

## **Officers Report**

### **Planning Application No: 136826**

**PROPOSAL:** Hybrid planning application seeking full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, cafe/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge connecting the site to the Water Rail Way south of the River Witham; erection of footbridge across the proposed access channel; construction of a new surface water pump house; change of use of land to public open space/meadow area with heritage interpretation information on display; and outline planning permission for up to 155no. dwellings and business units totalling 663sqm with access to be considered

**LOCATION:** Land at Eastfield Rise Farm Fiskerton Road Cherry Willingham Lincoln

**WARD:** Cherry Willingham

**WARD MEMBERS:** Cllr Darcel, Cllr Palmer, Cllr Welburn

**APPLICANT NAME:** Mr Dean Sempers

**TARGET DECISION DATE:** 09/02/2018 (Extension of time agreed until 16<sup>th</sup> November 2018)

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission subject to conditions and S106 for open space and NHS contribution £98,037.50  
**Executive Summary**

This application has been referred to the Planning Committee as it contains elements that are a potential departure from the provisions of the development Plan.

The application seeks planning permission to provide a 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways, erection of a new cycle/footbridge, construction of a new surface water pump house, change of use of land to open space/meadow area with heritage interpretation information on display.

The application also seeks outline permission for up to 155 dwellings and business units totalling 663sqm with access to be considered, and all other matters (layout, scale, appearance and landscaping) to be reserved for subsequent approval (“reserved matters”).

The housing element would be a departure from the local plan as they would be situated in open countryside, with no rural justification given. However the housing is intended to be used as enabling development. Whilst a robust case

for viability has not been shown, the benefits of the scheme are felt to outweigh any negative impacts of the dwellings. The benefits of the scheme are to be secured by condition and within the S106.

There is to be no affordable housing due to the housing element being used as enabling development for the marina development.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

The proposal also includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Council.

The marina proposal accords with policy LP55 (Development in the Countryside) and accords with LP5 (Delivering Prosperity and Jobs) and LP7 (A Sustainable Visitor Economy) of the Central Lincolnshire Local Plan. The NPPF states that planning decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside".

The residential element is considered would amount to a departure from policy LP55 Part D of the Central Lincolnshire Local Plan. There is no affordable housing provision – a departure from LP11. However, it is considered that there is evidence to show that enabling development is necessary to make a viable project. The residential development would fulfil the role of enabling development, whilst making a significant contribution towards housing land supply, and this is a significant material consideration.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station.

The development of the marina, housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Whilst some objections have been received from the community the proposal has also gained community support for the proposal through comments on the application and consultation events. There is no policy for the marina in the draft neighbourhood plan but the text within the plan states that "the

Neighbourhood Plan supports this proposed development and the employment offer to the wider community.”

The local highways authority have no objections to the principle of development. The proposal subject to conditions would be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

Foul water will discharge into the existing Anglian Water Drain.

The FRA concludes that the proposed development is not at significant flood risk and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. The proposal would therefore be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

There will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and commercial development. However, the development presents an opportunity to enhance and reinforce the existing landscape features.

There will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time in accordance with policy LP17.

The site lies within a minerals safeguarding area. A minerals assessment has been provided as part of the application. Lincolnshire County Council Minerals and Waste Team have been consulted and raise no safeguarding objections.

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### **Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017:**

The application is ‘EIA Development’ under the 2017 Regulations and an Environmental Statement has been submitted with the application.

Under regulation 26, when determining an application... in relation to which an environmental statement has been submitted, the relevant planning authority... must—

*(a) examine the environmental information;*

*(b) reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to in sub-paragraph (a) and, where appropriate, their own supplementary examination;*

*(c) integrate that conclusion into the decision as to whether planning permission or subsequent consent is to be granted; and*

*(d) if planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.*

### **Description:**

The site known as Eastfield Rise Farm is located immediately north of the River Witham and south of Fiskerton Road on the edge of the village of Cherry Willingham.

The site comprises: a) two large fields lying wholly within the former fens, these forming the larger, southern part of the site, and b) a third field and area of paddocks clustered around a yard and modern farm buildings in the north of the site. The latter are located on the lower slopes of ground that rises to the north. Currently all of the fields are under arable cultivation; horses and sheep occupy the paddocks.

The site is defined east and west by open drains. The eastern drain indicates the Parish boundary. The North Delph defines the southern extent of the site with the embanked River Witham immediately to the south. The north of the site flanks the adjacent road Fiskerton Road, which runs along the higher ground. There is a modern housing development (Lady Meers Road) which has been constructed to the north of the road.

The Viking Way public footpath is located between the North Delph and River Witham close to the south of the site. However, there is no lawful access to the Viking Way.

The application is a hybrid planning application which seeks:

- (1) full planning permission for the construction of a new 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycleways; erection of a new cycle/footbridge; construction of a new surface water pump house; change of use of land to open space/meadow area with heritage interpretation information on display; and
- (2) outline planning permission for up to 155 dwellings and business units totalling 663sqm, with access to be determined (Matters of layout, scale, appearance and landscaping are reserved matters).

The proposal includes a chandlery which is 8.8m in total height with one element at 7.5m in height. The chandlery is in a T shape with maximum widths 36.5m x 21.5m.

The chandlery comprises at the ground floor – sales, open plan bistro, kitchen, office, toilets, showers, store, laundry, plant room, and sluice and service area.

The first floor comprises an open plan/mezzanine with 3 stores/offices.

There is a workshop which is approximately 7.6m in height and is 15.3m x 24.3m.

The gatehouse is 7.5m in height and 14.6m x 9.4m and includes showers and toilet, plant room, store, laundry and sluice.

**Relevant history:**

M05/P/1065 – Agricultural determination to erect general store. Prior approval not required 08/11/05

127112 – Planning application for development of a 220 berth marina with access to the moorings from the river Witham and marina building incorporating a chandlery, workshop, café and customer facilities. Also, 40 2 bedroom holiday lodges, 24 bedroom hotel with attached restaurant-bar, landscaping and open space improvements and improved access from Fiskerton Road East incorporating a right turn ghost island. Permission granted 04/07/12

129442 – Planning application for the removal or variation of conditions 12, 17 and 20 of planning permission 127112 granted 4 July 2012. Condition 12 relating to lighting scheme for public areas, condition 17 bridge design and construction and condition 20 mooring design, materials and specification.

130191 – Planning application for variation of conditions 2, 3, 9, 10, 11, 15 and 16 of planning permission 129442 granted 16 April 2013. Permission granted 18/12/13

130193 – Request for confirmation of compliance with conditions 4, 5, 7, 13, 14, 18, 19, 21 and 22 of planning permission 129442 granted 16 April 2013. Conditions discharged 13/02/14

**Representations:**

**Chairman/Ward member(s):** Cllr Darcel - As a ward councillor I must report when canvassing the County Council elections in May I met dozens of Cherry Willingham, Reepham and Fiskerton residents who were most enthusiastic about the marina, the sculptured open space and the extra recreation facility it will bring to the ward.

The support was not unanimous but it was overwhelming. The concerns were

either that the village was already big enough or that the Local Highways Authority had not thought through the extra traffic that will be using Fiskerton Rd and Lincoln Rd to Lincoln. There was perceived to be a need for a pavement/cycle path along the two roads linking Fiskerton to Lincoln.

My personal opinion is that the developer should not be expected to fund the whole cost of the bridge. It will add too much money to the price of each new home, making them unaffordable to local residents.

The new bridge will be used by residents from across the ward, and from south of the river, as well as visitors to the area and by walkers on the Viking Way. It will prove a major contributor to West Lindsey's and LCC economies and I believe the bridge should be jointly funded by the developer, LCC and WLDC.

The bridge and marina should prove a major improvement to the infrastructure of the area, permission should be granted and the bridge jointly funded with public money or from CILs.

**Cherry Willingham Parish Council:** Has the potential to have a range of impacts both positive and negative. The proposals for the marina, associated infrastructure, the small business units and new public open space are all positive elements. The proposed residential development is however, notwithstanding any suggestion that it should be considered as 'enabling' development, a negative.

- The location of the proposed residential development is a poor location compared with other potential sites in the village.
- Concern that allowing residential development to the south of Fiskerton Road will create a planning precedent for further residential development on other nearby sites and will weaken the adjacent Green Wedge.
- Questions arose as to whether the existing and whether work carried out on site was sufficient to accept a material start has been made.
- Significant parts of the site remain at risk of flooding.
- The cycle bridge across the North Delph and River Witham is of significant potential/benefit to many residents.
- The proposed business units are regarded as an essential part of the proposed development.
- It is recognised that the developer is amenable to negotiating appropriate agreements with the Planning Authority to govern the phasing and delivery of the residential development and marina to reduce the risk of non-delivery of important elements. However there is a concern with regards to the enforceability of such agreements.
- The Parish Council has not seen any detailed information supporting or justifying the quantum of enabling residential development, would request WLDC Planning Officer confirm they have examined the viability assessments and are satisfied.
- Additional residential development will place additional stress on services in the village. Vital that contributions provide additional capacity in Cherry Willingham itself.

- Development must be designed to be an integral part of the village rather than a separate satellite community.
- The proposed public open space is welcomed however more details are required regarding its long term access arrangements and maintenance.
- Developer is proposing a Toucan Crossing and other speed control measures on Fiskerton Road. Understood these proposals have been agreed with the Highway Authority but have not yet seen the Highway Authorities detailed response. We would welcome being kept informed of the detail.
- Does not consider the submitted Heritage Impact Assessment is as robust as it should be.

In conclusion, the Parish Council would tentatively and conditionally support the application if delivered in full as currently proposed subject to the significant concerns being effectively mitigated.

