



PL.14 12/13
Planning Committee
Date 6 March 2013

Subject: Planning applications for determination

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

The report contains details of planning applications that require determination by the committee together with appropriate appendices

RECOMMENDATION(S): Each item has its own recommendation

IMPLICATIONS

Legal: None arising from this report.

Financial : None arising from this report.

Staffing : None arising from this report.

Equality and Diversity including Human Rights : The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment : None arising from this report.

Climate Related Risks and Opportunities : None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:
Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

Item 1 - Planning Application No: 128964

Proposal: Planning application for the demolition of 5 poultry sheds and the erection of 4 new poultry sheds, plus the erection of 2 new poultry sheds as a replacement for 2 previously permitted, farm office and balancing ponds plus the change of use of 2 existing poultry sheds from egg laying to broiler production.

Location: Hill Top Farm Torrington Road Lissington Lincoln, Lincolnshire LN3 5AF

RECOMMENDED DECISION: Grant permission

Item 2 - Planning Application No: 129269

PROPOSAL: Planning application for erection of 32no. dwellings, including 24no. affordable housing units

LOCATION: Land Opposite 55-77 Waterford Lane Cherry Willingham Lincoln

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.
3. The mechanisms for ensuring the affordable homes are affordable.
4. The provision and subsequent management and maintenance of public open space within the site.

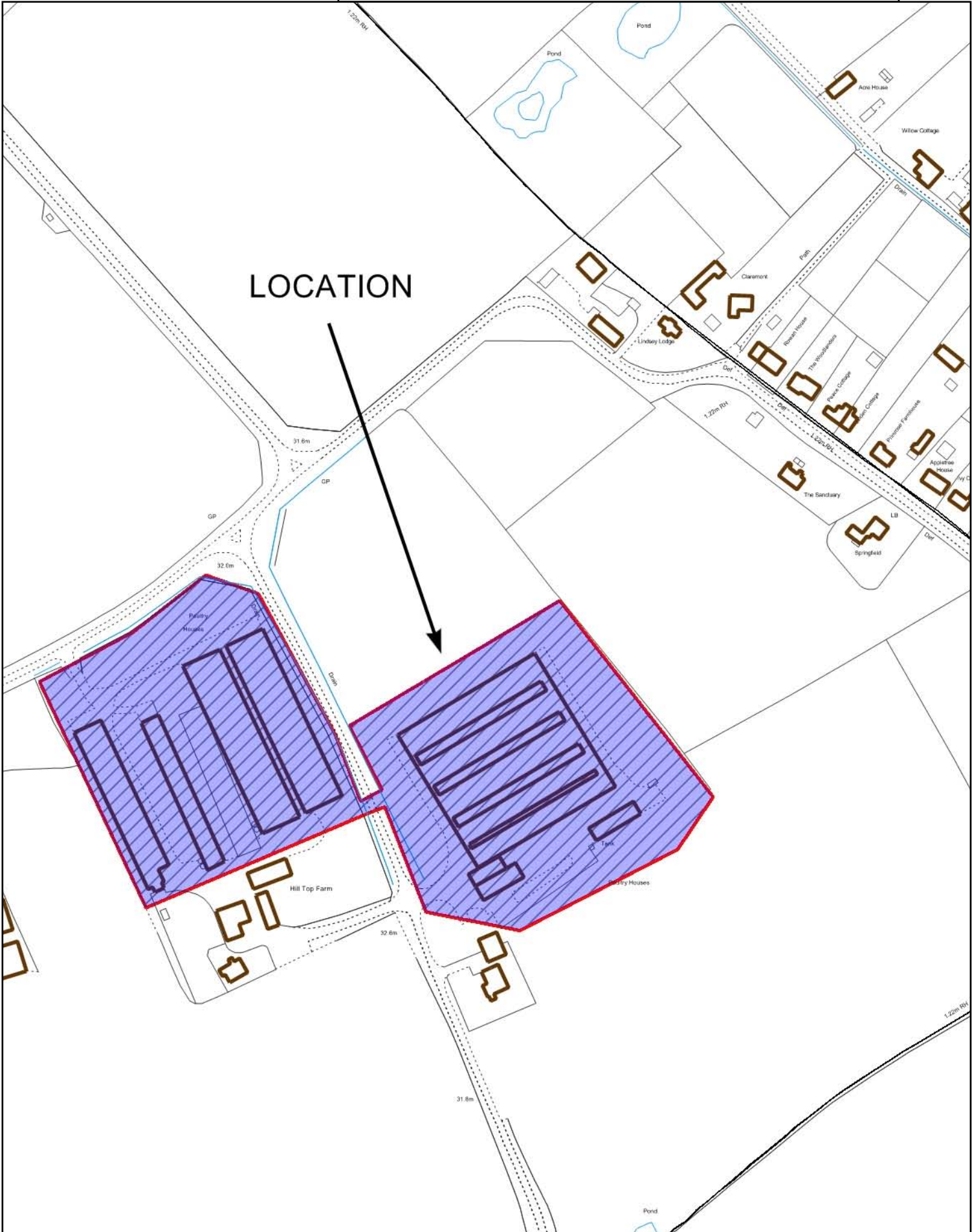
Item 3 - Planning Application No: 128773

Proposal: Planning application to erect 37 semi detached, terraced and detached dwellings

Location: Land adjacent 4 Hawthorn Road, Cherry Willingham, Lincoln LN3 4JT

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. A contribution of £205,640 towards off-site affordable housing provision
2. The provision and subsequent management and maintenance of public open space within the site.



Officers Report

Planning Application No: 128964

PROPOSAL: Planning application for the demolition of 5 poultry sheds and the erection of 4 new poultry sheds, plus the erection of 2 new poultry sheds as a replacement for 2 previously permitted, farm office and balancing ponds plus the change of use of 2 existing poultry sheds from egg laying to broiler production.

LOCATION: Hill Top Farm Torrington Road Lissington Lincoln, Lincolnshire LN3 5AF

WARD: Market Rasen

WARD MEMBER(S): Councillors Bridger and Keimach

APPLICANT NAME: Mr and Mrs John Palmer

TARGET DECISION DATE: 25/10/2012

DEVELOPMENT TYPE: Large Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Planning Permission

Description:

Site -An existing poultry farm to the west of Bleasby Moor. On the eastern side are 5 timber poultry houses, an egg packing building, office feed silos and an agricultural dwelling. The poultry houses run on a north east to south west alignment. On the western section are 2 more recently constructed steel clad poultry houses. The existing poultry farm is located in close proximity to existing housing in Bleasby Moor. There is a distance of approximately 150 metres from the rear of the older poultry sheds to the boundary with the nearest dwellings "The Sanctuary" and "Springfield" to the north east.

Proposal - The existing poultry farm is in part engaged in egg production and this application seeks to change the use of the site to one engaged in broiler production. There are two main elements to the proposal:

- Demolition of the existing 5 poultry sheds and their replacement with 4 new profile steel clad poultry units running parallel to the access on a north to south east alignment. The units are 23.2 metres wide, 85.9 metres in length with an eaves height of 2.4 metres and a ridge height of 5.6 metres. They will have roof vents with extractor fans located on the northern gable ends. Two rows of three feed silos 6.87 metres in height will be located behind the service rooms that link the units to create two pairs. At the southern end of the units a new service yard is to be laid draining to manholes and from these to a new dirty water collection tank or diverted in to a clean water system that feeds into a

new balancing and attenuation pond to the south. The maximum number of birds on this part of the site is to be 164,000 with 123,000 after thinning based on a proposed stocking density of 38 kg/m².

- The two poultry units currently used for egg production on the western part of the site were granted planning permission as part of a larger proposal for four replacement poultry houses with an integral egg packing facility and eight new replacement feed hoppers in 1999 (Ref: 98/P/1028). The construction of the units following discharge of pre commencement conditions has effectively kept the permission “live” and so planning permission is not required for the physical construction of the remaining poultry houses. The original permission limited the use of the poultry houses to egg laying units with no more than 40,000 birds. This application seeks approval to allow the two new units once built to be used for broiler production. In terms of the houses already constructed planning permission is sought to change the use of the units from egg production to broiler use. The maximum number of birds on this part of the site is proposed to be 148,000 which is estimated to fall to 111,000 after thinning. A new balancing and attenuation pond is also proposed to the north.

The growing cycle is 42 days with a 10 day cleaning and restocking period allowing for 7 cycles per annum. Litter will be loaded into trailers, covered and removed from the site. It will be disposed of by spreading on fields or sending to a specialist power station.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999:

The application is ‘EIA Development’ under the 1999 Regulations and an Environmental Statement (ES) has been submitted with the application.

Relevant history:

Four replacement poultry houses with an integral egg packing facility and eight new replacement feed hoppers (Ref: 98/P/1028). GC

893/92 - Free range poultry unit GC

W/E/217/87 – Poultry Houses GC

682/86 – Bungalow and garage GC

865/81 – Extension to poultry farm GC

Complaints were received in relation to flies and were investigated by WLDC. No conclusive evidence was found linking the problem of flies to the operation of the poultry farm.

Representations:

Chairman/Ward member(s): Cllr K. Bridger expressed concerns about the proposals particularly in respect of problems of flies

Parish/Town Council/Meeting: Letter from chairman of parish meeting and petition enclosed suggesting application is considered at planning committee

Local residents – Objections have been received from:

Appletree House, Oakside, Primrose Farm, The Woodlanders, Linden Cottage, Lyndsey Lodge, The Bungalow Top Farm, Claremont, Ash Cottage, The Man-drey, Ivy Cottage, Chapel House, Springfield, The Sanctuary, Willow Cottage, Rowan House and Lake Cottage. A petition signed by all the objectors above plus seven others has also been received.

Grounds of objection

- New scientific papers are very important as they prove conclusively that pathogens are emitted from Intensive Livestock Units', especially poultry Intensive Livestock Units', and that humans have become infected and died as a result
- Increase in heavy traffic down roads not designed for such use increasing noise, vibration and dust and safety concerns in relation to such movements
- Ugly buildings impacting on the countryside and landscape
- Noise, vehicles loading or unloading in the early hours
- Calculation of movements from existing units is overstated
- Existing view is unsatisfactory
- Noise report flawed and misleading no assessment of loading and unloading including noise from vehicles and omission of dwellings
- Noise to one person is different to another
- New development with no infrastructure
- Road network only comprises minor and unclassified roads
- Local streams and ditches will have extra nitrates to deal with and will cause eutrophication and an increase in smells
- Increased smells, more frequent clearout means more manure Fly's are an environmental and biological hazard
- 312,000 birds will cause all sorts of potential problems and diseases
- Potential for increase in cancers
- Inaccuracies in the environmental statement in relation to proximity of houses the nearest is 100 metres not 335
- Fourfold increase in birds will be significant
- Statement that 42 days does not give time for flies to breed is totally incorrect
- This year the sheds nearest us have been empty of birds and we have been able to enjoy the garden after years of being tormented by flies such that we could not even open our windows. This development will see the return of the old fly problem which has plagued all the homes along this road for years. First time in 13 summers that we have not had to cope with flies
- Proposal states that for 10 days in every 52 the houses will be emptied and cleaned, our previous experience shows that the odour is not controllable and will be significant
- Too close to the village
- Animal welfare issues
- Negative impact on property values

- 42 day growing period with 10 days emptying poultry and cleaning, 7 times in one year x 8 units is 560 days, all year round disturbance
- Feed bins are noisy
- What will happen to water run off?
- Complaints about flies lodged with West Lindsey in 2008
- Contrary to Policy CC17
- Ethical objections
- Experienced noise in the past from lorries collecting the birds in the early hours between 2 am and 5 am, distressed chicken noise from being thrown in to crates and shouting from workmen
- History of current operation illustrates negative attitude to residents, audio tests carried out by WLDC in 1987 due to very noisy feed delivery tankers , established that decibel level higher than acceptable so no deliveries before 0700 and on Sundays. System continued until recently and a phone call to EA halted Sunday deliveries. Application rejected in 1989 to erect a unit. Late nineties heavy acrid and fous smelling aroma traced to poultry unit burning stock in an incinerator, residents' and WLDC terminated this practice. 2000/01 new feed hoppers lead to big increase in noise, following complaint to unit manager noise was muffled but still audible. Flies investigated by WLDC found to be no conclusive evidence that could initiate proceedings against the owners. Entomologist conducting tests ordered employees be re-educated in fly control. Nuisance did dissipate but not to an acceptable level
- Common practice is for broiler chickens to be collected from the farm in the early hours of the morning prior to delivery to processing plant
- Completion of development would take 9 months which would mean a great deal of noise and disruption resulting in the loss of the peaceful enjoyment of our property
- Prevailing wind blows from units to our property and due to a lack of screening odour and dust will have a negative impact on our quality of life
- Greater visual screening is required
- Proposed sheds will be within 150 m from my property which is well within the 400m radius which DEFRA considers as being possibly subject to nuisance or environmental contamination
- Since the old sheds have been out of commission we have experienced both ammonia and hydrogen sulphide odours from the rest of the compound. More sheds can only add to this. The models used are theoretical as there is little meteorology information available with data from 12km away
- Feed and maintenance of balancing ponds is critical if inlet feed not correct they can be a breeding ground for pathogens
- No reference to improving the condition of existing roads in the area
- Objectors have enclosed an appeal decision dismissing a broiler farm application to support their case
- Broiler Welfare Issues

- New evidence relating to the spread of Bird Flu and the emission of airborne particulates and pathogens from Intensive Livestock Units is available in scientific papers.

One letter of support has been received from 2 Council House;

- Cannot see what the people in village have to object to the remodelling of the farm which has been there for years and was here when people came to the village. Farm will not bother us; no Lorries come through the village from the chicken farm but plenty from other farms around as well as tractors and large trailers.

LCC Highways: Do not wish to restrict the grant of planning permission
Environment Agency: Has no objection to the proposed development but wishes to make the following comments for the attention of the applicants and the District Council.

- The site is currently the subject of an Environmental Permit – BT6713IJ. The proposed changes to the type of poultry farm, buildings and number of poultry places will require a variation to the Permit and this will need to be in place prior to the stocking of the new unit. All new buildings will need to be constructed to Best Available Techniques (BAT) and the site will need to be managed in accordance with the Environment Agency's How To Comply Guidance Version 2 for Intensive Farming.

