



**Guildhall Gainsborough
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This meeting will be webcast and published on the Council's website

AGENDA

**Planning Committee
Wednesday 16 December 2015 at 6.30 pm
The Council Chamber, Guildhall, Gainsborough**

Members:

Councillor Stuart Curtis (Chairman)
Councillor Ian Fleetwood (Vice-Chairman)

Councillors Owen Bierley, David Bond, David Cotton, Hugo Marfleet, Giles McNeill, Jessie Milne, Roger Patterson, Judy Rainsforth, Thomas Smith, Vacancy.

1. Apologies for absence.
2. Public Participation Period. Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. Minutes.
Meeting of the Planning Committee held on 18 November 2015, previously circulated.
4. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.
5. Update on Government/Local Changes in Planning Policy

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

6. Planning Applications for Determination
(Summary attached at Appendix A)
Print herewith PL.09 15/16

PAPER A

7. To note the following determination of appeals:

- i) Appeal by Mr and Mrs Martinson against the decision of West Lindsey District Council to refuse planning permission for three new houses on existing paddock with private drive from existing access at Charolands, Ingham Road, Stow.

Appeal Dismissed - See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- i) Appeal by Mr Tony Lawton of Lindum Homes, Pamela Mason and Caroline Madden against the decision of West Lindsey District Council to refuse outline planning permission for residential development to include associated roads and open space on land at Church Lane, Saxilby.

Appeal Allowed - See copy letter attached as Appendix Bii.

Officer Recommendation – Grant with Legal Agreement

M Gill
Chief Executive
The Guildhall
Gainsborough

8 December 2015

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

1 – 132932 – Greetwell Fields

PROPOSAL: Outline planning application for residential development of up to 500 dwellings, highway works including two new access points from St Augustine Road, landscaping, ground works and ancillary works-access to be considered and not reserved for subsequent applications on land to South of St Augustine Road, Greetwell Fields, Lincoln.

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- To provide 10% of the dwellings on the site as Affordable Housing. Of that 10% of dwellings, 80% are to be Affordable Rented units (rents capped at 80% of OMR) and 20% are to be Shared Ownership Units (NPPF definitions);
- The provision of not less than 10% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;
- To make the following financial contributions (index linked to Retail Price Index):
 - (i) Contribution of £892,800 towards the Lincoln Eastern Bypass (LEB). 50% payable prior to the occupation of the 149th unit; 50% payable prior to the occupation of the 301st unit;
 - (ii) In the event the LEB is not delivered, an alternative traffic mitigation scheme shall be submitted to and agreed with the Local Planning Authority, and include measures to enable the delivery of the agreed scheme in accordance with an agreed timetable;
 - (iii) A contribution of £110,000 towards Public Transport, payable prior to the occupation of the 301st unit;
 - (iv) A contribution of £85,000 towards cycling/walking provision, payable prior to the occupation of the 149th unit;
 - (v) A contribution towards education (primary) provision of £895,700, in lieu of on-site provision. 35% payable prior to the occupation of the 149th unit, 35% payable prior to the occupation of the 301st unit, 35% payable prior to the occupation of the 450th unit; and
 - (vi) Contribution towards health care provision of £210,800 in lieu of on-site provision, payable prior to the occupation of the 450th unit.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

2 – 133351 - Gainsborough

PROPOSAL: Outline planning application for the development of up to 80 dwellings -access to be considered and not reserved for subsequent applications on land south of The Belt Road, Gainsborough.

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of 25% affordable housing units,
- £42,500 for health centre improvements.
- Details of the provision and the management of the open space, a LEAP, highways and surface water drainage systems

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

3 – 132259 - Gainsborough

PROPOSAL: Planning application to erect 24 apartments and associated access and parking at 22 North Marsh Road, Gainsborough.

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of the site as affordable housing units,

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

4 – 132418 – Cherry Willingham

PROPOSAL: Outline planning application for erection of up to 18 dwellings with all matters reserved at Bleak Farm, High Street, Cherry Willingham.

RECOMMENDED DECISION: That the decision to grant planning permission, subject to conditions and be delegated to the Chief Operating Officer upon the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The provision of 25% affordable housing units, 3 dwellings on site and a contribution of and on offsite contribution of £26,638.50.
- The provision of not less than 3% of the total site area dedicated for use as Public Open Space and measures to ensure its ongoing management and maintenance;

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

5 – 133463 - Newtoft

PROPOSAL: Planning application for proposed cattery and 3 bedroom detached dwelling-resubmission of 131057 at former RAF Sports Pavillion, Newtoft and Toft Next Newton.

RECOMMENDED DECISION: Refuse permission

6 – 133014 – North Owersby

PROPOSAL: Planning application for change of use from grass paddock to storing agricultural tractors, machinery and tractor parts at The Forge, Moor Road, North Owersby.

RECOMMENDED DECISION: Grant permission subject to conditions

Appeal Decision

Site visit made on 5 November 2015

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 2 December 2015

Appeal Ref: APP/N2535/W/15/3127968

Charolands, Ingham Road, Stow, Lincoln, Lincolnshire LN1 2DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Martinson against the decision of West Lindsey District Council.
 - The application Ref 132191, dated 24 November 2014, was refused by notice dated 22 May 2015.
 - The development proposed is 3no new houses on existing paddock with private drive from existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved apart from access, layout and scale. I have determined the appeal on this basis.
3. The application was amended prior to its determination by the Council. The revised plans reduced the number of dwellings proposed from 5 to 3. No party would be prejudiced by my determining the appeal on the basis of the amended plans.

Main Issue

4. The main issue in this case is whether or not the proposal would provide a suitable site for housing having regard to the principles of sustainable development.

Reasons

5. The appeal site comprises of a roughly rectangular paddock, on the north-eastern edge of the village of Stow. Access to the proposed housing development would be taken from Ingham Lane, between the telephone exchange and Ashtrees.
6. Stow is classified in saved policy STRAT 3 of the *West Lindsey Local Plan First Review 2006* (LPR) as a small rural settlement, and is defined as a village with predominantly only a very small number of facilities. I observed these services to include a church, public house and car repair garage. Therefore, to access essential goods and facilities, potential future occupiers of the proposed development would be required to travel outside the village on a daily basis.

7. Paragraph 55 of the *National Planning Policy Framework* (the Framework) says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Isolated homes should be avoided unless there are very special circumstances (those cited are not relevant to the current case).
8. The closest neighbouring settlement to Stow is the subsidiary rural settlement of Stourton by Stow, approximately 1 kilometre to the south. This village offers a small range of day to day facilities, including a primary school and general convenience store. However, these services are located over 1.5 kilometres from the appeal site, along a main road with limited street lighting and narrow sections of footway. As such, potential future occupiers, particularly parents with young children, or those with limited mobility are unlikely to access such facilities on foot. For these reasons, this would not represent a particularly attractive route for pedestrians in general at night, or in inclement weather.
9. Stow is located on a bus route which provides services to Gainsborough 13 kilometres away, and Lincoln 17 kilometres to the south-east. I understand from the evidence put before me, this, at best provides an hourly service to both Gainsborough and Lincoln. Whilst it would therefore be possible for future occupiers to access a greater range of facilities in these larger centres by public transport, the frequency of the bus service could reduce its attractiveness as a potential means of reaching employment opportunities in these centres. It also appears that this service does not operate in the evenings or on Sundays when residents may wish to access leisure and other facilities in Gainsborough and Lincoln.
10. As such, it is reasonable to consider that, in reality; future occupiers of the proposed development would be reliant on the private motor vehicle to access essential services and facilities. The appeal development would thus, be detrimental to the social dimension of sustainable development identified in the Framework. Moreover, as local services would not be readily available to future occupiers, the development would also not demonstrably maintain or enhance local vitality.
11. Consequently, the appeal development would conflict with saved policy STRAT 1 of the LPR, which, amongst other things, seeks to reduce the length and number of car journeys made. This policy is closely aligned with the core planning principles of the Framework that, planning should; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
12. I am mindful that the southern and western boundaries of the appeal site directly adjoin existing built development. Nevertheless, given my concerns regarding accessibility and the reliance of future occupiers on the private car to access essential services, I find that the appeal scheme would be located in a functionally isolated location. As such, it would not provide a suitable site for housing having regard to the principles of sustainable development. The proposal would therefore conflict with both national and local planning policy aimed at achieving more sustainable patterns of development.

