

Officers Report

Planning Application No: 140743

PROPOSAL: Planning application for 6no. detached dwellings

LOCATION: Bleak Farm High Street Cherry Willingham Lincoln LN3 4AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs S C Hill, Cllr Mrs A Welburn and Cllr C Darcel

APPLICANT NAME: Mr Howard Roe

TARGET DECISION DATE: 20/05/2020 (Extension to 19th July 2020)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse Permission

Planning Committee:

This planning application has been called in to planning committee by two ward members but with the caveat that the request is only if the officer recommendation is for refusal. The Parish Council supports the proposed development and considers it to be in accordance with the Made Cherry Willingham Neighbourhood Plan. In addition proposed developments on this site have a history of being presented to the planning committee (132418, 137057 and 138157) for a resolution.

Proposal:

This full application has been submitted to construct six dwellings with three street frontage dwellings and three behind.

Site:

The application site is an area of land (0.49 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is in an untidy condition with a derelict lean to barn to the front, untidy ground conditions, a modern portal framed agricultural building (open to ends and sides) and an orchard to the far rear area. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south.

The north boundary is a mix of open areas with the occasional tree and high brick walls. A mix of fence panels, walls and hedging screen the east boundary. The boundary furthest south is screened by high trees and hedging. The south boundary behind proposed plots 1 and 2 is open to the unoccupied farmhouse. The west boundary is screened to the rear half (adjacent historic farmhouse) by high hedging and to the front half (adjacent 19 High Street) by post and rail fence panels with high hedging from the highway to the principle elevation of 19 High Street. Neighbouring dwellings

are adjacent or opposite all boundaries. A protected tree sits in the south west corner of the site and two protected trees are on the north boundary in the north west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 44 metres to the west)

There are in addition a number of non-designated heritage assets listed on Map 4 (pg32) of the Cherry Willingham Neighbourhood Plan which are within close proximity of the site. Amongst others this includes:

- Millennium Hall, 16 High Street
- East Villa, High Street
- Vine Cottage, 8 -10 High Street
- Bleak Farm House and outbuildings

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement (Planning Committee) – This outline application has now expired.

137057 - Planning application for the residential development of 5no. detached dwellings - 04/05/18 – Refused (Planning Committee) – Appeal Dismissed 12/04/19 (APP/N2535/W/18/3210404)

Reason for refusal:

The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

Relevant extracts from Appeal Decision include:

Paragraph 7

“The site lies in the centre of Cherry Willingham and comprises part of a former farmstead.”

Paragraph 8

“The farmhouse immediately adjacent to the site is recognised as a non-designated heritage asset in the NP. It appears to me that despite the need for repair, the traditional appearance of this dwelling makes a positive contribution to the area. The NP also identifies other non-designated heritage

assets located along High Street, including the cottages located roughly opposite the site access. The significance of these assets is their traditional scale and appearance, which is typical of a rural village.”

Paragraph 12

“The proposed dwellings would be of similar height and sited closely together, creating a very dense roofscape and a poor sense of space. All five of the proposed dwellings would be large, detached, family houses. Three of these would have no garage and although this is not a necessity, I am mindful of the fact that this is likely to result in a future requirement for outbuildings in the gardens, some of which are already compromised by the proposed parking area.”

Paragraph 17

“The proposals as a whole are confused and replicate neither a traditional housing development nor the appearance of a traditional agricultural farmstead that has been converted to residential use.”

Paragraph 18

“In light of the above, I conclude that the design and layout of the proposal, would be harmful to the character and appearance of the area and the setting of nearby non-designated heritage assets.”

Paragraph 19

“The proposal is therefore contrary to Policies LP25 and LP26 of the Central Lincolnshire Local Plan, which seek to enhance non-designated heritage assets and their setting and to ensure high quality design that contributes positively to local character. The proposal would also conflict with policy D1 of the NP, which requires new development to respect its wide surroundings in relation to historic development patterns and the aims of the Framework in relation to heritage assets and good design.

“In this case, I find that the harm that would be caused to the setting of the non-designated assets would be less than substantial.”