Public Protection: No objection in principle to the proposals as overall it offers significant planning gains in terms of reduced amenity impacts. Initial concerns expressed related essentially to potential for further improvements at the site however the Health Protection Agency and the Environment Agency have responded in terms of controls, best practice and regulatory oversight that will result out of the existing permit and its subsequent variation. This 'control' will be enhanced by a planning condition restricting transport and external movements to and from the site to between the hours of 07:00 and 23:00. Issues relating to dust are capable of being dealt with by imposition of conditions.

Health Protection Agency: The applicant's odour and ammonia assessments conclude that the proposed development will result in lower concentrations at nearby receptors, compared with the existing development. The applicant's noise assessment concludes that the proposal will not lead to unacceptable noise.

The applicant states that dust will not cause problems to nearby dwellings (the nearest being 150m downwind to the northeast). The application states that evidence indicates that only properties situated within 100m are at risk of exceedences of standards for particulate matter in ambient air and for dust deposition. The application does not reference this evidence or contain a quantitative assessment of predicted particulate matter concentrations at nearby receptors. It is not, therefore, possible to comment further regarding

the impact of particulate matter from this specific installation, but I have included some general information below.

Sources of PM₁₀ (particulate matter with a diameter of less than or equal to 10µm) within the intensive farming industry include feed delivery, storage and transport; dusty wastes and vehicle movements. Past studies on large poultry farms have indicated exceedences of PM₁₀ objectives of the National Air Quality Strategy to be dependant on environmental circumstances such as topography and raised background concentrations from additional PM₁₀ sources nearby. I note that, if the development is approved, a variation will be required to the installation's existing environmental permit, which is regulated by the Environment Agency. Such permits require that installations have measures in place to ensure that their activities will not lead to adverse effects on people or the environment. The use of Best Available Techniques (BAT) and good management will minimise the amount of dust released. The planning authority may wish to seek assurance from the Environment Agency that dust emissions will be appropriately controlled or seek further information from the applicant (waiting on additional comments following submission of additional information).

Relevant Development Plan Policies:

- **East Midlands Regional Plan (2009)**

Policy 18 Regional priorities for the economy

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

- **West Lindsey Local Plan First Review 2006 (Saved Policies)**

STRAT1 – Development requiring planning permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT12: Development in the Open Countryside;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

ECON 5: Intensive Livestock Units;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt7.htm>

CORE 10: Open Space and Landscaping Within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE12: Development affecting Locally Designated Nature Conservation Sites and Ancient Woodlands

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE14: Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE15: Water Quality and Supply;

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE17: Control of potentially polluting uses
<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

(Policies saved under Government Direction. Paragraph 215 of the NPPF states due weight should be given to relevant policies in existing plans according to their consistency with the NPPF. Policies are deemed to be consistent unless addressed as otherwise within the report.)

Other Relevant Policy and Guidance

- **National Planning Policy Framework (NPPF, 2012)**
 Supporting a Prosperous Rural Economy;
 Conserving and Enhancing the Natural Environment
<http://www.communities.gov.uk/publications/planningandbuilding/nppf>
- **The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (2007)**
http://www.official-documents.gov.uk/document/cm71/7169/7169_i.pdf
- **Air Quality Expert Group – Particulate Matter in the United Kingdom (2005)**
<http://archive.defra.gov.uk/environment/quality/air/airquality/publications/particulate-matter/documents/pm-summary.pdf>

Main issues

- The principle of development in this open countryside location (STRAT 1 and STRAT 12 and the National Planning Policy Framework)
- Impact of the proposals on the living conditions of nearby dwellings (STRAT 1)
- Biodiversity and Ecology (Local plan policies NBE11, NBE12)
- Water disposal and ground water pollution
- Visual Impact

Assessment:

Development in the Open Countryside and Rural Policies

The NPPF (paragraph 28) requires Local Planning Authorities to “promote the development and diversification of agricultural and other land-based rural businesses.”

The development would take place in the Open Countryside. Local Plan policy STRAT12 restricts uses to those that require an open countryside location and this is considered to be the case with the current proposal.

Policy ECON 5 states that, generally development proposals for new or expanded livestock units in the countryside will be permitted provided it is not less than 400m from a building occupied by people, which is not directly and functionally related to the enterprise. The existing poultry farm on the site is located less than 400 metres from a building occupied by people. The development would broadly take place on the footprint of the existing farm though it would have a larger land take. The poultry farm is believed to have been in operation for over thirty years going back to the 1970s and this is considered to be an important material consideration when assessing the current proposals. The NPPF (paragraph 123) requires that planning policies and decisions should aim to “recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”.

Given the above it is considered in this case that a more appropriate measure of the acceptability or otherwise of the proposals is where possible to compare the current (permitted) operation with that proposed in terms of impacts on the living conditions of nearby dwellings.

Impacts on the living conditions of nearby dwellings

Odour -The Environmental Statement (ES) incorporates an assessment of the odour impact of the existing and proposed poultry units. Odour emission rates within poultry houses depend on the odour concentration within the building and the ventilation rate to the outside atmosphere. Internal odour concentrations depend upon many factors including the number of birds housed, building design and management methods, the age of the birds and manure management techniques.

The system employed at the application site involved egg production in deep pits where the birds were traditionally housed in cages with boards beneath to catch droppings which were then scraped into the “pit” 2 to 3 three times a week. The manure remained in this lower area of the poultry house for approximately 13-15 months before it was removed. In the older wooden poultry houses the converted caged units (cages removed) operate on a slatted floor system that allow the manure to be scraped into the same pits used by the caged system. The newer sheds have been built with slats and perches and operate with a shallow pit system.

The proposed broiler system is a different operation with use of the total floor area of the poultry houses. Chopped straw and shavings are spread on the floor and the birds have full access. With modern ventilation equipment the birds litter remains dry and is regularly moved by birds. It remains in situ for approximately 42 days. The spent litter is cleared out by Bobcats and loaded directly into trailers parked just outside the doors. The trailer is then sheeted and removed from the site. In practice there is little spillage. To ensure poultry disease guidelines are adhered to and for bio security the litter is taken off the farm immediately. No manure will therefore be stored on the site, even for a short period.

The odour assessment indicates that the majority of odour emissions from the current operation will arise from the side fans fitted to the five older houses and due to the age and condition of these houses, some “fugitive” emissions are also likely. The two newer houses are ventilated via high speed ridge mounted fans, each with a short chimney. These chimneys are the primary source of odour from these houses and as they are well sealed and insulated, fugitive emissions are likely to be minimal. The proposed poultry houses would be ventilated by uncapped high speed ridge mounted fans, which would be the primary source of odour. Modern well insulated poultry houses can help to minimise odour production at source through good temperature control and manure management.

The odour modelling adopts the Environment Agency’s benchmark guideline of 3.0 European Odour Units per cubic metre of air (ou_E/m^3). Currently 14 of 21 receptors exceed 3.0 (ou_E/m^3). It is predicted that this figure will fall to 5 with the proposed development. The 5 affected although still above 3.0 (ou_E/m^3) will also see a marked improvement in terms of a significant reduction on existing levels. The following table illustrates this.

Receptor number	Existing	Proposed
1	19.2	3.4
2	21.2	3.5
3	24.0	4.3
4	23.3	4.4
5	16.8	3.5

At all receptors the modelling shows there will be a significant reduction in odour concentrations in the vicinity of Hill Top Farm. This indicates that as far as odour emissions are considered there will be a positive impact on the living conditions of nearby residents as a result of the proposal.

Noise -To assist evaluation in terms of noise a plant noise assessment was submitted in support of the application. The background noise levels used in the assessment comprised data obtained from Friday 14th September 2012 to Tuesday 18th September 2012. The noise from the proposed roof vents and from feed silo motors has been included in the assessment. The noise from the gable end fans is not included due to thermostatic control as these only come into operation a few days a year when there is a combination of very high external summer temperatures and the last week of the seven poultry rearing cycle. The receptors selected included “The Sanctuary” and “Springfield” the closest dwellings to the new poultry houses. The results show that the internal noise levels at these properties are predicted to be 18.8 dB (A) and 17.7 dB (A) respectively which are well within acceptable levels. During the day time the noise level will be less than the measured background level for all receptors.

Sleep disturbance is considered to occur at 35 dB (A) measured internally. This would translate to an external measurement of 43 dB (A) with an allowance of 10 dB (A) for attenuation through an open window and 2 dB (A) subtracted to account for the use of LA90, 10min rather than LAeq, 10min.

The night time noise levels will also be lower at all receptors than the measured background level apart from an imperceptible increase of 0.9 dB (A) at The Sanctuary from 32.9 dB (A) to 33.8 dB (A) measured externally which translates to 25.8 dB (A) measured internally, well below the sleep disturbance threshold. The noise report is helpful as it shows the noise from plant and machinery are not reasons to withhold consent. There are other forms of noise at cleanout and restocking times from vehicles arriving and departing which are typical daytime activities of any farm operation and will last approximately two to three of days every 7 weeks. The filling of the feed bins lasts about one hour and is a typical farm operation that has taken place on the site for many years.

In terms of traffic movements the ES states that on average there are 22 larger vehicles a week (44 movements). The figures do not include the consented but not built 2 sheds. The ES also contains the traffic movements that would take place for the broiler units. The weekly average is 20 larger vehicles a week although for 5 of 7 weeks it is less than this number with the heaviest activity naturally concentrated at the end of the 7 week cycle. There would be a marked improvement in 5 weeks out of 7 compared to the existing situation with a marked increase in vehicle movements currently experienced in only 1 week out of 7. On balance overall this is considered acceptable bearing in mind that the 2 consented units not built could potentially add further traffic not accounted for above. Concerns have been expressed about alleged past disturbances and noise through the night and early morning from vehicles and workers loading and unloading. This can be addressed by imposition of a condition restricting transport and external movements to and from the site to between the hours of 07:00 and 23:00 as recommended by Public Protection. Subject to this and for the reasons given above it is considered on balance that the proposals are acceptable in terms of noise impacts.

Poultry Dust (Particulates) – Within a poultry building the main sources of dust are the birds, their food and the floor litter. Dust can be dispersed via the extractor fans and there is a potential for dust when the poultry sheds are emptied and cleaned in preparation for the next “cycle”. Concerns about correlations between exposure to fine particulate and impacts on public health have led to measures to regulate atmospheric concentrations of fine particulates. Limits have been placed on Particulate Matter (PM) at a level of 10 µm (10 microns = 10 millionths of a metre), with no differentiation as to chemical specification or origin. In keeping with European limits, the UK Air Quality Strategy (2007) has set a limit of 50 µgm-3 (micrograms per cubic metre) over 24 hours not to be exceeded more than 35 times per year and a limit of 40 µgm-3 as a maximum annual mean value. With increasing distance from the source the concentration of dust particles which originate from poultry buildings will fall to a level below air quality guide-line values, and eventually be indistinguishable from normal background dust levels. Background dust levels in rural areas according to data collected from the National Air Quality Monitoring Network (2005) indicates that background dust concentrations in a rural environment are around 15 µgm-3. The applicants have submitted examples of past computer modelling (following the

comments from the Health Protection Agency) calculating dust dispersion rates from poultry buildings with calculations of the down wind concentration of particulates using the ADMS-3 atmospheric dispersion model (CERC, 1999). The results from the computer simulation show that, under typical weather conditions, average dust concentrations 100m down wind from the source are in the region of 40 μgm^{-3} , while at 200m the concentrations have fallen to 15 μgm^{-3} . Adding in the background dust levels at 100m it is predicted that the concentration will be $15 + 40 = 55 \mu\text{gm}^{-3}$, while 200m downwind the total is $15 + 15 = 30 \mu\text{gm}^{-3}$. When compared to the assumed nuisance value of 50 μgm^{-3} , the value at 100m downwind is above the limit, while at 200m the concentration is close to half the limit. At 150 metres the total would be $15 + 15 + 12.5 = 42.5 \mu\text{gm}^{-3}$ and 125 metres the total would be $15 + 15 + 18.75 = 48.75 \mu\text{gm}^{-3}$ also below the nuisance level. Given this and subject to a specific condition requiring measures for the attenuation of dust to be submitted, approved and implemented this is not considered a reason to withhold consent.

Construction and Demolition impacts - The proposed development programme of the site indicates that it will take 9 months to be completed. To avoid a prolonged impact on residents it will be necessary to limit demolition and construction works to between 0730 and 1800 hours Mondays to Fridays and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the local planning authority beforehand. In addition to this conditions will also be imposed requiring a Construction Method Statement to be submitted for approval and subsequent implementation. This will cover measures to control the emission of dust and dirt during construction, the loading and unloading of plant and materials, the storage of plant and materials used in constructing the development, the parking of vehicles of site operatives and visitors and wheel washing facilities. It is considered that these measures are sufficient to safeguard amenity.

Biodiversity and Ecology

The NPPF (paragraph 109) states that the planning system should contribute to and enhance the natural and local environment by:

- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Local plan policies NBE11 and NBE12 seek to protect nationally and locally designated sites. The ES incorporates a Phase 1 Habitat and Protected Species Survey. It concludes the site predominantly comprises habitats of low to medium conservation value, being dominated by improved grassland, bare ground, buildings and scattered trees and hedgerows. None of the habitats within the site interior or the species they contain are particularly ecologically rare or of high quality. The combination of hedgerows, scattered trees, woodland, pond and reed bed and semi improved grassland does offer a range of food and refuge to wildlife. There is the potential for the site to be used by bats, birds, badgers and reptiles at least for foraging for food.

The report concludes the ecological significance of the areas is moderate in the short term (during demolition clearance and construction) provided appropriate steps are taken to mitigate any short term threats to wildlife that maybe present on the site. In the long term the ecological value of the site has the potential to be enhanced with new landscaping (that can be secured by condition) and management of existing habits. The study recommends a Construction Environmental Management Plan (CEMP) is produced to address mitigation measures during construction and post-construction. A number of mitigation measures are indicated such as timing of construction and site clearance (outside the bird nesting season) and construction method statements produced for each of the ecological issues identified in the submitted report.

