

Officers Report

Planning Application No: 143260

PROPOSAL: Planning application for an entry level exception site for erection of 21 no. affordable dwellings - phase 3.

LOCATION: Land to South of Wesley Road Cherry Willingham Lincoln LN3 4GT

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Hill; Cllr Welburn; and Cllr Darcel

APPLICANT NAME: Mr Collins

TARGET DECISION DATE: 12/11/2021

DEVELOPMENT TYPE: Major - Dwellings

CASE OFFICER: Martin Evans

RECOMMENDED DECISION: Delegate back to officers to grant planning permission subject to conditions;
completion of a bi-lateral section 106 agreement securing the proposal as an entry level exceptions site and the management and maintenance of the on-site public open space;
receipt of a unilateral undertaking securing public bridleway access through the field to the south of the application site to Green Lane;
resolution of surface water drainage matters; and
evidence of agreement in principle from an adjacent landowner to construction road provision.

In the event these matters are not resolved within 9 months of the date of the planning committee meeting, the application will be reported back to the next available planning committee.

This application is reported to planning committee at the request of Cllr Welburn and because the Development Plan (comprising the Central Lincolnshire Local Plan and Cherry Willingham Neighbourhood Plan) are silent about entry level exception sites.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The proposal does not exceed the screening threshold of more than 150 houses or exceeding 5 hectares for residential development set out in Schedule 2, 10 (b). It is neither "schedule 1" nor "Schedule 2" development, and there is no requirement to screen the proposal.

Description:

The application site is a rectangular parcel of land to the south of a modern housing development. It is within an area informally known as “Little Cherry” or Hawthorn Road. This is physically separate from the main body of Cherry Willingham.

The site is located within a gently undulating landscape and is currently overgrown scrubland benefitting from established hedges to the western and southern boundaries. There is a mature ash tree to the western boundary. To the east, south and west is arable farmland. A wooded area known as Fox Covert is located to the south west of the site. Approximately 300m to the south of the site is a public right of way (reference Cher/133/1) which runs east to west, along Green Lane and into Cherry Willingham.

The proposal entails the erection of 21 dwellings in semi-detached and terraced format. This includes 5 bungalows in the southern part of the site. The proposal includes:

- 5No. 1 bedroom bungalows
- 10No. 2 bedroom houses
- 6No. 3 bedroom houses

The road layout would form a continuation of Wesley Road, providing a shared surface for all road users. Public open space is proposed in the south west corner of the site centred around the existing ash tree.

Relevant history:

Application site

133692 Outline planning application for residential development of 19no. dwellings - all matters reserved.

The application was refused by West Lindsey DC on the 27/04/2016 prior to adoption of the Central Lincolnshire Local Plan (CLLP). Appeal (Ref: APP/N2535/W/16/3152310) decision dated 8/11/2017 was post CLLP adoption. The Inspector considering Little Cherry Willingham to be part of Cherry Willingham and thus a **large village**. Regarding landscape impact they stated *“Whilst I am satisfied that there would not be a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement, I nevertheless conclude that the proposal would result in a limited and localised adverse landscape impact and urbanising effect.”*

Regarding accessibility they stated *“I am therefore satisfied that the location and accessibility of the site to local services and facilities would not be solely dependent upon the use of the private car. 27. As a consequence of the accessibility of the site for walking, cycling, and public transport, I am satisfied that realistic alternatives are in place to prevent reliance upon the private car for access to the services and facilities within Cherry Willingham. I have not therefore found the proposals to conflict with Policy LP13 of the Local Plan”.*

140355- Outline planning application to erect 19no. dwellings - third phase of scheme for housing - all matters reserved. Withdrawn 13/2/2020.

Land to the west

133693 Outline planning application for residential development of 29no. dwellings-all matters reserved. Refused on 27/4/2016 prior to the adoption of the CLLP. Appeal (Ref APP/N2535/W/16/3153106) decision dated 23/11/2017 post CLLP adoption. The Inspector considering Little Cherry Willingham to be part of Cherry Willingham and thus a **large village**.

134096 Planning application for erection of 69 dwellings. The LPA and Inspector, in considering the CLLP, determined Little Cherry Willingham to be a **hamlet**. The appeal (Ref APP/N2535/W/17/3179325) decision dated 1/12/2017 post-dates that for 3153106 by a few days but draws a different conclusion regarding how Little Cherry Willingham is to be considered stating *“In this regard I differ from a colleague Inspector who, in considering appeals on two adjoining sites on land off Wesley Road (APP/N2535/W/16/3152310 and APP/N2535/W/16/3153106), conjoined Cherry Willingham and Hawthorne Avenue. Neither this, nor the allocation of two sites ref CL4751 and CL4752 for residential development on land south of Wesley Road (Policy LP52 of the CLLP), lead me to a different conclusion in relation to this appeal.”*

