



Appeal Decision

Site visit made on 7 February 2018

by **Zoe Raygen Dip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2018

Appeal Ref: APP/E2530/W/17/3181823

Land off south side of Kettering Road, Stamford, Lincs PE9 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Kier Homes against the decision of South Kesteven District Council.
 - The application Ref S14/3078, dated 31 October 2014, was refused by notice dated 9 February 2017.
 - The development proposed is described as residential development comprising 39 houses and associated parking spaces and garages together with access road and turning areas, open space and landscaping, foul water pumping station, surface water balancing pond and open space.
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Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 29 houses and associated parking spaces and garages together with access road and turning areas, open space and landscaping, foul water pumping station, surface water balancing pond and open space at land off south side of Kettering Road, Stamford, Lincs PE9 2JS in accordance with the terms of the application, Ref S14/3078, dated 31 October 2014 subject to the conditions set out in the schedule to this decision notice.

Procedural Matter

2. A planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended), in the form of a Unilateral Undertaking (UU) has been submitted as part of the appeal. The UU is a material consideration and I return later to consider its specific provisions in more detail. At my request the Council submitted a Planning Obligations and Community Infrastructure Levy (CIL) Compliance Statement. I have had regard to this document in my consideration of the appeal.
3. During the course of the planning application the subject of this appeal the number of houses was reduced from 39 to 29. I have therefore dealt with the appeal on that basis.

Background and Main Issue

4. A proposal for the erection of 48 houses at the appeal site was dismissed at appeal in 2015 (APP/E2530/A/14/2229265 – referred to as the previous appeal decision). The Inspector considered that the benefits of the proposal did not outweigh the harm that she found to designated and non-designated heritage

assets caused by the proposal. The appeal decision is a material consideration in the determination of this appeal.

5. Within that context, the main issue is the effect of the proposal on the character and appearance of the area, having particular regard to the setting of designated and non-designated heritage assets.

Reasons

6. The National Planning Policy Framework (the Framework) clearly defines the setting of a heritage asset as the surroundings in which such an asset is experienced. 'Significance' has a particular meaning in heritage policy terms and is defined as the value of a heritage asset because of its heritage interest which may be archaeological, architectural, artistic or historic. The glossary confirms that significance can be derived from a setting as well as the asset's physical presence.
7. Both parties refer to case law regarding the setting of heritage assets¹. I have had regard to these, advice in the Framework, advice from Historic England, the previous appeal decision, the evidence before me and observations from my site visit in my assessment of the setting of the various designated and non-designated heritage assets in this case.
8. The appeal site lies to the south of the main built up area of Stamford. Stamford Conservation Area (CA) covers a large part of the town, with the appeal site being close to the defined St Martin's area within the Stamford Conservation Appraisal (the SCA). From the evidence before me and my observations on site, the significance of the CA is largely derived from the number of high quality listed buildings, together with the use of traditional materials, and the siting of the buildings and their relationship to each other. The SCA lists the key characteristics of the St Martins area of the CA as its medieval street pattern; the high concentration of listed buildings; the building materials; and the use of features such as chimneys, dormer windows and boundary walls.
9. The setting of this part of Stamford plays a part in the significance of the CA. The almost instant change from the rural approach of the Old Great North Road to the townscape of Stamford, with historic buildings set on the back edge of the pavement, provides a dramatic point of entry to the CA. Here a sense of enclosure takes over from the open, rural character of the approach to the town.
10. The mainly developed northern side of Kettering Road provides a stark contrast to the mostly open, undeveloped nature of the southern side where the appeal site is located. There are some houses on Pinfold Lane on the south side of Kettering Road. However, these are few in number, and are large detached houses set in significant plots which are well landscaped. As a consequence, they are not particularly obtrusive within the open countryside. Furthermore, the presence of playing fields and a small pavilion on the south side of Kettering Road do not substantially detract from its overall rural appearance.
11. In views from the south across to Stamford, including from First Drift and Wothorpe Park, the abrupt change from open countryside to the elevated built up area of Stamford with its closely packed roofscape punctuated by church steeples, can be clearly seen.