Other Matters

13. Following the publication of the *Central Lincolnshire Five Year Land Supply Report* (CL5YLSR), the Council have confirmed that they can now demonstrate a five-year supply of deliverable housing sites. No specific evidence has been advanced by the appellant to dispute the Council's contention. However, as I have found that the appeal scheme would be located in an isolated location, and would not therefore accord with the Frameworks presumption in favour of sustainable development, the Council's acknowledged housing land supply position does not affect the balance of issues in this appeal. Nor, do the social and economic benefits generated through the provision of three additional homes outweigh such harm.
14. The Council have also referred to saved policy STRAT 9 in their reason for refusal, which relates to the phasing and release of housing land, applying a sequential approach to the release of housing land. As a greenfield site, the land is at the lower end of the sequence. It also says that the Council will have due regard to the housing supply position in individual settlements and the wider area when considering in STRAT 9. In the context that the Council can demonstrate a five year supply of deliverable land, the appeal scheme would also conflict with the sequential approach applied in this policy.
15. Reference has been made to other appeal decisions in the District, where my colleagues have concluded that housing development in nearby settlements were not sustainable. Whilst these decisions were clearly material to the Council's decision, it is evident from the officer report that they raised specific concerns regarding the relatively sustainability of Stow. Therefore, on the basis of the evidence before me, I am satisfied that the Council was not unduly influenced by these appeal decisions, nor did they unnecessarily delayed determining the original applicant as the appellant suggests.
16. I am mindful of the email exchange between the appellant and case officer during the application process, which appears to indicate a degree of support for the appeal scheme. Nevertheless, the Council's objections to the proposal are clearly set out in the officer report and reason for refusal. It is also evident that the Council did not raise any concerns regarding the impact on the character and appearance of the area, living conditions and highway matters. I am also aware that the Parish Council and local Councillors broadly supported the scheme. Nevertheless, such considerations do not outweigh the harm and policy conflict I have identified above.

Conclusion

17. For the reasons set out above, and having regard to all other matters raised, including the scope of possible conditions, I conclude that the appeal should be dismissed.

T Cannon

INSPECTOR

Appeal Decision

Inquiry opened on 11 August 2015

Site visit made on 18 August 2015

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 09/12/2015

Appeal Ref: APP/N2535/A/14/2223170

Land at Church Lane, Saxilby, Lincoln, Lincolnshire LN1 2PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tony Lawton of Lindum Homes, Pamela Mason and Caroline Madden against the decision of West Lindsey District Council.
 - The application Ref 131174, dated 21 March 2014, was refused by notice dated 25 July 2014.
 - The development proposed is residential development to include associated roads and open space.
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Decision

1. The appeal is allowed and planning permission is granted for residential development to include associated roads and open space at land at Church Lane, Saxilby, Lincoln, Lincolnshire LN1 2PE in accordance with the terms of the application, Ref 131174, dated 21 March 2014, subject to the conditions set out in the annex hereto.

Application for costs

2. At the Inquiry an application for costs was made by Mr Tony Lawton of Lindum Homes, Pamela Mason and Caroline Madden against West Lindsey District Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The inquiry sat for five days, adjourning at the end of 14 August 2015 after four days and resuming for one final day, in the village hall, on 18 August 2015. The turn of events since the inquiry, summarised below, has inevitably delayed my decision.
4. Subsequent to the close of the inquiry, on 15 October 2015, the Council submitted further documents published a few days prior to that with the request that parties be allowed to make further representations prior to the issue of my decision. These documents are the '*Central Lincolnshire Local Plan: Further Draft*' (CCLPFD) and the '*October 2015 Five Year Housing Supply Document*'. The former represents the second round of consultation on the proposed planning framework for the area (with a further and final round to take place early next year). Following principles set out in the National Planning Policy Framework ('the Framework') it states in terms that "at this

stage of plan preparation the weight [to be accorded to the document] is likely to be limited"¹. The second document looks ahead in anticipation and covers the period April 2016 to March 2021 but refers also to the current year. It differs in approach to the previous equivalent document appended to the appellants' planning evidence. In essence the adequacy of supply now claimed is predicated on, amongst other things, proposed allocations in the emerging CCLPFD, the acceptability and reliability of which have yet to be independently tested.

5. The appellants initially responded that it was not appropriate to invite representations on these documents but, by the same letter of 16 October 2015, they effectively comment on both procedure and substance. The Saxilby Village Action Group (variously referred to as SVAG, or simply, 'the Action Group') has been supplied with the correspondence from both parties. The position is complex and I summarise the factual matters and procedural consequences below.
6. As a consequence of the Council's action, I clearly became aware of the existence and content of the documents and I acknowledge that they are, potentially, material, albeit the weight to be accorded to them remains a matter for the decision maker. However, it was not initially clear why the Council believed the documents to be material or the extent to which it added to or changed its case in any respect, bearing in mind the content of the Statement of Common Ground (SoCG), and this clearly must have a bearing on determining appropriate weight. I therefore requested clarification from the Council of specified matters in this context, as a prelude to deciding how best to facilitate, in fairness, an opportunity for the appellants and the Action Group (a 'Rule 6 Party') to comment.
7. In brief detail, the Council's response was as follows. First, it notes that whilst it considers there is a marginal excess in the current year of the annualised housing requirement of 1,540 dwellings (as identified in the emerging CCLPFD), and whilst the evidence base for the emerging plan includes a technical appraisal of numerous sites, there is no draft allocation included for Saxilby despite it being identified therein as a large village capable of accommodating appropriate housing growth. The position it adopted at the inquiry remains unchanged, namely that its opposition to the proposal rests entirely on highways and character and appearance issues. Moreover, following the advice of PPG, the Council considers the independent examination of the CCLPFD to be the appropriate forum for testing the robustness of its putative housing land supply as now conceived of.
8. Secondly, and importantly, the Council is very clear that it considers the 'presumption in favour of sustainable development'² to be still engaged in this case because the Framework states that applications for residential development should be considered in the context of that presumption and the West Lindsey Local Plan and its approach to and allocations for housing are predicated on out of date information concerning housing needs. Fundamentally, the Council accepts that the October 2015 five year land supply report does not alter the position that the adopted local plan policies concerning housing land supply remain out of date and departures from the plan are necessary to make up that supply.

¹ CCLPFD - Preface

² As defined in paragraph 14 of the Framework, following consideration of paragraph 49

9. Thirdly, despite the above, the Council considers the publication of the October 2015 five year land supply to be a material consideration nonetheless; albeit it states expressly that it does not change the position it adopted at the inquiry, namely that the presumption in favour of sustainable development is engaged and that the issues regarding sustainability focussed upon, the character of the area and highways, should remain the major issues, effectively, upon which the decision turns. The Council's substantive case, therefore, has not materially changed since the inquiry.
10. Finally, the Council confirmed that its position on the emerging Central Lincolnshire Local Plan, as set out in paragraph 3.8 of the Statement of Common Ground (SoCG)³ remains unchanged. This states....." *The Launch event for the new Central Lincolnshire Local Plan was held on 5th June 2014. The Local Plan is anticipated to be adopted at the end of 2016 but at present is at a very early stage of preparation and is therefore afforded no weight.*"
11. As a consequence of the Council's clarification, on 30 October 2015, I decided it would not be necessary to re-open the inquiry as the appellants had initially suggested might be the appropriate course of action. However, in the interests of fairness, I afforded both the appellants and the Action Group an opportunity to submit written comment upon the position it set out in its response on the matters I had specified.
12. The appellants have responded in some detail within the parameters set but, in essence, have acknowledged and endorsed the Council's approach. The Action Group reaffirms that its case centres on rural character, sustainability and highways, endorses the Council's view and would not wish the inquiry to be re-opened. It does however, invite me to give weight to the October 2015 housing land supply document, albeit it confirms that the publication does not materially affect the case it put at the inquiry.
13. I consider the substance and implications of the above considerations at the appropriate juncture below.
14. Turning now to the application itself; it is in outline with all matters reserved save for access. The access arrangements within the internal layout of the site clearly cannot be defined at this stage and the appellants suggested reserving access for future determination. For certainty, the Council indicated that it would prefer the practical approach adopted in an appeal decision encountering a similar difficulty⁴ and I agreed that, in the circumstances, the approach adopted by the Inspector on that occasion is to be preferred. Accordingly, it was agreed that the elements of the proposal subject to detailed consideration at this stage should comprise only those sections of the two proposed access points depicted on application drawing Nos. NTP 13031-03 Rev A and NTP 13031-04 that fall within the public highway and link the housing development with the public carriageway of Church Lane, together with the initial lengths of estate road shown on those drawings within the site. I will therefore regard all other components of the scheme, including the layout of roads and footpaths shown on the submitted masterplan (Ref J1410 SK07 Rev C), as illustrative.