Regarding accessibility, the Inspector stated the *“appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle”* and *“On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”*

Regarding landscape impact they stated *“I conclude that, whilst there would not be a significant impact on the wider landscape character of the rural area or the character and appearance of the adjacent settlement, the proposal would result in a localised adverse landscape impact and urbanising effect to the detriment of the character and appearance of the open rural countryside. It would therefore conflict with Policies LP2 and LP55 of the Local Plan, which seek to restrict development in the countryside through the application of a criteria-based approach. There would also be conflict, albeit limited, with Policy LP17 which seeks to protect the intrinsic value of the landscape and townscape, including the setting of settlements.”*

Land to the north east of Little Cherry Willingham

139278 Outline planning application for erection of 6no. dwellings, with access and layout to be considered and not reserved for subsequent applications-resubmission of 138166. Refused 29/5/2019. The Officer Report considers Little Cherry Willingham not being named on the settlement hierarchy an omission from the Local Plan.

Representations (in summary):

Ward Councillor A Welburn:

Formally requests the application is determined by Planning Committee stating:

“This planning application is against both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood Plan, but I understand that changes to the National Policy Framework re affordable housing makes this an acceptable application. Although the site is viable there are still issues especially with distance from local amenities. I am particularly concerned for children attending the Junior School as the distances are too far for many and there is no bus service in this area now.

I would like to suggest that West Lindsey take this opportunity to work with the developer and LCC footpaths to explore purchase of a 3-metre strip down the side of the field to connect this area to Green Lane and ensure that at some point in the future a proper cycle-path could be provided which would allow the connectivity which is so important to a community.

It is also important to ensure sufficient parking, as it is a fact this development would be so remote that cars become a necessity, this is ironic especially at a time when developments are supposed to be close enough to amenities or public transport to make cars unnecessary.

Please see previous statement, this site is not ideal for the proposed development in view of its position and the fact that there have been previous applications turned down at appeal. It would seem to be finely balanced between local plans and the national framework therefore I think this application should be considered by the planning committee.”

Cherry Willingham Parish Council:

Although the site is outside both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood Plan, it is an acceptable application due to the changes to the National Policy Framework re affordable housing. The applicant does seem to have considered the Neighbourhood plan. The style of the proposed dwellings is in line with the previous phases.

Affordable Housing

As the application is for "Affordable Housing" and states that it is aimed to meet the deficits shown within the Neighbourhood plan, we would expect that the applicant would market the properties in accordance with the criteria contained in the Neighbourhood Plan: (paragraph 8.13 including local connection prioritisation is quoted in full).

The Parish Council requests that as a condition of the approval the development is designated as “Affordable Housing” in perpetuity and the conditions above as taken from the Neighbourhood Plan are applied for the allocation of residents.

Site connectivity

The site is located outside the development areas contained in both the Central Lincolnshire Local Plan and the Cherry Willingham Neighbourhood

Plan and this raises issues in regard to the connectivity to both Little Cherry and the main village of Cherry Willingham. This raises concerns with the Parish Council. As the development is to be “Affordable Housing” it is likely that residents will rely to a greater extent on local services and public transport. Therefore the Parish Council would like to see better connectivity to the services in the main village: This could be achieved through a new connection from the proposed development to Green Lane in Cherry Willingham. This would relate to the following areas of the adopted Neighbourhood Plan: Extracts from Cherry Willingham Neighbourhood Plan

Page 7: Paragraph 1.16 The table below shows the issues raised by the community during consultation.

Table 1: Key issues raised by the community:

Access to other parts of the village and neighbouring villages
Creating opportunities to enhance our existing public rights of way through policy will preserve these for the future use of the village. New development may also create opportunities for new connections to Public Rights of Way to be created.

Page 11: 3 Community Vision

The village will be a greener place with access to useable and pleasant areas of open space throughout the village and improved links to the nearby open countryside.

Page 12/13: 4 Community Objectives

Extracts from Table 2: Community Objective and policy intention

2. Future housing development

To influence the location, scale, design and type of new housing to ensure that it safeguards or improves character of local areas, meets identified local housing needs, enhances the village setting and its connection/ relationship with the surrounding countryside.

6. Public access

To preserve and enhance our existing public rights of way and encourage new connections to other areas of the Parish and neighbouring communities. Support the need for safe and attractive walking and cycling routes throughout the Parish.

7. Landscape Character and Design

To manage development in a way that minimises any negative impact on our landscape, built environment and access to the open countryside.

Page 14: 5 Neighbourhood Development Planning Policies

Page 17: Policy H1: Housing Land Allocations and Development Principles in Cherry Willingham

c) the design and layout of the scheme maximises the potential to enhance existing green infrastructure and to create new connections to nearby services and facilities and improve access to existing parts of the village.