138157 – Planning application to erect 5no. detached dwellings – 18/10/18 - Refused (Planning Committee)

Reasons for refusal:

The development is not sympathetic to local character and history, including the surrounding built environment. The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental design quality and layout. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan and guidance within the National Planning Policy Framework, particularly paragraph 127(c), 128, 185(c) and 191.

140158 – Planning application for 6no. detached dwellings – 18/12/19 – Refused (Delegated)

1. *The proposed development does not relate well to or respect the site and surroundings and does not protect the historic character or historical associations the site has in its setting within the centre of the settlement in terms of design, materials, siting, layout and its concept. The development would create a poor sense of place in its location. The development would be unacceptably harmful to the character and appearance of the site, the surrounding area and the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the development would not accord with local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy H3, HE1 and D1 of the Cherry Willingham Neighbourhood Plan, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework and the National Design Guide.*
2. *The root protection area of the protected tree adjacent to the west of the new access road between plots 1 and 2 would cumulatively with the position of the highway (High Street) to the front cover more than the recommended 20% of the root protection area as set out in British Standard BS5837:2012. Therefore the development would have an unacceptable harmful impact on a protected tree in terms of safety, the health of the tree and its amenity value within the area and the street scene. Therefore the development would not accord with local policy LP21 of the Central Lincolnshire Local Plan, policy D1 of the Cherry Willingham Neighbourhood Plan and guidance within the National Planning Policy Framework.*
3. *The application lacks sufficient information to properly assess the impact of the development on highway and pedestrian safety by demonstrating through a swept path analysis that the driveway and turning space to plot 3 is sufficient to allow a vehicle to enter and exit the site in a forward gear. The need for this safety audit is heightened by the proximity of the public bus stop to the north east of the vehicular access to plot 3. The development is therefore contrary to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.*

Representations

Cllr Mrs A Welburn: Comment

The site location is within the centre of what remains of the historic area of Cherry Willingham, many of the surrounding buildings were built in the 1800s and some are listed. Because of the location it has always been felt by the residents that development on this site should be in keeping with its surroundings and as many of the original features as possible retained.

Unfortunately, the barns and outbuilding have already been destroyed and only the original farm left but this is included and updated in this plan. I understand that the original bricks will be used for the curb side buildings and reclaimed bricks of a similar nature for the others.

The majority of the residents, Parish Council and Neighbourhood Plan team are in favour of progressing this scheme as it stands, therefore I would ask that the application is brought to the planning committee for consideration rather than being determined by delegated decision.

Policy LP1 Presumption in Favour of Sustainable Development – This policy confirms a desire to deliver sustainable growth.

5.4 Policy LP2 The Spatial Strategy and Settlement Hierarchy – This policy states that decisions on the location and scale of development will be assisted by the Central Lincolnshire Settlement Hierarchy. Cherry Willingham is identified as a large village which is a settlement which is capable of accommodating an appropriate level of growth such as this windfall site. It is therefore considered that the application site satisfies this policy as it is an infill site within the core of the developed footprint of the village.

5.5 Policy LP3 Level and Distribution of Growth - The Local Plan's strategic aim is to facilitate the delivery of 36,960 new dwellings, around 64% (23,654) in the Lincoln Strategy Area –of the total homes needed, delivered through a combined strategy of (and in priority order) i. urban regeneration; ii. sustainable urban extensions to Lincoln iii. growth at settlements which serve, and are serviced by, Lincoln. The development proposal would be in accordance with this policy.

Cllr C Darcel: Comment

While I am sure the previous decisions to reject the application were well founded, I am sure in this latest response the earlier concerns have been adequately addressed.

I would be happy for the application to be approved without a call in being necessary but it is WLDC's intention to refuse the application then I too would like to see the application "called in". LP2 It is a brown field site within a large village, and a significant number of local residents and the Parish Council have, in the past, indicated to me their approval for the development to proceed.

Cherry Willingham Parish Council: Supports

As a Parish Council, we fully support the application submitted by Mr Roe. The Parish Council have had numerous meetings with the developer, and we have consulted with the community at both a Public Meeting and via several drop in sessions. All of which were very positive. The site falls within the setting of a "non-designated heritage asset" and occupies a critically important centre of the old part of the village. Therefore, it needs to reflect the concept of its agricultural past. We believe that the plans submitted do recognise this. In particular the "street scene" frontage of the development.