³ Dated 25 June 2015

⁴ Ref APP/R3325/A/14/224654

15. Although the Council originally refused the application for three reasons, it had confirmed⁵ by the time of the inquiry that it did not wish to pursue the first reason relating to impact on health care and education facilities in Saxilby.
16. A planning obligation, dated 3 October 2014 and taking the form of an agreement between the Council, the appellants and others, provides for a minimum of 25% affordable housing on the site and a financial contribution in respect of primary health care in Saxilby. The agreement also prioritises the occupation of the affordable housing in favour of local needs and commits the developer of the site to construct at least 20% of the affordable housing to Lifetime Homes Standards suitable for wheelchair users.
17. I refer to the SoCG as necessary and for clarity and simplicity references to core documents (CD) use the sequential numbering system in the right hand column of the appended list.

Main Issue

18. I consider the main issue in this case to be whether the proposed development represents sustainable development for the purposes of the National Planning Policy Framework ('the Framework') with particular reference to the character and appearance of the area, including the setting of St Botolph's Church, and highway safety.

Reasons

Physical circumstances and policy background

19. Permission is sought for up to 230 dwellings on a circa 10 hectare site on the northern fringe of Saxilby. The village has witnessed considerable expansion from its historic core around the mediaeval St Botolph's Church, a Grade I listed building, with nineteenth century development around the High Street and station now comprising its main centre. Extensive residential estate development in the twentieth century between the church and the railway, which is crossed by the A57 at the southern extremity of the settlement, has grown Saxilby to its present status as one of the larger settlements of the district, with a population in excess of 3,500.
20. The settlement is reasonably well served by public transport, including a rail link to Lincoln and Gainsborough. It has a variety of community facilities, described in the SoCG, and is agreed by the parties to be a sustainable settlement.⁶ I have no reason to disagree with that assessment. Although located on the northern fringe of the settlement, I noted on my site visit that, for most people, the proposed development would be within a reasonable walking distance of the main centre and the station for commuting purposes. There are opportunities through site design, as illustrated on the submitted masterplan, to integrate its layout with established open space and footpaths, so as to maximise permeability for walking and cycling purposes, thereby facilitating as far as practicable these modes of linkage to the centre.
21. The southern boundary of the site is defined by a strong hedge boundary, to the south of which runs a public footpath which traverses open space

⁵ Letter to Planning Inspectorate dated 19 May 2015, preceded by a committee report of 17 September 2014 concerning the reference to education facilities in the reason for refusal

⁶ SoCG paragraph 2.9

associated with existing estate development on the north side of Westcroft Drive. I noted that this is subject to CCTV surveillance for crime prevention. The western boundary of the site, which is broadly level arable land, has a similarly strong hedge boundary. This approximately coincides with a gentle break of slope, the field to the west sloping gently down towards Sykes Lane and the countryside beyond.

22. The site is bounded to the north and east by Church Lane and associated development. West of the grit factory, Church Lane is notably rural whereas east of this point there is development of varying intensity and style to both sides, including the recently developed Canon Cook Close. St Botolph's Church and its grounds are located to the east, beyond intervening development on Church Lane. The church tower is visible as a landmark from various points in the surrounding countryside, notably from the B1241 Mill Lane/Sturton Road in the vicinity of Ingleby Grange to the north. It is also visible, beyond the intervening existing development around Church Lane, from within the appeal site.
23. Relevant policy includes the Framework and saved policies of the West Lindsey Local Plan (First Review) ('the Local Plan') which was adopted around ten years ago. It was common ground at the time of the inquiry that the authorities within the Central Lincolnshire area, plainly including West Lindsey, cannot demonstrate the five year supply of deliverable housing sites as required by national policy through the Framework. It remains common ground (see above) that relevant policies for the supply of housing land in the Local Plan cannot be considered up-to-date for the purposes of paragraph 49 of the Framework and therefore the presumption in favour of sustainable development set out in paragraph 14 is engaged. This also is common ground.⁷
24. There was no agreement on the magnitude of the shortfall at the time of the inquiry, but the 3.5 years' supply cited in the SoCG appeared to be the best case scenario. The evidence of the appellant's planning witness was to the effect that, properly calculated with a compensatory 20% buffer in respect of past under-delivery, the supply could be as low as 2.9 years. This was not challenged at the inquiry.
25. Whatever the precise reality of the housing land supply, then or now, the acknowledged shortfall relevant for the purposes of this decision is by no means marginal and it is not necessary to scrutinise the supply figures put forward at the inquiry further. Moreover, as previously noted, it is common ground that, although anticipated to be adopted at the end of next year, the emerging Central Lincolnshire Local Plan (CLLP) "*is at a very early stage of preparation and therefore is afforded no weight*". (The emphasis is mine.)
26. Applying the principle set out in paragraph 216 of the Framework, I consider this to be an overstated position, the more so now that the '*Further Draft Central Lincolnshire Local Plan*' has been published for consultation. However, I note that the document itself states that the weight that can be accorded to it at this stage is "likely to be limited." In my view, the document is not wholly immaterial but the weight which I accord to it must perforce be very limited. With a further round of consultation planned, it has some way yet to go before submission, let alone independent examination and subsequent adoption.

⁷ SoCG paragraph 4.3

27. I note, moreover, that the consultation document effectively accepts that the settlement of Saxilby could be developed further for housing purposes, stating it to be, in principle, "suitable for some growth". It explicitly defers to my decision on this appeal and the possibility of an allocation subsequently being made (at an unspecified location) in the settlement in the event that the appeal is unsuccessful.⁸ I also note that the Spatial Strategy and Settlement Hierarchy set out in the draft policy LP2 of the CCLPFD anticipates, exceptionally, additional small scale growth (25 houses is an indicative figure in this context) on sites not ultimately allocated in the plan once adopted. The implication of this, clearly, is that a formally allocated site in the forthcoming plan could well be of a more substantial scale. However, it is not for me to speculate on whether or not the appeal site would or should be allocated for development absent my decision on this appeal or what the appropriate level of growth to be allocated for at Saxilby in the plan would or should be. I am charged with deciding the appeal on its merits in the context of established policy.
28. I am conscious that the concurrently published 5 year housing land supply to which my attention has been drawn primarily concerns the relevant period from April next year and is reliant, inter alia, on allocations yet to be confirmed through the development plan process. While Planning Practice Guidance (PPG) advises (as the document says) that unallocated sites without planning permission that are unallocated in a development plan can be considered capable of being delivered within a five year time frame if there are no significant constraints to overcome, it also precedes that advice directly with the statement that..... *"Local Planning Authorities will need to provide robust up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out"*. Moreover, the PPG points out that..... *"The examination of Local Plans is intended to ensure that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's/appellant's evidence is likely to be presented to contest an authority's position"*.⁹
29. Neither of the documents recently placed before me, the CLLPFD and the land availability document provide detailed evidence on the deliverability of the sites listed therein to meet the requirement that judgements are clearly and transparently set out. The documents simply provide indicative numbers alongside site names. Moreover, considering the PPG advice as a whole, it is plain to my mind that a reconvened inquiry would clearly not have been an appropriate forum to test the evidence on land availability presented in the context of and reliant upon the emerging CLLP, not least because well over half the 11,225 requirement postulated over the period April 2016 – March 2021 would have to be met on sites not yet formally allocated.
30. It therefore seems to me that whilst the possibility of adequate supply in the future is being held up as a prospect, there can be no certainty about the postulated post-April 2016 supply for the purposes of this appeal, with consequential doubt over the current five year position now claimed for

⁸ CLLPFD page 116

⁹ ID 3-033-20150327

2015/16 which remains equally uncertain and untested, reliant as it is, not only on 1,626 sites with permission but also on 4,893 sites on land to be formally allocated in the four years from April 2016.¹⁰ The national policy imperative is to boost the supply now in any event and the Council has previously acknowledged the shortfall in the context of the established planning framework and the relevance of the presumption in favour of sustainable development. Moreover, it continues to do so.