Ammonia Impact - The ES contains a detailed assessment of the Ammonia impact of the existing and proposed poultry units. The report acknowledges that high concentrations of ammonia can lead to direct damage to woodlands (i.e. leaf scorching and loss) and excessive nitrogen deposition can lead to acidification of soils and eutrophication (artificial nitrates in water bodies leading to excessive algae growth). Particular attention was paid to the levels at Eleanor Wood, Bleasby Wood, Lady Wood and Scrubb Wood approximately 1.5 km to the north east and north west of the application site.

The report shows that currently there are five receptors which show exceedences of 50% of the Critical Level of $1 \mu\text{g}\cdot\text{m}^{-3}$ (micrograms per cubic metre). These are positioned on the edge of Eleanor Wood, Bleasby Wood, and Lady Wood. The modelling shows that the ammonia emissions would decrease as a result of the current proposals and that no receptors where ammonia concentration is predicted to exceed 50% of the Critical Level. This clearly represents an improvement over the existing situation.

It is considered that, subject to a planning condition to secure the proposed CEMP that the development would be unlikely to have a significant adverse impact upon any designated habitat or protected species. The development would accord with Local Plan policy NBE12.

Water Disposal and Groundwater Pollution

The ES notes the development would increase impermeable hard surfacing at the farm by 18% on the eastern section of the site where the 4 new broiler houses are to be located on the site of the existing wooden ones. It will increase by 7% on the western side after the construction of the remaining 2 units. The ES indicates two 863m^3 volume balancing / attenuation ponds would be employed, in order to accommodate a 1 in 100 year rainfall event. French stone drains would be employed to direct water run-off to the pond. Water would then be discharged, at an attenuated rate via a 100 mm diameter pipe, to the land drains.

The new block of four units has a service yard with four gravitational manholes feeding a sealed dirty water collection tank that holds 53m^3 . This would be kept separate from the clean water system via a diverter valve. The remaining two units to the west will have a service yard with two gravitational

manholes feeding the existing sealed dirty water collection tank. This would also be kept separate from the clean water system via a diverter valve.

It is considered that the water disposal and drainage methods are acceptable and would mitigate against the risk of flooding and water contamination.

Visual Impact

The site is located within the open countryside in an area dominated by arable farming with no significant woodland planting although enclosed by mature hedgerows. There are mature trees along the northern and western edges of the 5 older poultry houses on the eastern section of the site closest to Bleasby Moor. There are clear views from the rear of the dwellings along this stretch of road onto the older poultry houses beyond the existing hedge and trees. From the north views of the older poultry sheds are not available due to existing natural screening either side of the main access to the site. The roofs of the existing newer sheds can be seen above the existing hedge and longer distance views of the sheds are available from the north. More distant views of the existing buildings and feed silos are available from the south west and south east and form part of the existing landscape setting. The previously granted planning permission under which two of the poultry houses on the western half of the site are to be built considered the impact of those buildings on the landscape at the time.

The key consideration is therefore the impact of the 4 new poultry sheds on the eastern half of the site. These are to be largely sited on the footprint of the older poultry houses although the footprint of the buildings increases by 5 metres to the north and 15 metres to the east. The buildings although covering a larger floor area would be less intrusive in the landscape as the new buildings are not as high as the older poultry houses which have an eaves height of approximately 5 metres (compared to 2.3 metres) rising to a ridge height of approximately 7 metres (compared to 5.6 metres). The existing feed bins are a prominent feature in the landscape due to a height of approximately 10 metres plus (compared to 6.87 metres) and their positioning between each poultry unit at the ends of the poultry houses on the eastern side closest to the dwellings in Bleasby Moor. They dominate the view from the east along the entire span of the sheds. Due to the new layout with the sheds running north to south it is possible to provide two parallel rows of three feed bins within a much more compact area between the sheds at the southern end rather than spread along the entire span of the sheds. This positioning over 10 metres further to the west than the existing ones together with the smaller height ensures the impact on the landscape and the outlook for residents is an improvement on the existing setting which is dominated by the larger sheds and high feed bins. This can be further improved by additional landscaping next to the existing hedgerow along the boundary which can be secured by condition.

Some trees will be lost on the western side of the older poultry sheds although this can be compensated for by additional replacement planting both to assist screening and to provide more opportunities for increased bio diversity and ecology on the site in line with the recommendations of the protected species

report. This can be secured by the use of appropriate conditions. It is important to note that any landscape proposal cannot totally screen the 4 new poultry sheds site nor would it be considered reasonable to expect to do so given the current visibility of the older sheds. What the landscaping will do in combination with the reduced height of the new sheds and the new layout is to integrate the development within the wider landscape more successfully than is considered to be the case at present. The visual impact of the proposals is not considered to represent a reason to withhold consent.

Objectors Comments

Some of the comments are addressed in the assessment above. Comments in relation animal welfare, property prices and ethical objections are not relevant planning considerations. It is accepted that the modelling by its nature is theoretical.

Health risks and new scientific research - Reference is made to the possibility of transmission to human's and other fatal consequences'. This is a matter that is considered to be one more appropriately addressed by the Environment Agency as they will decide whether to grant a variation to the existing permit which will be required in order to be able to implement any approval. The EA has a list of statutory consultees and they have confirmed that they will formally consult the Health Protection Agency as part of their determination process and the EA will also publicize any application to vary the permit at the appropriate time. The operation of the poultry farm is subject to the Integrated Pollution Prevention and Control (IPPC) Directive. "This requires each installation to have a permit containing emission limit values and other conditions based on the application of Best Available Techniques (BAT) to minimize emission of pollutants likely to be emitted in significant quantities to air, water or land" (DEFRA Website). This issue is not considered to be a matter on which consent can be withheld.

Roads -The comments in relation to the condition of the roads are noted however no objection is raised to the proposals by the Highways and Transportation department of the County Council, the Highways Authority.

Flies – This is an issue that was investigated in the past by WLDC in terms of taking action if it was a "statutory nuisance" and by the EA under the terms of the environmental permit. No evidence was found that pointed to the poultry farm as being the cause of the problems referred to. Flies are attracted to manure and the damper and moister it is the more attractive it is to flies. The proposed broiler system is a different operation to that in place at the moment with use of the total floor area of the poultry houses. Chopped straw and shavings are spread on the floor and the birds have full access. With modern ventilation equipment the birds litter remains dry and is regularly moved by birds. It remains in situ for approximately 42 days. The spent litter is cleared out by Bobcats and loaded directly into trailers parked just outside the doors. Given this it not considered that the problems of flies would be likely to arise. If it did the matter would be capable of being investigated by WLDC and EA.

Intensification of numbers – The planning permission for the new sheds on the western half of the site limits the number of birds to 40,000, whilst the current proposals seek a maximum of 312,000. To provide some context to this under the current system the hens that arrive on the site are 16 weeks old (point of egg lay) with an average weight of 2000g (2 kg). Under the proposed system the broiler chicks would on arrival weigh an average of 40g (0.04kg) rising to 900g (0.9kg) at 4 weeks and 1850g (1.85kg) on departure. This is a different operational model and so direct comparisons in terms of numbers are not considered particularly appropriate.

Conclusion and reason for decision

This is a long established poultry farm business that falls within 400 metres of nearby housing and the acceptability or otherwise of these proposals is considered to rest on a comparison of the existing situation on the ground with that forecast to arise if the proposals were to be approved. The application has shown that the level of odour will be well below existing levels and will represent a marked improvement. Similarly ammonia and nitrogen deposits would be at lower levels than at present. Subject to ensuring no arrivals or departures outside the hours of 0700 to 2300 and additional conditions in relation to dust mitigation and attenuation and the need for a construction method statement to be submitted, agreed and implemented it is considered that the impact on the living conditions of neighbours is within acceptable levels and will be below that currently experienced and so is considered an improvement on the existing situation. The new units will have a smaller visual presence in the countryside than the larger units that are to be demolished and with additional planting and landscaping will help ameliorate their impact. Subject to appropriate mitigation the development should not have an unacceptable effect upon any habitats or protected species. The requirement for additional landscaping will also provide opportunities for biodiversity enhancement. Therefore having assessed the application against the Development Plan in the first instance and specifically policies STRAT 1 - Development Requiring Planning Permission, STRAT12- Development in the Open Countryside, ECON 5- Intensive Livestock Units, NBE10- Protection of Landscape Character in Development Proposals, NBE12- Development affecting Locally Designated Nature Conservation Sites and Ancient Woodlands, NBE14- Waste Water Disposal, NBE15- Water Quality and Supply and NBE17- Control of potentially polluting uses of the West Lindsey Local Plan First Review 2006(Saved Policies) as well as against all other material considerations including the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework a grant of conditional planning approval is considered the most appropriate outcome.

Recommendation: Grant planning permission subject to the conditions below

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. 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:

1. the parking of vehicles of site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. wheel washing facilities
5. measures to control the emission of dust and dirt during construction

Reason: To protect the amenities of nearby residential properties and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

3. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP), has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall be undertaken in accordance with the recommendations of the Extended Phase 1 Habitat and Protected Species Survey by Eco-Check Consultancy Ltd dated June 2012, including proposals for biodiversity enhancement and habitat creation.

Reason: To ensure adequate measures to protect and mitigate habitats and protected species and to accord with Policy NBE 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

4. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, fencing and walling, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development and to provide increased opportunities for biodiversity on the site is provided in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

Conditions which apply or are to be observed during the course of the development:

5. The development shall be carried out in accordance with the measures stated in the mitigation section of the Extended Phase 1 Habitat and Protected Species Survey dated June 2012.

Reason: To ensure that the ecological value of the site is maintained and enhanced and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review June 2006 (Saved Policies)

6. The development shall be carried out in accordance with the approved construction method statement as referred to in condition 2 above.

Reason: To protect the amenities of nearby residential properties and to accord with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

7. The development shall be carried out in accordance with the approved construction environmental management plan as referred to in condition 3 above.

Reason: To ensure adequate measures to protect and mitigate habitats and protected species and to accord with Policy NBE 12 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the National Planning Policy Framework.

8. Demolition and/or Construction works shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed to in writing by the Local Planning Authority beforehand.

Reason: To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).

Conditions which apply or relate to matters which are to be observed following completion of the development:

9. The approved development shall not be brought into use until a dust attenuation scheme has been submitted to and approved in writing by the Local Planning Authority. All subsequent operations at the site shall be in accordance with the approved details.

Reason: To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season

following the occupation of the building(s) 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 and retained thereafter.

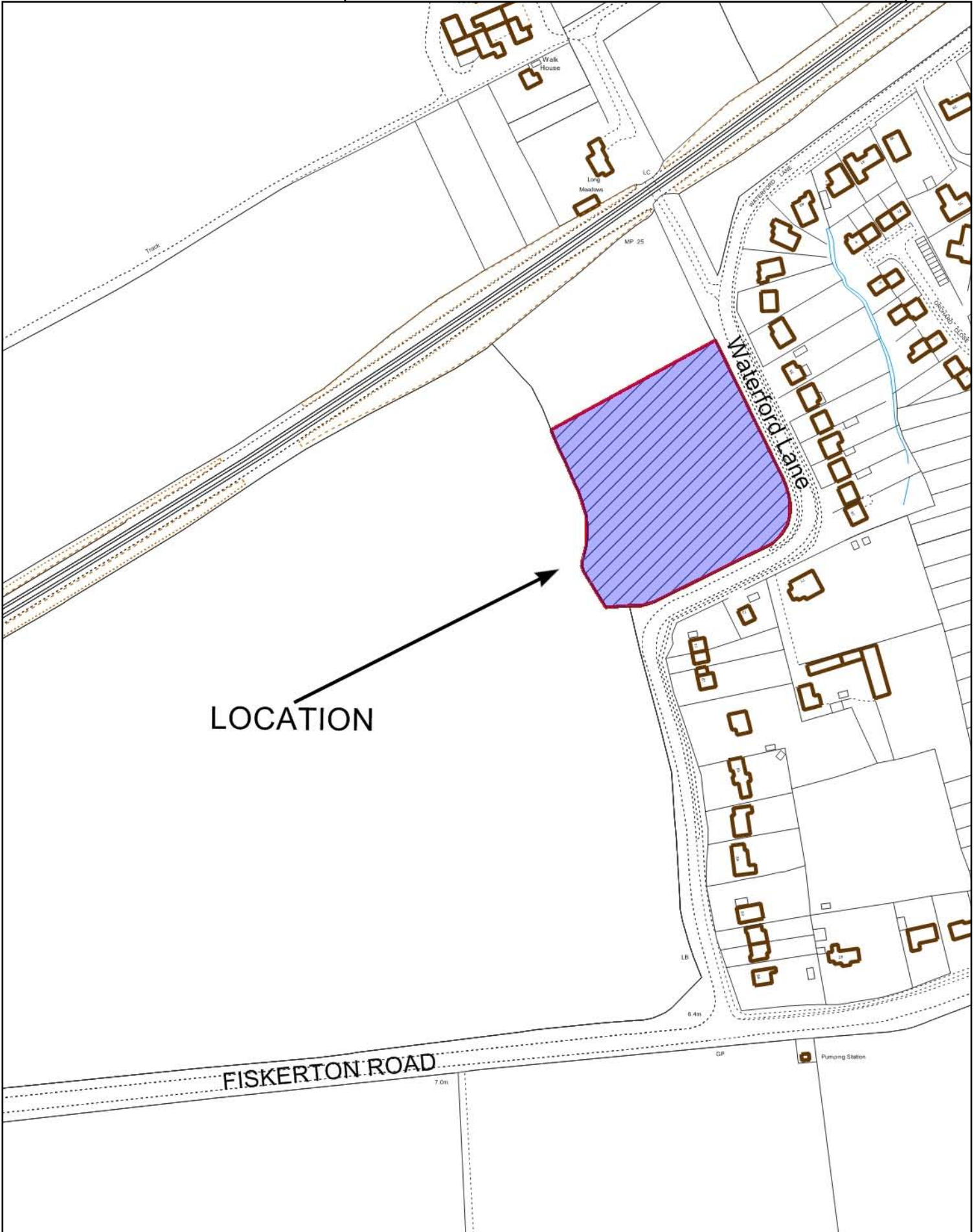
Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and biodiversity and in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

11. The development shall not be brought into use until the approved surface water and foul drainage scheme has been provided. It shall thereafter be retained and maintained.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent localised flooding and the pollution of the water environment in accordance with Policies STRAT1 and NBE14 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and to accord with the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

12. There shall be no loading or unloading of vehicles and no commercial arrivals or departures from the site outside the hours of 0700 to 2300.