¹ Regina (Williams) v Powys County Council [2017] EWCA Civ 427
Steer v Secretary of State for Communities and Local Government and Others: Admn 22 Jun 20

12. From the evidence before me, the significance of the key listed buildings² near to the appeal site is largely derived from their historic form and particular architectural features. Fryers' Callis is a terrace of almshouses with gardens to the front enclosed by a brick wall sited on the corner of Kettering Road and Wothorpe Road. Its setting has been improved by the redevelopment of the adjacent football ground, which has allowed the removal of unsightly structures near to the buildings. These will be replaced by an area of open space, which will allow the almshouses to be separated from surrounding development by gardens and open space.
13. As a result, appreciation of the architectural importance of Fryers' Callis would be apparent from views along both directions of Kettering Road. I saw at my site visit that the open land on the opposite side of the road to Fryers' Callis allows views from the south towards the almshouses. I do not doubt that such views are enjoyed by local residents and walkers in the area. Nevertheless, I observed that in distant views the architectural importance and function of the building is barely discernible. Although the building marks the edge of the urban development on the north side of Kettering Road, I have seen no substantive evidence to suggest that the houses were meant to be appreciated in such extensive views from the surrounding countryside, to an extent that would contribute substantially to their heritage significance. As a result, the long distance views, in my opinion, add little to the significance of the terrace itself.
14. However, the rural approach to Stamford in this area does emphasise the significance of Burghley House, a grade I listed building, and its Bottle Lodges set within a grade II* registered park and garden, and its relationship to Stamford, reinforcing its status as an important country house. While the presence of the Old Great North Road and the traffic and consequent noise does have some impact on the rural setting of the buildings, I found at my site visit that such intrusion is largely subservient to the predominant rural open countryside setting. Furthermore, although there are hedges and trees along Old Great North Road, there are clear views of the southern part of the site from the road, including from the Bottle Lodges.
15. To the south of the site is Wothorpe, and my attention has been drawn both to its designation as a Special Character Area, and the presence of a listed building grade II known as The Elms. Wothorpe forms a small grouping of buildings of a variety of ages and designs. They are set in an elevated position with respect to Stamford, mostly in large plots with a high level of planting giving an open verdant character to the area. As a consequence, I regard Wothorpe Special Character Area (WSCA) as a non-designated heritage asset. The Elms is sited close to Wothorpe Park and has a main outlook over the countryside towards Stamford. Its significance is mainly derived from its architectural importance. Nonetheless, the open rural setting contributes to the significance of the Elms as well as to that of the WSCA.

² Fryers' Callis almshouses- Grade II, Burghley Park Bottle Lodges, gateway arches, gates and flanking walls - Grade II (referred to collectively as the Bottle Lodges)

16. Bearing all the above in mind, the open countryside setting of some of the heritage assets contributes to their significance. Pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard is to be had to the desirability of preserving, among other things, the setting of listed buildings. No statutory protection is afforded to the setting of Conservation Areas. However, paragraph 132 of the Framework sets out that the significance of a heritage asset can be harmed or lost through development within its setting. Paragraph 135 of the Framework confirms that the effect of a proposal on the significance of a non-designated heritage asset should also be taken into account in determining any application.
17. The appeal site is located to the south of Kettering Road. It is open and undeveloped with hedgerows and some trees. Although set back from the Old Great North Road behind hedgerows, it is visible from the road as Stamford is approached from the south. Furthermore, the appeal site is visible from views from Old Drift and Wothorpe. Public footpaths extend from Wothorpe through the appeal site into Stamford and the surrounding countryside. Hence the appeal site is particularly visible in views towards Stamford from the south and in views from within the site to surrounding heritage assets. Although itself it has no special designation, the open, undeveloped nature of the appeal site, together with its location close to the urban area of Stamford means it makes a significant, positive contribution to the rural character of the area, and the setting of the nearby heritage assets and the town.
18. The appeal site is allocated for an indicative number of 50 dwellings within Policy STM1 of the Local Plan for South Kesteven Site Allocation and Policies Development Plan Document 2014 (DPD) (Site reference STMa1). I note that the Council is in the early stages of preparing a new Local Plan, within which, I am advised by various parties, the site is under consideration to be de-allocated. However, the plan is at a very early stage of preparation, and has not yet been the subject of examination. Therefore, I give its contents very limited weight.
19. Accordingly, although it is now some time since the adoption of the DPD, I have seen no substantive evidence to suggest that the principal of housing is not acceptable on this site. However, given the nature of the site, it is inevitable that development would result in a change to the character of the area. As I have found that the appeal site is within the setting of a number of heritage assets, then both local and national policy require that any change is carried out in a sensitive manner. An explanatory note within Policy STM1 states that the development of this site should preserve and enhance the setting of Stamford and nearby heritage assets. The quantum of houses built on the site must be supported by a heritage impact assessment which demonstrates the layout and design of a proposal will not adversely affect the approach to the town and nearby heritage assets and preserves local distinctiveness.
20. In the previous appeal decision the Inspector highlighted a number of areas where the proposed scheme did not accord with the submitted Heritage Impact Assessment, or the Landscape and Visual Appraisal. These were that the development would not be set back from the southern boundary of the site and the design of the proposal would not result in a landscape dominated street scene or take account of its impact from London Road (Old Great North Road) on the Burghley Lodges and west gate, where new development on the site should appear as rooftops within groups of trees.