Page 41: 14 Public access

14.2 The community would like to see the enhancement of the public access network through upgrading the condition, context and / or status of existing paths; and the creation of new off-road routes, to provide a range of safe and attractive interconnected paths and cycleways. The linking of new and existing routes will lead to the establishment of a series of circular routes, providing walking, cycling and in places horse riding options to both residents and visitors to the area. A more direct off-highway access route to the Hawthorn Avenue area of the village ("Little Cherry") which is presently detached from the village.

Policy OS3: Footpaths and cycleways

2. Developments that propose improvements to the existing public footpaths between Cherry Willingham, "Little Cherry" and Fiskerton, shall be strongly supported.

(Map 7: Public Rights of Way within Cherry Willingham Neighbourhood Plan Area is on page 42 of the Cherry Neighbourhood Plan).

Page 43: 15 Design principles for Cherry Willingham

Policy D1: Design principles for Cherry Willingham

15.6 A key requirement of any new development is to ensure that it is not just another 'bolt on' area of development, but that it contributes to wider 'place making' desires and opportunities.

15.7 To do this it must open opportunities for new and existing residents to move easily to and from the village centre and key services. Therefore, an emphasis on connections that are direct, safe and pleasant is expected from new development proposals.

15.8 Similar connections between new and existing housing is also considered important to support a well-integrated community. The Neighbourhood Plan seeks to ensure that new developments respond positively to such objectives and therefore endorses the approach identified by Building for life 12. (see Appendix 5).

(Policy D1 is quoted in full).

Page 59: Community Priority 1: The Witham Valley Access Project

19.5 Includes: • Safe footpath/cyclepath from the Hawthorn Road area to the Centre of Cherry Willingham.

Greetwell Parish Council:

This site is not in Greetwell Parish.

Residents:

Residents of 16, 17, 28, 30, 34, 36, 39, 44, 53, 57, 59, 63 and 69 Wesley Road, Cherry Willingham object (summary):

- There are enough houses on the development.
- Loss of property value.
- Impact on shift workers.
- Affordable housing should be built elsewhere, it may house some undesirable people.

- There are existing congestion and parking problems and it is hard to drive down the road due to the amount of cars. Will the proposal have sufficient parking for residents and visitors?
- Traffic would go through Wesley Road making it less safe for families and pets.
- Construction noise. Construction vehicle disturbance; damage to homes and roads; construction vehicles caused window chips, found it hard to get through and damaged a number of vehicles.
- How will the builders access the site? Wesley Road is tight and parked with vehicles due to insufficient parking. Emergency vehicles would not be able to gain access on most occasions.
- Poor water pressure and internet speeds.
- Will the [County] Council adopt Wesley Road as this has not yet happened?
- Phase 2 has not been completed to an appropriate standard and should be brought up to standard before additional building is considered. Existing estate green areas are not maintained. Electricity station looks poor. Existing estate is not electric vehicle charging friendly. Has vehicle charging been considered on the new estate?
- Access to local amenities is limited and not walkable for most people. Local comprehensive school is a 20 minute walk away and the first local shop requires a car journey. Accessing the amenities in Lincoln is now more difficult by car due to the Lincoln Eastern Bypass no longer allowing direct access to the Carlton centre for cars.
- Poor visibility for vehicles using both junctions onto Hawthorn Road making it dangerous for additional traffic especially with increases due to the Lincoln Eastern Bypass.
- Is there demand for new housing? Other local developments have better access to services and facilities.
- The site is of benefit to wildlife including Mice, Voles, Bats, Owls and spotting of Muntjac deer in the area.
- There should be an access from Green Lane to the south.
- Some adjacent gardens and fields flood.
- Negative impact on property and quality of life.

Residents of 14 Wesley Road, Cherry Willingham make general comments (summary):

- Existing lack of parking
- Proposal would generate additional traffic including access and safety concerns including children's.
- Road access and layout is tight and not suitable for construction traffic with the current amount of traffic.
- The proposal will exacerbate existing drain blockages and odour problems.
- Lack of amenities such as a suitable park for the amount of families living here.

Residents of 12 Wesley Road, Cherry Willingham support the proposal (summary):

- Well thought out plans.
- No issues with parking.
- Issues only arise due to lack of common sense from individuals.
- None of us would be living where we do if the plans were refused for our houses.

WLDC Strategic Housing:

“NPPF para [72] specifies “Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area.”

There are 2 elements to the need for the homes, the Central Lincs SHMA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register.

Cherry Willingham housing register information 12 th July 2021				
One bedroom	Total	Of total, those over 55	Of total, those with a local connection*	Of total over 55, those with a local connection over 55
1 bed	97	47 out of 97	82 out of 97	41 out of 47
2 bed	69	15 out of 69	61 out of 69	15 out of 15
3 bed	31	1 out of 31	24 out of 31	1 out of 1
4 bed +	7	2 out of 7	6 out of 7	1 out of 2
Total	204	65 out of 204	173 out of 204	58 out of 65

* This is based solely on address, which is only one element of the local connection criteria.