31. For these reasons, I am able to accord very limited weight to either the emerging CLLP or the associated nascent land supply for the purposes of this determination, notwithstanding the invitation by SVAG for me to do so. It seems to me that, as the Council readily concedes, its current policies for the supply of housing land remain out of date for the purposes of paragraph 14 of the Framework, primarily because it depends so heavily on untested future allocations to identify a five year supply going forward from now until 2020, as it does from April 2016 to March 2021. There can be no guarantee that sites proposed for allocation in the recently published CLLPFD will survive the scrutiny of due process and therefore be included in the version ultimately adopted (albeit the Council's clear intention is to address its land supply difficulty through the emerging development plan).
32. My attention has, moreover, been drawn to a High Court judgment¹¹ which militates against an uncritical acceptance that Councils might in these circumstances prematurely rely on sites they intend to bring forward for housing to create the necessary supply. The situation here is no exception, for the reasons I have outlined, including the scale of reliance that would be required. The emerging local plan for Central Lincolnshire is insufficiently advanced in my estimation for me to place decisive weight on its provisions as a reliable source of housing land supply, notwithstanding the materiality of its clear intentions to become such a source of supply in due course. On the basis of the clarifications I have received from the Council itself, in practical terms it is clear that the approach to this decision should not be altered by the recent publications. In other words, the main issue remains as I have defined it at paragraph 19 above, predicated on the fact of relevant policies for the supply of housing being out of date.
33. I turn now to the detail of the existing (West Lindsey) local plan; this contains a number of policies of potential relevance listed in the SoCG. The overarching policy STRAT 1, insofar as it concerns highway safety, historic heritage and effects on the character and appearance of the area is clearly of relevance. NBE 20 seeks to resist development which would harm the rural character of settlement edges and the countryside beyond. Although not cited in the Council's reasons for refusal, NBE10 is also potentially relevant. This seeks to ensure that development properly respects landscape character, an aspiration that of itself is not inconsistent with those of the Framework.
34. To the extent that STRAT1 reflects the core principles of the Framework to recognise the intrinsic character and beauty of the countryside and conserve heritage assets and supports the important aim of maintaining highway safety, it remains consistent with its general intentions. However, the intention of the Framework that applications should only be refused if the residual cumulative

¹⁰ Table 5 Years 1-4 'Emerging new allocations as identified in Draft Local Plan.'

¹¹ *Wainhomes (South West) Holdings Ltd v Secretary of State for Communities and Local Government* [2013] EWHC 597 (admin)

impacts of development on the transport network are 'severe' is plainly a less stringent (but more realistic) aspiration than the more absolute local plan intention that new development should not 'aggravate' highway problems.

35. Likewise NBE 20 makes common cause with Framework 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.
36. STRAT 12 seeks to prevent any urban development on land currently outside the built footprint of the sites listed in policy STRAT 3. Given the acknowledged shortfall of housing land such a blanket restriction on development of the type at issue in this case cannot be consistent with Framework intentions.
37. It is noteworthy, against that background that, in the settlement hierarchy set out in policy STRAT 3, Saxilby is classified as a primary rural settlement. Accordingly, it is common ground that it is, in general terms, a sustainable location for development. In that sense, 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.
38. I refer to other policies of the local plan and the Framework as necessary.

Effect on the character and appearance of the area

39. By virtue of s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to have special regard to the desirability of preserving the setting of St Botolph's Church and I am, moreover, obliged, by virtue of the Framework and relevant case law, to give great weight to any harm arising which would diminish its significance as a heritage asset. The Council does not contend that the proposed development would compromise the setting of the church and I have no reason to depart from that position. From the west, the church tower is already seen in the context of established development at a lower level in the foreground and the proposed development would not materially affect its setting as perceived from viewpoints in that (or any other) direction. If anything, the proposed development would create opportunities for more near distance viewpoints in the public domain from which the tower could be appreciated. All in all, the setting of this heritage asset would not suffer substantial harm as a result of the proposed development and I do not consider its significance as such would be materially diminished.
40. The primary effect of the proposed development on the character and appearance of the area would be the loss of the large arable field and the smaller paddock area at the eastern end of the appeal site. Clearly the impact would be much more significant in the immediate locality than that created by the development of Canon Cook Close in the latter location following an appeal decision in July 2009.¹² Without doubt, there would be a substantial change in the way the site is perceived by users of the footpath along the southern boundary, the footpaths within the eastern end of the site and from within Church Lane, including its more rural northern limb and the 'footprint' of the settlement would be correspondingly increased.

¹² Ref APP/N2535/A/09/2104100

41. The evidence of the appellants' landscape witness did not attempt to disguise this localised impact, whilst the equivalent evidence for the Council amounted to effectively the same conclusion, that within the site itself, the impact would be both dramatic and irreversible. But that is inevitably the case when a greenfield site is released for development and the value to the decision making process of elaborate argument and detailed evidence to that effect is correspondingly limited. Of more fundamental relevance is the effect on the broader landscape within which the settlement is situated and perception of the settlement within that, and I find the evidence of the appellants' witness to be persuasive in that context.
42. Again, however, there was no irreconcilable difference between the overall implications of the landscape evidence proffered by both parties. The impact within the site would be significant and, in terms of the existing landscape, adverse; but beyond the site boundaries, the visibility and hence the perception of impact would diminish rapidly owing to a combination of factors variously including the screening effect of existing development, the strength of existing boundary hedges and the topography of the surrounding area in which viewpoints are located. Having walked and driven extensively in the countryside around the northern and western margins of Saxilby, I am satisfied that the impact of the proposed development would be distinctly limited in its broader rural context, providing the strength of the existing landscape barriers in the form currently of field boundary hedgerows is maintained. Given the outline nature of the proposal and the scope for landscaping strategy with this object in mind, I see no reason why this should not be achieved and, over time, improved upon, even if some of the hedgerow to the western boundary were to be diminished by management practices outside the site boundary, which appears to lie within the body of the hedgerow. There would be adequate scope to compensate for that possibility.
43. Clearly, the impact of the site's development at the existing settlement margin, primarily to the south and east of the site, would be greater, but skilful integration at detailed design stage with the existing landscape framework and features would help to make this acceptable in practice, notwithstanding the stated preference of many local residents that the appeal site should, in principle, remain open and undeveloped. Moreover, the feeling and actuality of being in close proximity to the open countryside when in Church Lane and Sykes Lane to the north and west of the site would not be significantly diminished. Whilst landscape does not necessarily have to be designated to be 'valued' in the sense intended by the Framework¹³, there is no evidence in this case to suggest that the appeal site is anything other than simply appreciated by local people in the way that green fields generally are, as a foil to the built-up environment of the settlement in question. Moreover, there is no convincing evidence as to notable views in the public domain that would be wholly lost and the public footpath links from which the site is currently appreciated are essentially local and partially characterised by proximity to existing development in any event.
44. I turn now to local plan policy NBE10. Whilst it is obviously the case that the appeal site itself, as open farmland, would be lost to the Till Vale Landscape Character Area, it is clear from the above analysis that its impact on the broader context provided by this in the vicinity of Saxilby would be limited.

¹³ Framework paragraph 109

- Moreover, the policy itself does contemplate development which satisfies criteria and I consider criteria i) and ii) to be primarily relevant to reserved matters in this case. Criterion iii) would be met by retention of outer boundary hedgerows and I do not consider in that eventuality the proposed development would be of significant detriment to skylines or important views (criterion iv)).
45. All in all, for the above reasons, the visual impact of the site on the area would be essentially localised and contained and the character of its surroundings is already residential to the south, east and along a substantial portion of Church Lane to the north, as far west as the grit factory. Although clearly a relatively large development, it would be comparable in scale and suburban character to the existing estate development to the south associated with Westcroft Drive.
46. In the most literal sense only, the proposed loss of the site would detract from the (existing) rural character of the (existing) settlement edge, simply by virtue of change to a built environment. However, there would be no detraction from the character and appearance of the countryside beyond and there would, moreover, be very adequate scope to meet the two criteria of policy NBE 20 of the local plan which aim to maintain the existing character and appearance of the boundary of the settlement footprint (i.e. strong hedgerow screening, in the main) and no reason why a high quality scheme of landscape treatment and open space provision could not be approved through the reserved matters process. The positive intentions of the policy could by and large be realised in this way. The visual encroachment into the surrounding countryside resisted by Policy STRAT 1 would be similarly limited by the fact that, despite the size of the proposed development, it would be visually contained within the context of the more open countryside to the north and west.
47. On careful analysis, I therefore consider conflict with the aims of policies STRAT 1, NBE10 and NBE 20 would in reality be very limited if an appropriate landscaping strategy were to be implemented via the reserved matters process. I have no reason to consider that could not be achieved in practice, so as to maintain the rural character of the landscape immediately to the north and west of the site, enabling it to be appreciated as one with the deeper countryside beyond. In summary, the effect of the proposed development on the character and appearance of the area would be tangible, if localised, but not so harmful in the context of these local plan policies and the circumstances of this part of the area as to be unacceptable.