There have been issues from Highways. We feel these have been addressed by taking out the third entrance to the site and moving the garage of plot 3 to the rear of the property. The entrance road into the site passing the two (tree protection order) trees will be top dressed, so as not to affect or disturb the tree roots.

The site is probably one of the most important in the village and has the potential to significantly raise the bar of development, as required by our Neighbourhood Plan. As a parish we would love to see this development come to fruition. We feel we have kept a dialogue open to all parties and the developer has listened to any issues and made amendments where possible.

Local residents: Representations received from:

Supports:

4 High Street, Cherry Willingham

- This seems to be the best plan so far

88 Rudgard Avenue, Cherry Willingham

- The overall content of this application is good. The developer has tried to address the issues raised in his last application although this may now have caused other issues not mentioned in the last application. I do however agree with the comment mentioned by highways and do think these need to be addressed especially with regards to plot 3 as if there is a lack of space for parking and getting into the proposed garage at the rear any new householder may be inclined to park at the front and this would lead to reversing onto a main road next to a bus stop. Even though there may be a fence on the proposed plan.

WLDC Conservation Officer: Objection

Response received 13th May 2020 (summarised):

The original barns were a most lovely complex and part of the cherished local scene in the High Street, and on view through the site from the grounds of the Parish Church and to the rear of the Manor House. Since then, the site has been left to deteriorate, and a succession of poor quality proposals has been submitted. The scheme now submitted is virtually identical to the previous application on this site, which lost a planning appeal, and whereby a government planning inspector agreed that the scheme consisted of very poor design quality.

I would advise that if permission was granted it would show support for an inferior development that is contrary to good design, lacks local distinctiveness and has a deleterious impact on the setting of all three of Cherry Willingham's listed buildings (indeed its only listed buildings – see extract of Historic England map below) due to the size and scale of some of the proposed plots, the scale, mass and volume, proposed materials and details.

Granting a permission for an inferior scheme, when it would be so easy to improve the proposed scheme, is a shame when it would be so easy at the design and planning stage to secure a much more appropriate development that better reflected the historic farm buildings, thereby reinstating some of the character that has been destroyed.

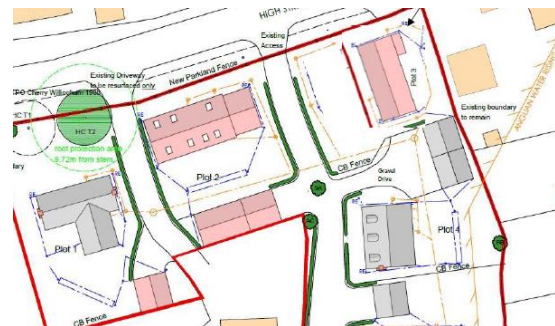
I am afraid that I am not able to offer support for this development unless some revisions are made to the proposals. Once built, these buildings are likely to impact for a very long time. I would strongly advise that it is better to wait a little longer for a superior scheme, rather than accept a poor quality scheme in the short term. It should be noted that the local authority does have powers to have the site tidied up.

The application does not preserve the settings of three listed buildings, which have a group value as some of the oldest extant structures in the village of Cherry Willingham.

Response received 27th April 2020 (summarised):

I have attached a couple of sketch mock-ups with some minor revisions to elevations of the 'barn' style structures seen within the setting of the listed building. These are:

- a) Plot 3 – turn the building 90 degrees. For this design to have some authenticity in terms of an agricultural building, it would be improved by turning the building 90 degrees. This would give a less imposing structure to the street front, and replicates a little of the form that was existed. This is quite a simple change and would result in a more private space behind for a garden.



- b) Plot 2 - the opening on the 'threshing barn' style opening has a cambered arch above it. It would be much more apposite if an oak timber lintel was utilised. Threshing barn doors rarely have cambered arches, and if they did, these had sufficient space between the top of the arch and the eaves detail.
- c) Revisions to principal (currently north elevation) of Plot 3 – the infilled 'fake carriage' arches would be improved by having a proper recess to leave the 'infill' behind the arches to give some relief to what is a very large and imposing frontage, as well as some authenticity. For houses at the executive end of the housing market, some well-detailed authenticity may bring a premium for a discerning purchaser.