Updated figures have been sought for the housing register and the house types do still reflect the need as identified by the housing register for Cherry Willingham.

The NPPF (above) does also stipulate that the properties must be available for first time buyers or those looking to rent their first home. Due to this, all of the properties on the site will have to have a restriction that they can only be sold or rented to people who wish to buy or rent their first home. This will require a specific letting criteria set out within the S106 which secures the properties as only available for first time renters/buyers in the first instance. This will then supersede the requirement within the West Lindsey Lettings policy that bungalows and ground floor flats can only be rented to applicants who are over 55 or with a medical need.

Due to the above clause being required, I would recommend engagement with an RP as soon as possible as this could add complexity when obtaining an RP partner to purchase the properties and deliver them as affordable.

Details of which properties are to be rented and which will be available for shared ownership will also need to be agreed to ensure there is an identified need for the tenure of housing proposed.”

WLDC Tree and Landscape Officer:

Recommends the ash tree is retained and is given plenty of space around it and protective fencing should be erected along the outer extents of its RPA prior to work commencing in the area around it.

LCC Highways and LLFA:

23/7/2021:

Requests additional information.

In relation to highway matters there is no objection in principle to the layout shown subject to a better design for the transition from Phase 2's shared surface into the new phase's standard carriageway and footway arrangement. The layout needs to be amended to address this. Currently none of the estate roads that serve as access to the proposed development are adopted highway, therefore should the developer wish for the new development to be adopted, details for the previous phase's adoption will be required. The estate roads which will provide access to the new proposal, once in operation, are not suitable for construction traffic during the build out phase and therefore the HLLFA will require details for a temporary access road for construction traffic for consideration.

In relation to drainage, It has been indicated in the submitted FRA that the site will drain via soakaways and permeable paving. In order to assess the suitability of this method a number of trial pits will have to be excavated to a suitable depth and infiltration testing to BRE Digest 365 will need to be carried out at this stage. The water table depth will need logging and soaked CBR testing will also be required. Depending on the water table depth recorded, a period of bore hole monitoring may be required. For a full application the following information will be required in order for the HLLFA to assess the suitability of the sites drainage strategy:

- Drainage Strategy including adoption and/or maintenance proposals and sketch layout plans
- Detailed development layout showing surface water drainage infrastructure in line with SuDS principles
- Detailed Hydraulic calculations
- Geotechnical interpretive reports (infiltration assessment, groundwater tables, soil types etc.)
- Discharge and adoption agreements

4/10/2021: “It was agreed that the historic information and testing from the previous sites, with regard infiltration, were not suitable. I'm happy to dispense with sustainable techniques for initial surface water capture and have a

traditional sealed system of gullies and carrier pipes provided there's suitable attenuation and outfall. I will still require the relevant detailed supporting information for the new SW disposal strategy, including how it ties into the adjacent phase. I don't think it will be advisable to deal with it by condition only."

LCC Archaeology:

No archaeological impact.

LCC Education:

No contribution request because there is sufficient primary capacity locally.

Environment Agency:

No comment.

Anglian Water:

Wastewater Treatment

The foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

Used water network

The sewerage system at present has available capacity for these flows.

Surface water disposal

The proposed method of surface water management does not relate to Anglian Water operated assets.

Lincolnshire Police:

No objections.

Natural England:

No comment.

NHS:

No contributions are requested.

Witham Valley Access Group:

Object stating "This development is outside the Neighbourhood Plan and there is still no connection by footpath or cycle path between these developments and the central village and its amenities."

28/9/2021: support because we understand the developer has negotiated a bridleway through the field to the south to Green Lane. It should be stipulated this is a bridleway and included on the LCC Definitive Map so it cannot be revoked.

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); the Cherry Willingham Neighbourhood Plan (made March 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

• Central Lincolnshire Local Plan 2012-2036 (CLLP)

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

Relevant policies of the CLLP include:

Policy LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP3: Level and Distribution of Growth

Policy LP9: Health and Wellbeing

Policy LP10: Meeting Accommodation Needs

Policy LP11: Affordable Housing

Policy LP12: Infrastructure to Support Growth

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP21: Biodiversity and Geodiversity

Policy LP24: Creation of New Open Space, Sports and Recreation Facilities

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

• Cherry Willingham Neighbourhood Plan (CWNP)

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

Relevant policies of the CWNP include:

Policy H2: Housing Type, Mix and Density

Policy OS1: Provision of new Public Open Space

Policy OS3: Footpaths and cycleways

Policy D1: Design Principles for Cherry Willingham

• Lincolnshire Minerals and Waste Local Plan (LMWLP)

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

<https://www.gov.uk/guidance/national-planning-policy-framework>

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 July 2021.