Effect on Highway Safety

48. Notwithstanding the views of Lincolnshire County Council, the responsible highway authority, set out in its detailed Technical Response of 29 April 2014 and its subsequent formal notice dated 9 May 2014, the Local Planning Authority was very clear and specific in its reason for refusal concerning highways. Its stated concern over highway safety was directed solely at the characteristics of Church Lane and the traffic currently using it.
49. Surprisingly, the Council's evidence on highway matters was much more broadly based and, whilst expert in nature, primarily took the form of a critique of the appellants' transport assessment and the highway authority's response thereto, whilst devoting considerable attention to network effects and safety issues at the Mill Lane/A57 junction (a matter to which I return in relation to the concerns of SVAG and individual residents.)

50. I have considered this matter carefully and am driven to the conclusion, for the reasons detailed by the highway authority, and apparent from examination of the relevant witnesses, that whilst imperfect in prediction as such documents inevitably must be, the appellants' Transport Assessment, albeit not entirely error-free (as their witness readily conceded in his evidence and corrected accordingly) is fundamentally fit for purpose (using as it does industry standard PICADY and TRICS modelling and mean trip rates from the latter in accordance with accepted practice). I consider the site to be sustainably located, with transport choices, and in that sense it displays no abnormalities that might justify an alternative approach.¹⁴ On detailed analysis, traffic surveys undertaken by local residents tend to confirm, if anything¹⁵, the robustness of the data used in appellants' traffic assessment and I am satisfied that this is as reliable as can reasonably be expected.
51. In consequence of the evidence being tested, I am confident that the junctions proposed would operate safely and can be optimised in that regard through fine tuning at detailed design and implementation stage through standard safety audit practice. Speeds are low on Church Lane and it is lightly trafficked. It would have the capacity to carry the additional traffic at peak hours, as would the junctions elsewhere within the village. The prediction of a very low percentage of traffic turning west onto Church Lane accords with common sense bearing in mind the difficulties of accessing the two lanes of traffic exiting Mill Lane onto the A57 from Queensway. Other than to take a back route to Gainsborough or a destination in the wider countryside there would be little reason for most drivers to leave the development in that direction.
52. It is of course the case that roads operate imperfectly and that the use of HGVs on rural and suburban roads can occasionally lead to practical difficulties of vehicles being unable to pass each other freely, but that is to be expected from time to time in many highway situations, especially those where parking is unrestricted or where people are inclined to park inconsiderately. Where that occurs frequently enough to be unduly problematic, highway authorities have a range of remedies at their disposal. The appellants' witness examined the varying width of Church Lane in detail and demonstrated that for the most part it is geometrically capable of operating satisfactorily at all times and that the probability of two HGVs meeting at a constriction would be relatively low, even with the proposed development in place. Moreover, the constrictions are alleviated by regular sections where HGVs can pass with good forward visibility between them and, consistent with well-established principles articulated in *Manual for Streets 2*, there are in any event safety advantages for pedestrians in highway geometry that inhibits speed, which would be the case here.
53. Whilst in all my consideration of the highways concerns raised by the Council and local residents I am conscious that the conditions I observed were during the school holidays, I am familiar with the differences that occur during term time and I have factored that into my assessment of conditions on the roads in question. Equally, it has to be recognised that planning decisions are perforce based on the reasonable assumption that the great majority of motorists are concerned to use their vehicles in a safe and considerate fashion, not least in their own communities. Churches and nurseries can give rise to additional

¹⁴ It was accepted by the appellants' witness that the specific circumstances warranting use of the 85th percentile, referred to in the appeal decision at Louth (Ref APP/D2510/A/14/2218774), were not comparable.

¹⁵ Evidence of Mr Vernon, Appendix 8

parking problems for historical reasons, or because in the latter case buildings tend to be adapted for the use and it seems, from the photographs submitted in evidence, that Church Lane is no exception, albeit the road is in my estimation generally lightly trafficked and without undue parking problems as the technical evidence confirms. For the great majority of the time, I consider it would be the case that, with the proposed development in place and occupied, Church Lane would operate well within expectations of what is acceptable for a street in a developed area.

54. Lincolnshire, I was informed, has a very unfortunate road safety record by comparison with the national picture, but the Council's witness was clear in response to my question that a major contributory factor was the significant lengths of straight rural roads which are so characteristic of the broader area. However, this does not seem to me to sensibly militate in principle against providing needed houses in sustainable settlements. The solution to the problem is clearly a broader question of traffic management and encouragement/enforcement of safe driving techniques as necessary. As far as Saxilby itself is concerned, the appellants' evidence demonstrates that the most recent personal injury accident on Church Lane was back in 2009 but unrelated to highway geometry and that there have been no PIAs on Church Lane or its junctions with Sykes Lane or Church Road in the past five years. There is no reason to consider that there is an existing problem in this part of the settlement that would be unacceptably exacerbated by the proposed development.
55. Although not cited as a reason for refusal by the Council, the potential effect of additional traffic at the Mill Lane/A57 junction is clearly a matter of local concern and I heard a harrowing personal account of a motorcycle accident at that location. The appellants' analysis shows there to be no consistent contributory factor to the seven PIAs recorded there in the most recent five year period and that there had been no PIAs recorded since September 2014, when the speed limit on the A57 was reduced from 50mph to 40mph and that on Mill Lane itself was reduced from 40mph to 30mph.
56. Notwithstanding that accident data is necessarily based on PIAs rather than unrecorded minor incidents and 'near misses', the safety motivation behind the speed reduction clearly indicates that the highway authority believed action to be necessary at this rather unusual junction and of course the success of that initiative can only be assessed over time. Local drivers (the great majority) familiar with its operation are doubtless well versed in its usage and while it is close to theoretical capacity, as is evident from RFC calculations, I am not persuaded on the evidence that the additional peak hour loading from the proposed development would constitute a residual cumulative impact of sufficient severity in the sense intended by paragraph 32 of the Framework so as to warrant refusal. That is certainly not the position of the highway authority and nor was it the position of the Council at the time it refused the application. Moreover, it was accepted by the Council's witness that an RFC¹⁶ of 1.0 (around which the junction is anticipated to operate) does not equate to severe congestion for this purpose.
57. Nevertheless, in view of the evident local concern, I spent time observing the operation of the junction at morning and evening peak times and, while I have

¹⁶ Ratio of Flow to Capacity

no doubt that there are measures that could be taken to improve the capacity of the junction, I have no reason to conclude that these would be necessitated by the proposed development itself. On the basis of the submitted evidence, bearing in mind the capacity of Mill Lane within the built-up area to accommodate queuing traffic, I do not consider this would give rise to demonstrably unacceptable additions to the queue length at any particular juncture during peak hours. There is no doubt that significant queues do tend to build up, sometimes quite rapidly, as traffic waits to exit left or right onto the A57. However, it is also true to say that, having done so, there is a notable tendency for them to dissipate quite rapidly, as has been observed by the highway authority amongst others. The reason for this characteristic fluctuation is not entirely clear as the A57 is a high volume route, but the reality of the situation is that there is sufficient opportunity for traffic to use the junction without generally experiencing excessive delay during peak hours, which can spread in any event as regular users adjust their timings to cater for known conditions. This is a widespread tendency amongst those who commute by car.

58. On the basis of the Transport Assessment, the County Council's response thereto, the evidence presented to the inquiry and my own observation I do not consider the impact of the proposal on the of local roads, including the A57/Mill Lane junction would be so severe as to justify refusal. There is no cogent evidence to suggest that highway safety would be significantly compromised, bearing in mind also that the highway authority has recently taken steps to improve this and that there was no proven causal relationship between congestion per se and the problems that that clearly have been experienced at the junction in the past. It seems that these were related primarily to vehicle speed, which has been reduced accordingly.
59. All in all, therefore, I do not consider that the proposed development would give rise to unacceptable conflict with the intentions of the local plan policy STRAT 1 concerning highway safety or with those of the Framework concerning either highway safety or impact on the operation of the highway network. The latter require demonstrably severe effects to justify refusal and this would not be the case here, notwithstanding that most of the additional traffic would enter and leave the settlement via the A57, consistent with established patterns of driver behaviour.