21. A new Heritage Statement 2017 (HS) and updated Landscape and Visual Assessment 2016 (LVA) have been submitted with this appeal. The LVA outlines a landscape strategy for development of the site which it considers would allow the development to appear as roof tops within groups of trees to protect the surrounding cultural and historic assets. If this were to be achieved, the HS concludes that the proposal would not be materially harmful to the setting and significance of the heritage assets.
22. The number of houses has been significantly reduced from that considered under the previous appeal proposal. There is dispute between the parties as to whether the reduction in houses numbers has led to a substantial reduction in a commensurate amount of floorspace and therefore built development on the site. The Council consider that due to a limited reduction in actual floorspace, together with the presence of parking areas, the layout has the appearance of a suburban estate with little reference to Stamford. Irrespective of the amount of floorspace proposed, the houses have been laid out in a form which according to Historic England represents the character of a back lane sometimes historically found on the approach roads into Stamford. As a result the layout has some historical integrity.
23. Nevertheless, the layout consists of houses sited with minimal gaps between them, creating almost solid lines of development within the site. Furthermore, although I note that it is agreed that the amount of surface parking is reduced, within the appeal proposal from that proposed in the previous appeal scheme, it still exists. This, together with the proximity of the buildings to each other and the amount of built development, would leave only limited space for planting within the site itself as recommended within the LVA. Furthermore, the development as a whole would still need to satisfactorily integrate into the rural character of the southern side of the road.
24. Most of the planting along Kettering Road would be retained, and I saw that even in winter, due to the amount of planting and its density, this provides an effective screen. As a result, the proposed houses along the part of the site fronting the road would be set back creating an open frontage. I note that this follows the approach suggested in the LVA. Consequently, the open setting of Fryers' Callis would be maintained. Furthermore, the rural setting of the CA on the south side of the approach into Stamford along Kettering Road would be preserved. While the Council points to the loss of the views of Fryers' Callis from First Drift, I am not convinced that the heritage significance of these relative small domestic structures would be materially harmed through the loss of that view.
25. The houses would extend no further back in the site than those on Pinfold Lane to the east. As a result a large area between the back of the houses and the southern boundary of the site would be retained and would be extensively landscaped and planted. This would introduce an area of planting which would supplement the existing trees and hedgerows on the southern edge of the appeal site. Furthermore, the dwellings located along much of the southern extent of the built development would be arranged with rear gardens to the south. The layout would, therefore, be fairly loose and responsive to the site's location at the edge of the settlement. As a result, I would concur with Historic England that the open area would have much of the character of the existing rural setting of the designated heritage assets affected, and of key approaches to them.