Paragraph 219 states: "However, existing 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)."

- Planning Practice Guidance
- National Design Guide

Other

Central Lincolnshire Developer Contributions Supplementary Planning Document and associated updates.

Draft Local Plan (Material Consideration)

NPPF paragraph 48 states that 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).

The first consultation on the draft Central Lincolnshire Local Plan closed on 24th August 2021. The plan is therefore still at a relatively early stage of preparation; consultation responses are yet to be published at the time of writing although are expected to be so imminently; and Framework consistency has not yet been tested. Consequently the weight to give to the emerging policy is limited (but publication of the consultation responses may change that weighting) it given to relevant policies it contains.

Policy S1 of the draft Reg 18 Local Plan proposes to allocate "Hawthorn Avenue ('Little Cherry')" as a medium village.

Main issues

- **Principle**
- **Design and character impacts**
- **Residential amenity**

- **Highways**
- **Flood risk and drainage**
- **Ecology and trees**
- **Contributions and open space**
- **Other**

Assessment:

Principle

Little Cherry/Hawthorn Road has not been categorised in the settlement hierarchy within the CLLP (policy LP2). This is considered to be an omission from the CLLP. The substantial gap between it and the continuous developed footprint of Cherry Willingham means it is not considered appropriate to conclude Little Cherry is part of Cherry Willingham for planning purposes. CLLP Policy LP2 Tier 7 considers a hamlet to be “a settlement not listed elsewhere in this policy and with dwellings clearly clustered together to form a single developed footprint***. Such a hamlet must have a dwelling base of at least 15 units (as at April 2012).”

Whilst the views reached previously by a Planning Inspector are noted, It is not considered appropriate to conclude that Little Cherry Willingham is a hamlet because its current scale would qualify it as a medium village under the thresholds used in the CLLP.

The more recent CWNP does not set out any specific policies in regard to development at ‘Little Cherry’, but states the following at paragraph 9.3:

“Little Cherry”

9.3 The area to the North of the parish, known locally as, “Little Cherry” is a small detached built up area with no facilities and only limited transport services to nearby larger settlements. Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP. In the absence of any definitive statement in the CLLP the District Council has indicated that it will consider Little Cherry as a Small Village (within the settlement hierarchy set out in Policy LP2 of the adopted development plan) until such time as the matter is definitively resolved in any review of that Plan.

Decision making, noted in the planning history section above, provides contradictory approaches as to how Little Cherry should be categorised. Policy S1: The Spatial Strategy and Settlement Hierarchy of the draft CLLP seeks to address this, and now proposes Hawthorn Avenue (“Little Cherry”) as a medium village in the forthcoming Plan. However, due to the early stage of preparation of this document only limited weight can be applied at this time,

and it would be unsound to base the acceptability of the principle of this proposal on this policy.

CLLP Policy LP1 states:

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.”*

CWNP Paragraph 9.3 states “Any development proposals which come forward in Little Cherry in the Plan period will be considered on their merits within the context provided by national planning policy and relevant policies in the CLLP.”

The site is not allocated for residential development in the development plan (unlike the site immediately to the north). It comprises “countryside” and would arguably be a departure from the Plan, unless there are material considerations to indicate otherwise.

However, National Policy (a significant material consideration) now sets out support for “entry level exceptions sites”.

Both the CLLP and CWNP are silent on the matter of entry-level exception sites. NPPF Paragraph 72 states:

“72. Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority’s area. These sites should be on land which is not already allocated for housing and should:

- (a) comprise of entry-level homes that offer one or more types of affordable housing as defined in [Annex 2](#) of this Framework; and*
- (b) be adjacent to existing settlements, proportionate in size to them³⁵, not compromise the protection given to areas or assets of particular importance in this Framework³⁶, and comply with any local design policies and standards.”*

“(35) Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.”

“(36) i.e. the areas referred to in footnote 6 in chapter 2. Entry-level exception sites should not be permitted in National Parks (or within the

Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.”

Reference to footnote 6 above should be 7 due to an editorial mistake in the NPPF: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.

The component parts of Paragraph 72 are addressed in detail below:

“unless the need for such homes is already being met within the authority’s area.”

When determining the need for such homes and whether this has been met within the authority’s area, a Parish is not an authority in this sense and so it cannot be the area of the need being met. Therefore in line with statutory instruments the authority’s area would be that of Central Lincolnshire. The Strategic Housing Market Assessment states that, as per the PPG, Lincoln, North Kesteven and West Lindsey (Central Lincolnshire) can be jointly considered as a single housing market area.

There are 2 elements to the need for the homes, the Central Lincs Strategic Housing Market Assessment identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register.

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The proposal is considered to evidence and address an identified unmet need.