Other matters

60. The representatives of SVAG played a commendably constructive part in the inquiry proceedings, focusing attention on a number of matters of concern to the community, including lack of progress on both a neighbourhood plan and the local plan. Be that as it may, I am constrained to consider the proposal on its merits in the context of policy as it stands now, albeit material concerns over and above the character and appearance of the area and highway safety are relevant to the assessment of whether or not the development proposed represents sustainable development for the purposes of the Framework.
61. Leaving aside the matters on which the Council's case ultimately rested, which I have considered above, the principal concerns of the community in the context of sustainability are stated to be healthcare, education, foul and surface water drainage and flood risk and alleged lack of consultation.¹⁷

¹⁷ Doc 20 SVAG Closing Statement

62. The latter complaint is primarily a matter between the community and the appellants and does not, in the final analysis, affect the merits of the proposal, albeit effective communication of its likely effects and the measures proposed to address them, throughout the process, is the essence of community engagement and would in principle be encouraged by the Framework.
63. The prospect of a single increment of 230 additional dwellings understandably gives rise to apprehension regarding the impact on infrastructure and services, notwithstanding that the village has previously witnessed periods of significant expansion and in this instance the expansion envisaged would involve a variety of tenure and house types, including an element of specialist housing for retired people. It is notable in this context, however, that the Council does not pursue its original objection on health and education grounds and that the local impact of the development on the former service would be mitigated through the planning obligation, whereas the County Council is content that at the relevant time there would be sufficient schools capacity to cater for the anticipated demands arising from the development proposed.
64. The additional evidence to the inquiry volunteered by the appellants concerning drainage matters was, in the event, of very limited assistance. There was no explanation of the consistent anecdotal evidence of sewage having been taken away from the village by tanker but it is pertinent that the relevant statutory undertaker has legal obligations in that respect and it must therefore be assumed that this was the consequence of a specific technical problem concerning existing infrastructure. In any event, such occurrences are not directly relevant to the principle of developing the site under consideration. It is, on the other hand, directly relevant that Anglian Water has no objection and that the imposition of a condition to require drainage schemes to be approved in advance of any development taking place would provide the necessary safeguards. Moreover, any such scheme would require the developer to facilitate enlargement of pipe-work off-site as necessary and existing conditions would not be worsened. Surface water drainage can be conditioned so as to avoid increases in run-off from the site and flood risk to the site itself is not an issue because it is in Flood Zone 1, the category of land least prone to flooding.
65. Prior to the inquiry, during the process of the application being determined, a range of concerns was expressed by individuals, largely in relation to the matters I have addressed. Leaving aside opposition in principle, I am satisfied that the more practical concerns expressed are largely capable of being resolved through the imposition of planning conditions, the provisions of the planning obligation or the requirement to have the reserved matters considered and approved by the local planning authority.

Sustainability; the planning balance

66. It is clear, on the Council's own analysis and in view of its categorical acceptance of the situation, that relevant policies (in this case for the supply of housing land) are out of date. I have no reason to disagree. Paragraph 14 of the Framework advises that for decision making, in these circumstances (unless material considerations indicate otherwise), the presumption in favour of sustainable development means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a

- whole, or specific policies in the Framework indicate that development should be restricted.
67. The appeal site is open land immediately adjacent to Saxilby and is not subject to designations or characteristics of the type exemplified in footnote 9 to the Framework, bearing in mind my conclusion on the setting of St Botolph's Church. There is no special designation that would lead to restriction of development in Framework terms and it does not amount to valued landscape in those terms either. I have no evidence to suggest that the arable land comprising the appeal site is significant in terms of its loss or that poorer quality land could be made available if it includes best and most versatile land in terms of intrinsic quality. I therefore accord only limited weight in the balance to the prospective loss of the land to development in the context of paragraph 112 of the Framework.
68. For the reasons I have given, I consider the site to be sustainably located within an intrinsically sustainable settlement with adequate transport choice. There is a degree of conflict with the existing development plan, as I have identified, notably through the location of the site outside the settlement boundary. However, the Council continues to accept that the spatial manifestation of policies relevant to the supply of housing are out of date and that, in principle, such sites must necessarily be developed to meet the national imperative to significantly boost the supply of housing, notably in terms of a five year supply of deliverable sites. The Framework itself promotes genuinely plan-led development, including at the neighbourhood level, but in the absence of up-to-date plans (as is the case here) engages the presumption in favour of sustainable development.
69. I am conscious that the need for housing clearly cannot always be an overriding factor in decision making, notwithstanding the importance of meeting it, and I am also conscious that development on the scale proposed in this case is perceived by many in the local community as inherently undesirable, certainly as a single development delivered through one individual proposal. Equally, I am conscious that development of this scale in settlements such as Saxilby has routinely been accommodated over the course of time and that Saxilby itself has witnessed significant growth in previous decades. Moreover, large developments do take time to be built out and occupied. In that sense it seems to me that a phased development on a single site, catering for a variety of housing needs, is not significantly different to the progressive development of a number of individual sites, the important consideration being appropriate mitigation of impact, whether through the imposition of planning conditions or the completion of a planning obligation, which has here influenced the Council's decision not to pursue the first of its original reasons for refusal, namely the potential impact on local education and health facilities.
70. For the reasons I have given, I do not consider that the Council's opposition to the proposed development in terms of the character and appearance of the area and highway safety on Church Lane to be well founded. My assessment of the evidence leads me to the alternative conclusion. Significant harm on either count that could not be adequately mitigated would very likely lead to a conclusion that permission should be withheld, as would a conclusion that the residual cumulative impacts on the transport network would be severe, but that is not the case and the three strands of sustainability identified in the Framework fall to be considered against that background.

71. In economic terms it is well established, and effectively embodied in Framework policy, that the satisfaction of housing needs through boosting the supply has significant economic benefits, both locally and nationally. Moreover, in this case the considerable social benefits of 25% of the housing being affordable and 60 houses being purpose built to meet the needs of more elderly householders merit substantial weight. Paragraph 159 of the Framework PPG indicates the importance of catering for, amongst other groups the housing needs of the elderly, and PPG¹⁸ indicates the social advantages of doing so. Open market housing is also a very important element in the housing needs equation and catering for a variety of needs is fundamental to the achievement of a wide choice of high quality homes for sustainable, inclusive and mixed communities.¹⁹ In terms of national policy, the economic and social benefits of the proposed development merit the substantial weight that I accord them. I also foresee social and environmental benefits, subject to appropriate design, in the opening up, enlargement and better natural surveillance of the existing area of open space as a focal point and means of helping to integrate the layout of the proposed development with the existing housing estate to the south of the site.
72. Against that, I have concluded that the environmental harm alleged by the Council and others is not substantiated in terms of the effect of the proposed development on the character and appearance of the area. Nor is the harm to road safety on Church Lane alleged by the Council in its reasons for refusal. The perceived harm voiced by local residents in terms of the effect on congestion at the Mill Lane/A57 junction is perhaps more understandable given the peculiarities of that junction, but the Council's subsequent adoption of the point is not borne out by the evidence, the position of the highways authority or the widely observed characteristic of rapid dissipation of the queuing that undoubtedly occurs, as it does at many locations in peak hours, largely as a consequence of transport choices made by individuals. However, the principle set out in the Framework is very clear. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. I am satisfied, for the reasons I have given, that in this case such impacts could not be so classified.
73. There is no evidence to substantiate that other concerns raised during the inquiry or previously could not be satisfactorily addressed by the planning obligation or conditions as appropriate.
74. Paragraph 14 of the Framework makes it clear that for decision-taking the presumption in favour of sustainable development in circumstances such as these, where relevant policies in the development plan are out-of-date, means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. In this case, for the reasons I have given, that would not be the case, and there are no material considerations to suggest that a different approach should be taken. I therefore conclude that the development proposed clearly does represent sustainable development for the purposes of the Framework and that permission should therefore be granted.