**Fiskerton Parish Council:** The council can see there is potential for such a development as the marina to be a significant asset to Fiskerton residents as well as Cherry Willingham providing that the appropriate links are given full consideration. Firstly we would say we are in agreement with the Cherry Willingham PC submission in general terms and specifically –

- Location for residential development on a flood plain and in contention with the newly adopted Central Lincolnshire Local Plan.
- Permitting development to the south of Lincoln/Fiskerton Road eroding the current Green Wedge and setting a precedent for further building.
- Loss of flood plain area. Our concern is that any loss of flood defence in one area impacts on the remaining at risk areas. Allowing residential development in other areas south of Lincoln/Fiskerton Road. Any development of the flood plain will increase flood risk for the village of Fiskerton and Short Ferry should the river burst its banks and need to utilise the whole of the designated flood plain area.
- Traffic control measures. We can see the need for traffic control measures and consultation and agreement with the Highways Authority and both Cherry Willingham PC and Fiskerton PC should be undertaken during the design stage.
- Would also make the point that whilst there is a lot of discussion around forming a circular walk between both villages, there are no footpath/cycle tracks linking the villages. Walkers and cyclists will have to use the main carriageway. This we feel will create a major health and safety hazard for potential users of the proposed facilities. We feel that the provision of footpath/cycle tracks on these roads should be a consideration of any approval.

**Local residents:** There has been 10 objections, 10 in support and one general observation made –

#### *Objections*

The main concerns are as follows –

- Loss of a view
- Extra noise and fumes

- Only way to get built the proposed marina and bridge to the Water Railway is to insist on them being built before any housing
- Concern the marina will not be delivered only the housing
- Flood risk
- Drainage issues
- Current facilities will not cope with the extra demand
- Until the full impact of the Lincoln Eastern bypass and the closure of Hawthorn Road has been fully assessed over the course of at least 5 years, then no further estates/developments on this scale should be accepted.
- Road will be considerably busier
- No demand for the marina
- 40mph limit is not observed on Fiskerton Road
- The proposed housing design is not in keeping with the style of the village.
- Marina isn't financially sustainable, may not ever be built
- Does nothing to address the traffic problems on Fiskerton Road
- Toucan crossing positioned making access in and out of existing properties difficult
- Will lead to other properties being located on a flood plain
- Crossing and road entrance should move down towards Lady Meers Road to allow better access to the houses on Fiskerton Road east and make the road layout more formal

### *Support*

- fully support the proposed development of Marina with associated housing, business units and cafe
- Welcome the building of the marina and inclusion of public access to the site and the green space
- Welcome the inclusion of constructing a bridge over the River Witham to join the public right of way across the site to the Water Railway
- Support is conditional on WLDC committing to constructing a solid legal obligation on the developer to build all elements. WLDC should ensure the developer agrees to financial penalties if they fail the obligation. That an appropriate portion of all house sale income is placed in a bond to fund the marina, bridge and public access and a reasonable time limit is placed on the developer to commence work on and complete marina, bridge and public access once work on the housing, business units and café have been completed.
- Accept the need to build the houses in order to fund the cost of the marina but want the house building to be conditional
- Feel the marina would be a great asset to Cherry Willingham because it will bring income from the visitors
- The support facilities for the marina such as the café and shop will bring employment to the village
- Marina will provide an amenity for those in the village to walk round and provide long awaited access to the river and bridge over to the Water Railway
- Will promote growth and diversity
- Will be a point of focus for the village



### *General Observation*

- Believe there is a strong case to request a level of planning gain for the residents of Fiskerton
- Reasonable to request a footpath/cycle path from Lady Meers Road towards Fiskerton
- Clear that residents of Fiskerton will experience delays and inconvenience from the additional traffic caused by the marina development
- Plans show limited parking and currently the route which Fiskerton resident would need to travel along to access the marina site is along a busy and fast road. Improving the link between Cherry Willingham and Fiskerton by providing a safe and proper path would increase footfall at the marina at the benefit of the development
- Fiskerton residents are dependent on the facilities provided at the parade in Cherry Willingham. Creating a footpath between the two villages will provide mutual benefit by providing access to the facilities in Cherry Willingham for the residents of Fiskerton and increasing footfall for the businesses in Cherry Willingham
- As the marina plans include a bridge over the River Witham creation of a footpath along Fiskerton Road would allow a circular walking route between two villages, through the marina and along the river bank. This would benefit the residents of both villages and the marina.

**LCC - Highways and Lead Local Flood Authority:** The following improvements will be required for this development (to form part of recommended conditions to the Local Planning Authority as part of final comments):

- A full frontage footway extending from the eastern boundary of the site to the existing bus stop on Fiskerton Road East.
- Improvements to the existing bus stop on Fiskerton Road East.
- The pedestrian crossing point shown on the submitted drawing, numbered SK003. Type to be agreed with the Highway Authority.
- An uncontrolled dropped kerb and tactile crossing point between the new site access and Lady Meers Road.

The following information will be required –

- Clarification on the width, construction, designation and future maintenance of the link proposed from the Sustrans cycleway through the site to Fiskerton Road East (including the connecting structures spanning the River Witham).
- Clarification as to the surface treatment and future maintenance of the proposed public footpath 102 and connecting structure.

### *Travel Plan Assessment*

The Framework Travel Plan is for c155 dwellings and 2416m<sup>2</sup> offices. Overall it contains the relevant information that would be expected, however, there are areas where additional details or clarity is required. A revised Framework Travel Plan needs to be provided. S106 funding of at least £5000, £1000 per annum for 5 years monitoring is requested.

### *Bus Services*

To meet the sustainable transport needs of this development a bus service linking residents within the development to and from Lincoln is vital. The developer is responsible for the provision of this service and may wish to enter into a contract with an appropriate transport provider to deliver this.

### *Bus Stop Infrastructure*

Prior to any occupation on the site, provision of bus stop infrastructure on the north and south side of Fiskerton Road near to the entrance of the site, including 160mm raised kerbs, bus stop pole with timetable case/flag, appropriate crossing facilities and bus stop clearway markings would be required.

### *Drainage*

Following a Multi-Agency Group meeting to discuss various issues around drainage the HLLFA would make the following comments:

- The information contained in the FRA regarding the control of surface water on site using SUDs features is acceptable. Swales accepting overland flows from the carriageway would be the preferred option for highway drainage due to the lack of infiltration on site. At reserved matters stage a detailed ground investigation report will be required to confirm water table levels etc. Can the applicant confirm how the private curtilage surface water is to be conveyed to the outfall?

- At a multi-agency group meeting the option of having unrestricted run off from the development was discussed and the use of the potential redundant part of the North Delph as storage for the surface water runoff. As this option has the potential to provide the most benefit overall, this is acceptable to the HLLFA provided they meet the requirements of the Witham 3rd IDB (W3IDB). Calculations and confirmation of outfall detail/consent into the W3IDB maintained section will be required.

Following a new travel plan being received there were no further comments on this.

**LCC Flood Risk and Development Management:** This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and our draft Waterways Development Strategy 2018 - 2028 and is therefore supported by this Authority.

### **Environment Agency:**

25<sup>th</sup> July 2018: Thank you for referring the amended Flood Risk Assessment (FRA) (ref: RLC/0012/FRA01, revision 4) dated July 2018 on the above application, which was received on 16 July 2018.

Whilst the FRA indicates that there will be some very minor increase in flood risk to additional properties, it also demonstrates that possible internal flooding would be to a maximum depth of 10mm. Given that this is a minor increase in risk, and that flood risk benefits have been identified for the proposal we would like to remove our objection.

We have **no objections** to the proposed development, as submitted, subject to the imposition of a condition (in addition to those previously proposed in our letter reference: AN/2017/126469/04, dated 13 April 2018)

28<sup>th</sup> November 2017: We have reviewed the application and inspected the documents submitted. We object to the grant of planning permission and recommend refusal on the basis of the following:

- The absence of an acceptable Flood Risk Assessment (FRA)

- The absence of a Water Framework Directive (WFD) Assessment or consideration of the WFD through the Environmental Impact Assessment (EIA)

**Witham Third District Internal Drainage Board:** The board objects to the application. While the principles of the marina are acceptable there are aspects of the proposal that are not acceptable and other that require additional information and clarification.

Following amendments to the flood risk assessment and drainage strategy the board had the following comments –

The principles of the surface water drainage is acceptable.

With regard to flood risk it is noted for a breach of the River Witham flood defences there is a potential increased impact of the flood water, but the risk of a breach is significantly reduced because the length of flood bank is approximately halved. If there was a high level over flow route East to West through the Marina development for the any additional water flood risk would be reduced.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board Greetwell Pumping Station. The Board has accepted the principle of this and would be willing to adopt it subject to suitable design, installation and a commuted sum.

However modelling work will be required to establish the specification of the new station and impact on the existing pumped system to ensure there is no increase in flood risk within the Greetwell and Southrey catchments following the split.

**Growth Team:** In principle and subject to normal planning considerations, the Growth and Projects Team are supportive of the business/visitor economy elements of this planning application. The proposed new business units will provide high quality commercial space and job creation projections in respect of this element of the development (approx.30) are welcomed.

**Planning Casework Unit (HM Government):** Confirm that we have no comment to make on the Environmental Statement.

**LCC Local Education Authority:** Due to local school capacity we have no comment to make in respect of an education contribution.

**NHS England:** The development is proposing 155 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area would result in an increase in patient population of 357. The increase in population will place extra pressure on existing provisions. This in turn impacts on premises, with extra consulting/treatment room requirements.

As such Nettleham Medical Practice and Brayford Medical Practices may be affected by the development. Using the calculations shown in the consultation response a total cost of £185 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £425.50. The contribution requested for the development at Cherry Willingham is £65,952.50 (£425.5 x 155 dwellings).