“These sites should be on land which is not already allocated for housing”

The proposed housing is not on an allocated housing site. The red line on the site location plan goes through the allocated site to the north for the purposes of access only. This is not considered a breach of this requirement.

“(a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework;”

The proposal complies with this and it will need to be secured by section 106 agreement.

“(b) be adjacent to existing settlements, proportionate in size to them³⁵, not compromise the protection given to areas or assets of particular importance in this Framework³⁶, and comply with any local design policies and standards.”

The site is adjacent to the existing settlement. The size limit for entry level exceptions sites is larger than one hectare in size or exceeds 5% of the size of the existing settlement. Little Cherry is approximately 16 hectares in area. The 5% limit equates to 0.8 hectares. The proposal is 0.45 of a hectare which is within the size limits. The proposal does not compromise areas or assets of particular importance (as referenced) . The site is at low risk (flood zone 1) of flooding. As set out below, the proposal is considered to comply with local design policies and standards.

The 100% affordable housing proposed far exceeds the 25% requirement of CLLP Policy LP11. Additional information has been provided demonstrating in accordance with CLLP Policy LP10 that a minimum of 30% of the dwellings have been designed to meet M4(2) of the Building Regulations to help support the creation of mixed, balanced and inclusive communities and to cater for the needs of less mobile occupants, including older people and disabled people.

Sustainability and accessibility of the location

Previous Inspector opinions regarding the site and adjacent site differ, with one finding compliance with CLLP Policy LP13 and the other slight conflict. It is noted that bus services in Little Cherry seem to have diminished since these appeals were considered.

According to Lincsbus.info, there is a limited bus service in Little Cherry Willingham which seems aimed at school travel with Hawthorn Road having a bus stop served by the 510 to William Farr School; the 548 to Cherry Willingham Priory Academy; and 146 to De Aston School.

There is good but unlit dual footway and cycleway provision on Hawthorn Road to Cherry Willingham with the nearest secondary school provision approximately 1.5km away (Priory Academy). The services and facilities provided at Cherry Willingham village centre, as defined in CWNP Policy R1, are approximately 2.2km away. The services and facilities at the Carlton Centre in Lincoln are approximately 3km away with access for pedestrians and cyclists along the same cycle and footway. Such access has been retained by the bridge over the Lincoln Eastern Bypass.

Within the decision notice for appeal reference APP/N2535/W/17/3179325, with regard to accessibility, the Inspector stated the “appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle” and “On balance I conclude that there would be only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”

Ward Councillor, Parish Council, residents and the Witham Valley Access Groups concerns and objections regarding the accessibility of the site to amenities and schools, and suggested footpath provision can be noted.

CWNP Policy OS3: Footpaths and cycleways states “Developments that propose improvements to the existing public footpaths between Cherry Willingham, “Little Cherry” and Fiskerton, shall be strongly supported.”

Policy OS3 is not considered to be a “local design” policy that the proposal must comply with as set out in NPPF paragraph 71.

It is considered the site is less than ideally located for non-car based travel to services and facilities in slight conflict with Policy LP13. The majority of travel is likely to be by car with some walking, cycling and limited bus use for school travel.

Notwithstanding the above, the applicant is in the process of preparing a unilateral undertaking which would secure public bridleway access across the field to the south of the application site to the public right of way along Green

Lane. Provision of a unilateral undertaking makes this a material consideration. It would reduce the walking distance to Cherry Willingham Primary School to 1.7km as opposed to the current 3.2km walk along Hawthorn Road. The walk to the village centre would not be shortened by this route. Hawthorn Road would remain the shortest route to the Priory Academy.

In conclusion regarding the principle of development, the development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The draft CLLP is not determinative because its policies attract limited weight at this stage. In such circumstances, CLLP Policy LP1 supports the grant of planning permission in the absence of material consideration that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF. A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area. There is only limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes. The applicant will provide a unilateral undertaking to secure better connectivity for non-motorised vehicle travel to Cherry Willingham, strongly supported by CWNP policy OS3. This would reduce travel distances to Cherry Willingham Primary School for example but not all services and facilities in the village. Such provision is considered to meet the broader CWNP aspiration of securing footpath network improvements.

Design and character impacts

Policy LP17 requires 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. It also requires consideration 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.

Policy LP26 requires all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. It requires all development must take into consideration the character and local distinctiveness of the area and where applicable must demonstrate that they make effective and efficient use of land.

Policy H2: Housing Type, Mix and Density states:

“Elsewhere development proposals should deliver housing at densities that reflect the specific characteristics of the site and its surrounding area (in terms of the existing built form and landscape).”