¹⁸ Ref ID 2a-021-20150320

¹⁹ Framework paragraph 50

The planning obligation and planning conditions

75. The planning obligation is supported by a joint statement²⁰ from the parties which demonstrates that the 25% affordable housing proposed is necessary and proportionate on the basis of policy and local need. I therefore accord that element of the obligation appropriate weight in the balance. The same applies to the health contribution which the statement shows to be a necessary and proportionate means of facilitating local capital expenditure to mitigate the likely impact of the proposed development on primary healthcare within the village. Moreover, the statement further demonstrates that there is no prospect of Regulation 123 of the Community Infrastructure Levy Regulations 2010 being breached, even were a further undetermined residential development to provide equivalent funding for this purpose.
76. Suggested conditions (SC) are agreed between the parties and appended to the SoCG. These were discussed at the inquiry and are for the most part necessary and appropriate subject to appropriate modification and removal of duplication where required. In addressing the matter of conditions I have had regard to the advice of PPG and the retained annex to the former Circular 11/95. (The reference numbers in the appended schedule of conditions do not necessarily coincide with those of the individual SC discussed below.)
77. It was agreed, bearing in mind the outline nature of the application, that an additional condition limiting the number of houses to a maximum of 230 was required. Moreover, it was agreed that, because the benefits of the proposed development include specialist housing for people of retirement age, a condition to define and secure that element of the proposed scheme was necessary and I was referred to a decision by the Secretary of State in North East Lincolnshire²¹ which exemplifies an approach to this which could be adapted to the circumstances of this case. I have no reason to disagree with the suggestion and have applied the principle to the somewhat embryonic SC15, together with a cross reference to the approval of a location plan at SC4 and a requirement to honour the appellants' commitment to provide the 'retirement village' within the first phase of development.²²
78. Turning to the specific conditions suggested, I note that SC1-SC3 would effectively shorten the standard timescale for implementing the permission but in view of the urgent need to deliver new housing and the fact that the proposal is largely justified as a departure from the development plan on that basis, I consider this to be entirely reasonable.
79. SC4 is a necessary elaboration of the detail to be provided under the standard reserved matters including management arrangements for landscaped areas and enhancements to biodiversity. In view of the progressive improvement to building standards through the Building Regulations regime, it was agreed that it would not be necessary to require a statement on the sustainability performance of the dwellings. Development on this scale is likely to be phased and I consider it necessary to require such phasing to be approved by the local planning authority to tie in with the orderly approval of reserved matters according to a demanding timetable. The requirement can usefully be added to

²⁰ Doc 18

²¹ Ref APP/B2002/A/13/2196572 Land South of Humberston Avenue, Humberston 28 November 2013

²² See, for example, Doc 22 at paragraph 11.

- SC4, as can the requirement to provide the necessary location plan for the proposed 'retirement village'.
80. SC5 aims to secure off-site works to improve conditions and linkages for pedestrians at an early stage of development before more than 25% of it is occupied and would therefore need to be cast in a 'Grampian' form which prevents occupation of a greater number of houses unless and until the works are implemented. The condition is needed to exploit and promote the potential of the site to facilitate walking to local facilities in accordance with policy objectives to reduce reliance on motorised transport.
81. SC6 aims to promote acceptable construction practices but a more comprehensive approach is required along the lines of the established model condition. SC7 aims for early strengthening of the hedgerow boundaries and is necessitated by the importance of these for the accommodation of the development within the wider landscape.
82. SC8 and SC9 would respectively require approval of the surface water drainage strategy for the site to meet a specified performance standard and approval of the manner in which each phase of development complies with that strategy. SC10 would require internal boundary treatments for each phase to be approved, a necessary means of ensuring the progressive development of houses on the site is complemented by appropriately configured and defined outdoor spaces. A condition requiring the approval of a scheme of foul drainage is also necessary, especially in view of the need to secure improvements to existing off-site infra structure and this would need to be worded to prevent occupation of any dwelling in advance of the relevant improvements being implemented.
83. SC11 and 12 would be required to define the permission and the extent to which the access works previously referred to in the *Preliminary and Procedural Matters* must be implemented before work on any of the houses commences. These works would be necessary as a measure complementary to those to be approved in the construction method statement so as to minimise disruption to Church Lane during the construction period.
84. SC13 is a standard form of condition to secure timely landscaping and subsequent replacement of any failed planting. SC14 would require approval and timely implementation of a travel plan and is necessary to encourage more sustainable travel habits in accordance with policy objectives. SC16 aims to secure the important screening effect of the established boundary hedges.

Overall conclusion

85. For the reasons I have given and having taken all other matters raised into account I conclude that, with the imposition of the conditions I have imposed and the provisions of the planning obligation in force, the proposed development would be sustainable and that, accordingly, the appeal should succeed.

Keith Manning

Inspector

Annex: Schedule of Conditions

- 1) Details of the, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. The reserved matters application for the first phase of development shall be made within one year of the date of this permission, and application for approval of the reserved matters in respect of each subsequent phase of the development shall be made to the local planning authority not later than two years from the date of approval of the previous phase.
- 2) The development hereby permitted shall commence before the later of (i) two years from the date of this outline permission, or (ii) the expiration of one year from the date of approval of the last of the reserved matters to be approved for the first phase of the development.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:- Site Location Plan 577-51-SL01, Northern Site Access to Church Lane NTP 13031-03 Rev A and Eastern Site Access to Church Lane NTP 13031-04.
- 4) No dwellings shall be commenced until the site accesses and initial lengths of estate road shown within the site on the approved plans NTP 13031-03 Rev A and NTP 13031-04 have been constructed.
- 5) The details to be submitted for approval in accordance with Condition 1) above shall include a Phasing Plan indicating the phasing for the whole site in addition to the reserved matters for the first phase; a Landscape Management Plan setting out management responsibilities and maintenance schedules for all landscaped areas inclusive of trees, trees, hedges, ditches and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes; and a location plan indicating the dwellings to be reserved, in accordance with Condition 16) below, for persons over the age of 55. For the avoidance of doubt the items specified in this condition shall also be submitted for approval within one year of the date of this permission. The development thereafter shall be carried out in accordance with the approved details.
- 6) Irrespective of the number of dwellings in any particular phase, the total number of dwellings to be developed on the site shall not exceed 230.
- 7) No development shall take place until details of the following have been submitted to and approved in writing by the local planning authority:-
 - Tactile crossover points at the northern junction with Church Lane to provide a pedestrian link to the exiting footway on the opposite side of Church Lane;
 - Tactile crossover points at the junctions of Rutherglen Park and St Botolph's Gate; and

- A scheme of proposals, including an overall plan, to improve existing public footpath links from the site to the principal amenities of the village.

No more than 25% of the houses on the site shall be occupied unless and until the improvements specified above have been implemented in accordance with the approved details.

- 8) No development shall take place, including any works of demolition, 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 routeing 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 washing 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
- 9) No development shall take place until details of a scheme for the infilling of gaps in and reinforcement of the existing hedge bounding the site alongside Church Lane and along its western boundary have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details no later than the end of the first planting season following their approval. The existing mature hedgerows within the site shown on the illustrative masterplan J1410 SK07 Rev C shall be maintained under the arrangements to be approved pursuant to Condition 5) above at a height of no less than three metres.
- 10) 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 hydro-geological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy must demonstrate that the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include:-
- Details and calculations for the surface water network taking into account the volume of storage required based on an allowable discharge rate of 14.42 litres per second into the Anglian Water system;

- Details of the SuDS elements which are to be included in the surface water design together with confirmation of adoption and maintenance arrangements; and
- A drainage strategy document which summarises the above and any assumptions made within the design of the surface water network

The scheme shall be fully implemented in accordance with the approved details prior to completion of the development and maintained thereafter in accordance with the approved arrangements.

- 11) No development shall take place in any phase of the development until details of a surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how it complies with the surface water drainage scheme for the whole site approved pursuant to Condition 10) above. The surface water drainage scheme for each phase shall be implemented and maintained in accordance with the approved details.
- 12) No development shall take place until the details a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and no dwelling shall be occupied until any off-site capacity improvements necessitated by the development have been implemented in accordance with the approved details.
- 13) No development shall take place in any phase of the development until details of the boundary walls and fences therein have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented in accordance with the approved details prior to the completion of the phase in question.
- 14) All planting seeding or turfing comprised in the approved landscaping details shall be carried out no later than the end of the first planting season following the first occupation of a dwelling in any particular phase of development or the completion of that phase, whichever is the sooner; and any trees or plants which within a period of five years from the completion of that phase of the development die, are removed, or in the opinion of the local planning authority become seriously damaged or diseased shall be replaced before the end of the next planting season with others of similar size and species.
- 15) No dwelling shall be occupied until a Residential Travel Plan has been submitted to and approved in writing by the local planning authority and the provisions of the plan relevant to the occupation of that dwelling have been implemented.
- 16) No fewer than 60 dwellings in the first phase of development shall be restricted to occupation only by (i) persons aged 55 years and over; (ii) persons who are living as part of a single household with a person aged 55 years or over; and (iii) persons who were previously living in that dwelling as part of a single household with a person aged 55 years or over who has since died.