Revised figures have been published by NHS England: Midlands and East (Central Midlands) which were operational from 1 August 2018. The figure is therefore updated to £632.50 per dwelling.

The contribution requested will be £632.50 x 155 dwellings = £98,037.50.

**Natural England:** Statutory nature conservation sites – no objection  
Protected Species – we have not assessed this application and associated documents for impact on protected species. Natural England has published standing advice on protected species.  
Landscape enhancements – This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment.

**Lincolnshire Wildlife Trust:** We have read the Environment Statement and are satisfied that provided the recommendations are followed there should be any significant negative impacts on protected species.

**Tree Officer:** I have no objections to the proposed development of this land. A detailed scheme of landscaping is required to provide the necessary information for each tree, hedge, grass mix etc. to be planted/sown. Details on ground preparation, pit preparation, tree/plant protection and support should be included.  
An implementation condition for the landscaping is required to ensure any approved landscaping is carried out.  
A Landscape Management plan should be required, to provide details on establishment and maintenance actions and frequency.

**Canal & River Trust:** The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact of the proposed river bridge upon the character and appearance of the River Witham;
- b) The impact upon the navigation safety and structural stability of the River Witham;
- c) The impact upon the water quality of the River Witham;
- d) Measures to enhance biodiversity on the waterway corridor; and
- e) The impact of the proposals upon Heritage Assets associated with the waterway corridor.

On the basis of the information available our advice is that suitably worded conditions are necessary to address some of these matters.

- The trust has reservations with regards to the design of the proposed bridge over the River Witham. We request that consideration is given towards amending the design to reduce its visual mass relative to the river.
- To manage water resources upon the River Witham, stop plank grooves should be included at the position of the opening to the marina.
- Offside bank works may be required to mitigate this impact.
- Applicant is reminded of the need to ensure that all necessary consents are obtained from the Trust as landowner prior to the commencement of any developments.

Following these comments the agent sent in an amended bridge design. The Canal & River Trust were re-consulted and commented that the amended plans shows a bridge form utilising a more lightweight balustrade system on the bridge. The Trust welcome this amendment, as we believe it would help improve the appearance of the bridge on the waterway.

We do recommend that full details of the materials and finish are provided prior to the development.

Please note that this should be read in conjunction with our response of 24<sup>th</sup> November and that the other matters raised (notably those that could be reserved by condition) still apply.

**Witham Valley Access Group:** Formally agreed that the group should support the proposed development. Members are especially pleased that it would provide access to the River Witham, the Viking Way and the Water Railway. An open development such as this would make the village unique within the area and could provide employment and business opportunities from which residents would benefit.

However any support should not be taken as a general approval of housing development to the south of Fiskerton Road. Our support is based purely on the benefit of the open green space, footpaths and access to the River Witham, Viking Way and the Water Railway which the housing development would enable. We would not support a housing development on its own.

- WLDC must ensure all the appropriate conditions are included to make the farms as binding as possible. Our main concern, along with many other residents, is that we may end up with a housing development but no marina or access to the river.

- Likewise, the bridge over the River Witham is an essential part of the development and should be included in a Section 106 requirement to ensure it is built.

- The speed limit on Fiskerton Road should be reduced within the village limits to 30mph. Pedestrian access to the site from the village will necessitate crossing the busy Fiskerton Road. Although a Toucan Crossing is a welcome feature, believe it would make access much safer if the limit was 30mph.

- Proposals say the site is to be accessible to the public and there will be no restrictions on access to open space. The relevant planning conditions should be applied to ensure it does not become a gated community and that village residents are able to access the marina and space in perpetuity.

**Lincolnshire Police:** Do not have any objections to this development.

**Minerals and Waste:**

28<sup>th</sup> November 2017 - Following earlier comments, the agent provided a Minerals Assessment. The Minerals and Waste Team were re-consulted and are satisfied that the assessment is proportionate and sufficient to qualify as a "Minerals Assessment" for the purposes of policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

27<sup>th</sup> October 2017 - The proposed development has been identified as being within a Minerals Safeguarding Area and is subject to policy M11 (Safeguarding of Minerals Resources) of Lincolnshire minerals and Waste Local Plan (Core Strategy and Development Management Policies) adopted June 2016. Within a minerals safeguarding area, except for the exemptions set out in policy M11, applications for non-minerals development should be accompanied by a minerals assessment prepared in accordance with the latest guidance from the British Geological Survey.

The applicant should therefore be asked to provide a Minerals Assessment. At this stage the County Council objects to the application, pending evidence that the proposal would accord with policy M11.

**Archaeology: Recommendation:**

Prior to any groundworks for the marina basin and environs up to North Delph the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the archaeological handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable historic assets within the site to be recorded prior to their destruction.

Initially I envisage that this would involve an archaeological supervised topsoil strip, map and sample of the proposed excavation area of the marina basin and surrounding environs up to North Delph, which will identify any archaeological remains existing at this location and allow for their recording. I also envisage the Scheme of Archaeological Works to include the completion of all specialist recommendations identified during the previous archaeological works associated with planning permission for 127112, the deposition of the archive in an appropriate museum and the publication of the site if and where appropriate.

No groundworks shall occur in the south eastern area of the site. Which has been designated as 'Public Open Space'. This area will be fenced off during all groundworks associated with the development to prevent any machinery tracking over the archaeology and to prevent any spoil being stored on the site. This is to prevent any compression of the archaeology. Provision should also be made to ensure that no future services, roads or any other development in this area in order to ensure that the archaeology is preserved in situ. If this area is to undergo landscaping this should only be done in consultation with this department, again in order to preserve important archaeological remains in situ.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that would involve a fully supervised topsoil strip, map and sample across the marine basin and the entire area of proposed residential development.

Previous recommendations on this site have included the provision of archaeological interpretation boards and provision for these should also be made a condition on any forthcoming consent, and that the detail of the boards be approved and installed prior to any occupation of the site.

The application included a proposed Mitigation Strategy from PCAS Archaeology, this does not fully address the requirements for and archaeological Strip, Map and Sample and the other elements of this recommendation and will need revising before it is acceptable.

### **Relevant Planning Policies:**

#### **Development Plan**

Planning Law<sup>1</sup> requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017); and the Lincolnshire Minerals and Waste Local Plan.

#### Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP5: Delivering Prosperity and Jobs

LP7: A Sustainable Visitor Economy

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP15: Community Facilities

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

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<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(02) of the Town and Country Planning Act 1990

LP24: Creation of New Open Space, Sports and Recreation Facilities  
LP25: The Historic Environment  
LP26: Design and Amenity  
LP55: Development in the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

#### Lincolnshire Minerals and Waste Local Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and forms part of the Development Plan. The application site is within both a Limestone Mineral Safeguarding Area (MSA) and Sand and Gravels MSA.

The Site Locations were adopted in December 2017. The site is not within an allocated Minerals Site or Waste Site/Area.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

#### National guidance

National Planning Policy Framework 2018

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The new NPPF was published in July 2018. Paragraph 213 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

#### National Planning Practice Guidance

<http://planningguidance.planningportal.gov.uk/>

#### Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council has formally submitted their Neighbourhood Development Plan and associated documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended).

Examination of the plan by an independent examiner is underway. .

Paragraph 48 of the NPPF (2018) states:

*"Local planning authorities may give weight to relevant policies in emerging plans according to:*



*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-neighbourhood-plan/>

Other

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018

### **Main issues**

- Principle
- Viability
- Community Support
- Highways
- Drainage
- Flood Risk
- Effect on the Open Countryside
- Landscaping
- Affordable Housing
- Infrastructure
- Ecology
- Archaeology
- Minerals and Waste

### **Assessment:**

#### *Principle*

The application seeks full planning permission for the construction of:

- (1) a new 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways; erection of a new cycle footbridge; construction of a new surface water pump house; change of use of land to open space/meadow area with heritage interpretation information on display; and
- (2) outline planning permission for up to 155 dwellings and business units totalling 663sqm with access to be considered.

The application is ‘EIA Development’ under the 2017 Regulations and an Environmental Statement has been submitted with the application.

The environmental statement highlighted the following impacts –

- Socio-Economic
- Archaeology and Cultural Heritage
- Landscape and Visual Impacts
- Nature Conservation, Ecology and Biodiversity
- Transport, Accessibility and Movement
- Flood Risk and Surface Water Drainage
- Ground Conditions
- Cumulative Impacts

which are discussed throughout the report.

#### *Marina and associated development*

A previous application on the site sought to create a leisure and tourist destination. The scheme proposed a marina incorporating a chandlery, workshop, café and customer facilities. It also proposed 40no. two-bedroomed holiday lodges, a 24-bedroom hotel with attached restaurant/bar, landscaping and open space improvements and improved access.

However this scheme was deemed unviable but remains extant due to a material start on the site.

Part E of Policy LP55 is applicable in this application and states that

*“Proposals for non-residential developments will be supported provided that:*

- a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b. The location of the enterprise is suitable in terms of accessibility;*
- c. The location of the enterprise would not result in conflict with neighbouring uses; and*
- d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”*

Policy LP5 states that other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;
- the scale of the proposal is commensurate with the scale and character of the existing settlement;
- there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;
- there are no significant adverse impacts on the local highway network;
- there is no significant adverse impact on the viability of delivering any allocated employment site; and

- the proposals maximise opportunities for modal shift away from the private car.

Policy LP7 states that development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or
- it relates to an existing visitor facility which is seeking redevelopment or expansion.

This proposal includes a marina and marina building which will provide accommodation for marina repair and servicing, staff offices and WC, chandlery (mixed used given the facilities), customer toilets and shower facilities, laundry facilities, store/cycle hire opportunity and a café/bar.

Access to the marina building will be provided from both the marina side and the car park to the north. The buildings have been designed with a dual frontage with activity promoted on both the north and south elevations.

