
Appeal Decision

Hearing held on 17 & 18 November 2015

Site visit made on 18 November 2015

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 03/02/2016

Appeal Ref: APP/N2535/W/15/3103245

Land off Cliff Road/Heath Lane, Welton, 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 R H Ward (Welton) Limited and Mr P Linder against the decision of West Lindsey District Council.
 - The application Ref 131492, dated 10 June 2014, was refused by notice dated 5 February 2015.
 - The development proposed is residential development.
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Decision

1. The appeal is allowed and planning permission is granted for residential development at Land off Cliff Road/Heath Lane, Welton, Lincolnshire in accordance with the terms of the application, Ref 131492, dated 10 June 2014 subject to the conditions set out in the annex hereto.

Procedural Matters

2. The application is in outline with all matters reserved. With the exception of the site location plan submitted I therefore treat the various layout drawings as purely illustrative, albeit the number of houses is indicated to be 63.
3. The application is supported by a planning obligation dated 25 November 2015. Owing to practical difficulties it could not be completed by the time of the hearing. I therefore allowed a short period after the close of the hearing for the agreement to be completed. It is in the form of an agreement between the appellants, the landowners, the West Lindsey District Council and the Lincolnshire County Council. It provides for 14% (9 dwellings) of the housing to be Affordable, for a scheme to provide an Open Space and Play area on site, for financial contributions in respect of education, health care and off-site highway improvements.
4. The Statement of Common Ground (SoCG) for the hearing was prepared at the beginning of October 2015 but is supplemented by an addendum dated November 2015 which addresses the Council's position on housing land supply following the publication of the '*Central Lincolnshire Local Plan: Further Draft*' (CCLPFD) and the '*October 2015 Five Year Housing Supply*'.
5. The SoCG reiterates the Council's three reasons for refusing the application but, in view of the progress towards completion of an appropriate planning

obligation, the Council confirmed that it did not intend to pursue the second reason concerning the impact of the proposed development on local health and education facilities.

Main Issue

6. The main issue is whether the site represents sustainable development for the purposes of the National Planning Policy Framework ('the Framework') with particular regard to the relevant policies of the development plan, the character and appearance of the area and social infrastructure supporting education and healthcare in particular.

Reasons

Physical circumstances

7. The appeal site comprises a circa 3 hectare greenfield site on the south west fringe of the village, south of Cliff Road/Heath Lane. The latter continues westwards for a little over 3 kilometres to join the A15. Cliff Road connects the site to the village centre a short distance to the east. Substantial housing development has occurred to the north of Cliff Road, the western boundary of this being readily apparent as the village is approached from the west along Heath Lane.
8. To the east of the appeal site, between it and housing closer in to the village centre, lies Healthlinc House, a residential care facility for vulnerable patients. A narrow paddock (approximately 15m wide) separates the western perimeter of the curtilage of Healthlinc House from the appeal site and within the western part of that curtilage an outdoor recreation area is laid to informal lawn with relatively recently planted trees at intervals along the boundary with the paddock. The informal lawn is around 35 metres wide at its narrowest point between this boundary and the nearest unit of residential accommodation, which is itself an outlier from the bulk of the facility in the centre of the grounds. The separation between the appeal site and the buildings of Healthlinc House is therefore between 50 and 70 metres, with the vast majority of the facility lying beyond the latter distance up to around 130 metres. Healthlinc House effectively therefore sits in its own reasonably substantial grounds. The lawn area contained by its western and southern perimeter in the vicinity of the appeal site is included in the West Lindsey Local Plan First Review ('the Local Plan') as an Area of Important Open Space.
9. The appeal site, which lies outside the settlement boundary defined in the Local Plan, slopes gently southwards and to some degree westward commanding broad views of the open gently rolling farmland to the south and west of the village characteristically punctuated by some remaining field boundary hedges and trees and small copses. It is possible from some points in the vicinity to make out Lincoln Cathedral in the far distance.
10. The topography immediately around the site is essentially defined by the shallow valley of a small stream flowing eastwards from Old Man's Head Spring and to the south of the of the site boundary. The remnants of mediaeval fishponds to the south east of the site are a Scheduled Ancient Monument. It is associated with the stream and lies approximately 200m to the south east of the site and takes the form of surviving earthworks.¹ A public footpath follows

¹ Archaeological Evaluation Report PCA September 2014 Section 5.00

the southern part of the valley rising to the west across arable land. A permissive path beyond the field to the west of the appeal site runs south from Heath Lane to join this path, thereby enabling a circular walk² taking in parts of the village and its centre to the east via Green Lane and the countryside to the west and south of the site.