These are mostly quite minor, and would improve the proposal.

WLDC Tree and Landscape Officer: No objections

The revised plan shows no alteration to the position of the driveway leading to plot 1 and the existing house. My calculation in the previous application was that the driveway covers just over 20% of the important rooting area, however the submitted report says the driveway covers just under 20% of the RPA. It is not clear whether the report has considered just the driveway or also included consideration of the existing hard surfacing of the highway road and footpath which do affect the radius of the RPA or total extent of encroachment.

As pointed out in the tree report, the existing access and ground compaction below will have restricted the growth of many roots below the access, but there will still be some roots below it. The report points out that as the access is slightly lower ground there is scope for using a cellular confinement system for the new driveway.

Tree protection details and arboricultural method statement information are included in the tree report and should be adhered to. Appendix 1 of the report gives details on the type/form of tree protection fencing that should be used. Appendix 2 of the report gives full details of the components and installation of a cellular confinement system. These are all suitable and should be followed.

No underground services should run through the tree RPA or under the proposed cellular confinement system.

LCC Highways/Lead Local Flood Authority: No objections subject to conditions

Representations received 30th April 2020:
No objections subject to conditions

Representations received 1st April 2020:

- A swept path analysis is required for the private drives.
- There is no turning facility for plot 6.
- The access road to the parking areas for plots 3 & 4 needs to be widened to 4m.

- Please annotate the proposed site layout plan to show the widths of both access points and the driveways. There should be 6m fronting any up & over garage door or 4.8m for a roller garage door. Beyond this point it should be kept clear for other users of the private drive. A private drive should measure a minimum of 4.1m at the access for a distance of 10m and thereafter it shall measure 3.7m.
- The tree/plant located at the centre of the private drive should be removed.

LCC Archaeology: No objections subject to a condition

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) 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 this would involve the archaeological monitoring of all groundworks within the area of the old orchard with the ability to stop and record archaeological features.

IDOX checked: 26th May 2020

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Cherry Willingham Neighbourhood Plan (adopted March 2019).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Cherry Willingham Neighbourhood Plan (CWNP)**

Cherry Willingham Neighbourhood Plan (CWNP) was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 4th March 2019. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made', forms part of the statutory development plan, and should be used when determining planning applications within the identified Neighbourhood Area. The most relevant policies are:

Policy H2 Housing, Type, Mix and Density
Policy H3 Infill Development in Cherry Willingham
Policy HE1 Protecting the Historic Environment
Policy D1 Design Principles for Cherry Willingham
Appendix 2 Non-Designated Heritage Assets
Landscape Character Assessment

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

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not in a Minerals Safeguarding Area therefore policy M11 of the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) does not apply.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019. 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)."

Annex 2 (page 70) – Definition of Previously developed land:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: **land that is or was last occupied by agricultural or forestry buildings** (emphasis added); land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed*

but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
 - <https://www.gov.uk/government/collections/planning-practice-guidance>
 - <https://www.gov.uk/government/publications/national-design-guide>

Other:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<https://www.nelincs.gov.uk/wp-content/uploads/2016/02/201110-LincolnshireBAP-3rd-edition.pdf>

Main issues

- Principle of the Development
 - Site History*
 - Central Lincolnshire Local Plan 2012-2036*
 - National Planning Policy Framework*
 - Cherry Willingham Neighbourhood Plan*
 - Concluding Assessment*
- Impact on Listed Buildings and Non-Designated Heritage Assets
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Drainage
 - Foul Water*
 - Surface Water*

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Site History:

Part of the site has previously been applied for twice (137057 and 138157) in the recent past and refused permission. Planning application 137057 was also dismissed at a subsequent appeal. The difference between planning application 137057 and 138157 was minimal in respect of the materials used particularly to plots 1 and 2. The most recent of these two applications

(138157) was determined on 18th October 2018 but the appeal decision for 137057 was dated 12th April 2019.

In addition the almost identical site was submitted in planning application 140158 and subsequently refused on 18th December 2019 after the decision of the planning inspectorate in 137057.