26. The LVA indicates that planting would be in the form of native species. It is likely therefore that there would be a high proportion of deciduous species which would lose their leaf during the autumn and winter months. Nevertheless, I saw at my site visit that even in winter, established planting, if in the correct location and of an appropriate density, is still capable of not only giving a rural appearance to an area, but also softening views of buildings.
27. Tree planting within the developed area of the site would be largely confined to narrow landscaping strips, often close to houses and car park spaces, and it would be unlikely to achieve the green corridors as envisaged within the LVA. Nevertheless, combined with the significant landscaping to reinforce the existing planting around the site, together with the set back of the dwellings from the southern boundary, the planting within the site would allow the development to achieve a softer, more gradual transition between the built up area and the rural landscape. The deeper planting would also reinforce the visual screening of the development in views from the south and go some way to ensuring that the buildings, although presenting a solid form of development, particularly between plots 10-16, would be effectively blended into the countryside in views from the south as envisaged by the Inspector at the time of the examination of the DPD.
28. The Council raises concerns about the extent of the tree planting itself obscuring views towards Stamford. However, given the topography of the area I am satisfied that this would be an unlikely occurrence, and certainly not evident from the mature trees in the landscape as exists.
29. Turning to the houses themselves, the Council refers to the height of a number of the proposed houses particularly in the north eastern corner of the site, and the consequent impact this may have on views across to the CA, Fryers' Callis and the churches of St Marys and St Martins, both listed buildings. I note that paragraph 4.3 of the South Kesteven Landscape Character Assessment states that the views of the town centre and church towers and spires should be protected. However, I have seen no substantive evidence that the proposed two, and two and a half storey houses would be of a height that would significantly interfere with the view of the CA and listed buildings to such an extent to harm their significance.
30. At my site visit I saw that the church spires rise above the main roofscape of Stamford which, due to its elevated nature, was also very apparent. Indeed this is evident in photographs supplied by the Council in its statement. The dip in land levels where the appeal site is located should ensure that views across to Stamford and its roofscape, including the churches are maintained. While the appeal site has undulating levels, I am also mindful that the Inspector at the time of the DPD examination considered that because it is on lower ground, the views towards historic Stamford would not be obscured in any way.
31. The design of the houses proposed includes many of the typical architectural features found within Stamford as identified within the SCA including chimneys and dormer windows. As a result, while a number of different "house types" would be used within the development I do not find the individual appearance of the houses to be offensive or unacceptable. The SCA identifies that the predominant building material within the St Martins part of the CA is stone with either coursed rubble masonry or ashlar for the higher status buildings. Given the proximity of the appeal site to the CA then careful consideration needs to be given to the materials to be used in the development, and I share

- the concerns raised by various parties regarding the quality of the materials proposed by the appellant. Nevertheless, I also concur with the view of the Inspector on the previous appeal that this is a matter that could adequately be dealt with by the imposition of a condition seeking the submission and agreement of samples of materials to be used, if the appeal were to be allowed.
32. The footpaths within the site would be diverted for a short distance within the appeal site, and therefore would be protected in accordance with paragraph 75 of the Framework, inasmuch as they would not be extinguished. While the experience of users of the footpath would be altered, particularly within the built up area of the site, this would only be for a short distance at the north of the site, where long distance views of Stamford are not as readily appreciated as from the southern part of the appeal site.
33. Bringing all of the above together, I find that the contribution the site currently makes to the rural setting of the CA, the Bottle Lodges, Burghley Park, The Elms and the WSCA would be diminished to some degree. Furthermore, the layout and siting of the houses, although having some historical integrity, would nevertheless present a mass of built suburban development which would result in some harm to the character and appearance of the area. However, in the context of this being an allocated site at the present time, the combination of the location of the housing away from the southern boundary, their design and appearance, together with the proposed and existing planting means the effect would be visually contained and would limit the harm both to the character and appearance of the area generally and to the significance of the designated and non-designated heritage assets.
34. I have considered the computer generated images (CGI) supplied. These show the appeal site from a point likely to be to the south of the site and from Kettering Road. I viewed the appeal site from these locations and from First Drift, and a number of other locations as suggested by the Council and other interested parties during my visit. The CGI shows the development within the summer months when the trees are in full leaf. The Council suggest that the CGI has not been updated from the previous proposals, and this has not been disputed by the appellant. However, even if this is the case, the CGI from a southern viewpoint still demonstrate that the development would be viewed as a roofscape within clusters of trees. While the CGI images have not therefore been definitive in themselves, they reinforce my view that the harm to the significance of the heritage assets would be limited, but not absent.
35. I am aware that the Council granted planning permission for the comprehensive redevelopment of the former football club for housing (S11/2300/MJRO) and construction of the dwellings was underway at the time of my site visit. In approving this application the Council considered that the development would not adversely affect the setting of the adjacent listed buildings or the conservation area. However, this site is on the northern side of Kettering Road within the established built up area of Stamford. Furthermore, it was a brownfield site. Consequently, its characteristics and relationship to surrounding heritage assets is different from the site before me now. In any case, I have determined the appeal based on its own merits.
36. For the reasons above therefore, notwithstanding the conclusions of the HS, I conclude that the proposal would cause some harm to the character and appearance of the area having particular regard to the setting of designated and

non-designated heritage assets. It would therefore be contrary to Policy STM1 of the DPD and Policy EN1 of the Local Development Framework for South Kesteven Core Strategy 2010 and paragraph 17 of the Framework which require that development must be appropriate to the character and significant natural, historic and cultural attributes and features of the landscape within which it is situated, and contribute to its conservation, enhancement or restoration and take account of the different roles and character of different areas.