A dry dock area is proposed to the west of the marina which will provide a facility for boot repair and maintenance.

Market housing is proposed as an enabler to deliver the marina and will be discussed in further detail in the viability section.

The housing element is accepted at the scale shown to be necessary for the overall project to be delivered viably.

The application includes the siting of a number of business units which would be in the use class of B1 (Offices).

Part G of policy LP55 states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. With the exception of allocated sites, development affecting the best and most versatile agricultural land will only be permitted if:

- a. There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and
- b. The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and
- c. Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).

Some of the land is classified as grade 4 poor with some grade 2 very good.

Paragraph 170(d) states that planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

There will be some loss of agricultural land however some of this land is poor and with regards to the higher quality land, the wider benefits of this scheme would outweigh this loss. The development does present an opportunity to enhance and reinforce the existing landscape features.

The area between Fiskerton Road and the river to the east of the marina and housing development will be planted as an area of publicly accessible open space. This would not be gated. The meadow area will accommodate an interpretation board close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

Lincolnshire County Council has been developing navigable waterways throughout the County for approximately 15 years, because in economic terms our waterways have long been underperforming assets. Throughout this period LCC has worked in partnership with the Environment Agency, the Canals and Rivers Trust, Lincolnshire Wildlife Trust, District Councils, SUSTRAN's and other partners to deliver approximately £26m of new or restored infrastructure. These have including slipways, multi user trails, locks, moorings, bridges and destination developments which have increased the demand for water related activities including boating and have stimulated private sector investments in new businesses linked to the tourist and visitor economy.

As well as increasing economic activity those assets have direct impacts on people's health and wellbeing by providing sustainable and active travel and leisure activity options based around blue-green infrastructure, which in turn

have positive environmental impacts due to reducing the carbon footprints of both areas of activity.

Ultimately realising the full economic potential of our waterways is dependent upon the provision of off line moorings and other facilities for leisure boaters.

This is now beginning to happen with new marinas proposed or in development at several locations including this application at Cherry Willingham. These developments will create direct employment opportunities in addition to the indirect growth already happening because of increasing numbers of tourists and visitors.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Council.

The marina, by virtue of requiring close proximity to an existing waterway, can be justified for requiring a countryside location.

It would meet the criteria under policy LP7 which states that [sustainable visitor economy] should be located within existing settlements unless it can be demonstrated that:

*“such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas;”*

It is considered the rural location is justified by means of its proximity to a natural feature and would enhance the rural economy. It therefore accords with policy LP55(E) which states that:

*Proposals for non-residential developments will be supported provided that:*

*a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*

Paragraph 83(c) of the NPPF (2018) states planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Policy LP55 is consistent with this part of the NPPF along with policy LP7, and can be attached full weight.

The proposal will also be in accordance with policy LP5 as the proposal would assist in the delivery of economic prosperity and job growth to the area. LP5 is consistent with NPPF chapter 6, and can be attached full weight.

There is no policy for the marina in the neighbourhood plan but the text within the plan states that proposals that support sustainable rural tourism and

leisure developments that benefit businesses in rural areas, communities and visitors (including the proposed marina).

“As the village community generally supported the original proposal because of the employment and leisure opportunities it incorporated, the Neighbourhood Plan supports this proposed development and the employment offer to the wider community.” The Neighbourhood Plan can be attached weight as a material consideration - it is at a fairly advanced stage, now under examination.

### *Residential development – enabling development?*

Part D of policy LP55 states that applications for new dwellings within the countryside will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;
- b. The need for the dwelling;
- c. The number of workers (full and part time) that will occupy the dwelling;
- d. The length of time the enterprise the dwelling will support has been established;
- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f. The availability of other suitable accommodation on site or in the area; and
- g. Details of how the proposed size of the dwelling relates to the enterprise.

The housing element of the applicant would not accord with part D of policy LP55 as the housing is not essential to the effective operation of rural operations. The proposal is therefore contrary to policy LP55.

As the residential element is a departure from the local plan, it can only be justified as enabling development.

A viability assessment was submitted as part of the application. This was independently reviewed by an appointed consultant by the Council. The summary of this initial review did not discount the case for residential development to be used as enabling development for the marina. It did however advise that the evidence submitted by the applicant can only lead us to conclude that there is an insufficient financial case to justify the amount of residential enabling development being sought to cross-subsidise the proposed marina development.

Further information was provided which then was advised by the consultants would require a further review and appraisal. However there was some disagreement with the agent whether a further review was required and they deemed their information was sufficient to determine a viability position.

The Council recognises the different positions with regards to viability and the evidence considered to date. This has been a key point of contention and whilst it was an area for concern, it was also fully appreciated that assessing viability for developments such as this is a highly complex process especially

in lieu of an operating model, or lead operator being on board at this time, and the inability to assess the precise values of the development. As a result of this the cash flow and build programme that would normally be expected to be used to inform the critical path is not in place.

On the evidence provided however it was concluded that it is likely that enabling development is necessary, and there is justification for a departure from the provisions of the development plan.

It has not convincingly demonstrated the precise amount necessary, however, although it is appreciated that this is difficult to model.

The applicant has stated a commitment to delivering the community benefits early in the development.

Therefore the council asked that they submit trigger points and undertakings to ensure this happens together with safeguards that will ensure that the housing does not appear without the marina.

A 'review mechanism' can be employed to ensure that only a proportionately justified element of residential development is brought forward.

Heads of Terms to reflect the triggers, plus all of the other obligations related to this development were submitted and either form conditions or are part of the S106. The application is to be presented to committee with a signed s106 therefore there can be no ambiguity over the community benefits, and to demonstrate firm assurances of how these will be delivered.

Whilst housing would not normally be accepted in this countryside location it is felt that the benefits of the overall scheme would outweigh the harm of the residential element.

It is considered that the role of residential development as an enabler to the wider benefits of the marina development is a significant material consideration that can justify a departure from the provisions of policy LP55 Part D.

### Community Support

The application has included evidence of the community consultation.

A newspaper article was placed in the Cherry News in the July 2017 edition. This included a site plan of the proposal and text explaining the development. Residents were invited to comment by email or by letter.

40 response were received from residents with the following comments:

- The cherry crossing will better my way of life in every way! My wife and I will love to walk over it every day.

- I support the Cherry Willingham crossing 100% me and my children and I will use it every day for walking the dogs!
- I am writing in support of the footpath and cycleway. Fabulous idea I fully support the proposal and I would use it regularly use it.
- I fully support this Development and hope planning etc is granted asap. It will be an asset to the Local community and Lincoln in General. What a great project to be part of and hope all goes well. We will support you throughout this project. After discussing the bridge as part of the permission it's like the icing on cake! Quality houses next to water is the best combination for a successful and deliverable outcome.
- Looking at the details in the Cherry Willingham News reference your new plans I think this will connect CW to the River Witham making it a great place to live in the future. The Bridge over to the Water Railway makes the connectivity for walkers and cyclist alike to use the facilities and bring revenue into the site and village. Making a pedestrian crossing with traffic lights will slow down the ever increasing speed that drivers seem to do these days.
- Having a bridge to go over the river Witham to the water railway would make many of the local residents in Cherry Willingham and surrounding villages ( of which we are one ) very pleased. Having an access to the river will connect the village to Lincoln, without having to suffer the bad bends etc at Greetwell (with no footpath) and allow those who wish to cycle to work etc to do so safely and easily.
- Bike hire, boat hire etc etc will also increase revenue to the village supporting local businesses like the post office and many other small companies. Open space being provided for the local community and the young, will also provide a very valuable asset I believe, not to mention much more wildlife activity, which is very pleasing to see. Myself personally, my family and my business are in full support of such a scheme to go forward.
- We would like to offer our support for the proposed marina development at Cherry Willingham. In our view the development would enhance the village immensely bringing employment and prosperity to the area. It would make Cherry Willingham a more desirable place to live. The bridge over the Witham to the cycleway is an excellent idea, we regularly use this cycleway but currently have to cycle to Five Mile Bridge in order to cross.
- With regards to the above, I'd like to add my support to the development. With populations rising we need more houses and infrastructure added to the village to cope with demands. Making the marina attractive will no doubt pull in more people and visitors not just to this area, but the whole village itself. Having a marina will ensure that the local population will also be catered for through access to the river and/or paths and byways and by allowing those to access the river, surely then this will help develop local business such as hospitality and catering for those visiting the river and marina. Certainly people I've spoken to have been positive with the developments and I look forward to seeing the project move forward as soon as possible.
- As a resident of Cherry Willingham, I am very excited about the new marina being built I think it's going to improve the village, adding value to houses in



the village. I look forward to a nice local restaurant that we can walk to, access to the river bank is fantastic as we don't feel cycling with children to the Fiskerton access is safe with 3 children and can't fit 5 bicycles in our car so we feel we miss out on what is a great place to be. I look forward to the public space that will be accessible to all in peaceful surroundings. A crossing would be a very good idea making it safe for all to cross the busy road.

Washingborough Council agreed to support in principle.

A letter of support was submitted and printed in the Cherry News December 2017 edition.

Support was received from Cllr Darcel who suggested that the support was not unanimous but was overwhelming.

The Parish Council community consultation 16/10/17 show the overall results were overwhelmingly favour of this development subject to actually making the marina and not just the houses.

Two residents' drop-in sessions had been held for viewing the plans and for leaving comments. About 40 people had attended. Most had been positive about the plans, and the majority did not want housing without the marina. Also to make sure legally that the bridge is built and secured to the site development.

The consultation shows that there is community support for the proposal.

### Highways

A Transport Assessment (TA) has been prepared to accompany this Planning Application for a residential and Marina development at Fiskerton Road, Cherry Willingham, between the village and the River Witham to the south.