The site history is included in the planning history section of this report including extracts from the planning appeal decision and the reasons for refusal for planning application 140158.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Cherry Willingham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Cherry Willingham will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*. The application site is not an allocated site but is an appropriate infill/intensification site within the developed footprint of Cherry Willingham.

National Planning Policy Framework:

Paragraph 127 of the NPPF states that *"Planning policies and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)"*

Paragraph 129 of the NPPF states that *"Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development."*

Paragraph 213 of the NPPF states that *'However, 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).'*

Cherry Willingham Neighbourhood Plan:

Policy H2 sets out criteria for development of 6 dwellings or more delivering housing of a size, type and tenure appropriate to the site and locality.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3 – Page 31) and Non-Designated Heritage Assets (Map 4 - Page 32) within the settlement and importance on protecting their setting.

Policy D1 provides design principles for all new development in the settlement and sets out criteria in different categories such as character, landscape and parking.

Concluding Assessment:

The application site is prominent and in a historic area centrally located within the developed footprint of the village. The site is considered an appropriate infill and intensification site within an historic setting that requires a high quality design concept in terms of layout, scale, position, appearance and material finish. It is therefore considered that the principle of residential development on the site can be supported and accords with local policy LP1, LP2 of the CLLP, Policy H3 of the CWNP and the provision of the NPPF. This is subject to satisfying all other material considerations.

It is considered that policy LP1, LP2, and policy H3 are consistent with the sustainability and housing growth of the NPPF and can be attached full weight.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of a number of Listed Buildings, particularly to the west. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are approximately 44 metres from the nearest west boundary of the site. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

Local policy LP25 of the CLLP states that *“Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire”* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *“Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building”*.

Policy HE1 of the Cherry Willingham Neighbourhood Plan (CWNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg31) and Map 4 (pg32) of the CWNP identifies the location of Listed Building and

Non-designated Heritage Assets. In particular criteria 1 of HE1 lists what needs to be considered when assessing the impact of development on a heritage asset.

Criteria a) of policy H3 of the CWNP states that *“the scheme is in-keeping with the character of the area, particularly in relation to historic development patterns and building plot sizes.”*

Appendix 2 (Non-Designated Heritage Assets) of the CWNP provides commentary on the historic merit and contribution of each Non-designated Heritage Assets.

Guidance contained within Paragraph 189 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

Paragraph 193 states that *“great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Paragraph 195 provides guidance that *‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent’*

Paragraph 197 states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *‘Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage’* and *‘although views of*

or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors’.

Consideration is additionally given to the National Design Guide (October 2019) and particular characteristic C1, C3, I1, I2 and I3. These characteristics are based on development relating to the context of the area, high quality design, heritage assets, local history and creating character.

Paragraph 9 of the appeal decision the inspector stated that *“Given the separation distances and the presence of existing built development between the site and the listed buildings, it is my view that the proposal would have no adverse impact upon any designated heritage assets or their setting.”*

However the inspector concluded in paragraph 18 and 19 that *“the design and layout of the proposal, would be harmful to the character and appearance of the area and the setting of nearby non-designated heritage assets”* and that *the “proposal is therefore contrary to Policies LP25 and LP26 of the Central Lincolnshire Local Plan, which seek to enhance non-designated heritage assets and their setting and to ensure high quality design that contributes positively to local character. The proposal would also conflict with policy D1 of the NP, which requires new development to respect its wide surroundings in relation to historic development patterns and the aims of the Framework in relation to heritage assets and good design.”*

In design terms the inspector in summary concluded that the proposed development in the dismissed appeal decision:

- was too dense a roofscape (paragraph 12).
- was a poor sense of place (paragraph 12).
- would have a future requirement for outbuildings in the gardens of which some are already compromised by the proposed parking areas (paragraph 12).
- was confused and replicates neither a traditional housing development nor the appearance of a traditional agricultural farmstead that has been converted to residential use (Paragraph 17).