* * *

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY: Hashi Mohamed of Counsel

He called

Michal Nowak MA PolSci MA EPM MSc SPUD (Dist) AIEMA	Associate, Influence Environmental Limited
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Ian Turvey BSc (Hons) MSc CMILT MIEnv.Sc MTPS MTSUG aMIEMA	Director, Turvey Consultancy Ltd
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FOR THE APPELLANT: Satnam Choongh of Counsel

He called

Martin Spiers BEng(Hons)	Clear Environmental Consultants Limited
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John G Vernon BA(Hons) MSc	Director, Northern Transport Planning Ltd
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Wendy Buckingham BA(Hons) M.Phil CMLI	Principal Landscape Architect, Robert Doughty Consultancy
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Robert Doughty BSc(Hons) DipTP	Managing Director, Robert Doughty Consultancy
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INTERESTED PERSONS:

Mrs E Hillman	Saxilby Village Action Group
Mr R Parnell	Saxilby Village Action Group
Mr G Ives	Saxilby Village Action Group
Mrs B Allan	Saxilby Village Action Group
County Councillor Brockway	County and Ward Councillor
Mr G E Allen	Local Resident

INQUIRY DOCUMENTS

- 1 Appeal decision APP/P1045/A/14/2227116
- 2 Appeal decision APP/R3325/A/14/2224654
- 3 Appellants' opening submissions
- 4 Council's opening statement
- 5 Maps and photographs from Saxilby Village Action Group
- 6 Opening statement from Saxilby Village Action Group
- 7 Council's notification letter and list of those notified
- 8 Appeal decision APP/X2410/A/12/2173673
- 9 Comparison Trip Generation – Saxilby
- 10 Appeal decision APP/P3420/A/14/2218530
- 11 Appeal decision APP/D2510/A/14/2218774
- 12 Bundle of documents from Saxilby Village Action Group
- 13 Statement by County Councillor Brockway
- 14 Bundle of documents and photographs from Mr Allen
- 15 Residents' Traffic Survey 5 August 2014
- 16 West Lindsey Neighbourhood Plan Update July 2015
- 17 Appeal decision APP/N2535/A/09/2104100
- 18 Joint CIL Compliance Statement
- 19 Final Statement by Mr Allen
- 20 Closing Statement by Saxilby Village Action Group
- 21 Council's closing submissions
- 22 Appellants' closing submissions
- 23 Costs application by appellants
- 24 Council's response to costs application

CORE DOCUMENTS

Ref	Document	No.
CD-A1	Application Forms and Certificates	1
CD-A2	Site Location Plan: 577-51-SL01	2
CD-A3	Illustrative Master Plan: J1410 SK07 rev C	3
CD-A4	Northern Site Access to Church Lane: NTP 13031-03 rev A	4
CD-A5	Eastern Site Access to Church Lane: NTP 13031-04 rev 0	5
CC-A6	Design & Access Statement and Planning Statement	6
CC-A7	Flood Risk Assessment & Drainage Strategy & Appendices A – I2	7
CC-A8	Arboricultural Survey	8
CC-A9	Phase 1 Ecological Appraisal	9
CC-A10	Transport Assessment	10
CC-A11	Transport Assessment Technical Appendices	11

CC-A12	Geophysical Survey Report	12
CC-A13	Committee Report (Need Extra reports 25 June and 23 July 2014 and minutes)	13
CC-A14	Decision Notice	14
CC-A15	Paper C	15

1. Local Plan Documents

CD-B1	STRAT 1	16
CD-B2	STRAT 3	17
CD-B3	STRAT 9	18
CD-B4	STRAT 12	19
CD-B5	SUS 4	20
CD-B6	RES 1	21
CD-B7	RES 2	22
CD-B8	RES 5	23
CD-B9	RES 6	24
CD-B10	CORE 10	25
CD-B11	NBE 10	26
CD-B12	NBE14	27
CD-B13	NBE20	28
CD-B14		
CD-B15	West Lindsey District Council, 1999. The West Lindsey Landscape Character Assessment (Extracts Only – Introduction pages 1 – 12 and The Till Vale Assessment pp 21-24, 67-70 and 85-95)	29

2. National Guidance and Supplementary Planning Documents/Guidance

CD-C1	NPPF	30
CD-C2	NPPF PPG54 Transport Evidence bases in plan Making and Decision Taking (DCLG)	31

CD-C3	NPPF PPG42 Travel Plans, Transport Assessment and Statements in Decision Taking (DCLG)	32
CD-C4	NPPF PPG50 Rural Housing (DCLG)	33
CD-C5	4 th Lincolnshire Local Transport plan (LCC)	34
CD-C6	Manual for Streets 1 (DfT)	35
CD-C7	Manual for Streets 2 (DfT)	36
CD-C8	Guidance on Transport Assessments (DfT) superseded	37
CD-C9	Development Guide on Transport and New Development in Lincolnshire (LCC)	38
CD-C10	Lincolnshire Design Guide for Residential Areas (LCC)	39
CD-C11	Design Guide for Roads and Bridges TD42/95 (v6 2/6) Geometric Design of Major/Minor Priority Junctions (Highways England)	40.
CD-C12	Highways and Traffic Guidance Note HAT34 (LCC)	41.
CD-C13	Countryside Agency and Scottish Natural Heritage, 2000. Landscape Character Assessment: Guidance for England and Scotland. Cheltenham: The Countryside Agency	
CD-C14	Blank	
CD-C15	Landscape Institute 2011. Photography and photomontage in landscape and visual impact assessment. Advice Note 01/11	42
CD-C16	Landscape Institute and Institute for Environmental Management and Assessment 2013. Guidelines for landscape and Visual Impact Assessment Third Edition. London: Routledge	
CD-C17	Natural England, 2010. The East Midlands Regional Landscape Character Assessment (Extract Group 4 Lowland Vales pp 135 – 142).	43
CD-C18	The West Lindsey Countryside Design Summary SPG (Extracts Only – Introduction pages 1 – 4 and The Till Vale Chapter pg 7 and Conclusion Page 19)	44
CD-C19	Natural England 2013. National Character Area Profile: 48 Trent and Belvoir Vales	45

3. SVAG Documents

CD-D1	Saxilby Parish Council objection letter	46
CD-D2	Karen Watchus's residents traffic survey	47

CD-D3	Sturton Road Transport Assessment (extract of)	48
CD-D4	Anglian Water pre-planning addendum report	49
CD-D5	Ground Radar Map	50
CD-D6	Map 'A'- drainage plan	51
CD-D7	Map 'B' – drainage plan	52
CD-D8	Anglian Water email dated 4 th November 2014	53

4. Inquiry Documents

CD-E1	Statement of Common Ground (WLDC and Appellant)	54
CD-E2	Appellants Statement of Case	55
CD-E3	WLDC Statement of Case	56
CD-E4	Appellants Proof of Evidence with summary – Robert Doughty	57
CD-E5	Appendices to Proof of Evidence –Robert Doughty	58
CD-E6	Appellants Proof of Evidence with summary – Wendy Buckingham	59
CD-E7	Appendices to Proof of Evidence – Wendy Buckingham	60
CD-E8	Appellants Proof of Evidence with summary – John G Vernon	61
CD-E9	Appendices to Proof of Evidence – John G Vernon	62
CD-E10	WLDC Proof of Evidence with summary- Michal Nowak	63
CD-E11	Appendices to proof of Evidence- Michal Nowak	64
CD-E12	WLDC Proof of Evidence with summary- Ian Turvey	65
CD-E13	Appendices to Proof of Evidence – Ian Turvey	66
CD-E14	SVAG Proof of Evidence Overview	67
CD-E15	SVAG Proof of Evidence – Jade Findley	68
CD-E16	SVAG Proof of Evidence- Elizabeth Hillman	69
CD-E17	SVAG Proof of Evidence – Ray Parnell	70

CD-E18	SVAG Appendices	71
CD-E19	WLDC Original Written Statement of Case for the Written Representation appeal process including conditions	72

5. Additional Items

CD-F18	Section 106 Legal Agreement	73