The assessment addresses proposed residential components in addition to the Marina, uses current traffic data in the analyses and acknowledges the forecast future influence of the Lincoln Eastern Bypass, which is currently under construction.

Six junctions require consideration,

- Site Access/Lady Meers Road
- Church Lane/Fiskerton Road
- Church Lane/Fiskerton Road northbound
- Fiskerton Road/Fiskerton Road northbound
- Greetwell Road/Allenby Road roundabout
- Greetwell Road/Outer Circle Road roundabout

In the weekday peak periods there are clear peaks in traffic between 0800 hours and 0900 hours in the morning and between 1700 hours and 1800 hours in the evening.

Fiskerton Road adjacent to the proposed site entrance carries a peak hour flow of under 650 vehicles (two way) now giving rise to a busiest direction flow of up to around 420 vehicles per hour.

The proposed site is located south of the village and around 800m from the village amenities, in a 40mph speed restricted area and served by bus stops towards Church Lane some 200m from the site entrance.

The City of Lincoln is around 6km to the south-west with Wragby (12km) and Market Rasen (16km) to the North East and North respectively and Sleaford some 26km to the south.

Cherry Willingham had a population at 2011 of around 3500.

Access to local facilities by sustainable modes other than by car include the use of public transport, and local walking and cycling facilities.

There are public transport links providing services between Lincoln and Fiskerton with bus stops in the village centre and along Fiskerton Road, within 200m of the site, along with footway linkages adjacent to the eastbound carriageway of Fiskerton Road, towards the west of the site.

The marina will have 220 berths.

It is envisaged that around 50% of these will be non-residential 'permanent' moorings, whilst the remaining 50% will be used by vessels 'stopping off' at the marina as part of a longer trip along the River Witham.

The key findings of the assessment are –

- The forecasts represent an uplift in peak period traffic of over 15% compared to current traffic levels before the development traffic is added.
- At the elevated levels, a further 181 trips is added to the local network in the peak periods.
- Road accident and casualty statistics show no accidents at the proposed site access and two 'slight' personal injury accidents within 500m of the site, over the most recent five year period. Neither of the accidents were close to the site with one 2015 (3 casualties) being close to Church Lane/Fiskerton Road and the second accident being in 2016 at the junction of Ash Grove (1 casualty)
- The walking catchment illustrates that all local facilities including schools and community facilities are within walking distance of the proposed development site.
- The development has been assessed some five years beyond opening year of 2018 i.e. 2023.
- The site access proposals are for a priority junction at Fiskerton Road where visibility in excess of the Manual for Streets guidance (MfS) of 2.4m by 45m can be achieved. A formal pedestrian toucan crossing is to be provided to the west of the site access, connected to the site by a 3m shared footway/cycleway.

- Operationally, the assessment appears to show that taking account of background traffic growth, the effects of Lincoln Eastern Bypass and the addition of the development traffic at 2023 that –
  - The site access operates well within capacity
  - The Church Lane/Fiskerton Road gyratory continues to operate within capacity but with an increase in total delay in the morning 3.5 seconds (+6%) and 3.2 seconds (+8%) in the evening peak period (based on the maximum value of average delay per arriving vehicle)
  - At Outer Circle Road mini-roundabouts, the Outer Circle Road junction has a maximum ratio of flow to capacity (RFC) of 0.91 without the development and 0.93 with it. The total delay at the combined junctions increases by 7.4 seconds in the morning (11%) and 0.3 seconds in the evening (less than 1%) (based on the maximum value of average delay per arriving vehicle)

The site access and the proposed pedestrian crossing of Fiskerton Road and the associated pedestrian/cycle facilities that link it with the site access would be constructed in accordance with design guidance by the Highways Authority and in discussion with officers.

The traffic assessment states that in consideration of the forecast impact of Cherry Willingham marina proposals on the local highway network and its associated junctions, this is considered likely to be negligible.

A Travel Plan was submitted as part of the application. This Framework Travel Plan deals with the residential and workplace components of the site and shows the Developers commitment to promote sustainable transport and how this will be achieved by reducing single car occupancy to/from the site.

There was some additional clarity required of the travel plan however following amendments to the plan there were no further comments.

The highways team requested the following improvements -

- A full frontage footway extending from the eastern boundary of the site to the existing bus stop on Fiskerton Road East.
- Improvements to the existing bus stop on Fiskerton Road East.
- The pedestrian crossing point shown on the submitted drawing, numbered SK003. Type to be agreed with the Highway Authority.
- An uncontrolled dropped kerb and tactile crossing point between the new site access and Lady Meers Road.

The following information will be required –

- Clarification on the width, construction, designation and future maintenance of the link proposed from the Sustrans cycleway through the site to Fiskerton Road East (including the connecting structures spanning the River Witham).
- Clarification as to the surface treatment and future maintenance of the proposed public footpath 102 and connecting structure.

These improvements will be achieved by attaching appropriate conditions.

The highways team have no objections to the principle of development and the access, the layout of the housing has not been considered at this stage as this is a reserved matter.

Subject to necessary conditions it is considered that the application is in accordance LP13 of the Central Lincolnshire Local Plan.

### Drainage

#### *Surface Water*

The recommended surface water drainage hierarchy is to utilise soakaway, or infiltration as the preferred option, followed by discharging to an appropriate watercourse or if this is not available the final option is to an existing public sewer. This approach accords with the hierarchy for sustainable drainage ([Paragraph: 080 Reference ID: 7-080-20150323](#))

The online British Geological Survey maps indicates that the site is located on bedrock consisting of clay in the northern part of the site and Limestone in the south with superficial deposits over most of the site of clay, silt, sand, and gravel which is unlikely to support the use of infiltration.

Revision 1 of Flood Risk and Drainage report included calculations to restrict the discharge from the development to Qbar and to store approximately 3,200m<sup>3</sup> of storm water, utilising a length of the North Delph.

At a Multi Agency group meeting on 4th December 2017 it was agreed with the IDB, subject to hydraulic modelling at detail design stage, that an unrestricted discharge into their system would be more sustainable, provided there was sufficient storage capacity within the system, or additional storage to be provided as part of the development.

The length of North Delph on the site would be no longer be maintained by the IDB but would be enhanced to provided environmental benefits with the water level being retained as present. If required, additional storage would be provided along with the environmental enhancements.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station. The IDB has accepted the principle of this and would be willing to adopt it subject to suitable design, installation and a commuted sum. However modelling work will be required to establish the specification of the new station and impact on the existing pumped system to ensure there is no increase in flood risk within the Greetwell and Southrey catchments following the split.

A condition will be attached for further details on the surface water drainage scheme.

#### *Foul Water Drainage*

It is proposed to discharge the foul water into the existing Anglian Water drain.

### Flood Risk, Biodiversity and Water Framework Directive

Most of the site lies within flood zones 2 and 3.

A Flood Risk Assessment (FRA) was submitted with the application and upon consulting with the EA they initially objected to the proposal as the FRA did not comply with the requirements set out in the National Planning Practice Guidance. The FRA therefore did not provide a suitable basis for assessment to be made of the flood risk arising from the proposed development.

The EA needed more detail on the pump station and the proposed volume discharge to the River Witham. The total being discharged through any arrangement of pump stations shall be no greater than the existing volume. They were satisfied with the bank levels of 5.3mAOD and finished floor levels for the new houses of now lower than 5.0mAOD. However the EA wanted to see proposed final levels across the whole site, particularly the embankments on both sites of the site.

The EA had raised concerns that proposal would compartmentalize the flood plain as there would be a barrier across the flood plain. They also had concerns with the proposal to use the North Depth channel as storage for surface water. This would see the land behind the River Witham defences potentially more saturated than currently and therefore increase the risk of bank failure.

Following discussion with the EA and the submission of further information and a final FRA the EA removed their initial objections subject to a condition that the development be carried out in accordance with the approved FRA and specified mitigation measures.

The FRA concludes that the proposed development is not at significant flood risk, and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented.

The identified risks and mitigation measures are summarised below;

Source	Level of Risk	Proposed Mitigation
Fluvial	High	Minimum FFL 0.30m above 100-year + 35% flood level. FFL = 5.00m AOD.
Tidal	None	
Pluvial	Medium	As Fluvial
Groundwater	Medium	As Fluvial
Sewers	Low	
Reservoir	Medium	As Fluvial
Canal/Artificial	None	
Development Foul & Surface Water	High	Unrestricted discharge of Surface water to IDB. Foul water to existing AWS sewers.

### *Biodiversity and Water Framework Directive*

The EA also commented with regards to the Water Framework Directive (WFD). They initially objected as more information was needed to ensure the requirements of the Water Framework Directive are met.

A fundamental requirement of the WFD is to attain good ecological water quality status and that deterioration in the status of waters is prevented.

To overcome the objection the WFD requires that the current and future status of a waterbody be considered when relevant activities in the water environment are planned. The potential implications of a proposal on the hydromorphological, chemical and physico-chemical elements, and the biological quality elements which they support should be assessed and if necessary, addressed. In addition, the proposal should be assessed to ensure it does not prevent a waterbody from achieving good ecological status/potential.

Following further information submitted the EA withdrew their objection with regards to the WFD element subject to conditions on landscape management, construction management and water voles.

Subject to conditions the proposal is therefore in accordance with policy LP14 of the Central Lincolnshire Local Plan. LP14 is consistent with NPPF paragraphs 148, 149, 155-159 and 163.

### *Landscaping and the Effect on the Open Countryside*

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible. Particular consideration should be given to views of significant buildings and views within landscapes which are more sensitive to change due to their open, exposed nature and extensive intervisibility from various viewpoints.

The considerations set out in policy LP17 are particularly important when determining proposals which have the potential to impact upon the

Lincolnshire Wolds AONB and the Areas of Great Landscape Value and upon Lincoln's historic skyline.