The application has included the submission of a Heritage Statement (HS) received 6th April 2019 which limited description of the heritage assets and the site and surroundings. This is the same HS as submitted in 140158. The HS concludes *“Considering the location of the six dwellings within the application site in relation to the Listed Buildings and the Non-Designated Heritage Assets, the scale of development and the precedent set by the previous outline permission granted. It is considered that on balance, the proposed residential development recognises the historical character of the site, the street scene and the surrounding area including nearby heritage assets.”*

The Local Authority’s Conservation Area Officer (CAO) does not support the application as submitted and has stated that the *“application does not preserve the settings of three listed buildings, which have a group value as some of the oldest extant structures in the village of Cherry Willingham.”*

The CAO provides further clarity in the response why the proposed development is not appropriate to its historic setting. In summary the development:

- Introduces inferior development that is contrary to good design, lacks local distinctiveness and has a deleterious impact on the setting of all three of Cherry Willingham's listed buildings (indeed its only listed buildings – see extract of Historic England map below) due to the size and scale of some of the proposed plots, the scale, mass and volume, proposed materials and details.

The CAO suggested three amendments to the scheme of which one was implemented. The rotating of plot 3 so that its principal elevation faces west was not agreed.

The Cherry Willingham Parish Council welcome and support this application to develop the site in line with the CWNP.

The poor current condition of the site is a consideration but this is given limited weight and does not necessitate, enable or justify a reduction in the need for a high quality sensitive development which reflects the site's historic setting in the centre of Cherry Willingham.

The design and access statement received 25th March 2020 identifies that the concept of the development is *“the frontage is to reflect a traditional farmhouse located behind the existing trees and the other frontage buildings have the appearance of two free standing converted barns Three traditional 3/4 bed-room properties are located in the back land specifically designed to blend sympathetically with the existing surrounding development with regard to scale and massing.*

The intention of the development is acknowledged and welcomed, however the proposal still separates the overall development into an attempted proposed traditional farmstead to the front and a traditional residential development on the land to the rear. This still results in a confused development and creates a poor sense of place. The traditional residential dwellings to the rear correspond poorly with the proposed barn style buildings and farm house style dwelling at the front of the site. Traditional farmsteads do not commonly have farmhouses with barns to the side along a street frontage and in ideal circumstances the existing farmhouse although unoccupied and run down should be the basis to construct an agricultural outbuilding housing development around it.

It is additionally considered that the development will at least maintain if not increase the amount and density of roofing on the site compared to the dismissed appeal. Therefore the proposal will still introduce a roofscape which is too dense.

It is therefore considered that the development is of poor design and layout which does not relate well to the historical agricultural character of the site

and the non-designated heritage farmhouse. The proposal will harm the setting of nearby Listed Buildings and the non-designated heritage assets. Therefore the proposal will not accord with local policy LP25 of the CLLP, policy HE1 of the CWNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF and the National Design Guide.

It is considered that policy LP25 and HE1 is consistent with the historic environment guidance of the NPPF and can be attached full weight.

Visual Impact

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

The CWNP sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that *'proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles'*.

Criteria a) of policy 3 of the CWNP states that *"the scheme is in-keeping with the character of the area, particularly in relation to historic development patterns and building plot sizes."*

The site is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the CWNP.

The development proposes to construct six detached dwellings of the following approximate scale (measured from submitted plans):

Plot	beds	Storey	Metres		
			Height	Width	Length
1	5	2	8.4	14	12.7
2	4	2	8.8	20	8
3	4	2	7.8	18.7	10
4	5	3	9	11.9	9.1
5	6	3	9.2	13.1	14.6
6	5	2	8.3	14.5	16.2

The six detached dwellings are proposed to be constructed from (identified on elevation and floor plans):

Material	Specification	Plot
Roof Tile	Marley Eternit Tiles Slate Grey	1, 4, 5, 6
	Red Clay pantiles	2
	Reclaimed Red Clay Pantiles	3
Brick	Red Reclaimed Brick	1, 2, 4, 5, 6
	Brick Corbelling	1, 4, 5, 6
	Brick Lintels & Corbelling	2, 3
	Yellow Brick	3, 6
	Brick Headers	6
Stone	Reconstituted Stone Headers and Cills	1, 4, 5
	Natural Stone	3
	Stone	6
Windows/Doors	Light Grey uPVC	1, 4, 5, 6
	Aluminium Section D/G Ral 7015	1, 2, 5
	Aluminium Section D/G Ral 7016	3
	Composite S/W Door	2, 3
Rooflights	Conservation Roof Lights	2
Rainwater Goods	Black PVC	1, 2, 3, 4, 5, 6
Garage Door	Aluminium Up and Over Garage Door	6