Reason: To protect the amenity of the occupants of nearby dwellings and in accordance with policy STRAT1 of West Lindsey Local Plan First Review 2006 (Saved Policies).



Officer's Report

Planning Application No: 129269

PROPOSAL: Planning application for erection of 32no. dwellings, including 24no. affordable housing units

LOCATION: Land Opposite 55-77 Waterford Lane Cherry Willingham Lincoln

WARD: Cherry Willingham

WARD MEMBER(S): Councillors Mrs Parrott and Mrs Welburn

APPLICANT NAME: Lindum Group Ltd.

TARGET DECISION DATE: 22/01/2013

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: Simon Sharp

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.
2. The criteria for the first and subsequent occupancy of the affordable homes.
3. The mechanisms for ensuring the affordable homes are affordable .
4. The provision and subsequent management and maintenance of public open space within the site.

Description:

- **Site** – The site currently extends to just over one hectare (2.5 acres) of agricultural land to the west of Waterford Lane on the edge of the village of Cherry Willingham. To the north is the remaining part of the field not within the application site boundary, beyond which is the Lincoln to Market Rasen railway line raised on an embankment. To the west is open countryside in agricultural use. To the east, on the opposite side of Waterford Lane, are existing dwellings, predominantly bungalows. To the south is existing residential development including the new housing site at 71, Waterford Lane, currently under construction.
The land slopes down from east to west to a riparian watercourse that flows north to south towards Fiskerton Road.
- **Proposal** – The proposed development is for the erection of 32 dwellings to be accessed by a single vehicular access from Waterford Lane at a point to the south of the existing bus stop and opposite Nos.

51 and 53, Waterford Lane. The access road is proposed to be adopted. The housing mix proposed is as follows:-

- 4 No. 1-bed (large bedroom), single storey dwellings arranged as a single terraced cluster, all for affordable housing (social rent) (plots 25 to 28).
- 4 No. 1-bed, single storey dwellings arranged as a single terraced cluster, all for affordable housing (social rent) (plots 29 to 32).
- 8 No. 2-bed single storey dwellings arranged in two clusters of 4 dwellings, all for affordable housing (social rent) (plots 1 to 8)
- 2 No. 2-bed, 2 storey semi-detached houses for affordable housing (social rent) (plots 21 & 22).
- 3 No. 3-bed, 2 storey semi-detached houses for affordable housing (social rent) (plots 11 to 13).
- 1 No. 4-bed, 2 storey semi-detached house for affordable housing (social rent) (plot 14).
- 2 No. 2-bed, 2 storey semi-detached houses for affordable housing (shared ownership) (plots 23 & 24).
- 6 No. 2-bed, 2 storey semi-detached houses for the open market (plots 15 to 20)
- 2 No. 3-bed, 2 storey semi-detached houses for the open market (plots 9 and 10)

Public open space is proposed within the southwest quadrant of the site. This includes a pond which is part of the proposed sustainable drainage system. It is proposed that surface water from the site that does not percolate into the soil will drain into the pond. In turn, the pond will drain into the existing watercourse at a controlled rate.

The latest draft of the section 106 agreement is appended to this report.

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history

No relevant formal planning history for the site. The pre-application process is described and assessed in the Assessment section of this report. Reference is also made in that section to two planning permissions granted in the last

five years for affordable housing schemes on the edge of Saxilby and North Kelsey

Representations:

Chair/Ward Members – No written comments received.

Cherry Willingham PC - The application has locally been greeted with significant controversy such that the Parish Council committed to undertaking a more formal public consultation exercise with open days and evenings being held in the village just before Christmas. The events were well attended. The views expressed by village residents strongly reaffirmed this Parish Council's initial strong opposition to the proposal, with unanimous objection being raised.

The principal points of concern were that the development was outside of the village boundary, would be harmful to the village character and setting, increased traffic issues and increased risk of flooding through existing inadequate drainage provision in the village.

Residents were advised to present their views direct to WLDC and others chose to leave their comments with the Parish Council to be forwarded accordingly.

Such representations have/will be forwarded under separate cover.

The consultation events have also allowed for further consideration of the proposal by this Council, who wish to reiterate their strong objection to the submission.

In particular the following comments are made:

1. Cherry Willingham is identified in the Local Plan as a Primary Rural settlement with an identified village boundary. The site falls outside the boundary in an open countryside location where new housing is restricted by Policy STRAT 12. The proposal is therefore contrary to this policy.
2. We are aware that Policy RES 7 allows for rural exceptions housing in small rural communities, but that policy does not apply to settlements such as Cherry Willingham.
3. The proposed development on a greenfield site in the countryside is not therefore supported by planning policy.
4. The Parish Council accepts that a housing needs survey has identified an affordable housing need in the village, but is equally aware that the obligation to provide such housing as part of developments already permitted and in more appropriately planned locations have been waived by planning officers.
5. The Parish Council contends that there are more suited sites for provision of such housing that would not result in the same level of harm to the village character and planning wishes of the village community. Please be aware that the village is well advanced in the adoption of a Community Plan (CW2020) and has now committed to the preparation of a Neighbourhood Plan which will build on that work. Evidence obtained through the Community Plan process confirmed a

- village desire to protect its boundaries with the open countryside and for any future development to be better located for shops and village services than this site would be – it is effectively as far away from shops and the Community School as it is possible to be in the village.
6. There are more suitable sites for such development within the village. It is understood that other sites were originally identified and favoured by your officers, who had indicated that they would revisit discussions with those landowners. The Parish Council has had no feedback in that respect.
 7. Work is now progressing on the new Local Plan for Central Lincolnshire whereby there will be detailed consideration of potential sites for allocation. The draft policies in the Local Plan suggest that these will be identified through the Neighbourhood Plan process and through dialogue with local communities. To enable properly planned and balanced development for the benefit of the village, this process should be used to determine suitable sites. The Parish Council is extremely cynical that this proposal and its argument for satisfying a particular local need is being used to undermine that proper process for identifying the most suitable sites. Indeed it is known that the site is currently being promoted for general housing purposes (believed to be in excess of 50 dwellings) through the Local Plan process. The granting of a planning permission for this proposal would alter the context and character of the site such that the release of the adjacent area would become inevitable. This should be properly considered through the Local Plan or Neighbourhood Plan process.
 8. If the proposal is genuinely only to respond to a local need then the Parish Council queries why the most prominent part of the site is being developed. Presumably (as above) this is done to better safeguard development opportunity on the adjacent land.
 9. The Parish Council commissioned a Landscape Character Assessment for the site (the exercise is also intended to be rolled out to provide evidence for the preparation of a Neighbourhood Plan). The assessment concluded that there were sites within and at the edge of the village that had less sensitivity and that the site had landscape importance for views into and from the village. It is considered that development of this site would undermine that sensitivity and be harmful to the setting of the village. The site is prominently located on the opposite side of the road to the settlement edge such that the development would clearly be seen as an incursion into the open countryside. This would be particularly noticeable from approaches along Fiskerton Road and would not be mitigated in an acceptable way by any landscaping, because of the site topography. It is considered that the proposal therefore would conflict with Policy STRAT1 (vi) of the Local Plan causing harm to the character of the area and visually encroaching into the countryside.
 10. The proposal does not accord with requirements and objectives of policy NBE20 of the Local plan as it detracts from the rural character of the settlement edge and the countryside beyond. The proposed development would appear intrusive and conspicuous in views of the

strong village edge which is in part defined by the simple relationship of dwellings facing outwards onto the open countryside.

11. As has been expressed in previous submission, the Parish Council and residents are extremely concerned about flooding issues in the locality being worsened by any additional development. There have been a number of surface water flood events in recent years with particular impact being felt further down Waterford Lane and on Fiskerton Road. This, in part, is believed to be as a result of the existing inadequate and overstretched drainage system in the village that has been further compromised by the amount of new development in recent years. It is considered that such infrastructure issues need to be properly assessed and used to inform the properly planned development of the village generally (eg through the Neighbourhood Plan). There is real concern locally about the adequacy of infrastructure and services in the village.
12. Residents have raised serious concerns about traffic generation and highway safety particularly with reference to other new developments in the vicinity. There is a history of accidents and near collisions in this area of Waterford Lane partly caused by the reality of drivers travelling too fast (a major problem in this village whereby it is often used as a rat run). Additional vehicle movements and junctions onto Waterford Lane will increase this risk. The issue is also not just about speed and highway capacity and safety, but also about a change in the character of the road (it is relevant to note that it is in fact a 'Lane'). The proposed development will further erode that character not just in appearance but also through the increase in traffic and gradually changing role for Waterford Lane itself which provides a traditional informal village access route and edge.

In conclusion, the Parish Council for the reasons identified above, strongly objects to this proposal which it considers is unjustified and extremely harmful to the character and proper planning of development in the village. The support of the Planning Committee in refusing this proposal is therefore implored.

The Council is not opposed to an appropriate development satisfying an identified local housing need, but considers that this should be brought forward in a properly planned way through the emerging local plan or preferably the Neighbourhood Plan route.

Residents: Representations received from 27, 39, 49, 51, 53, 59, 61, 63, 67, 77 Waterford Lane; 9, Sycamore Close; 10, Lime Grove; 3, 14 Fern Grove; 14, Fiskerton Road; 33, Church Lane; 7 St. Mark's Avenue; 8, 19, 28, Larkin Avenue; Middleway; 4, Newstead Avenue; 24, High Street; 20, Laburnum Drive; 85, Lady Meers Road; 1, Dale Avenue (in some cases multiple representations have been received from the one address). A summary of the objections/comments is as follows (not all of the objections apply to all of the representations received):-

- The majority of residents oppose this application.
- The village needs additional affordable homes but they are being delivered elsewhere already, there are better sites and the “usual excuses” will be used not to deliver them on the site anyway which will end up being completely open market housing.
- The infrastructure (schools, doctors, shops, etc) of the village, which is already stretched to its limits by the developments in recent years of the Lady Meers estates, the Jubilee development and others on Croft Lane, the development already passed on Waterford Lane and this development. In the last 25 yrs the village has grown significantly, but the infrastructure remains the same and is inadequate for the growing population. You can't keep squeezing housing in without helping the long term residents with improved infrastructure.
- This application would, if granted, extend the boundary of the village towards Lincoln which would eventually engulf Cherry Willingham to be part of Greater Lincoln thus losing its present rural location.
- Many existing affordable homes estates are run down and an eyesore.
- With 75% of the properties for rent, it is highly unlikely that they will be restricted to the residents of Cherry Willingham
- It is right on the edge of the village which, considering the proposed occupants, would present difficulties regarding access to shopping, schools, doctors etc
- The road infrastructure would be unable to cope with the tremendous increase in traffic coming from this development, in addition to the very recently passed development due to commence already on Waterford Lane and the new proposed Marina development.
- There is a disproportionate amount of 'social housing', in comparison to other developments, far more than the required amount.
- Majority of residents are of retirement age, the target residents for new development will not integrate very well with the existing community of this area of the village.
- There has been provision for flooding but, after witnessing the flooding a few years ago, we are not convinced that this will be adequate, especially as we predict that there will be further plans submitted for the rest of the field; it will not be left to pasture.
- There are also other infrastructure problems; we predict that, when there is a power shortage the proposed development would be one of the first to suffer.
- Entrance to the estate from Waterford Lane would present traffic hazards both to occupiers and passing traffic. The lane itself is only just wide enough for commercial vehicles to pass each other with extreme caution and the access is between two very dangerous bends. We have had a great number of accidents in this area which have included damage to actual properties, gardens, drives, fences, parked cars and utilities to name but a few. The visibility sightlines are inadequate.
- The one car parking space per property is not enough these days and where will visitors park?

- There is an entrance to the main Lincoln/Grimsby railway line for maintenance provision on this stretch of road and it is not unknown for there to be anything up to twenty vehicles parked on the road.
- The construction period will be a danger to motorists and existing residents; we already have a long ongoing development in the area at 71, Waterford Lane.
- There will be an increased number of vehicles coming from the site with their view and headlights beaming directly into main rooms of dwellings opposite.
- Overlooking of dwellings opposite.
- Better other sites could include the fields near Lady Meers or using the new marina access.
- What will happen to the bus stops?

Anglian Water – The foul drainage from this development is in the catchment of Reepham Sewage Treatment Works which currently has capacity. The sewerage system has capacity. Surface water disposal should be to a sustainable drainage system such as SUDS with disposal to the sewers seen as the last option.

Environment Agency – “The surface water scheme for the proposed development will form part of an integral element of a wider flood risk reduction scheme for the Cherry Willingham area. The scheme for this site is particularly important as it will be discharging into a watercourse which has caused historic flooding downstream of the site.

The original Flood Risk Assessment plus the Addendum dated December 2012 have provided evidence to support the recommendations for the proposed scheme. This evidence underpins the sizing of the attenuation pond, control structure and proposed channel profile for the improvement works. The submitted information is adequate to demonstrate that the proposed scheme is feasible and addresses the issues of flood risk and that the development will not impact third parties and will reduce the risk of flooding overall.

Accordingly we have no objection to the application subject to the necessary measures being secured by means of planning conditions.”

LCC Archaeology – There is a possible Romano-British farmstead at Cherry Willingham and occupation continued right through the Anglo-Saxon period with evidence of settlement dating to the C5th to C10th and a sunken hut likely to date from the C9th. There is also evidence of an iron smelting furnace probably of this date. By the time of the Domesday Survey, Cherry Willingham had 2 manors, a Church with a priest, 2 fisheries and a population of 20 villiens and 2 sokemen. Cherry Willingham was never a large settlement in the Medieval period but it is recorded as having 63 persons over the age of 14 in 1377 which demonstrates that it had not succumbed to post Black Death abandonment at that time.

In this context it is recommended that any permission forthcoming be subject to a condition requiring an archaeological scheme of works.