The site currently supports grazing and arable farming with a number of non-descript agricultural buildings and stables. It is a large scale flat open landscape with regular field pattern enclosed by hedgerows of limited species and a few hedgerow trees.

The site is located on low-lying topography of the River Witham Valley; the topography of the site is flat, rising up slightly from the River Witham, along the southern boundary to 5m above ordnance datum (AOD) along the road to the northern site boundary.

The river is enclosed by a grassed flood defence bund, which slopes down towards the southern site boundary, with the Viking Way running along the higher level. In the wider landscape context, the land slopes gently up to the northwest of the site and to the southwest to Washingborough.

There are several water features in the vicinity of the site, with several channels running through and across the site. The River Witham flows west to the east along the southern site boundary, with the North Delph Channel and is situated to the south of the River Witham.

There are not many woodland areas within the surrounding landscape of the site. Long Woods and Newball Wood ancient woodland is located to the east and northeast of the site, along with some smaller areas of woodland. There are some individual trees and hedgerows along the boundaries. Native species of tree within small groups or as individuals in the area are field maple, ash, alder, poplar and willow.

Cherry Willingham Village lies directly to the north of the site and is typical of the character of settlements within the area. The historic core of the village is focussed around St Peters Church, just to the south of the railway line.

There is no public access through the site. However, the Viking Way runs along the southern edge, outside the application boundary and the Sustrans route which runs along the former railway line is on the south side of the river. There are a number of local Public Rights of Way in the area.

The Cherry Willingham Neighbourhood Plan: Landscape Character Assessment describes the site as

- large scale, open landscape, gently sloping from Fiskerton Road in the north to Willingham Fen. Extensive views west to Lincoln Cathedral and east to Fiskerton Church.
- Northern area slopes gently south, some areas of traditional field boundaries with large mature trees. Traditional farm stead to west with more rolling landscape, visually linked to adjacent Scheduled Monument. Important for views from settlement across landscape to the south.

- Willingham Fen located to the south of area; spreading expansive, open, flat peat flood plain landscape used as pasture and arable land. Matrix of extensive drainage ditches and broken boundary hedges. Embanked River Witham located to the south creating elevation for Viking Way. Possibility of archaeology interest.

The site sits within area 3 of the assessment, more specifically 3C and 3D.

The south of the site is within 3C where the landscape sensitivity and the visual sensitivity is classed as high.

The north of the site is within 3D where the landscape sensitivity is classed as high to medium and the visual sensitivity is high.

A Landscape Visual Assessment has been carried out for the site. This concludes that although there will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and a commercial development, the development presents an opportunity to enhance and reinforce the existing landscape features through a substantial landscape strategy across the whole site. Key, long ranging views of the cathedral will be maintained and the expansive and open nature of the landscape will not be compromised.

Although there will be a wholesale to the landscape of the site and its immediate surroundings, residential development is not an uncommon feature in this landscape and the marina is appropriate and inconspicuous. The footbridge will introduce a new but not an inappropriate feature.

The application has been assessed by the tree officer who advises that a detailed scheme of landscaping is required along with a landscape management plan to provide details on establishment and maintenance actions and frequency. This can be conditioned. A landscape strategy will enhance and improve the condition of the landscape features of the existing landscape. Long term a landscape strategy will assimilate the developments into the landscape.

It is acknowledged that the scheme will have some adverse impact on the landscape as a receptor, however, the overall effect will not be significant. The landscape of the site is not valuable in terms of designations but clearly has a value as open countryside, part of the floodplain and the visual connection to the river.

Users of the Viking Way and the Sustrans are the most sensitive visual receptors to the proposed development. Visitors are using the routes along the edge of the river in order to experience the landscape and the associated views.

In close proximity to the application site, the receptors along these routes will experience a complete change to their experience and view. However over



time as the scheme settles into the landscape and the mitigation and enhancement planting matures, the impact will lessen.

The development is not inappropriate in this location, the views are long ranging and the experience is one of an open and expansive landscape, which will still be enjoyed in the main.

Along with the above receptors, residents directly opposite the site access on Fiskerton Road East will experience the loss of their views as a result of the residential units to the north of the Scheme. The existing hedgerow contains the views however there is a sense of openness still perceptible beyond the site boundary. The experience will be more contained. There will be very negligible impact overall from the marina elements of the scheme.

Users of the wider, yet limited PRow network and the residents of surrounding villages, on both the north and south side of the river will experience a noticeable but not significant change as a result of the proposals.

For the majority of the visual receptors there will not be a significant impact however for those users of the Viking Way and to a slightly lesser degree the Sustrans Route, there will be High and Adverse impacts from the construction and operation of the proposed Marina, which will result in a Significant effect on the visual receptors. However, this is for a very short stretch of the Viking Way which in total covers approximately 150 miles and although is a significant change it is not a development proposal that by nature would be out of character in this location.

In summary, there will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time, would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time.

The proposal is therefore in accordance with policy LP17 of the Central Lincolnshire Local Plan. LP17 is consistent with paragraphs 20, 127 and 170 of the NPPF and can carry full weight.

Policy LP24 states that the Central Lincolnshire Authorities will seek to:

- reduce public open space, sports and recreational facilities deficiency;
- ensure development provides an appropriate amount of new open space, sports and recreation facilities; and
- improve the quality of, and access to, existing open spaces, sports and recreation facilities.

Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities.

Open space, sports and recreation provision requirements should:

- a. as first preference be provided on-site in a suitable location. Where on site provision is not feasible or suitable within a local context, consideration of a financial contribution to the creation of a new facility or the upgrading and improvement of an existing usable facility will be considered as per the criteria set out in the Developer Contribution SPD and in accordance with national legislation;
- b. be multifunctional, fit for purpose and support health and outdoor recreation;
- c. consider the context of any existing provision and maximise any opportunities for improvement within the wider area where these are relevant to the development of the site;
- d. when new provision is provided, have appropriate mechanisms secured which will ensure the future satisfactory maintenance and management of the open space, sports and recreational facility.

The proposal includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This is a significant public benefit which will also have ecological benefits.

#### Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more. Policy LP11 is largely consistent with the NPPF which states (paragraph 63) only that affordable housing should not be sought on non-major residential development. The scale of residential development proposed qualifies as a major development.

As the site is for 155 dwellings, it would qualify for affordable housing. The site is in the Lincoln Strategy Area therefore the percentage sought will be 25%. This works out at 39 dwellings to be affordable.

The policy states that *“The Central Lincolnshire authorities will seek the level of affordable housing on the basis of the [-] targets, but will negotiate with developers if an accurate viability assessment demonstrates these cannot be met in full.”*

However as the 155 dwellings are considered to be enabling development, no affordable housing, as a cost, is proposed.

The application has been submitted with supporting information that the marina development can only proceed with enabling development therefore no affordable housing will be provided.

Development will therefore be contrary to policy LP11. However, it is considered the need for the residential development as enabling development is a significant material consideration that would justify a departure from the Local Plan.

### Infrastructure

The Local Education Authority (LCC) were consulted on the application and have not requested any contributions.

NHS England have been consulted on the application and have stated there will be an increase in patient population of 357. The increase in population will place extra pressure on existing provisions. This in turn impacts on premises with extra consulting/treatment rooms required.

As such Nettleham Medical Practice and Brayford Medical Practices may be affected by the development. Using the calculations shown in the consultation response a total cost of £185 per patient is determined. This figure is multiplied by 2.3 (the average number of persons per dwelling for West Lindsey District Council) to provide a funding per dwelling of £425.50. The contribution requested for the development at Cherry Willingham is £65,952.50 (£425.5 x 155 dwellings).

Revised figures have been published by NHS England: Midlands and East (Central Midlands) which were operational from 1 August 2018. The figure is therefore updated to £632.50 per dwelling.

The contribution requested will be £632.50 x 155 dwellings = £98,037.50.

This will be secured via a S106 agreement.

### Ecology

A protected species survey has been carried out on the site.

It was concluded that the development of the marina and housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Mitigation and enhancement can be conditioned.

### Archaeology

Archaeological evaluation was undertaken in 2009 across the site in order to support the planning application for the marina and associated leisure facilities. Fourteen trenches were excavated targeting findings of a previous geophysical survey. The south eastern area of the site was identified as of

highest archaeological potential due to trenching revealing vertically set timber posts very close to three known Bronze Age round barrows. These posts were probably load bearing indicating the presence of at least one structure, probably dating from the Bronze Age period. This evidence alongside artefactual evidence during a deliberately damaged Bronze Sword suggest this area may have been used for ritual purposes.

Another vertical timber post and a horizontal timber post were found in Trench 1 west. This suggests that there is the possibility of further structures to the southern part of the site. Although trenches 2 to 6 did not contain artefacts, these trenches represent a small sample of the overall ground are. Furthermore this area is close to the River Witham which is regarded as highly significant in archaeological terms due to the prehistoric and Bronze Age metalwork found along the river. This area is a target area for significant archaeology which is why it is deemed to be of greater archaeological potential than the northern half of the site.

It is recommended that prior to any groundworks for the marina basin and environs up to the North Delph the developer should be required to commission a Scheme of Archaeological Works. It is also recommended that prior to any ground works for the north of the site the developer should be required to commission a Scheme of Archaeological Works.

Previous recommendations on this site have included the provision of archaeological interpretation boards. Provision of these will be required in this application and can be conditioned.

#### Minerals and Waste

The proposal lies within a minerals safeguarding area.

Within a minerals resource safeguarding area, except for the exemptions set out in Policy M11, all applications for non-minerals development should be accompanied by a Minerals Assessment prepared in accordance with the latest guidance from the British Geological Survey (currently set out in Mineral Safeguarding in England: Good Practice Advice, reference OR/11/046).