Unilateral Undertaking

37. Policy H3 of the Core Strategy 2010 requires a target provision of 35% affordable housing on all developments comprising 5 or more dwellings. For a scheme of 29 dwellings, this would equate to a provision of up to 10 affordable units. However, the UU provides for a total of 13 affordable units, four of which would be on site and nine within an existing development in Bourne which already has planning permission.
38. While the majority of the affordable homes would be located off-site, the Council raises no objections to this provision which it states has been supported to help with the viability of the appeal scheme. I have seen no substantive evidence which would lead me to a different conclusion. While objectors refer to a draft neighbourhood plan, prepared by Stamford First, which states that affordable housing should be provided on-site, I understand the plan is at a very early stage of preparation having only gone through a first round of public consultation, and therefore carries very limited weight.
39. Policy SAP10 of the DPD provides standards for the provision of open space within new developments. The Council confirms that in order to comply with this Policy as well as the open space that would be provided on the appeal site a contribution of £22,292.10 would be required towards an equipped area of open space. The UU secures such a contribution towards the provision or upgrading of open space and/or a play area at The Meadows in Stamford.
40. I am therefore satisfied that the proposed contributions and requirements contained within the UU would be necessary to make the development acceptable, are directly related to the development and fairly and reasonably related in scale and kind to the development. Furthermore, the Council has confirmed in its CIL Compliance Statement that there are no more than five completed obligations which would contribute to the play area at The Meadows or other play areas if required. Therefore the UU would comply with both the contents of Regulation 122(2) and 123 of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework.

Other matters

41. I have been referred to two appeal decisions regarding the erection of housing close to The Elms within the WSCA (APP/J0540/W/17/3181276 and APP/J0540/A/12/2186590). However, these proposals were for only two and one dwellings respectively, sited close to the Elms. I am of the opinion that the appeal before me now, for significantly more houses located on a site a much further distance from the Elms raises different issues, and the cases are not directly comparable.
42. The closest existing residential properties to the proposed housing would be those on Pinfold Lane. I saw on site though that there would be a generous

distance between the proposed and existing dwellings, which would ensure that levels of privacy would be maintained, and residents' outlook would not be materially harmed.

43. Considerable objection has been raised to the level of traffic that would be generated by the proposed houses. The appellant has submitted a Transport Statement and a Green Travel Plan which demonstrates that the proposed site access and the junction of Kettering Road and High Street St Martin's would have capacity at peak times if the development were to take place. I note that the Highway Authority has not raised any objection to the proposal. Furthermore, I saw that the appeal site is in walking distance of a number of local facilities and services, and therefore would be in an accessible location by means other than the private car. In the absence of any substantive evidence to the contrary therefore I am satisfied that the proposal would not be materially harmful to highway safety.
44. Concerns have also been raised regarding drainage and the potential for flood risk. However, I note that the appeal site is within Flood Zone 1 and the Environment Agency, Lead Flood Authority, Anglian Water and the Internal Drainage Board have all raised no objections to the proposals, subject to relevant conditions. I have seen nothing which would lead me to take a contradictory view to these acknowledged experts.
45. I was unable to access Wolthorpe Park and the Elms at the time of my site visit. Nevertheless, I am satisfied that from the many vantage points from which I viewed the proposals, I was able to have a good appreciation of the two heritage assets, their open countryside setting and the contribution that makes to their significance, along with the impact the appeal proposals would have on that setting and significance.