Lincolnshire Police

- Boundary - The perimeter of the site and all rear gardens should be secured with a robust fence without footholds, to a minimum height of 1800 mm. The rails to any timber fence should face the properties. All footpaths to the rear of the properties should be gated with the gate being within 300 mm of the front line of the dwellings.
- Lighting - All roads shall be provided with lighting in accordance with details to be submitted to and approved in writing by the district planning authority.
- Landscaping - Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any tree should be pruned to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

WLDC Environmental Protection

- The site is in close proximity of a railway and, as such, noise and vibration will have some effect on residential amenity. Advise any permission should be the subject of a condition requiring a noise and vibration report to be submitted with any mitigation measures identified implemented.
- The railway is a potential contaminative use. Advise informative be attached to any permission.

Policy

The Development Plan

- East Midlands Regional Plan 2009 (RSS8)
 - 1 - Regional Core Objectives
 - 2 - Promoting Better Design
 - 3 - Distribution of New Development
 - 4 - Development in the Eastern Sub-area Policy 13a – Regional housing provision
 - 14 – Affordable housing

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

This plan has yet to be abolished.

- West Lindsey Local Plan First Review 2006 (saved policies - 2009). The site is outside of the settlement limit for Cherry Willingham and is therefore defined as being open countryside. The following policies are considered applicable:-

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

STRAT 12 Development in the open countryside

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

SUS4 – Cycle and pedestrian routes in development proposals

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

SUS 7 Building materials and components

<http://www2.west-lindsey.gov.uk/localplan/written/cpt4.htm>

RES 1 Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 5 Provision of play space/recreational facilities in new residential development.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES6 Affordable housing provision

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

CORE 10 Open Space and Landscaping

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE10 Protection of Landscape character and Areas of Great Landscape Value.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE20 Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012. This is because, although adopted in 2006, the plan was adopted under the 1990 Act and not the 2004 Planning and Compulsory Purchase Act 2004. Therefore, the Local Plan does not benefit from the 12 month period of full weight afforded to plans adopted under the 2004 Act (para 214 and footnote 39 of the NPPF apply).

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Local

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

These plan policies are afforded little weight given that the plan policies have been the subject of objections following the initial consultation. The Plan is due to undergo an Examination in Public later this year.

- West Lindsey Corporate Plan 2011-2014
<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>

Assessment

Principle

The West Lindsey Local Plan First Review was drafted in 2003 and adopted in 2006. It remains part of the development plan and contains a suite of strategic (STRAT) and residential (RES) policies that, together with other development plan policies within the East Midlands Regional Plan 2009 and national planning policy, are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's growth objectives. These strategic policies together with policy RES6 of the Local Plan Review were originally designed to deliver the majority of open market and affordable homes through allocated sites identified in the same Plan. Other sites would be permitted within settlement limits in the towns and larger, so called Primary Rural Settlements, but there were and still are policies designed to permit housing outside of settlement limits. These include where there is a local need for specific housing, where a countryside use such as farming has identified a functional need and in other exceptional circumstances where material considerations could justify development in locations deemed to be unsustainable. Policy RES7 was included to acknowledge that there would be a need to deliver "exceptions sites" for affordable housing in small and subsidiary rural settlements (as defined by policy STRAT3) to respond to an identified need for such housing in these settlements. Towns and Primary Rural Settlements such as Cherry Willingham were explicitly excluded from the provisions of policy RES7 as the allocations included within policy STRAT2 were designed to deliver not only the open market housing to meet the Council's housing strategy but also a quantum of affordable housing to meet local need. This is because policy RES6 required the Council to seek delivery of around 25% of the total number of dwellings within each allocated site to be affordable homes.

The failure of this framework to deliver affordable homes to respond to specific need in many, although by no means all settlements in West Lindsey is due to a number of factors. These include:-

- Slow delivery rates or no delivery, largely because of subdued market conditions and/or the desire of house builders to control supply and/or the inability of smaller housebuilders to deliver the larger allocated sites within the Plan period.
- The rigid application of the 25% quantum in some cases which delivered affordable housing but not necessarily affordable housing that responded to the specific local need identified and/or in the right settlement.
- The lack of delivery or under delivery of the affordable housing due to weight being afforded to other considerations such as an objective to complete a site to deliver the needed open-market housing to realise the growth ambitions of the Council and national government policy.
- A demonstration that the delivery of the affordable housing resulted in the overall site development not being viable. Such an viability appraisal includes an assessment of the costs of delivery of a site and estimated revenues to deliver a quantum of affordable housing within a scheme. Members should be aware that officers explore all avenues available to deliver the affordable housing including external funding and later phased delivery of the affordable housing but sometimes, even after examination of these other possible solutions, it is not viable to deliver affordable housing. This can be largely down to the subdued revenues experienced in West Lindsey but can also be affected by abnormal infrastructure costs. The cost of buying the land, say at the peak of the market and then the developer wishing to deliver the housing during a dip in the market (to maintain cash flow) is a particular factor although “over paying” for the site acquisition at the peak of the market should not alone be a determining factor in justifying the lack of delivery of affordable homes.

Some members may recall that, in response to the lack of delivery in such Primary Rural Settlements, housing has been delivered beyond the defined Local Plan Review settlement limit in both Saxilby and North Kelsey. The Saxilby site on Church Lane has now been delivered following the allowing of an appeal whilst the North Kelsey site on Brigg Road was granted permission by members at Planning Committee following an amendment to the housing types.

Such sites can be delivered to meet need but the process is rather developer led and therefore does not necessarily respond at a specific time to the needs of that time or in the right place.

To respond to this issue and specifically the lack of delivery in the larger settlements where such development could be sustainable, Council officers led by the Strategic Housing team embarked on a process that is still ongoing to identify need through surveys, calls for land, assessments of that land and facilitated delivery with stakeholders such as housing associations.

The process for Cherry Willingham is summarised in the table below:-

Date	Action
September 2010	Meeting held between Lindum Group and WLDC

	officers to explain process in relation to the delivery of affordable housing
January and February 2011	Independent Housing Needs Survey carried out by Community Lincs
March 2011	Findings of survey published
April/May 2011	Call for land carried out
July 2011	2 sites submitted and assessed by WLDC officer team.
July 2011	Rural Housing Enabler from Community Lincs visited sites with representatives of Cherry Willingham Parish Council. Informal views received
July 2011	Landowners of both proposed sites met with officers from Housing and Development Management
August 2011	Mix of housing (tenure and type) for proposed development agreed and shared with both landowners
December 2011 to October 2012	Meetings held with Developer and Registered Provider regarding viability, mix and design
April 2012	WLDC attended Parish Council to update on progress
May 2012	Rural Housing Enabler attended meeting with Parish Council representatives – acknowledgement of housing need, Waterford Lane not preferred site, issues with design of tabled scheme
September 2012	Public Consultation event held
October 2012	Application submitted for Waterford Lane

Members may have noted that a developer, Lindum Group was involved at an early stage in this case and it is this developer that has an interest in one of the sites that came forward following the call for land (the current application site). It also should be noted that the survey was not commissioned by WLDC but by the Lindum Group. However, when Council officers met with representatives from the Lindum Group in September 2010 the open, transparent and neutrality of the process was clearly explained including the following:-

- A need must be evidenced by means of a Parish wide survey
- WLDC had no plans in the immediate future to commission a survey in Cherry Willingham
- Some developers/landowners choose to commission surveys themselves
- The Authority would consider whether any identified need could be met on allocated sites
- Others developers/landowners would be invited to bring forward alternative land through a call for land process
- All land would be assessed in terms of suitability and deliverability for affordable housing

In other words, although Lindum Group may have paid for the survey the process was “owned” and facilitated by West Lindsey DC to deliver any needed affordable homes in appropriate locations. It was made clear that this

may result in not all and even none of any identified housing needed being delivered on Waterford Lane and the survey being used by other developers to deliver the required housing.

The reason why the Council had no plans to commission a survey in Cherry Willingham was not because it was not considered there wasn't any need in the village, but rather in the context of limited resources, it was prudent and beneficial for the Council to commission surveys for settlements which were a known priority for affordable housing but our own housing register didn't necessarily highlight that need and where developer/landowner financing of the survey was unlikely to come forward.

The Parish Housing Needs Survey carried out by Community Lincs between January 20th and February 21st 2011 identified a need for affordable housing. The findings were published in the Cherry Willingham Affordable Housing Needs Survey Report in March 2011.

The survey identified a need for an additional seventeen 17 units of affordable housing. At the same time, of the 174 households registered on the West Lindsey Housing Register for affordable housing in Cherry Willingham, 13 were identified as having a direct local connection to the village. Of those 13, there were 4 households that responded to the housing needs survey and therefore, avoiding double counting, it was concluded that there could be an additional 9 households in housing need giving a total register plus survey need of 26 units. The requirement for a survey in addition to the need identified on the Housing Register is because, as occurred with Cherry Willingham, some of the actual need is hidden from the Register. There are many reasons for this including the lack of awareness of the need to register, personal reasons for not appearing on the register at any one time and the fact that the register only captures need for affordable dwelling types that already exist in the village. This is because it is a tool for identifying people to be housed within existing affordable housing that may become vacant as opposed to a reflection of the actual need. Therefore, without the survey the need for a particular house type, such as a small bungalow, may never be revealed just because such homes do not exist in the village. This will give rise to perpetual need.

The call for land was carried out in Cherry Willingham whereby the land opposite 55-77 Waterford Lane was brought forward along with 1 other piece of land at Rudgard Avenue close to the centre of the village. Both sites were assessed by officers from the Housing and Development Management services at the Council. This assessment process is part of the usual process carried out by officers at West Lindsey when looking to identify land suitable for the delivery of affordable housing. The process identifies any major constraints there may be. In this instance both pieces of land were assessed as being suitable and deliverable for the purposes of affordable housing. At no time do officers rank sites in any order of priority and this was the case here. The assessment was also carried out on a "non-prejudicial basis" with it being made clear that it would be ultimately this Committee's decision and not officers as to whether planning permission was granted following the assessment of all material considerations.

Representatives of the Parish Council were invited to do a 'walkabout' of the sites with the Rural Housing Enabler employed by Community Lincs. Informal feedback was received by officers. It was noted by officers that the alternative land at Rudgard Avenue was the preferred site for the Parish Council.

Meetings were then held separately with both landowners who were advised that a housing need for 26 units of affordable housing had been identified. Both were further advised that, as both sites were outside the settlement limit that any scheme brought forward must respond to the evidenced housing need and provide the exact mix of affordable properties which had been specified by the Strategic Housing Team as a result of both the survey and the housing register. They were informed that, in the context of viability, an element of market housing would be permitted to enable the delivery of the affordable housing subject to all other funding streams being investigated such as grants, that the open book viability appraisal demonstrated that the open market element proposed was the minimum required to deliver the affordable housing and that there would need to be phasing restrictions to ensure delivery of the affordable houses.

No further communication has been received from the second landowner in relation to bringing their land forward to meet this specific housing need.

It is acknowledged that the housing register data is subject to change but throughout the development process there are on going checks with the West Lindsey Home Choices Team to ensure that there is and will be in the future an identifiable housing need in Cherry Willingham. Members are referred to the description section of this report for the mix of housing proposed. The Council's Strategic Housing team have stated that "we are confident that this mix meets the identified need and will deliver a scheme which is acceptable in terms of both build and allocating the properties."

It is also accepted that housing is being delivered elsewhere in Cherry Willingham and that some of this is affordable housing. However, the Strategic Housing Team state that "the West Lindsey Home Choices Team see Cherry Willingham as one of the most sought after and sustainable villages in West Lindsey for affordable housing and continually see a high level of housing need from the housing register which they feel will continue in the future. It is therefore our opinion that there is sufficient housing need to deliver this scheme and other affordable housing development in Cherry Willingham."

In summary, despite the site being beyond the settlement limit and on greenfield land, it is considered that the principle of the proposal can be supported as the proposal responds to an identified need and the open market housing is required to enable the delivery of the affordable housing (predicted costings and revenues have been assessed by WLDC officers and are considered reasonable) . No other sites are being brought forward by landowners to meet the outstanding need.

Sustainability of the location

Ensuring that development is sustainable is the key theme of the NPPF and a also a material consideration within policies 1 and 3 of the Regional Plan and policies STRAT1, SUS4 and RES1 of the Local Plan Review.

The site is on the edge of the village. A timed walk between the site and the village centre (shops adjacent to the level crossing) at a pace to reflect varying abilities and the carrying of a shopping bag and accompaniment by children including the pushing of a pushchair took 11 minutes. The return journey took the same time, this journey being down hill but the walker likely to be more encumbered by full rather than empty shopping bags. There is a segregated pavement with dropped kerbs for road crossings for the entire length of the route although a new crossing and pavements would have to be provided on the site frontage and within the site. The journey time to the primary school is shorter, although the time taken to reach the secondary school is a further 5 minutes (total 16 minutes). It is acknowledged that this is a relatively long walk for a village and the Rudgard Avenue site actually adjoins the village centre. However, the times are not markedly different and, if anything, shorter than those timed for the Church Lane, Saxilby site allowed on appeal. To recall, the times recorded there were:-

- Nearest bus stops (both ways) on Church Road – 6 mins
- Co-operative Store – 11 mins.
- Village Hall – 15 mins.
- Railway Station – 17 mins

The current application site also benefits from a regular bus service connecting the site directly to the village centre and the secondary school as well as Lincoln city centre and the general hospital. This service allows for trips to be undertaken to places of work in the city centre for normal working hours as well as during the day for shopping, school or medical appointments. Therefore, despite being beyond the settlement limit the site is considered to be in a sustainable location. In this context the parking provision proposed is considered to be acceptable.

Flood risk and drainage

There are three different issues that need to be considered relating to flood risk; the sequential preference for sites not at high risk of fluvial flooding, the risk of surface water flooding and the need for foul water to be disposed of via the public sewer. These matters are partially addressed in policy NBE14 relating to waste water disposal, but the main policy considerations are now included within the National Planning Policy Framework and its accompanying Technical Guidance.