Policy background

11. Relevant policy is found primarily in the development plan and the Framework, the latter being a powerful material consideration which requires consistency with its intentions when policy in the development plan is applied to the circumstances of a proposal such as this.
12. The addendum to the SoCG confirms the Council's position that, although it anticipates the achievement of a five year supply of deliverable housing sites over the period 2016/17 to 2020/21, this is contingent upon the veracity of an evidence base that has yet to be independently tested in the context of the emerging Central Lincolnshire local Plan. Moreover, it is common ground that the identified five year supply relies upon departures from the adopted local plan, which no longer meets objectively assessed housing needs of the Council and which therefore contains housing supply policies which are not up-to-date for the purposes of the Framework. In short, the Council accepts that, notwithstanding ongoing work to address the situation, it currently has a shortfall in supply for the purposes of paragraph 49 of the Framework and that the 'presumption in favour of sustainable development', as defined in the second bullet point of that part of paragraph 14 of the Framework which concerns decision making, is therefore the relevant approach in this case. I have no reason to disagree.
13. The SoCG sets out the full range of potentially relevant policies and I refer to these only as necessary. Of particular relevance to the decision in principle are; STRAT 3 concerning the settlement hierarchy, STRAT 12 concerning development in the open countryside and NBE 20 concerning development on the edge of settlements.
14. It is common ground that Welton (and the adjacent village of Dunholme) are primary settlements in the Local Plan for the purposes of policy STRAT 3, being "key service centres capable of meeting most of residents' day to day needs and of those villages in its rural hinterland". The overall approach of STRAT 3 is broadly consistent with the core principle of the Framework which aims to focus significant development in areas which are or can be made sustainable. Moreover, it is common ground that with minor footway works the site would be readily accessible on foot to Welton village centre. The village as a whole is well served by buses and the site is in my view sustainably located as the SoCG affirms.
15. However, the Local Plan defines a "built footprint" within a settlement boundary for the purposes of STRAT 12 which excludes the appeal site. For the purposes of this policy the appeal site therefore lies in the open countryside and housing development of the type proposed is not amongst the categories of development that the policy would allow. Therefore the proposal conflicts with policy STRAT 12.

² Shown and described on Map 5 in Doc 5

16. That said, the force of that policy is necessarily tempered by the materiality of the Framework insofar as the policy is effectively relevant to the supply of housing and is out-of-date by virtue of paragraph 49 of the more recent statement of policy nationally. This is a matter previously recognised by my colleague, amongst others, who determined the appeal at Ryland Road in Dunholme³ and, given the ongoing recognition that a five year supply of housing land remains unproven, a blanket restriction on housing development outside settlement boundaries cannot in any event be consistent with Framework intentions. Accordingly, the weight I accord to policy STRAT 12 is substantially reduced.
17. Local Plan policy NBE 20 displays a less clear cut inconsistency with the Framework insofar as it makes common cause with its intentions to recognise the intrinsic character and beauty of the countryside and to that extent merits weight. However, in the context of Framework policies as a whole, including boosting the supply of housing, it is clear that absolute protection of rural character is not consistent with the approach of balancing harms against benefits.
18. Although not relied upon in its reasons for refusal, policy NBE 10 is now cited by the Council in respect of alleged harm to landscape character and of course the development plan must be taken as a whole. NBE 10 seeks to ensure that development properly respects landscape character, an aspiration that of itself is not inconsistent with those of the Framework. Similarly, to the extent that policy STRAT 1 reflects the core principles of the Framework to recognise the intrinsic character and beauty of the countryside it remains consistent with its intentions. Again, whilst not cited by the Council in its reasons for refusal, its overarching application renders it relevant to the main issue nonetheless.
19. Policy STRAT 19 of the Local Plan concerns infrastructure requirements and whilst conflict with this policy is no longer a matter raised as a concern by the Council it remains relevant to the weight which may be accorded to the planning obligation in the context of Framework policy intentions also, albeit there is no suggestion that in principle its intentions are materially inconsistent with those of the Framework.
20. Emerging policy is potentially material but it is common ground⁴ that the weight that accorded to the emerging Central Lincolnshire Local is at this juncture limited and at the hearing it was recognised that the CCLPFD, insofar as it remains essentially a consultative document, continues to carry only limited weight. The same principle applies, essentially, to the emerging neighbourhood plan, the latest consultative version of which⁵ was published in May 2015. Planning Practice Guidance (PPG) explains that refusal on the grounds of prematurity will seldom be justified, in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.⁶
21. Although the latest consultative version of the Neighbourhood Plan is silent on the appeal site specifically, I note that the previous version (November 2014) refers to the proximity of the ancient monument and the potential of the site itself to contain archaeological remains. It stated, through policy H7 that:

³ Doc 3 paragraph 34

⁴ SoCG paragraph 2.25

⁵ Doc 5

⁶ i.e. the statutory publicity given by the local planning authority to Neighbourhood Plan proposals pursuant to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

"Every effort must be made to protect the Cliff Road site until such time as there is clear independent and indisputable evidence that the site is not of archaeological or historic importance, a clear zone established to protect the adjacent Scheduled Ancient Monument and provide unrestricted public access to it, whilst protecting it in accordance with the relevant Acts of Parliament."

The concerns regarding the site itself have been effectively allayed⁷ by the relevant survey material submitted with the application which included geophysical survey and trial excavation. The impact on the Ancient Monument would be inconsequential in physical terms and there is no evidence to suggest that access to it would be in any sense compromised.

The Main Issue

22. Although the site is on the rural fringe of the village and does not neatly adjoin existing residential estates in the manner in which the Council suggests, by way of example, that the large site approved for development at Prebend Lane does, I consider the Council's objection to this characteristic of the site to be overstated. There are large and relatively unrelieved areas of estate development to the north and south of the central core of the village (a designated conservation area) and at Dunholme, but the area between the appeal site and the village core, to which it is readily accessible, displays a more random and varied pattern of growth, amongst which must be included the significant building complex at Healthlinc House. I see no reason in principle or policy (other than the current Local Plan settlement boundary, acknowledged to be out-of-date) why this should necessarily mark the limit of the westward growth of the village south of Cliff Road.
23. I have been presented with no evidence to suggest that the fact of Local Plan designation as an Area of Important Open Space of the Grounds to Healthlinc House is in any sense contingent upon a lack of surrounding development. Such areas are routinely embedded in built-up areas and it seems to me, in the absence of any evidence to the contrary, that the adjacency of open countryside simply reflects the manner in which Healthlinc house has been developed on a large plot at the edge of the village.
24. It is notable that the more recently alleged value of this edge of settlement location to the functioning of Healthlinc House does not feature at all in the Council's reasons for refusal. It emerged at the inquiry that the landscape consultant engaged to support the relevant reasons formed the view, apparently on the basis of informal conversation with parties connected with the property, that the undeveloped prospect to the south west of the facility was in some respect integral to the effectiveness of treatment therein. This suggestion has become embedded, post-refusal, into the Council's case.⁸
25. It is pertinent that no such objection to the proposal was raised by the management of Healthlinc House at the stage the application was with the Council and that no such objection was made to the Secretary of State when the appeal was publicised. No expert medical evidence whatsoever has been advanced prior to the hearing and the management of the facility specifically declined my invitation to attend and explain the position. In the circumstances, the weight that I can accord to the alleged harm is extremely

⁷ As summarised in planning officer's report

⁸ Statement of case paragraphs 4.4, 5.1 and 7.0, plus paragraphs 3.44 and 4.6 of the appended landscape statement

limited and could not reasonably be considered in any sense decisive. There is no further comment that I may usefully make concerning this particular aspect of the Council's case, other than to note that there is no authoritative evidential basis for the landscape consultant's conclusion that... *"it is the principle of development in this field that is wrong given the nature of the [health centre] receptors"*.⁹