Conclusion

46. In as much as there would not be any loss of a listed building or direct impact on the character or appearance of the CA, and given that the setting of the CA as seen from the south is but one component of its overall significance, I am satisfied that the harm I have identified to the significance of the heritage assets can, in the language of paragraph 134 of the Framework be considered as less than substantial.
47. The Inspector on the previous appeal also found that the proposals caused less than substantial harm, but she did not seek to assess the level of harm within that categorisation. I note that the adjacent planning authority did not object to the current appeal proposal as it considered that it would have a low impact on the WSCA and it would not result in harm to the heritage significance of the Elms. Furthermore, Historic England describes the "reduced impact" of the scheme in its letter to the Council regarding the proposal dated 29 November 2016. After careful consideration, having found that the harm to the character and appearance of the area and hence the setting and significance of the heritage assets would be limited, then I am satisfied that the level of harm would be towards the lower end of less than substantial harm.
48. However, as raised by the Stamford! Protect Our Green Space group, the courts have confirmed that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable

- weight³. Paragraph 134 of the Framework requires that less than substantial harm be weighed against the public benefits of the respective proposals.
49. The proposal would deliver social and economic benefits by providing 29 new homes in an accessible location on the edge of Stamford. In this respect, the development would make a modest contribution to meeting housing requirements and choice in the district on an allocated site whilst supporting local services and businesses. There would also be temporary economic benefits arising from the construction activity required to deliver the development.
50. The appellants identify that the Council is able to demonstrate a 5.3 year housing land supply. Many of the objectors have stated that the site is not required for housing as enough has both been allocated to the north of the town and is currently under construction. Nevertheless, the allocation within the DPD weighs in favour of the proposal, as it forms an integral part of the Council's housing supply. Although the indicative allocation was for 50 dwellings, the previous appeal decision was clear that the proposal for 48 dwellings made a significant unacceptable impact on the significance of heritage assets. It is unlikely therefore, that notwithstanding the comments of the Inspector at the time of the examination of the DPD, that the indicative number of dwellings could be achieved on site in such a way as to provide sufficient protection to the significance of the various heritage assets. While I have seen no substantive evidence to suggest that the inability to achieve 50 dwellings on the site would lead to the Council being unable to demonstrate a five year housing land supply, the reduction to 29 dwellings only would clearly have some impact on the supply figure.
51. In addition, Policy H1 of the Local Development Framework for South Kesteven Core Strategy 2010 states that housing figures are minimum levels of growth rather than maximum. Moreover, even if this site were not to be developed and the Council still had a five year housing land supply there is nothing in the Framework to suggest that the existence of a five year supply should be regarded as a restraint on further development. In this context, I attach considerable weight to the social and economic benefits identified based on the scale of development proposed.
52. Furthermore, the provision of much needed affordable housing would help to meet the needs arising in the south of the district and therefore I attach substantial weight to the benefit of the scheme in this particular regard. The scheme would also provide a large area of open space, over and above the amount required by policy within the development plan providing a modest benefit inasmuch as it could be used by nearby residents as well as future residents of the appeal scheme.

³ *R. (on the application of The Forge Field Society) and others v Sevenoaks District Council and others* [2014] EWHC 1895 (Admin)
Barnwell Manor Wind Energy Ltd v East Northants DC and others [2014] EWCA Civ 137
R (on the application of Gillian Hughes) v South Lakeland DC & Interested Parties [2014] EWHC 3979 (Admin)
Jane Mordue v Secretary of State for Communities and Local Government and others [2015] EWHC 539 (Admin)
Irving v Mid Sussex District Council : [2016] EWHC 1529 (Admin)
Steer v Secretary of State for Communities and Local Government and Others: Admn 22 Jun 20

53. In terms of the balance required by paragraph 134 of the Framework, I am satisfied that the public benefits of the proposal outweigh the less than substantial harm to the significance of the heritage assets referred to. With regard to the balance required within paragraph 135 of the Framework, I am firmly of the view that the benefits I have outline above outweigh the limited harm I have found to the setting and significance of WSCA, a non-designated heritage asset.
54. Moving on to the overall planning balance, I have identified that there would be conflict with the development plan, inasmuch as there would be some limited harm to the character and appearance of the area, related mainly to the less than substantial harm to the significance of the heritage assets. In such circumstances permission should be refused unless material considerations indicate otherwise. In this case the benefits that I have outlined above combined with the fact that this is an allocated housing site which Policy STM1 of the DPD anticipates as delivering up to 50 dwellings on the site are material considerations, the totality of which lead me to the view that they are sufficient, in this instance, to outweigh the limited harm that I have identified.
55. Therefore, for the reasons above and having regard to all other matters raised, I conclude on balance, that the appeal should be allowed.