Following the initial consultation from the Minerals and Waste Team, a Minerals Assessment was provided as per the consultation response and requirement of policy M11.

Given the particulars of this proposed development, LCC Minerals and Waste Team were satisfied that the assessment was proportionate and sufficient to qualify as a "Minerals Assessment" for the purposes of Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016) document.

It is considered that having regard to the scale, nature and location of the proposed development, the applicant has demonstrated that in accordance with the criteria set out in policy M11 that prior extraction of the mineral would

be impractical and that the development could not reasonably be cited elsewhere. Accordingly, the County Council has no safeguarding objections.

### **Conclusion**

The application is 'EIA Development' under the 2017 Regulations and an Environmental Statement has been submitted with the application.

The environmental statement highlighted the following impacts –

- Socio-Economic
- Archaeology and Cultural Heritage
- Landscape and Visual Impacts
- Nature Conservation, Ecology and Biodiversity
- Transport, Accessibility and Movement
- Flood Risk and Surface Water Drainage
- Ground Conditions
- Cumulative Impacts

It has been determined based on the information submitted that overall the cumulative impact on the surrounding area is not considered to be significant due to the appropriate mitigation and enhancement measures within the environmental statement.

The proposed development would provide a 220 berth marina with reinstated flood defences, chandlery, workshop, café/bistro, showers and toilets; access road, footpaths and cycle ways, erection of a new cycle/footbridge, construction of a new surface water pump house, change of use of land to open space/meadow area with heritage interpretation information on display and outline permission for up to 155 dwellings and business units totalling 663sqm with access to be considered.

The housing element would be a departure from the local plan as they are situated in open countryside with no rural justification. However the housing is to be used as enabling development. Whilst a robust case for viability has not been shown the benefits of the scheme are felt to outweigh any negative impacts of the dwellings. The benefits of the scheme are to be secured by condition and within the S106.

A negative to the development as there is to be no affordable housing to the scheme as all the housing is to be enabling development.

A benefit to the scheme is a purpose built bridge linking the village with the Sustrans Water Railway route into the city of Lincoln. The closest access point currently is via the existing bridge east of Fiskerton some 3km eastwards from the site.

The proposal also includes an extensive open space area with archaeological interpretation boards close to the area where most heritage interest exists relating to historic settlement within the Witham Valley at Willingham Fen.

These elements will be open to the public at all times apart from essential maintenance.

This proposal is in alignment with Lincolnshire County Council's Waterways Development Strategy 2008 - 2018 and their draft Waterways Development Strategy 2018 - 2028 and is therefore supported by Lincolnshire County Councils.

The marina proposal accords with policy LP55 (Development in the Countryside) and accords with LP5 (Delivering Prosperity and Jobs) and LP7 (A Sustainable Visitor Economy) of the Central Lincolnshire Local Plan. The NPPF states that planning decisions should enable “sustainable rural tourism and leisure developments which respect the character of the countryside”.

The residential element is considered would amount to a departure from policy LP55 Part D of the Central Lincolnshire Local Plan. There is no affordable housing provision – a departure from LP11. However, it is considered that there is evidence to show that enabling development is necessary to make a viable project. The residential development would fulfil the role of enabling development, whilst making a significant contribution towards housing land supply, and this is a significant material consideration.

The proposals include the provision of a Land Drainage Pumping Station as a replacement of the Board's Greetwell Pumping Station.

The development of the marina, housing and other features would result in a small number of adverse impacts but which are of limited significance. However, with appropriate mitigation and habitat enhancements the site would result in gains for wildlife on the site and in the local area.

Whilst some objections have been received from the community the proposal has also gained community support for the proposal through comments on the application and consultation events. There is no policy for the marina in the neighbourhood plan but the text within the plan states that “the Neighbourhood Plan supports this proposed development and the employment offer to the wider community.”

The highways team have no objections to the principle of development. The proposal subject to conditions would be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The proposals include the provision of a Land Drainage Pumping Station. Foul water will discharge into the existing Anglian Water Drain.

The FRA concludes that the proposed development is not at significant flood risk and will not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented. The proposal would therefore be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

There will be a loss of some of the agricultural land associated with the existing farm on site and the introduction of built form and commercial development. However, the development presents an opportunity to enhance and reinforce the existing landscape features.

There will be long term, permanent and adverse impacts to a limited number of sensitive landscape and visual receptors. The effects on the users of the Viking Way and the Sustrans Route near the proposals and for a short period of time would be significant.

However, the landscape is expansive and the views long ranging, key features such as Lincoln Cathedral and the River Witham remain visible and dominant. The development type introduces some new elements to the landscape such as the marina, but it is appropriate in this location, inconspicuous by nature of its design and absorbed into the wide and open view over time in accordance with policy LP17.

The site lies within a minerals safeguarding area. A minerals assessment has been provided as part of the application. Lincolnshire County Council Minerals and Waste Team have been consulted and raise no safeguarding objections.

The proposal is on balance acceptable. Whilst housing would not normally be accepted in this location it is felt that the benefits of the scheme would outweigh the harm of the residential element. The housing forms enabling development to bring the wider benefits of the scheme into fruition. This can be secured by condition and within the S106.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, highway safety/capacity, residential amenity, ecology, flood risk and drainage in accordance with policies LP1, LP2, LP3, LP4, LP5, LP7, LP9, LP10, LP11, LP12, LP13, LP14, LP15, LP17, LP21, LP24, LP25, LP26, LP55, Policy M11 of the Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016), including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance and the emerging Cherry Willingham Neighbourhood Plan.

The application is recommended for approval subject to the following conditions:

**Outline Planning Permission**

**The grant of outline permission in the area shown in blue on drawing J1525 SK18 dated OCT 2018, subject to the following conditions:**

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

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development shall take place until, plans and particulars of the **appearance, layout and scale** of the development and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

**Reason:** The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development shall take place until a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- b) Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.



The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

**5.** No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the routing and management of construction traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Measures for the protection of any existing trees and hedgerows;

**Reason:** In the interests of amenity and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

**6.** No development shall take place until details have been submitted to demonstrate that at least 30% of the total number of dwellings meet the required standards set out in Part M4(2) of the Building Regulations 2010 and have been agreed in writing with the local planning authority. Development shall thereafter proceed in accordance with the agreed details.

**Reason:** To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policy LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

**7.** 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.

8. 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 8 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.

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

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

The report 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.

**10.** Development shall be implemented in strict accordance with the build program (P2120 Build programme – final version received 31/10/18)

**Reason:** Enabling development has only been granted due to the benefits of the marina, cycle bridge, public open space and footways. Housing would not normally be granted in this countryside location and therefore adhering to the build program will enable the other elements of the scheme to be built not just the housing.

**11.** No occupation of any dwelling or building shall take place until a scheme for the construction of a 2 metre wide footway (to include an uncontrolled tactile crossing point to DfT standards between the site access and the Eastern boundary of the site), together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

**12.** No occupation dwelling or building shall take place before a scheme for the construction of structure spanning the River Witham together with a cycleway link through the site to Fiskerton Road East (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**13.** No occupation dwelling or building shall take place before a scheme for the improvement of public footpath No.102 (Viking Way) (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**14.** No occupation of any dwelling or building shall take place until a scheme for the construction of a pedestrian crossing, type to be agreed with the Highway Authority (as indicated on drawing SK003) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in

accordance with a phasing agreement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**15.** No occupation of any dwelling or building shall take place until a scheme for improvements to the existing bus service by means of the provision of a bus stop on the North and South side of Fiskerton Road East (to include a 2m wide footway link from the site access to the proposed bus stop on the south side of Fiskerton Road East) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**16.** Before each dwelling or building is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highway Maintainable at the public expense, less the carriage 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 or building.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

**17.** The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

**Reason:** To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

**18.** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ref: RLC/0012/FRA01, revision 4) dated July 2018 and the following mitigation measures detailed within the FRA:

1. Minimum level of the flood defence will be 5.30m above Ordnance Datum (AOD).
2. Finished floor levels for residential development are set no lower than 5m AOD.
3. Floodplain compartmentalisation as described.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants.

**19.** Prior to occupation of the dwellings or buildings a scheme for a footway/cycleway through the site and its future management shall be submitted to and approved in writing by the Local Planning Authority. The footpath/cycleway shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The footpath/cycleway shall be open for the use of all members of the public thereafter unless for essential maintenance work.

**Reason:** In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**20.** Prior to the occupation of any dwelling or building, details of the cycle bridge to connect the cycleway to the Sustrans National Cycle route number 1 south of the River Witham and its future management shall be submitted to and approved in writing by the Local Planning Authority. The cycle bridge shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The cycle bridge shall be open for the use of all members of the public thereafter unless for essential maintenance work.

**Reason:** In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**21.** Prior to the occupation of any dwelling or building, details of the foot bridge along the northern river bank and its future management shall be submitted to and approved in writing by the Local Planning Authority. The foot bridge shall be provided in accordance with those details and shall be fully implemented before any of the dwellings are occupied. The foot bridge shall be open for the use of all members of the public thereafter unless for essential maintenance work.

**Reason:** In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**22.** The public open space on drawing number N0383(08) 001 shall be landscaped in accordance with the approved landscape plan ((96)001 dated 02.02.18) and made available for use by any member of the public before the first dwelling is occupied. The public open space shall remain available for public use thereafter.

**Reason:** In the interests of amenity in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**23.** Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 09:00 and 13:30 Saturdays, and no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with LP26 of the Central Lincolnshire Local Plan.

**24.** All vehicular traffic associated with implementing the approved development shall use the existing access road to the site until the new estate road has been implemented for the first 60 metres from its junction with the public highway. This will be completed to base course and include visibility splays, as shown on drawing number SK003.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Fiskerton Road East.