26. The Council maintains that the proposed development would harm the rural setting of the village and lead to the urbanisation of a soft and green edge which is said to be "key".¹⁰ However, there is no policy document which distinguishes one part of the village edge from another in that sense. While I accept the western edge of the village north of Cliff Road does present a rather abrupt and poorly screened edge on the approach to the village from the west, that appears to be a consequence not only of topography but also of an evident lack of attention to this important detail when the estate was designed with back garden boundaries abutting directly the adjacent farmland. Given the outline nature of the proposed development and the indicative density of around 21 dwellings per hectare, there is no reason in principle why a more satisfactory visual relationship between the proposed development and the adjacent countryside could not be achieved. Indeed, I would consider such an approach to be fundamental to acceptability and it is pertinent that the tree planting to the west of Healthlinc House currently affords little in the way of screening.
27. It is axiomatic that the character and appearance of the appeal site itself would be dramatically changed and that a currently green and open field would be removed from the rural scene at the village edge. This must always be so when greenfield sites are developed in such locations. To assert, however, that it would result in a "complete loss of the countryside at this location"¹¹ significantly overstates the position other than in the rather literal sense of simply equating the appeal site to this countryside. The reality would be that the western approach to the village would remain predominantly rural with open land stretching away from the appeal site to the west and the south to take in the shallow valley I have described and the higher land beyond. Views of the site from the permissive path would be mitigated by the intervening hedgerow alongside it and distance, whilst views from the public footpath south of the site would be similarly mitigated by distance, trees and hedgerows.
28. Viewed from the higher ground traversed by the footpath further to the south west, the proposed development would read as part of the built up area of the village, including Healthlinc House, which is readily apparent because of topography, although the proposed development would be below the skyline in that prospect. I accept that an overly dense development with inadequate landscape or buildings of incongruous height would appear intrusive in that context but there is no reason why, with appropriate conditions, that should be the case. Given that to be so and in view of the potential for containment of the village edge north of the stream, as at present, and relatively close into existing development on the south west corner of the village, I see no reason why there would be any material detractor from local residents' enjoyment of the circular walk I have described, certainly once construction was completed

⁹ Landscape statement paragraph 3.44, final sentence

¹⁰ Statement of case paragraph 5.1

¹¹ Council's landscape statement paragraph 3.32

and landscaping established. It would still have very much the feel of a rural walk away from the village edge and there would be no significant detriment to the environs of the Scheduled Ancient Monument which lies within the rural environs of the settlement edge and no harm to its significance as a heritage asset.

29. The viewpoints 5, 6 and 7 presented by the Council's landscape consultant demonstrate that the site is visible from the rural paths to the south and west of the site but also that the context is of the settlement behind and that appropriate landscaping would do much to mitigate any appearance of a hard urban edge.
30. The outlook from the adjacent part of the curtilage of Healthlinc House would be significantly changed, especially from the informal lawn to its west side, albeit this would continue to be separated from the eastern edge of the proposed development by the narrow paddock I have described. Although they would be confined to the immediate west and south, views from this area are not within the public domain and the general lie of the land would remain conducive to a sense of spaciousness with distant views and large skies beyond. As previously noted, there is no evidence that the area has a function beyond that of informal space around Healthlinc House that is publicly valued as a visual setting for the facility through its protection in the Local Plan, the relevant policy being CORE 9. This does not suggest that adjacent areas that are not subject to the designation should necessarily be protected from development, the rationale¹² being focussed on open frontages within the street scene rather than the rural setting of villages as the Council's statement latterly implies, notwithstanding absence of reference to this policy in its reasons for refusal.
31. Local Plan policy NBE 20, on the other hand, whilst being inconsistent to some degree with the Framework as previously noted, nevertheless anticipates development on settlement edges and mitigation of its impact on their rural character through design and landscaping. For the reasons outlined above I do not consider this to be unachievable in this instance or that the rural character of the countryside beyond the settlement edge would be compromised.
32. The site lies on the margins of the village within what is classified locally for landscape appraisal purposes as the Lincoln Fringe Character Area¹³. Paragraphs 3.16 – 3.19 of the Council's landscape statement include some important principles relevant to the acceptability or otherwise of the proposed development, notably the deleterious effect in this landscape character area of hard edges to settlements such as that exemplified to the north of Cliff Road on approach from the west. The following principle is highlighted within the Council's statement... *"This relatively open, large-scale landscape would benefit from a strategy for extensive hedgerow and tree planting. This should be designed to strengthen local landscape character and create more robust setting for recent (and future) new development."*
33. Whilst the open space to the west of Healthlinc House does not achieve this in the context of the landscape to the west and south of the village, owing to the sparseness of the planting along its outer margin, a well designed housing layout could do so and there is therefore potential, in principle, for the

¹² As set out in justification for policy paragraphs 3.36 – 3.39 of the Written Statement

¹³ West Lindsey Landscape Character Assessment 1999

proposed development to create a robust setting not only for itself but also for the south western corner of the village.