With regards to main fluvial flooding, the main thrust of the NPPF, stated in paragraph 101, is to locate development in areas which are at lowest probability of flooding (zone 1), the so called “sequential test.” The site falls within this zone 1 and so the development passes this sequential test.

Turning to surface water drainage, it is noted that many of the representations received cite issues of existing houses within the vicinity having suffered from flooding. In this context, members are advised that it is not reasonable to expect the proposed development to respond to issues that are not attributed to it and only the impact of the development itself can be considered.

Therefore, the issues relating to the culverting of the watercourse to the east of the site cannot be addressed.

What is of relevance is the impact on the watercourse to the south of the site. Council officers, Lincolnshire County Council, the Environment Agency and the Internal Drainage Board have adopted a multi-agency approach in relation to this development's impact. It is noted that the relative levels of the site in contrast to the surrounding areas mean that the residential areas to the east and southeast of the site would not be affected by the development; these areas are upstream of the point where the watercourse that the application site drains into meets the watercourse that surface water from these existing housing areas drain into. The issue is therefore whether the development of the site would result in a volume of water and/or runoff rate that results in an increase in the flooding to properties on Waterford Lane and Fiskerton Road to the south of the site.

The strategy to respond to this issue is for water which is not able to percolate into the ground to drain into surface water sewers within the site (to be adopted by Anglian Water) which, in turn, will feed into an attenuation pond within the southwest corner of the site (set within the public open space). Discharge from this pond into the existing watercourse at a point in the south-western corner of the site will be controlled by a throttle to limit the run-off rate. The pond is sized to cope with the volume of water associated with a 1 in 100 year event (allowing an additional 30% allowance for climate change) so storm water can be stored within the site and not overflow the throttle and place pressure on the watercourse downstream and possible flood existing dwellings.

Members will note from the Representations section of this report that all agencies have agreed in principle to this strategy and the submitted plan, Flood Risk Assessment and other particulars have demonstrated how this strategy will work within the layout. It is therefore reasonable to require the remaining specific details to be the subject of a condition.

Finally, with regard to foul water, it is proposed to discharge into the adopted mains sewer which is the preferred method (circular 3/99 applies) and Anglian Water have confirmed in writing that there is capacity both within the existing system and at the sewage treatment works.

Design, landscaping and visual impact.

These are considerations detailed in policy 3 of the Regional Plan and policies STRAT1, RES1, CORE10 and NBE20 of the Local Plan Review, the latter specifically relevant due to the edge of settlement location. All of the above Local Plan Review policies are afforded significant weight as they echo the general thrust of the NPPF in relation to good design.

The area to the east and south of the site is characterised by a suburban feel. The bungalows to the east are relatively low in height and do not impose themselves onto the streetscene. They are also quite conservative in appearance, unobtrusive and have been developed at a density of approximately 15 units to the hectare. The low roof heights and the fact that the ground floor levels are lower than the road level also results in them being unobtrusive and having little visual impact when viewed from more distant viewpoints to the west along Fiskerton Road.

There is an eclectic mix of houses to the south, but again they have been developed over a period of time to a low density, the relatively low coverage of building to plot size compared with the higher density development found elsewhere in the village and the setback of many of the dwellings from the road resulting in none of them being imposing or intrusive within the streetscene despite the rather large scale of some of the dwellings. Their impact from longer distance views from the west along Fiskerton Road is also lessened by the hedge on the west side of Waterford Lane to the south of the application site.

In contrast the site is clearly visible from Fiskerton Road and the topography means that all but the western edge of the development will be visible if landscape screening is planted adjoining the western boundary. Similarly, the significantly higher density of development proposed, approximately 30 dwellings to the hectare compared with the existing 15 dwellings to the hectare, will mean that there will be less potential for natural landscaping to soften the impact of the development and help the transition between suburbia and open countryside. Nevertheless, despite these factors, it is considered that the impact of the development proposed can be restricted as the proposal includes the following attributes:-

- The siting of single storey dwellings on the higher ground on the eastern part of the site, not only ensures no overdominance when viewed from Waterford Lane but also reduces the impact significantly on the skyline when viewed from Fiskerton Road.
- Limiting the height of the buildings to two storeys, so that the higher proposed houses will largely be viewed against the backdrop of the hillside and bungalows when viewed from Fiskerton Road.
- Including only traditional brick faced and gabled roof forms that have the ability to assimilate into the existing roofscape of this part of Cherry Willingham.
- Including layout motifs such as the turning loop around a tree and a tree lined verge which are so typical of lower density suburban layouts including those within Cherry Willingham.
- The provision of public open space and a 4m wide landscaping buffer not only for the benefit of wildlife but also to maintain the visual characteristics of Waterford Lane between the bends to the south of the site.

These proposed characteristics are also considered to mitigate the impact of the development when viewed from the railway line.

It is accepted that this is a finely balanced matter and the site will, throughout the year, be visible from Fiskerton Road. However, with the appropriate detailing through the careful use of materials and a comprehensive landscaping plan based upon the locations for planting annotated on the submitted drawings, it is considered that the development will appropriately respond to the prominent setting.

It is also considered that as the site will be no further west than the section of Waterford Lane to the south, onto which houses front, the development will not constitute an intrusive extension to the countryside. Nor will it significantly erode into the countryside gap between the village and Lincoln to the west, the gap being an acknowledged as an important asset in retaining the separate identity of Cherry Willingham.

Finally, the comments from the Police Architectural Liaison Officer are noted, but to create the desired character and limit the visual impact, it is considered that the suggested height limitations are unreasonable.

Highway safety

This is a consideration detailed in policies STRAT1 and RES1 of the Local Plan Review and many of the representations received have referred to the bends within the vicinity of the site access, the proximity of the existing bus stop and the access on the corner of Waterford Lane to the north used by permanent way workers for the railway.

Waterford Lane is the subject of a 30 mph speed limit. This speed limit and the bends limit overall speeds on this part of the road. Therefore, whilst it is accepted that there will be incidents of motorists exceeding the statutory limit, it is appropriate to assess the proposed access arrangements to the standard of a maximum speed of 30mph. In this context, it is noted that the visibility southwards from the proposed access is limited by the relatively short distance to the bend but the County Highways Authority have confirmed that the area of visibility splay within the highway verge and site is acceptable. The same conclusions have been reached for the visibility northwards given the greater distance to the bend in that direction and that oncoming traffic on Waterford Lane is on the opposite side of the carriageway. It is acknowledged that a bus stopping at the bus stop would significantly reduce visibility, but this would be for a short period of time and it would not be reasonable to withhold permission on those grounds. A similar consideration applies the occasional use of the access to the north by the permanent way workers.

The widths of the roads, location and widths of pavements, radii of road curves, gradients and visibility splays within the development are all considered to be acceptable and would allow for adoption by the County Highways Authority. Their implantation to the necessary standard, including those of the access arrangements and pedestrian link to the bus stop can be the subject of conditions.

Residential amenity

This is a consideration detailed in policies STRAT1 and RES1 of the Local Plan Review.

Examination of the proposal and the existing site context reveals that the existing dwellings that could be potentially affected by issues such as overlooking, overshadowing and noise and disturbance are those on Waterford Lane to the east.

With regards to overlooking it is noted that the rooms served by windows on the front, west elevation of these existing dwellings are already overlooked from the road. It is accepted that pedestrians and motorists may not linger in the same way as someone may do if they look out of a window from one of the proposed dwellings. However, the view would be more distant with the road in between. The nearest proposed dwellings are also single storey and, therefore, would not afford a view downwards into the rooms of the dwellings opposite which could be considered more intrusive.

The positioning of single storey dwellings nearest the eastern boundary of the site and the fact that the land falls away sharply to the western boundary will ensure no significant overshadowing of the existing dwellings despite the afternoon sun being “behind” the proposed development.

A representation has been received relating to headlight glare shining into the two existing dwellings opposite the proposed access. This is an amenity consideration, but is not considered to such that permission should be withheld.

Finally, given the modest amount of development proposed and the existing use of Waterford Lane by vehicles including buses, it is not considered that there will be a significant increase in noise and disturbance resulting from the development.

Other matters

The issue of **prematurity** in relation to the preparation of a Neighbourhood Plan for the village is a similar consideration to that of the emergence of the Draft Core Strategy. A Neighbourhood Plan will become a development plan document following its adoption through the statutory process. At such time significant weight would be attached to it as a material consideration; indeed decisions should be made in accordance with the development plan unless material considerations indicate otherwise. However, at this juncture there is no Neighbourhood Plan, not even in draft form and, whilst Members may wish to afford some weight to the Community Plan, CW2020, it is the officers' advice that there are overriding considerations detailed in this report that are afforded significant weight and limited weight should be afforded to CW2020.

With regards to **alternative sites**, it is acknowledged that there is another site off Rudgard Avenue within the village which, following a site assessment as part of the call for land process was considered appropriate for affordable housing. However, members are advised that this site is not being pursued by the landowner at this time, the outstanding need for delivering affordable housing cannot be delivered within the existing housing sites within the village

such as Jubilee Close and this current proposal must be considered on its own merits.

The **occupation of the affordable housing** would be the subject of a section 106 agreement. The latest, detailed draft of this agreement is appended to this report and members will note how the clauses firstly prioritise residents in need from the village, then the surrounding villages and so on. Similar clauses were used in North Kelsey and Saxilby.

The County Historic Environment Team have advised that there is potential for **archaeology** within the site but this is likely to be of a level that does not require pre-determination investigation but rather can be the subject of a condition.

Finally, given the elevated nature of the railway line and the distance to the site it is considered unreasonable to require **sound attenuation** as part of the development.

Conclusion

The application has been considered against the provisions of the development plan in the first instance, specifically policies 1 - Regional Core Objectives, 2 - Promoting Better Design, 3 - Distribution of New Development, 4 - Development in the Eastern Sub-area Policy 13a – Regional housing provision and 14 – Affordable housing of the East Midlands Regional Plan 2009 and saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the open countryside, SUS4 – Cycle and pedestrian routes in development proposals SUS 7 Building materials and components, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes RES 5 Provision of play space/recreational facilities in new residential development, RES6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE10 Protection of Landscape character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework which has been afforded significant weight especially the presumption in favour of sustainable development. The Draft Partial Central Lincolnshire Joint Core Strategy (2012) was also considered but little weight afforded to it.

In light of this assessment it is considered that the development is acceptable subject to the imposition of conditions and the completion and signing of the section 106 agreement.

Specifically, notwithstanding the fact that the site is outside of the settlement limit in the Local Plan Review and therefore policy STRAT12 applies and that the site constitutes greenfield land (the lowest category for land release

defined by policy STRAT9), the site is still considered to an appropriate location for a development which enables affordable housing to be delivered to respond to an outstanding need where no other sites are coming forward to meet that need. The site location on the edge of the village is sustainable in terms of it being adjacent to a regular bus service connecting it to the hospital, Lincoln City Centre and employment providers and approximately 11 minutes walk from the village centre which provides a range of services and facilities. It is also within reasonable walking distance of the village primary and secondary schools.

Material considerations such as visual impact and highway safety can be appropriately mitigated by conditions but the plans and particulars submitted show how the development responds to these issues.

RECOMMENDATION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

- 1. Which homes are affordable and when they are delivered in the context of the delivery of the open-market homes.**
- 2. The criteria for the first and subsequent occupancy of the affordable homes.**
- 3. The mechanisms for ensuring the affordable homes are affordable.**
- 4. The provision and subsequent management and maintenance of public open space within the site.**

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development of the dwellings hereby approved shall take place until details of the external facing materials to be used for them have been submitted to and approved in writing by the local planning authority

Reason: The approved plans and forms provide sufficient evidence in principle that the materials to be used will ensure that the visual amenity of the area will be preserved. However, the specification of colours and finishes to be agreed leaves some degree of uncertainty and this condition is required to ensure those specific details to be agreed to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework (2012).

4. No development shall take place until details have been submitted to and approved in writing by the local planning authority of a scheme for the disposal of surface water from the site based upon the principles contained within the Flood Risk Assessment prepared by Stirling Maynard dated October 2012 and its Addendum dated December 2012 specifically:-
- Discharge from surface water pipes into the detention basin as annotated on drawing 4615/00/01 (appendix H of the FRA).
 - A level of on-site permeability, on-site pipe capacity, detention basin volume and on-site pipe outfall control mechanism that limits the surface water run-off rate to a maximum of no more than the existing greenfield rate assuming a 1 in 100 year event (plus 30% allowance for climate change)

Reason: The submitted Flood Risk Assessment and its addendum have demonstrated a sustainable strategy for the discharge of water from the site at a rate no greater than the existing runoff rate assuming a 1 in 100 year event (plus 30% allowance for climate change). However, it is reasonable to require further specificity to the details in accordance with the National Planning Policy Framework (2012) to reduce the risk of flooding as a result of the development to future occupants of the site and existing residents in the locality.

5. No development shall take place until a detailed specification for the vehicular access to the site and the pedestrian linkage to the existing bus stop within the limits of the existing adopted highway have been submitted to and approved in writing by the local planning authority. The said access and link shall be completed prior to the first occupation of any of the dwellings hereby approved and thereafter retained.

Reason: In the interests of highway safety and sustainability and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

6. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 3 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

Conditions which apply or are to be observed during the course of the development:

7. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 3.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

8. Following the archaeological site work referred to in condition 7 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

9. The report referred to in condition 8 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012).

10. The dwellings hereby approved shall be externally faced using materials the details of which shall have been previously approved in writing by the local planning authority as required by condition 2.

Reason: In the interests of the visual amenity of the area and to accord with policies STRAT1 and RES1 of the West Lindsey Local Plan First Review 2006 and the provisions of the National Planning Policy Framework 2012.

11. None of the dwellings hereby approved shall be first occupied until the roads and footways shaded blue on the approved drawing 4097L/10/11 Rev B have been completed to a specification previously submitted to and approved in writing by the local planning authority. The said roads and footways shall then be completed to surface course level to an adoptable standard prior to the occupation of the penultimate dwelling. The said roads and footways shall thereafter be retained.

Reason: In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

12. The dwellings annotated as plots 6, 7, 9, 10, 11, 12, 13 and 14 on the approved drawing 4097L/10/11 Rev B shall not be first occupied until the private accesses shaded grey on the same said plan have been completed to a specification the details of which shall have been previously submitted to and approved in writing by the local planning authority. The private accesses shall thereafter be retained.