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of High Street. However as previously recognised this does not enable or justify the approval of any style of housing on the site.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

The site is 0.49 hectares in size and is can easily accommodate six dwellings whilst providing sufficient garden space and off street parking. Given the design assessment in the impact on Listed Buildings and Non-Designated Heritage Assets it is considered that the development will have a harmful visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore does not accord with local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the CWNP and guidance within the NPPF and the National Design Guide.

It is considered that policy LP17, LP26, H3 and D1 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

The site has neighbouring dwellings adjacent or opposite in all directions. No objections have been received from neighbouring residents.

On the opposite side of High Street to the north is 4, 6, 8, 10, 14 and 16 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given the separation distance will not be expected to impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

19 High Street to the west of the site would share a boundary with plot 1. Plot would be approximately 4.7 metres from the shared boundary with 19 High Street and approximately 7.7 metres from the east elevation of 19 High Street. The primary structure of the proposed dwelling has first floor bedroom windows on the south elevation but these will only be able to view the bottom half of the garden to 19 High Street. Plot 1 given the separation distance and design of the dwelling will not impact on the living conditions of 19 High Street through a loss of privacy, an overbearing impact or a loss of light.

To the south and west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. It seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future but it could happen. Proposed plot 5 and plot 6 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space but the farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significantly harmful degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. If it was minded to approve the application this would be conditioned on the permission.

Overall it is therefore considered that the proposed dwellings will not have a significant harmful impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP, policy D1 of the CWNP and guidance contained with the NPPF.

It is considered that policy LP26 and D1 are consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the development subject to a scheme of archaeological works prior to any groundworks being required by condition. This is due to the sites

“location within the historic core of Cherry Willingham and adjacent to the site of its manor house, means there is a high potential for medieval and earlier Anglo-Saxon remains to be destroyed during development on any works affecting this area of orchard (Plot 6 on the plans submitted).”

Therefore if it was minded to approve the application then the development would not have a harmful archaeological impact subject to a condition and accords to LP25 of the CLLP, policy HE1 of the CWNP and guidance within the NPPF.

It is considered that policy LP25 and HE1 are consistent with the historic environment guidance of the NPPF and can be attached full weight.

Impact on Trees

Paragraph 118 of the NPPF states that:

‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’*

Local Policy LP21 states that:

‘All development should:

- protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site; minimise impacts on biodiversity and geodiversity; and seek to deliver a net gain in biodiversity and geodiversity’.*

Policy D1(d) of the CWNP states that *“any existing mature trees and boundary hedgerows, that are within or on the boundary of development sites, shall be retained and protected.”*

The application site includes a protected tree in the south west corner of the site, two protected trees along the north boundary in the north west corner and an old traditional looking orchard to the rear which is not protected. As confirmed by the Authority’s Tree and Landscape Officer (in planning application 140158) and on the site plan the most westerly protected tree to the north boundary has consent (041349) to be removed and replaced.

The application has included an Arboricultural Implications and Tree Protection Proposals report by Mark Hudson dated 7th October 2019 including tree protection measures (appendix 1 and 2) and a tree protection at the end of the report.

Protected Trees:

The protected tree to the rear of the site is approximately 13 metres from the south west corner of plot 6. No comments have been received from the

Authority's Tree and Landscape Officer (TLO) on this protected tree. The separation distance approximated provides sufficient clearance from its crown.

The remaining large protected tree (horse chestnut) along the north boundary is a prominent feature tree along the site frontage and adds value to the street scene. The Authority's TLO objected in refused planning permission 140158 due to the harm caused to this tree. The TLO has however not objected to the development this time providing the tree mitigation and protection measures in the submitted tree report are conditioned to be adhered to. This includes a no dig road construction within the trees root protection area.

Therefore the development would not be likely to have a harmful impact on the protected trees and their root protection areas.