34. Although separated from the core of the village by the open space along the main road frontage associated with Healthlinc House, including the protected area, in my view the site is capable of accommodating a well designed settlement edge without creating an impression of undue sprawl along the highway or sense that the proposed estate is unduly isolated from the body of the settlement. For this and all the reasons detailed above, therefore, I do not consider the proposal conflicts with policy NBE 10 of the Local Plan, or that the general proposition embodied in the Council's third reason for refusal citing policy NBE 20 and the principles, including core principles, of the Framework is well founded. That is not at all the same thing as concluding that any development on the site would be acceptable. In view of its location and visibility it would be very important to secure good design, but this application concerns only the principle of housing development and there is no reason why, given the implied maximum density of 21 dwellings per hectare, that a design which respects the particular rural nature of the settlement edge and the broader landscape within which it is set cannot be achieved. Subject to adequate design control and landscaping, the essential character and appearance of the area would not be unacceptably harmed.
35. I turn now to the question of the adequacy of social infrastructure in the village, a concern raised by local residents which, in view of substantial expansion in prospect elsewhere in the village, is entirely understandable. It is, moreover, integral to the concept of sustainable development and sustainable communities that such matters are adequately addressed. That said, the planning system embodies mechanisms, notably through the use of s106 planning obligations, to mitigate the impact of new development and in this case both the Education Authority and the NHS are content that the development may proceed subject to appropriate financial provision being made for the purposes of addressing its impact locally on their respective service responsibilities. The Council no longer pursues its second reason for refusal because that financial provision is now firmly in prospect.
36. I am conscious that the current management of William Farr School remains opposed to the development for capacity reasons but the statutory provider is clearly not and I accord more weight to its perhaps broader view of the situation than the perceptions of the school. Practical lack of capacity could result in a reduction in the school catchment, with consequential adjustments elsewhere, but it is ultimately the responsibility of the Education Authority to facilitate resolution of any capacity pressures arising. In the absence of evidence based objection from that quarter, it would be unreasonable to accord decisive weight in my decision to the concerns expressed by the school locally. The same principle applies to local medical services.
37. I turn therefore to my overall conclusion on the main issue. It is common ground that the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged by virtue of policies in the West Lindsey Local Plan relevant to the supply of housing being out of date. This does not, as the Council says, create a *carte blanche* for development, but rather having regard to the three dimensions of sustainability, engages a specific test which balances harms against benefits in the context of the Framework as a whole.

38. In this case I am not persuaded of the merits of the Council's case against the proposed development concerning the character and appearance of the area. Whilst some alteration of this at the settlement edge would clearly be inevitable, it would not necessarily be harmful and with appropriate conditions and detailed design I do not consider it would be. In social terms the additional pressure on services is, according to the statutory providers, capable of being mitigated through proportionate financial contributions, which are now provided for. Moreover, the provision of affordable housing is a significant social benefit, as is the provision of market housing to meet the needs of the area. A clear object of national policy is to boost significantly the supply of housing in order to deliver a wide choice of high quality homes the economic benefits of doing so are implicit in the Framework's approach to building a strong, competitive economy. I have no evidence to suggest that the interests of agriculture, biodiversity or historic heritage would be unacceptably compromised and there are no specific policies in the Framework to indicate that in this instance development should be restricted.
39. All things considered, I am not persuaded that any adverse impacts of granting permission for the development proposed would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The proposed development therefore represents sustainable development for the purposes of the Framework and it follows that permission should be granted unless material considerations indicate otherwise.¹⁴

Other matters

40. Local residents have objected to the proposed development in principle and in view of specific concerns. I have addressed the matter of principle above in the context of relevant policy. Leaving aside the matter of principle, I am satisfied that specific concerns raised in respect of, for example, nature conservation, drainage and highway safety are either unfounded on the basis of the evidence before me or are capable of being adequately addressed through the provisions of the planning obligation or through the imposition of planning conditions.