“Affordable Housing

4. *Where affordable housing is to be provided on site, it must be fully integrated with the market housing throughout the development.*
5. *Affordable housing should be aesthetically indistinguishable from market housing.”*

Policy D1: Design Principles for Cherry Willingham states:

1. Development proposals will be supported where they are of a high standard of design that have fully considered the relevant design principles, below:

Local character and distinctiveness

a) new development, particularly larger schemes, shall respect its wider surroundings, in relation to historic development patterns or building plot sizes and forms; density; topography and landscape character.

Architectural Quality

b) new development shall respect its context, and deliver high quality architecture in terms of density, height, scale, materials and detailing.

c) developments in prominent positions to the settlement will be of particularly high-quality design that will serve to reinforce a positive perception about the quality of the place and respect its relationship with its surroundings.

Environment and Landscape

d) any existing mature trees and boundary hedgerows, that are within or on the boundary of development sites, shall be retained and protected.

e) where boundary treatments are proposed, these shall incorporate a degree of native boundary planting to soften their appearance and avoid any ‘hard edges’ between the site and the adjacent or surrounding countryside.

f) developments shall respect the purpose of the green wedge designations as identified in Policy LP22 of the Central Lincolnshire Local Plan.

Accessibility and movement

g) new development should ensure that all people, including those with disabilities, can easily and comfortably move through and into it; prioritise safe, easy and direct pedestrian movement and the creation of a network or attractive, well-connected public spaces; establish both visual and functional relationships between different parts of a development and between the development and its wider setting.

Design and Construction

h) incorporate, where possible, any carbon reduction and renewable energy materials through the latest technology and construction methods.

j) where appropriate, proposals shall take inspiration from the latest Building for Life (12) guidance on good design and incorporate these principles into the proposal.

Parking and layout

j) where developments are proposing on-street parking provision, this shall be incorporated into the layout of the development through clearly defined parking bays; and

k) where a development is proposing a complex or block development, consideration shall be given to the inclusion of visitor parking spaces to avoid unnecessary clutter and on-street parking.”

Section 12 of the NPPF seeks to achieve well-designed places. Paragraph 126 states “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve”. Paragraph 130 requires policies and decisions ensure developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; 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 131 requires tree lined streets.

Policies LP17, LP26, H2 and D1 are consistent with section 12 of the NPPF in requiring well designed places and are given full weight.

The CWNP Character Assessment designates the site as being in area 1D described as attractive limestone arable land, open and rolling in character. It has open rolling topography typical of surrounding agricultural land; a small area of settlement to the north recently extended; and a PROW runs through southern part of the area. Overall, the area is visually very sensitive. Southern part of area is highly sensitive to any form of development or change. It should be noted the site is in the northern section of the area. Landscape value is moderate due to scenic value due to the topography. Overall capacity is low to medium stating “No development in south of area. The views to west and south should be protected. Possibility of small area of development to the north of area as an extension to the settlement, where it will be less visually intrusive.”

It is considered the proposal would not result in a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement, but it would bring about limited and localised adverse landscape impact and urbanising effects arising from development of the site, as previously found when Planning Inspectors have considered past development of the site.

The proposal would be viewed very much as an extension to the existing housing estate from the surrounding countryside. Retention of the southern and western boundary hedgerows with some trimming back and the ash tree

are proposed. The proposal shows tree lined streets as required by the NPPF paragraph 131.

The proposal has a density of 47 dwellings per hectare. Phase 2A directly to the north has a density of 42 dwellings per hectare. The density would reflect that of the existing estate to the north. The design mirrors that of the estate to the north with dual pitched roofs, some frontage gable ends, a mixture of render, brick and timber wall treatments, and shared road surfaces. Semi-detached and terraced properties, with some forming rows and others at 90 degree angles to each other are found within the existing estate and the proposal. Building plot sizes and dwelling heights are very similar. Appropriate bin storage is provided.

The proposal would be considered to be well integrated with the market housing to the north and would be aesthetically indistinguishable from it. The shared surface and relatively flat topography of the site mean it will be easy for people, including those with disabilities, to move through the site and the footway link to the south means the proposal will have a visual and functional relationships with its wider setting. The design and construction section of the DAS aims to incorporate, where possible, carbon reduction and renewable energy materials through the latest technology and construction methods and confirms the proposal will be designed to meet the requirements of Building for Life (12) guidance on good design.

Proposed on-street visitor parking provision is incorporated into the layout of the development through clearly defined parking bays which should help to reduce on-street parking and street clutter.

The design and character impacts are considered to comply with the local design policies and standards in accordance with the CWNP, CLLP and NPPF.

Residential amenity

NPPF paragraph 130 requires decisions ensure development creates a “high standard of amenity for existing and future users”. Policy LP26 requires proposals do not result in undue harm to residential amenity which is consistent with the NPPF and given full weight.

The SPD advises:

“6.21 The former Homes and Communities Agency (now Homes England) Housing Quality Indicators formerly stipulated minimum and maximum acceptable sizes for various property types. Whilst these are no longer mandatory, affordable housing providers will use them as a benchmark and normally look for provision to at least meet the minimum size standard (see Appendix 4).”