**25.** The development shall be carried out in strict accordance with the mitigation measures within the updating and protected species survey report of land off Fiskerton Road East, Cherry Willingham, Lincolnshire by Tim Smith dated June 2017 Report Reference: 2017/05/429a

**Reason:** To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan

**26.** The development shall only be carried out in strict accordance with the mitigation measures within the Environmental Statement by Globe Consultants dated October 2017.

**Reason:** To accord with all the environmental elements highlighted as impacted within the report.

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

**27.** Notwithstanding the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any amendment to that act, the business units hereby proposed shall be for B1 use only.

**Reason:** In order for the Local Planning Authority to assess whether other uses are acceptable in this open countryside location.

**Full Planning permission**

**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 92 (2) 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 a surface water drainage scheme for the site based on sustainable urban drainage principle and an assessment of the hydrological and hydrogeological context of the development has submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- e) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- f) Provide attenuation details and discharge rates which shall be agreed with the Internal Drainage Board;
- g) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- h) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan.

3. No development shall take place until a landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

The plan shall include the following elements:

- Replication within the development of bankside marginal vegetation that will be lost through creation of the marina entrance to the River Witham
- Details of compensatory habitat to be provided within the new development for the section of the North Delph that will be disconnected
- Details of on-line habitat enhancements to support robust fish populations, such as refuges below mooring platforms
- Details of treatment of site boundaries and/or buffers around water bodies
- Details of maintenance regimes
- Details of management responsibilities

**Reason:** To ensure the development will not cause a WFD deterioration or prevent improvements in the future in line with the Water Framework Directive and to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy (LP21).

**4.** No development shall take place until a water vole survey (of the North Delph and the River Witham) and details of mitigation measures if required have been submitted to and approved in writing by the local planning authority. The mitigation measures shall be delivered as approved.

**Reason:** This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy.

**5.** Prior to any groundworks for the marina basin and environs up to North Delph a written scheme of archaeological investigation shall be 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.



The scheme needs to involve an archaeological topsoil strip, map and sample of the proposed excavation area of the marina basin and surrounding environs up to North Delph.

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

**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 6 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

**7.** No groundworks shall occur in the south eastern area of the site which has been designated as 'Public Open Space'. This area will be fenced off during all groundworks associated with the development to prevent any machinery tracking over the archaeology and to prevent any spoil being stored on the site. Provision should also be made to ensure that no future services, roads or any other development in this area in order to ensure that the archaeology is preserved in situ. Any landscaping to this area shall be done in consultation with LCC Archaeology Department.

**Reason:** To prevent any compression of the archaeology in order to preserve important archaeological remains in situ.

**8.** No development shall take place until a method statement/construction environmental management plan that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as detailing the works to be carried out and showing how the environment will be protected during the works. The statement/plan shall include details of the following:

- The timing of the works
  - o no in channel works are permitted between 15 March and 15 June inclusive in any year (potential for fish spawning).
- The measures to be used during the development to minimise environmental impact of the works (considering both potential disturbance and pollution)
  - o suitable silt protection should be in place prior to connecting the new development to prevent excessive siltation of the watercourse.
- The ecological enhancements as mitigation for the loss of habitat resulting from the development

- A map or plan showing habitat areas to be specifically protected (identified in the ecological report) during the works.
- Any necessary mitigation for protected or priority species of importance for nature conservation
  - o Pumping equipment will need to comply with the Eel Regulations (2009) <https://www.legislation.gov.uk/uksi/2009/3344/contents/made> unless the applicant can prove that eels aren't present within the North Delph.
- Any necessary measures to remove / prevent the spread of invasive non-native species.
- Construction methods.
- Any necessary pollution protection methods.
- Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.

The works shall be carried out in accordance with the approved method statement.

**Reason:** To ensure the development will not cause a WFD deterioration or prevent improvements in the future in line with the Water Framework Directive and to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site in line with national and local planning policy (LP21).

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

9. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 5. Following the archaeological site work 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.

The report 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.

10. No occupation of any building shall take place until details (including the information to be displayed) of the interpretation boards to be provided on the open space has been submitted to and approved in writing by the Local Planning Authority. The interpretation boards shall only be carried out in accordance with the approved details and shall be installed prior to occupation of any building.

**Reason:** To ensure satisfactory display of archaeological details.

**11.** No occupation of any building shall take place until a scheme for the construction of a 2 metre wide footway (to include an uncontrolled tactile crossing point to DfT standards between the site access and the Eastern boundary of the site), together with arrangements for the disposal of surface water run-off from the highway at the frontage of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

**12.** No occupation of any building shall take place before a scheme for the construction of structure spanning the River Witham together with a cycleway link through the site to Fiskerton Road East (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**13.** No occupation of any building shall take place before a scheme for the improvement of public footpath No.102 (Viking Way) (width, construction, designation and future maintenance proposals to be agreed with the Highway Authority) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**14.** The arrangements shown on the approved plan J1525 (08) 001 Rev E dated APR 2017 for the parking/turning/manoeuvring/loading/unloading of vehicles using the marina and business units shall be available at all times when the premises are in use.

**Reason:** To enable calling vehicles to wait clear of the carriageway of Fiskerton Road East and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

**15.** No occupation of any building shall take place until a scheme for the construction of a pedestrian crossing, type to be agreed with the Highway Authority (as indicated on drawing SK003) has been submitted to and

approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing agreement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**16.** No occupation of any building shall take place until a scheme for improvements to the existing bus service by means of the provision of a bus stop on the North and South side of Fiskerton Road East (to include a 2m wide footway link from the site access to the proposed bus stop on the south side of Fiskerton Road East) has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**17.** No occupation of any building shall take place until a scheme for the provision of an Access Lincoln Hire Bike Station together with associated car parking provision has been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be fully implemented before any of the development is occupied. Or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site.

**18.** Before each building is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highway Maintainable at the public expense, less the carriage 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 or building.

**Reason:** To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

**19.** The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

**Reason:** To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

**20.** With the exception of the detail matters referred by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

J1525 (08) 001 Rev E dated APR 2017  
J1525 (08) 002 Rev B dated April 2017  
J1525 (08) 003 Rev B dated April 2017  
J1525 (08) 004 Rev B dated April 2017  
J1525 (08) 005 Rev B dated April 2017  
J1525 (08) 006 Rev B dated APR 2017  
J1525 (08) 007 Rev C dated APR 2017  
J1525 (08) 008 dated AUG 2017  
J1525 SK11 Rev B dated July 2017  
(96) 001 dated 02.02.18  
4743-P-01 Rev B dated May 17

The works shall be in accordance with the details shown on the approved plans and in any other documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

**21.** The development shall be carried out in strict accordance with the Travel Plan (Fiskerton Road, Cherry Willingham, Residential Marina Development Residential and Work Place Framework Travel Plan dated May 2018 by Turvey Consultancy Limited).

**Reason:** To ensure that access to the site is sustainable and reduces dependency on the car in accordance with the National Planning Policy Framework.

**22.** The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (ref: RLC/0012/FRA01, revision 4) dated July 2018 and the following mitigation measures detailed within the FRA:

1. Minimum level of the flood defence will be 5.30m above Ordnance Datum (AOD).
2. Finished floor levels for residential development are set no lower than 5m AOD.
3. Floodplain compartmentalisation as described.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason**

To reduce the risk of flooding to the proposed development and future occupants.

**23.** The landscaping shall be implemented in accordance with plan (96)001 dated 02.02.18.

**Reason:** In the interests of amenity in accordance with policy LP17 of the Central Lincolnshire Local Plan.

**24.** Construction works shall only be carried out between the hours of 08:00 and 18:00 on Mondays to Fridays; 09:00 and 13:30 Saturdays, and no time on Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand.

**Reason:** To protect the amenity of the occupants of nearby dwellings in accordance with LP26 of the Central Lincolnshire Local Plan.

**25.** All vehicular traffic associated with implementing the approved development shall use the existing access road to the site until the new estate road has been implemented for the first 60 metres from its junction with the public highway. This will be completed to base course and include visibility splays, as shown on drawing number SK003.

**Reason:** In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Fiskerton Road East.

**26.** The development shall be carried out in strict accordance with the mitigation measures within the updating and protected species survey report of land off Fiskerton Road East, Cherry Willingham, Lincolnshire by Tim Smith dated June 2017 Report Reference: 2017/05/429a

**Reason:** To safeguard wildlife in the interests of nature conservation in accordance with policy LP21 of the Central Lincolnshire Local Plan

**27.** The development shall only be carried out in strict accordance with the mitigation measures within the Environmental Statement by Globe Consultants dated October 2017.

**Reason:** To accord with all the environmental elements highlighted as impacted within the report.

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

**28.** 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**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 in accordance with policy LP17 of the Central Lincolnshire Local Plan.

### **Notes**

1. Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within 9m of the top of the bank of a Board maintained watercourse.
2. Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.
3. A Consent has been issued by the Board for the diversion of The Green (TD-2665-2016-CON), however the current proposals are different to Consent. Further discussion is required to determine if the Consent can be revised or if further Consent(s) are required.
4. This development will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>
5. Please contact our Partnership and Strategic Overview Team in Lincoln by email [psolincs@environment-agency.gov.uk](mailto:psolincs@environment-agency.gov.uk) to discuss your proposals. The team will be able to advise if a permit or exemption is required and the fee applicable. Please be aware we have up to two months to determine the application from duly made date, therefore prompt discussions are advised.

### **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

**Representors to be notified -**  
*(highlight requirements):*

**Standard Letter**

**Special Letter**

**Draft enclosed**

**Prepared by :** Rachel Woollass

**Date:** 31/10/2018

**Signed:** *Rachel Woollass.*

**Authorising Officer:** 

**Date:** 31/10/2018

**Decision Level** (tick as appropriate)

Committee