Planning obligation

41. The main provisions of the obligation are set out above and I am satisfied that they are all necessary, directly related to the proposed development and proportionate. I have visited the highway junctions towards which the funds for off-site improvements are directed and I have considered the relevant evidence concerning them in the supporting information and I have no reason to consider them to be unnecessary. The financial provisions in respect of education and health, which would be deployed for necessary capital works, have previously been addressed under my consideration of the main issue.
42. In short, I am satisfied that the obligation complies with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and I was assured during the relevant discussion that there would be no breach of Regulation 123 concerning the maximum number of pooled contributions. I have no reason to believe this is not the case.

¹⁴ Footnote 10 to the Framework

Conditions

43. A set of suggested conditions was discussed at the hearing, together with the need for additional conditions. SC1 and SC2 concern time limits and these are shortened from the standard in view of the justification for release of the land being based on the urgent need to address land supply. That is not unreasonable but the need to design the layout and landscaping of the site to meet my concern that it should be sufficiently sensitive to the environment of the settlement edge might well require detailed work that departs from the indicative approach illustrated by drawings which are not part of the determined application. Moreover, an additional condition was suggested by the parties to require a landscape buffer of 5-10 metres depth along the western margin of the site and I consider a condition to limit the height of the proposed dwellings to a maximum of two storeys¹⁵ would be necessary for its acceptability in the prospect of the village from the rural surrounds to the west and south. In order to define the wholly outline permission reference would be required to the relevant site location plan and the maximum number of 63 dwellings, consistent with indicated intentions, would also need to be secured by condition at the point at which the principle of residential development is confirmed. Whether or not 63 dwellings can be developed within the constraints imposed by the additional conditions I consider to be necessary is a matter for the developer but purely on the basis of the implied maximum density I see no reason in principle why both the maximum number and the necessary design quality cannot be achieved. Nevertheless, this could well involve looking at alternative approaches to the illustrative layout and I consider in the circumstances that two years for the submission of reserved matters would be more reasonable than the eighteen months suggested by the Council.
44. The term 5-10 metres is inherently imprecise in relation to the important intention to create a robust landscape feature on the settlement edge between the development and the surrounding countryside. Moreover, the benefits of such a range of possibility would be to a significant extent illusory, owing to the need and intention to retain the access track within the western edge of the appeal site inside the existing field hedge. Clearly, the access track would inhibit the scope to plant in depth for effective screening and filtering. I therefore consider it necessary to fix the minimum depth more robustly at the upper end of the range, i.e. 10 metres. In view of the sensitivity of the western edge of the site, the purely outline nature of the proposal and the agreement of the parties to the range that has been suggested, I consider this minimum figure, as well as being necessary, to be entirely reasonable in the circumstances.
45. SC3 is intended to ensure satisfactory surface water drainage in accordance with sustainable urban drainage principles and is both necessary and reasonable. SC4 concerns landscape management including for biodiversity and again is both necessary and reasonable. Welton Beck is thought to be suitable habitat for water vole, a protected species, albeit none were recorded by the submitted survey. If suitable precautions are taken during construction to prevent pollution of the Welton Beck, I see no reason, on the basis of the recommendations of the survey, why its potential to sustain the species would be compromised. I do not consider a further survey along the lines that would

¹⁵ Agreed by the appellant to be an acceptable imposition

be required under SC5 to be justified. Instead, an additional clause in the suggested condition (SC6) regarding construction methods would address the need to take special care in this respect, owing to topography and proximity, whilst incidentally securing the position as far as water vole potential is concerned. SC6 is an adaptation of standard form of condition requiring a construction method statement to be approved and adhered to and in view of the neighbouring residential and institutional land uses it is reasonable and necessary to include hours of construction working. SC7 and SC8 concern the protection of biodiversity value in the existing hedgerows and, whilst necessary and appropriate, may readily be combined.

46. Contamination is not recorded and not anticipated on the site but in view of the sensitivity of the water environment the precautionary SC9 is on balance necessary and reasonable. SC10 concerns implementation of surface water drainage measures and can readily be combined with SC3.
47. SC11 is required to promote and facilitate safe pedestrian access to the village centre and SC11 would require completion and implementation of a travel plan to promote and encourage sustainable travel habits.