Orchard:

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The position of plot 6 would allow some of the Orchard Trees to remain in place. No comments have been received from the Authority's Tree and Landscape Officer (TLO) on the Orchard.

Given the orchard trees can be removed without permission the proposed retention of some of the orchard trees through this development is welcomed.

The proposed development will therefore not have a harmful impact on the protected trees and would retain some of the orchard and accords with local policy LP21 of the CLLP, policy D1 of the CWNP and guidance contained with the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

Highway Safety

The development will utilise two existing vehicular access points to provide a two new estate roads to gain access to plot 1 and 2 and to plot 3, 4, 5 and 6. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council objected to the previously refused planning application 140158 due to a lack of sufficient information. This application removed a driveway access to plot 3 and replaced it with garaging to the rear of the plot to be accessed off the estate road. The Highways Authority have not objected to this proposal subject to conditions of which one requires the closing up of an existing vehicular access

in the north east corner of the site (near the bus stop) prior to the use of the proposed accesses.

The proposed dwellings will all be served by adequate off street parking provision.

Therefore the development will not have a harmful impact on highway safety and accords to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.

It is considered that policy LP13 and D1 are consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Drainage

Foul Water:

The application form states that foul drainage will be disposed of to the mains sewer and the foul drainage scheme is identified on the site plan.

Surface Water:

Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged. A soakaway scheme has been identified on the site plan but the suitability of the site for soakaways has not been demonstrated through appropriate percolation testing. If tests demonstrate that the site is suitable for soakaways then the soakaway design must be informed by the results of the percolation tests.

Therefore if it was minded to approve the application then the foul drainage scheme would be conditioned to be accorded with prior to occupation. The surface water scheme required further information which could be addressed by the use of a condition.

Therefore subject to conditions the development will not have a harmful drainage impact and accords to local policy LP13 of the CLLP, policy D1 of the CWNP and guidance contained within the NPPF.

It is considered that policy LP14 and D1 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Considerations:

Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding therefore meets the NPPF sequential test.

Contamination

Due to the historical use of the site and storage of chemicals it is considered that if it was minded to approve the application then it would be necessary to

include a precautionary contamination condition in the interest of public health and safety.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Affordable Housing

Local Policy LP11 of the CLLP states that:

'Affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.'

Therefore, if the units exceed 1000sqm, an affordable housing contribution will be required under policy LP11.

LP11 should be considered for its consistency with the NPPF. The NPPF (paragraph 63) states that "*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas..*". Annex 2 of the NPPF defines major development as: *'for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.'*

The proposal is therefore below the dwelling number and the site is less than 0.5 hectares in size therefore is not considered a major development and an affordable housing contribution should not be sought.

It is considered that policy LP11 of the CLLP is not wholly consistent with the affordable housing guidance of the NPPF but can be attached some weight.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. An additional information form has been submitted but not an assumption of liability form. The total floor space created will be approximately 1,554m². Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £38,850. An advisory note will be attached to the permission.

Permitted Development Rights

In the event permission was granted, It is considered relevant and necessary to remove certain permitted development rights from plot 2 and 3. This is to enable the agricultural character and integrity of these plots is retained through proposed future development. The permitted development rights to be removed would be Class A-H of Part 1 (Development within the curtilage of a dwellinghouse) and Class A (gates, fences, walls etc.) of Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036, Policy H2 Housing, Type, Mix and Density, Policy H3 Infill Development in Cherry Willingham, Policy HE1 Protecting the Historic Environment and Policy D1 Design Principles for Cherry Willingham of the Cherry Willingham Neighbourhood Plan in the first instance, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Appeal Decision APP/N2535/W/18/3210404, refused planning application 140158 and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of the above assessment it is considered that the proposed development is not acceptable and should be refused for the following reason:

1. The proposed development does not relate well to or respect the site and surroundings and does not protect the historic character or historical associations the site has in its setting within the centre of the settlement in terms of design, materials, siting, layout and its concept. The development would create a poor sense of place in its location. The development would be unacceptably harmful to the character and appearance of the site, the surrounding area and the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the development would not accord with local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy H3, HE1 and D1 of the Cherry Willingham Neighbourhood Plan, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the National Planning Policy Framework and the National Design Guide.

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**