objectives;
- ii. management responsibilities;
- iii. a timetable for its implementation; and,
- iv. maintenance schedules for all landscape areas, other than privately owned domestic gardens.

Development shall be carried out and the site maintained and managed thereafter in accordance with the approved landscape and ecological management plan.

19. No part of the development shall be occupied until Travel Plan(s) have been submitted to, and approved in writing by the local planning authority. These Travel Plan(s) shall only relate to non-residential buildings including the school, commercial and neighbourhood centre. Thereafter an annual staff survey shall be submitted to the local planning authority that will provide details of the implementation of the Travel Plan for a period of 10 years following the completion and first occupation of the building(s) to which they relate. The occupiers shall ensure that travel arrangements are fulfilled in accordance with the Travel Plan(s), unless the local planning authority stipulates approval to any variation.
20. No building or part of the site shall be occupied or otherwise brought into use until the means of access thereto has been constructed to at least base course level in accordance with the approved details.
21. No more than 300 dwellings shall be occupied before the proposed Neighbourhood Centre is completed and available for occupation.
22. No building shall be occupied until a scheme for the provision of fire hydrants to serve the phase of the development in which the building is located has been submitted to and approved in writing by the local planning authority. The fire hydrant(s) serving each phase of the development shall be installed and retained as approved.
23. No dwelling within an approved phase which contains a bus stop(s), shall be occupied until the bus stop(s) comprising raised kerbs, bus stop poles with timetable casings/flags and dropped crossing points with tactile paving has been provided. Thereafter the bus stop shall be retained.
24. No dwelling within the development hereby permitted shall be occupied until the highway improvements to the junction at Belton Lane and the B1174, as shown indicatively on Figure 12 of the Transport Assessment, and improvements to the two pairs of existing bus stops at the junctions between Low Road and the A607 (comprising 160mm raised access kerbs and dropped crossing points with tactile paving) are completed in accordance with a scheme submitted to and approved in writing by the local planning authority. Such scheme shall confirm that no more than 50 dwellings hereby permitted shall be occupied until the approved highways and bus stop improvements have been completed.
25. If within a period of five years from the first occupation of the final dwelling/unit of the development hereby permitted, any trees or plants provided as part of the landscaping scheme submitted in pursuant to Condition 1, die or become, in the opinion of the local planning authority, seriously damaged or defective, they shall be replaced in the first planting season following any such loss with a specimen of the same size and species unless otherwise agreed in writing by the local planning authority.

****END OF CONDITIONS****