Overall conclusion

48. For the reasons I have given, I consider the proposed development to represent sustainable development for the purposes of the Framework. I have taken into account all other matters raised, but none are sufficient to indicate to me that there are material considerations of sufficient weight to conclude that planning permission should nonetheless be withheld. I therefore conclude that the appeal should be allowed.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) Details of the access, 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 shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the approved site location plan referenced RDS 10956/06.
- 5) The total number of dwellings on the site shall not exceed 63.
- 6) No dwelling shall exceed two storeys in height.
- 7) The details to be submitted in accordance with condition 1) above shall include provision for a landscape buffer along the western side of the site. The buffer shall have a minimum width of 10 metres measured inwards

from the site boundary. The landscape buffer shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved.

- 8) No development shall take place until a surface water drainage scheme for the site, based on sustainable 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 details should demonstrate that the surface water runoff generated will not exceed the runoff from the undeveloped site following the corresponding rainfall event. The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion;
- Details of the surface water system including calculations of the network and SuDs features;
- Details of further infiltration testing as recommended in the submitted Drainage Strategy;
- Confirmation of the allowable discharge rate which reflects the downstream capacity.

The scheme shall be implemented in accordance with the approved details and no dwelling shall be occupied until the surface water drainage system serving that dwelling, including for the highway serving that dwelling and the public open space, has been completed in accordance with the approved scheme details and the approved system shall be retained thereafter.

- 9) 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, hedges, ditches and balancing ponds; and a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes.
- 10) 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. The Statement shall provide for:
- (i) the routing and management of construction traffic;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security fencing;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) details of noise reduction measures;
 - (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.
 - (xi) measures to prevent pollution of Welton Beck
- 11) The existing boundary hedges on the site shall be retained at all times apart from that required to be removed for the purpose of the new access.

The hedge in the centre of the site shall only be removed outside the bird nesting season (1st March to 31st August).

- 12) If, during development, contamination is discovered that has not previously been identified, the local planning authority shall be notified immediately and no further work carried out until a method statement, detailing a scheme for dealing with the contamination discovered, has been submitted to and approved in writing by the local planning authority. Development shall thereafter proceed only in accordance with the approved details. If, during development, no contamination is found, a written statement confirming that fact must be submitted to the local planning authority upon completion of the construction works.
- 13) None of the dwellings shall be first occupied until a 2 metre wide pedestrian footway has been completed within Cliff Road as indicated on the submitted drawing RDS 10956/03F to a specification previously submitted to and approved in writing by the local planning authority.
- 14) Notwithstanding the details submitted with the application, none of the dwellings shall be first occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

APPEARANCES

FOR THE APPELLANT:

Mr C May LLB LARTPI	Marrons Shakespeares
Mrs S Ryder LLB	Marrons Shakespeares
Mr M Downes BA BPI MRTPI	Aspbury Planning
Mr J Jonson BSc (Hons) Dip LA	fpcr
CMLI	
Mr A Allison	Ryland design
Mr J Ward	R H Ward (Welton) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A Simmonds	Simmonds Planning Services
Mr M Simmonds	Simmonds Planning Services
Councillor S England	Ward Councillor
Mr M Nowak	Influence Environmental Ltd
Mr Clarkson	Principal Development Management Officer

INTERESTED PERSONS:

Mrs J Jorden	Local resident
Mr N Hornsey	Local resident
Mr G Dunn	Chairman, Neighbourhood Plan Working Group
Mr R Boulton	Local resident
Mr S Payne	Local resident
Group Captain P Rodgers MBE	Welton P D A/William Farr School Appeals Board
Mr P Jorden	Local resident
Councillor A Greenway	Parish Council
Dr N Cheffins	Local resident
Councillor Mrs D Rogers	Ward Councillor

DOCUMENTS

- 1 Draft planning obligation
- 2 Appeal decision APP/N2535/W/15/3023013
- 3 Appeal decision APP/N2535/A/13/2207053
- 4 Statement in Relation to Landscape and Visual Matters - fpcr
- 5 Weston-by-Lincoln Neighbourhood Plan 2015-2035 Post Health Check Draft May 2015
- 6 Topography plan, viewpoints and photographs - fpcr
- 7 Statement by Simon Payne
- 8 Central Lincolnshire Local Plan Inset 11 Dunholme & Welton
- 9 Statement by Parish Council
- 10 Statement by Group Captain Rogers
- 11 Statement by Mr R Boulton
- 12 Development Sites in Welton & Dunholme 2015/16
- 13 Closing comments of appellant
- 14 Typed details of local residents intending to speak