Conditions

56. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
57. Conditions 3-7, 15, 17 and 18 are necessary to protect the character and appearance of the area and the ecology of the area. Condition 3 requires details to be approved prior to the commencement of the development to ensure that existing trees and hedgerows on the appeal site are adequately protected prior to any development occurring.
58. Conditions 8-11 are necessary to protect highway safety. Condition 12 is required to ensure safe access to the site and that it is adequately linked to the surrounding area.
59. Conditions 13 and 14 have been imposed to ensure that the site is adequately drained and does not pose a flood risk to surrounding areas. Condition 16 is required to protect residents' living conditions. Condition 19 is required to reduce the reliance of future occupiers on the private car.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1255-03 Rev K, 1255-31 Rev E, 1255-46 Rev B, 1255-47 Rev B, 1255-48 Rev A, 1255-49 Rev B, 1225-33 Rev A, 1225-35, 1225-36, 225-37, 1255-38 Rev A, 1225-50 Rev B, 1255-51 Rev A, 1255-42, 1255-41, 17117/2002 Rev A, 17117/2003 Rev C, 17117/05 202, 17117/05 201 Rev J, JBA 13/147-TS02 Rev D, JBA 13/147-01 Rev B.

Ecology/trees

- 3) Before the development hereby permitted is commenced, details of a site specific tree protection method statement and plan shall be submitted to and agreed in writing by the local planning authority. The details to be submitted shall ensure that all existing trees or hedgerows shown on the approved plan as being retained are fenced off to the limit of their root protection area or branch spread, whichever is the greater, in accordance with BS 5837. No works including:
 - i. removal of earth,
 - ii. storage of materials,
 - iii. vehicular movements or
 - iv. siting of temporary buildings

shall be permitted within these protected areas. Once agreed in writing the development shall be implemented in strict accordance with the tree protection method statement and plan. .

- 4) Before any construction work above ground is commenced, details of any soft landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
 - i) planting plans;
 - ii) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before any part of the development hereby permitted is occupied, a landscape management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) long term design objectives,
- ii) management responsibilities and
- iii) maintenance schedules for all landscape areas, other than privately owned, domestic gardens.

For a period of not less than 5 years following the first occupation of the final dwelling/unit hereby permitted, the approved Landscape Management Plan shall be adhered to in full.

- 7) The development shall be carried out in strict accordance with the recommendations and conclusions of the Phase 1 Habitat Survey dated November 2013 and the Updated Ecological Assessment undertaken by James Blake Associates Ltd dated 26th July 2016.

Highways

- 8) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
- 9) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings before the first 50m metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number 1255-03 Rev K has been completed.
- 10) Notwithstanding the road surface details shown on drawing 1255-03 Rev K, details of an alternative means of surfacing the area of road in front of plots 9 and 10 shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the houses on the plots. The road shall then be surfaced in accordance with the agreed details prior to the occupation of the houses.
- 11) No dwelling shall be occupied until the estate streets affording access to those dwellings has been completed in accordance with the Estate Street Development Plan
- 12) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until a scheme has been submitted to and agreed in writing by the local planning authority for the construction of a 1.5 metre wide footway, together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site. The agreed works shall be fully implemented before any of the dwellings are occupied, or in accordance with a phasing arrangement to be agreed in writing with the local planning authority.

Flooding and drainage

- 13) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface

water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 14) No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved.

Hard landscaping

- 15) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwellings until details of hard landscaping works shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- i) proposed finished levels and contours;
 - ii) means of enclosure (boundary treatments);
 - iii) car parking layouts;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials;
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
 - vii) .proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
 - viii) retained historic landscape features and proposals for restoration, where relevant.

The approved hard landscape works shall have been implemented prior to the occupation of all the houses.

Windows

- 16) All first floor bathroom and ensuite windows shall be obscure glazed.

Materials

- 17) Before any of the works on the external elevations for the buildings hereby permitted are begun, samples of the materials (including colour of any render, paintwork or colourwash) to be used in the construction of the external surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be completed in accordance with the approved details

Pumping station

- 18) Prior to the pumping station hereby approved being installed precise details of its external appearance and means of enclosure shall be submitted to an agreed in writing by the Local Planning Authority. The pumping station shall only be installed in accordance with the approved details.

Green Travel Plan

- 19) The approved Green Travel Plan dated October 2016 shall be adhered to as long as any part of the development is occupied and implemented in accordance with the timetable contained therein.

-----END OF CONDITIONS SCHEDULE-----