Reason: In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

13. None of the dwellings hereby approved shall be first be first occupied until the residents parking provision area for that dwelling as shaded orange on the approved drawing 4097L/10/11 Rev B has been completed to a specification the details of which shall have been previously submitted to and approved in writing by the local planning authority. The private accesses shall thereafter be retained.

Reason: In the interests of highway safety and to accord with policy STRAT1 of the West Lindsey Local Plan First Review 2006.

14. None of the dwellings hereby approved shall be first occupied until a landscaping scheme to include tree planting at the locations marked in dark green on the approved drawing 4097L/10/11 Rev B and a 4m buffer strip within the area marked hatched on the same said plan has been submitted to and approved in writing by the local planning authority. The scheme shall also include a timetable for the implementation of the landscaping and a methodology for its future maintenance. The landscaping shall be planted and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that, together with the public open space, an appropriate level and type of soft landscaping is provided within the development given the site's prominent, edge of settlement location and to accord with policies STRAT1, RES1, CORE10 and NBE20 of the West Lindsey Local Plan First Review 2006.

Conditions which apply or relate to matters which are to be observed following completion of the development

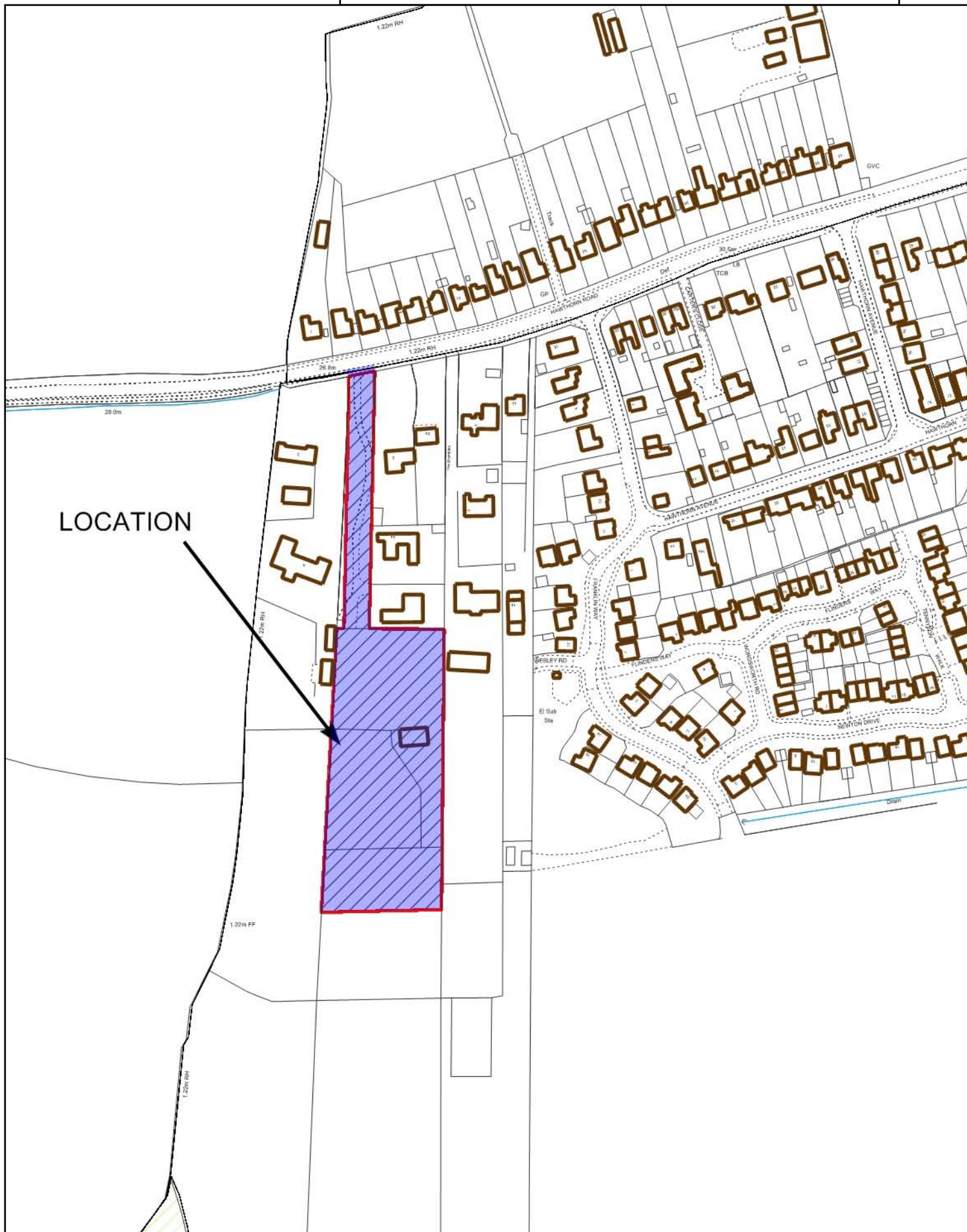
None

Human Rights Implications:

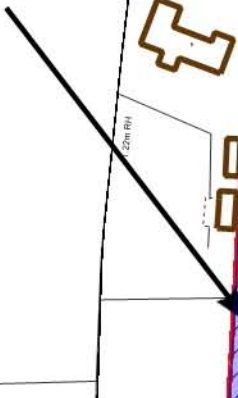
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



LOCATION



Officers Report

Planning Application No: 128773

PROPOSAL: Planning application to erect 37no. semi detached, terraced and detached dwellings

LOCATION: Land adj 4 Hawthorn Road Cherry Willingham Lincoln LN3 4JT

WARD: Cherry Willingham

WARD MEMBER(S): Councillors Mrs A Parrott and Mrs Welburn

APPLICANT NAME: Mr C Barnett

TARGET DECISION DATE: 13/09/2012

DEVELOPMENT TYPE: Small Major - Dwellings

CASE OFFICER: George Backovic

RECOMMENDED DECISION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. A contribution of £205,640 towards off-site affordable housing provision
2. The provision and subsequent management and maintenance of public open space within the site.

Introduction

The site is located on the western edge of the Hawthorn Road area of Cherry Willingham. It is accessed off Hawthorn Road between numbers 2 and 6 Hawthorn Road leading to a roughly rectangular shaped parcel of land currently used as a paddock with a stable block on the site. It is enclosed with existing vegetation and trees and forms the central part of a larger site allocated for housing (site HA1) by the West Lindsey Local Plan First Review (2006). To the east two planning permissions have been granted on an area of land encompassing the allocated site and extending southwards beyond it for a total of 30 houses (Ref 127687 and 127688). The southern limit of the application site goes beyond the site allocation and matches that of the consented site. To the south is open countryside. The site covers an area of 0.98 hectares.

Proposal

- 24 No. two bed dwellings in the form of 16 semi-detached houses, a single detached 1 and a half storey dwelling, a terrace of three houses and one of four
- 10 No. four bed houses in the form of 8 semi-detached two and a half storey houses and two detached houses
- 3 No. three bed two and a half storey houses in the form of a single terrace.
- £205,640 off-site affordable housing contribution

- On site public open space with maintenance to be controlled through a management company.
- All shared private areas and street lighting outside the limits of the adopted highway will be controlled through a management company.
- Existing access from Hawthorn Road to be utilised and improved to adoptable standards
- Vehicular access stub road to enable future development of the remaining allocated land to the west and a connection to the previously consented allocated site to the east

Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011:

The development has been assessed in the context of Schedule 2 of the Regulations and after taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Neither is the site within a sensitive area as defined in Regulation 2(1). Therefore the development is not 'EIA development'.

Relevant history: Planning permission was granted across approximately two thirds of the Local Plan First Review allocation for 31 dwellings (124343) although other older permissions exist.

Representations:

Chairman/Ward member(s): Councillor Welburn requested the application be determined by the Planning Committee

Cherry Willingham Parish Council: No objection to the principle of development on this allocated site providing that the total number of houses on for the allocated area does not exceed Local Plan site requirements and that affordable housing in full accordance with adopted policy requirements is provided in a manner that responds specifically to the need as identified by the village Housing Needs Survey. It is noted that the extent of the application site extends beyond that of the allocated area. Consequently it is considered that justification for this can only be legitimised on the basis of compliance with the issues above. Although it is accepted that the scheme purports to respond to the permission granted on the adjacent site the design and layout is more suited to an urban location.

Reepham Parish Council: No comments

Local residents: Representations objecting to the proposals have been received from 7 neighbouring addresses; 2, 3, 4, 4A and 5 Hawthorn Road, 12 Franklin Way and 3, The Brambles:-

- Out of keeping with the local area
- High density
- More than double the housing envisaged
- Car dependent
- Not sustainable no public transport or facilities
- The site extends beyond the allocation in the Local Plan.
- Road Safety concerns
- Drainage issues

- Cycle way will have to cross estate road
- Impact on trees
- The Public Open Space is located next to a road
- No footpath
- Habitats
- Site boundaries incorrect
- Housing Supply
- Existing access from Wesley Road is inadequate

An assessment of the proposed highway and access arrangements was commissioned by a resident and submitted in support of the objections. This states that when assessed against the information contained on the Lincolnshire County Council website that the development would not comply with the requirements of the Highways Authority and that the access and estate road would not meet the requirements of the Lincolnshire Design Guide for Residential Areas

LCC Highways: Do not object subject to the imposition of suggested conditions.

Environment Agency: Object due to the absence of a Flood Risk Assessment

Archaeology: No objections

Environment: There are no trees of merit within or along the boundaries of this application site. The large Norway maple on the westerly boundary is of poor quality, and is not good enough to quality for a TPO or to insist on its retention. I have no objections to the proposed development, in principle, but tree protection measures should be used for the trees down the westerly boundary and for the trees to be retained along the access driveway. Appropriate fencing should be erected and not moved throughout construction works. Details on the position of any tree protective fencing and type of fencing should be submitted for approval prior to works commencing, as the fencing should be in place before works starts. Hedgerow infill planting using native plants characteristic to the area is required along the boundary hedgerows in areas where the existing hedgerows are thin or have gaps.

Housing and Communities: Taking into consideration the difficulty of getting a response from a Registered Provider regarding the scheme and how the delivery of small numbers of affordable housing may be problematic in management terms for a Registered Provider we suggest that an off site contribution would be an acceptable alternative in this instance. Based on the viability appraisal figures delivered we suggest that in lieu of these units an off site contribution of £205,640.00 is required. We agree to the contribution being staggered with 25% being payable upon the sale of the 5th property, an additional 25% after the 10th and so on until 100% has been paid on the sale of the 20th property.

Crime Prevention Design Adviser: Rear gardens should be secured with a robust fence, before the development is bought into use street lighting needs to be provided in accordance with approved details and landscaping should be kept to a minimum height of one metre with trees no more than 2 metres.

Policy

The Development Plan

- East Midlands Regional Plan 2009 (RSS8)
 - 1 - Regional Core Objectives
 - 2 - Promoting Better Design
 - 3 - Distribution of New Development
 - 4 - Development in the Eastern Sub-area Policy 13a – Regional housing provision
 - 14 – Affordable housing

http://webarchive.nationalarchives.gov.uk/20100528142817/http://www.gos.gov.uk/497296/docs/229865/East_Midlands_Regional_Plan2.pdf

This plan has yet to be abolished.

- West Lindsey Local Plan First Review 2006 (saved policies - 2009).

STRAT 1 Development Requiring Planning Permission

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 2 Residential Allocations

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 3 Settlement hierarchy

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3a.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<http://www2.west-lindsey.gov.uk/localplan/written/cpt3b.htm>

RES 1 Housing Layout and Design

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 2 Range of housing provision in all housing schemes

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 5 Provision of play space/recreational facilities in new residential development.

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES6 Affordable housing provision

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

CORE 10 Open Space and Landscaping

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE10 Protection of Landscape character

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE20 Development on the edge of settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

The above policies were saved in 2009 but the weight afforded to them must be considered in the context of their conformity with the National Planning Policy Framework 2012.

National

- National Planning Policy Framework (2012)
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Technical Guidance to the National Planning Policy Framework (2012)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf

Local

- Draft Partial Central Lincolnshire Joint Core Strategy (2012)
<http://www.central-lincs.org.uk/>

These plan policies are afforded little weight given that the plan policies have been the subject of objections following the initial consultation. The Plan is due to undergo an Examination in Public later this year.

- West Lindsey Corporate Plan 2011-2014
<http://www.west-lindsey.gov.uk/your-council/how-the-council-works/key-plans-policies-and-strategies/corporate-plan/105221.article?tab=downloads>

Main issues

- Principle
- Visual intrusion into countryside
- Design & Layout
- Flood risk and drainage
- Access and highways

Assessment

Principle including housing supply

The principle of residential development has been accepted on that part of the site that falls within the allocation and the issue then rests on the number of dwellings proposed compared to the allocation. The southern end of the site which lies outside the allocation mirrors that of the adjacent consented site. This also fell outside the original allocation. The total housing allocation in the Local Plan was 38 dwellings. The adjacent site has permission for 30 dwellings on an area under a third of the size of the total allocation (Ref. 127687 and 127688). It was accepted that in the interests of helping to deliver the allocated site and its contribution to the housing supply that this was a level that would be viable and also allow for a contribution to be made to affordable housing. At that time the Council's Annual Housing Supply Assessment confirmed that there was a supply in the District of 7.5 years overall against Policy requirements. Since then this has fallen to 6.6 years according to the Central Lincolnshire Housing Market Area Supply Assessment 2012. This is the latest information available and is in the process of being updated. The 2012 figures show that there is a 5 year deliverable supply plus 5% buffer required by the National Planning Policy

Framework. As the site outside the allocation is not previously developed land it would not normally be a priority for residential development.

Nevertheless, despite this policy context, it is considered that the development of all 37 dwellings can be supported for a number of reasons. Work has only recently commenced on the adjacent site after a period of over 5 years trying to bring it forward. The over-supply has been largely due to windfall sites and, not only is the supply of such sites drying up, but there also needs to be more of a reliance on the development of allocations in the interest of good comprehensive planning (such allocations are based on planned infrastructure, aspirations for growth and the sustainable distribution of development across many locations within the district, whereas windfall sites do not necessarily respond to these factors). In this context, it is accepted that 37 dwellings will allow this allocation to come forward and at the same time provide a significant financial contribution to off site affordable housing provision which is a material consideration that supports the proposal. In terms of good planning and in the interests of an integrated development it would also make more sense to align the southern boundary with that of the adjacent site. In respect of the 5 year housing supply plus buffer inspectors in recent decisions on such matters have specifically noted this is a minimum requirement and not a “ceiling”.

Visual intrusion into countryside

The Local Plan First Review (STRAT2) provides no indication as to why the southern boundary of the allocation is set where it is; there are hedges and field boundaries that run east-west across the fields in this area but the much larger tree belt, that screens the land from views from the south, lies further south again. In this context, the extension of the development southwards of the allocation does not visually intrude any more into the countryside than it would if it remained within the confines of the allocation. This extension also allows for a density to be planned which allows development to be viable but also permits the right balance of the natural and built environment in this edge of settlement location to assist in the transition between buildings and open countryside (policies RES1 and NBE20 of the Local Plan apply).

Design & Layout

The surrounding area is largely characterised by suburban post-war housing, a mix of bungalows and houses. Gabled roofs, facing brickwork of varying textures and hues, and windows with more horizontal than vertical emphasis predominate. On the opposite side of Hawthorn Road to the entrance to the site, bungalows in hipped and gabled form with double semi circular bay windows dominate. On the opposite side are two houses set within generous plots and further along is a more recent bungalow with a mansard roof. There are few, if any references to local tradition other than the buildings tend to be simple gabled forms with little architectural elaboration. More recent housing development to the east of the allocated site consists of a mix of two storey detached, semi detached and terraced housing with some bungalows. There is a mix of red pantiles with grey concrete slate and brickwork is primarily red with some dwellings faced in buff brick. There is art stone and brick on edge detailing to windows with decorative treatment to some gables. The proposal takes its design cues from the older simple gabled forms and translates them into a more contemporary interpretation following the ethos established by the

adjacent site which falls within the allocation and was designed by the same architect. The buildings are relatively simple in form with little architectural elaboration. The windows are simple insertions into brick or render faced elevations. Although the building form is simple the development has a contemporary feel through the use of crisp and clean lines by an imaginative use of a small palette of materials including red and buff brickwork, different coloured shades of render, horizontal red cedar boarding and the use of glass and timber canopies.

The concept behind the adjacent site was the provision of two squares of public open space, which themselves were extensions to existing public open space to the east. This ethos is continued with the application site which has houses arranged around a series of public spaces linked by short sections of shared surfaces. The entrance from the site to the east is along a landscaped avenue running along a central area of public open space which creates a feeling of openness and space within the central section of the site. This is fully utilised by the houses to the north, south and west as the layout has been designed to take advantage of this space by having the principal elevations of the houses facing directly on to it. This theme is continued to the north of the site by having houses facing onto communal and shared areas.

The entrance from the north into the site faces onto a gable end which has a projecting bay window and a smaller vertical window at first floor set within a rectangular expanse of render, which itself is framed by buff faced brickwork to add visual interest avoiding a large expanse of blank walling. Similarly the gable of the house next to the footway also has a projecting gable window with vertical window above set within a central rendered section of the wall flanked by contrasting red and buff brickwork.

Two and a half storey houses have been approved on the adjacent site and within the application site are located centrally. Whilst higher than adjacent plots the height difference is not significant and the spaces between buildings ensures that the massing does not appear overbearing within or from outside of the site.

The layout responds well to the shape and size of the site and provides a clear "legibility" with destinations within the site that draw the visitor along the linking "streets" between the spaces that will help it integrate well within its immediate and wider surroundings. The design is considered a successful and well thought out response to providing a simple built form in a contemporary manner. The lowest density of development is appropriately provided at the southern end of the site, next to the open countryside in the form of two detached dwellings with generous sized gardens and sufficient width remaining to allow hedgerows and trees to be planted providing a soft edge to the development. This can be secured by condition.

Details of materials are not specified and so conditions requiring further details including samples to be submitted and agreed will be required. Indicative landscaping, boundary treatments and possible locations for street lighting have been submitted so conditions requiring detailed proposals to be submitted and agreed will be required. In line with the recommendations of

the environment officer tree protection measures will also be required by condition.

Flood risk and drainage

The site lies within flood zone 1 as defined by the Environment Agency. This is the area at least risk of flooding and therefore, the sequentially most preferable location for more vulnerable residential uses such as proposed here. Foul water is proposed to drain to the existing public mains sewer. This approach accords with the sequential approach detailed in Circular 3/99. A condition will ensure implementation.

The EA has objected as a Flood Risk Assessment was not submitted with the application which is required for developments on areas of over a hectare. As this falls just below this level it would not technically be required. Never the less it should be noted that there were no objections raised to the adjacent site from the EA and it is considered that the issue of surface water drainage can be satisfactorily addressed through the use of planning conditions requiring the details to be submitted, agreed and implemented in accordance with the approved details.

Access and highways

There is no objection to the proposals on the grounds of highway safety. 42 courtyard spaces are proposed for 28 houses giving a ratio of just under 1.5 spaces per dwelling, 9 houses will have private parking areas that can accommodate two spaces. This is considered an appropriate balance in the context of ensuring that development is as sustainable as possible by dissuading car use but also responding to the likelihood of more than one car being associated with each household. Spaces for the car are an integral element of the layout but the detailing of the submission ensures that the car does not dominate the development.

Other Matters

Birds - As the site currently is in use as a paddock there is a potential for nesting birds to be present on site so it will be necessary to ensure no works take place during bird breeding season. In the interests of biodiversity it is also considered reasonable to seek provision for nesting birds in the form of nesting boxes on the site. This can be secured by condition.

Density - Representations have been received commenting that the proposal represents overdevelopment in the context of existing development. It is noted that there is no longer the policy desire to achieve a minimum density of 30 dwellings to the hectare that was included in the, now superseded, PPS3. The density proposed equates to 37 dwellings to the hectare, much higher than the density of existing dwellings fronting onto Hawthorn Road to the north (7 dwellings to the hectare) and also higher than the density of 24 dwellings to the hectare which characterises the development of Hawthorn Avenue and Franklin Way to the east. It is lower than the density of 50 on the eastern section of the allocated site which has approval. However, density should not be considered as a stand alone consideration, but rather seen as one of a range of considerations which collectively ensure appropriate design which is the case with application site more fully discussed above in the design and layout section.

Trees – Minimal tree removal is proposed and as noted by the environment officer above there are no trees of merit within or along the boundaries of the site. The existing hedgerows along the boundaries are to be retained with only partial removal to allow for an access to the western section of the allocated site. A landscaping scheme will also be required as part of this approval.

Crime Prevention – A condition will be put in place to ensure street lighting is in place before the dwellings are occupied. The comments in relation to fencing and landscape heights are noted although it is the intention to retain most of the hedging and trees around the perimeter of the site and supplement it with additional planting to provide a softer edge to the development which will also act as a barrier to entry.

Conclusion and reason for decision

The application has been considered against the provisions of the development plan in the first instance, specifically policies 1 - Regional Core Objectives, 2 - Promoting Better Design, 3 - Distribution of New Development, 4 - Development in the Eastern Sub-area Policy 13a – Regional housing provision and 14 – Affordable housing of the East Midlands Regional Plan 2009 and saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT2 Residential Allocations, RES 1 Housing Layout and Design, RES 2 Range of housing provision in all housing schemes, RES 5 Provision of play space/recreational facilities in new residential development, RES 6 Affordable housing provision, CORE 10 Open Space and Landscaping, NBE 10 Protection of Landscape character, NBE 14 Waste Water Disposal and NBE 20 Development on the edge of settlements of the West Lindsey Local Plan First Review 2006 as well as against all other material considerations. These other material considerations include the provisions of the National Planning Policy Framework .The Draft Partial Central Lincolnshire Joint Core Strategy (2012) was also considered but little weight afforded to it.

In light of this assessment, it is considered that the proposal is acceptable subject to the safe guarding planning conditions referred to above and the signing and completion of a section 106 agreement. The increase in the number of dwellings originally envisaged by the development plan and the extension of the site to the south is considered acceptable as it will assist in bringing this allocated site forward on a viable basis that will allow a financial contribution to be made to the provision of affordable housing. In terms of good planning and in the interests of an integrated development it would also make sense to align the southern boundary with that of the adjacent site. Furthermore it is considered that the design, layout, massing and detailing proposed is well thought out and is considered a successful response to providing a simple built form in a contemporary manner that integrates well with the approved development it lies next to and will not have a detrimental impact on the character and appearance of the wider area. There will be no detrimental visual intrusion into the open countryside and no important features worthy of retention will be lost. There are no adverse impacts on highway safety and the site is capable of being satisfactorily drained. A grant of conditional planning permission is considered the most appropriate outcome.

RECOMMENDATION: That the decision to grant permission subject to conditions be delegated to the Director of Regeneration and Planning upon the completion and signing of an agreement under section 106 of the amended Town & Country Planning Act 1990 which secures:-

1. A contribution of £205,640 towards off-site affordable housing provision
2. The provision and subsequent management and maintenance of public open space within the site.

Time commencement condition

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

2. No development shall take place until, details of a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory surface water disposal scheme is implemented to reduce the risk of localised flooding and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

3. No development shall be commenced before the first 25 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number (08)024/A00 dated November 2011 has been completed.

Reason: In the interests of highway safety and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies).

4. Before development of any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of highway safety and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review 2006(Saved Policies).

5. No development shall take place until details of all external walling and roofing materials, and hard landscaping, including the proposed colour and finish to be used, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate quality of external facing materials to enhance the character and appearance of the site and the wider area in accordance with Policies STRAT1 and RES1 of the West Lindsey local Plan First Review 2006 (Saved Policies)and the provisions of the National Planning Policy Framework 2012.

6. No development shall commence until, full details of the treatment of all boundaries of the site, including where appropriate, fencing, walling or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual amenity of the area and to safeguard adjoining residential amenity in accordance with Policies STRAT 1, NBE 10 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

7. No development shall take place until, a scheme of landscaping including details of the size, species and position or density of all trees to be planted, and measures for the protection of trees to be retained during the course of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policies STRAT 1, CORE 10 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

8. No development shall take place until, details of the form and position of fencing for the protection of trees on the site have been submitted to and approved in writing by the Local Planning Authority and such fencing shall be erected in the positions approved before the development is commenced and thereafter retained until completion of the development. Nothing shall be stored or placed in any area, nor shall the ground levels within those areas be altered, without prior written approval of the Local Planning Authority.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

Conditions which apply or are to be observed during the course of the development:

9. No works shall take place involving the loss of any hedgerow, tree or shrub between 1st March and 31st August in any year unless a detailed survey has been undertaken to check for the existence of nesting birds. Where nests are found, a 4 metre exclusion zone shall be created around the nests until breeding is completed. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any works involving the removal of the hedgerow, tree or shrub take place.

Reason: In the interests of biodiversity and specifically to provide for continued habitat for nesting birds given that some natural vegetation will be lost and to accord with the National Planning Policy Framework.

10. The development shall only be carried out in accordance with the approved materials referred to in condition 5 above of this planning permission.

Reason: To ensure an appropriate quality of external facing materials to enhance the character and appearance of the site and the wider area in accordance with Policies STRAT1 and RES1 of the West Lindsey local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

11. The development shall only be carried out in accordance with the approved tree protection measures referred to in condition 8 above of this planning permission.

Reason: To safeguard the existing trees on the site during construction works, in the interest of visual amenity in accordance with Policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

Conditions which apply or relate to matters which are to be observed following completion of the development:

12. Prior to the occupation of any of the hereby approved dwellings street lighting shall be in place in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter.

Reason: To provide appropriate lighting that serves the interest of crime prevention and community safety whilst avoiding excessive glare and light pollution in the interests of visual and residential amenity in accordance with Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

13. The dwellings shall not be occupied until the approved surface water drainage scheme referred to in condition 2 above has been provided. It shall thereafter be retained and maintained.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent localised flooding in accordance with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and to accord with the provisions of the National Planning Policy Framework 2012 and the Technical Guidance to the National Planning Policy Framework.

14. Foul drainage for the development hereby approved shall be via direct connection to the mains sewer and such a connection shall be made before the occupation of the dwelling that it services and retained thereafter.

Reason: To ensure an appropriate foul drainage scheme for the site is provided in accordance with Policy STRAT1 of the West Lindsey Local Plan first Review 2006 (Saved Policies) and to accord with circular 3/99.

15. Before any of the dwellings hereby approved are first occupied the roads and footways as shaded pink on drawing (08)023 Rev A00 dated May 2012 shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling and retained thereafter.

Reason: To ensure safe access to each dwelling in the interests of highway safety and to accord with Policy STRAT1 of the West Lindsey Local Plan First Review 2006 (Saved Policies)

16. All planting, seeding or turfing comprised in the approved details of soft landscaping, referred to in condition 7 above shall be carried out in the first planting and seeding season following the occupation of the dwellings(s) 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, unless the Local Planning Authority gives written consent to any variation and shall thereafter be retained in perpetuity.

Reason: To ensure that a landscaping scheme to enhance the development is provided in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with West Lindsey Local Plan First Review 2006 Policies STRAT 1, CORE 10 and RES 1.

17. Before any of the dwellings hereby approved are first occupied the boundary treatment to all boundaries of that dwelling shall be completed in

accordance with the approved details referred to in condition 6 above and retained thereafter.

Reason: To ensure the provision of appropriate boundary treatment in the interest of the visual amenity of the area and to safeguard adjoining residential amenity in accordance with Policies STRAT 1, NBE 10 and RES 1 of the West Lindsey Local Plan First Review 2006 (Saved Policies) and the provisions of the National Planning Policy Framework 2012.

18. Before any of the dwellings hereby approved are occupied, nest boxes shall have been installed within the site in accordance with a scheme that shall have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity and specifically to provide for continued habitat for nesting birds given that some natural vegetation will be lost and to accord with the National Planning Policy Framework.