The applicant has provided a table demonstrating the gross internal area of each proposed dwelling complies with the requirements of the SPD minimum size standard. Proposed rear gardens are in the region of 7-8m in depth. The two bedroom dwellings at plots 11-14 would have 6-6.5m deep back gardens which is modest but appropriate for two bedroom units. Mutual overlooking between proposed dwellings would be largely prevented by intervening fences at ground floor, obscure glazed bathroom windows at first floor or the rooms in question being non-habitable such as utility rooms. A small amount of overlooking would arise from the north facing bedroom window of units 11 and 12 to the rear garden of unit 4 but this is not considered to be unduly harmful.

The application site is located to the south of 69 Wesley Road which has a ground floor dining room window, first floor bathroom window and second floor bedroom window approximately 6m away from the proposed side elevation of plot 5 which would feature a ground floor dining room window and first floor bathroom window. It is necessary to require all north facing windows to unit 5 be obscure glazed to prevent mutual overlooking. The physical proximity of unit 5 to 69 Wesley Road is not considered to give rise to undue harm to residential amenity by virtue of issues such as loss of light, overshadowing or overbearing. Plot 1 would be approximately 11.5m from 69 Wesley Road and at an angle to it which is an acceptable relationship.

Construction access matters are discussed in more detail in the highways section below. It is considered necessary to impose a construction management plan condition to minimise the impact upon local residents.

The proposal would not be expected to cause undue harm to any residential amenity in accordance with CLLP Policy LP26.

Highways

The NPPF paragraph 110 requires appropriate opportunities to promote sustainable transport modes are taken up; safe and suitable access for all is achieved; any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

All two and three bedroom dwellings have two car parking spaces each. The one bedroom dwellings have been provided with one car parking space. The site has been designed to maximise driveway parking. Three visitor spaces are proposed in the south west area of the site. One additional visitor car space is proposed alongside the public open space in the Phase 2 area to the north of the site. The internal road layout, parking and turning provision is

compliant with the requirements of CLLP Policy LP13, and CWNP policy D1 on Parking and layout. .

A number of residents have raised objection to the impacts of vehicles moving through the tight layout of the existing estate roads during construction and occupation. The occupational traffic would be modest and acceptable for the nature of these roads. LCC Highways has stated these roads are not suitable for construction traffic and it requires details of a temporary access road for construction traffic.

The applicant has been in discussions with the landowner to the east of the application site to secure agreement in principle to the route of a temporary construction road, for the construction phase of the development only, from Franklin Way to the application site. Evidence of such agreement is to be submitted to the LPA.

Submission of such evidence enables the imposition of what is known as a 'Grampian condition'.

The judgment in the court case Grampian RC v City of Aberdeen 1983 provided that a condition may be negatively phrased or suspensive, viz it can provide that a development is not carried out, until certain works have been carried out on land not under the control of the applicant, as is the case here.

Planning Practice Guidance states:

“When can conditions be used relating to land not in control of the applicant?

Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – ie prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.

Paragraph: 009 Reference ID: 21a-009-20140306

Revision date: 06 03 2014”

The imposition of such a condition is not considered to give rise to undue harm to residential amenity for residents of Franklin Way or the surrounding road network because of the temporary nature of the proposal and the ability to mitigate impacts such as dust and hours of use via separate planning permission conditions. Provision of such a temporary road is considered to require planning permission in its own right. Therefore, due to the added

complexities this creates, it is considered necessary to allow a longer period for commencement of development of the proposal to 4 years instead of the usual 3 years.

Flood risk and drainage

Policy LP14 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical; to show that that there is no unacceptable increased risk of flooding to the development site or to existing properties; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development. NPPF Paragraph 169 requires SUDS for major developments.

There is general consistency in requiring developments do not lead to increased risk of flooding therefore Policy LP14 is given full weight.

The submitted amended flood risk and drainage assessment identifies the site is at low risk of flooding. It is proposed to raise finished floor levels 150mm above ground level to mitigate any low risk.

Surface water is proposed to be dealt with by draining it to existing storage facilities located below the existing public open space to the north of the site with discharge via the existing pumping station to Anglian Water surface water sewer. The above storage and pumping station have been designed to cater for the additional surface water from the adoptable highway, private drives and roofs of this proposed phase 3 of the development. The surface water is then pumped into the existing Anglian Water surface water sewer at manhole 8754 to the north of 33 Wesley Road to the north.

The LLFA requests further technical information to demonstrate the proposed method would work in practice.

The LLFA consider further technical assessments are required to justify this surface water drainage approach. Anglian Water raises no objections. The EA makes no comment.

The foul water from the proposed development will be discharged to the existing sewer on Phase 2 which has been sized accordingly.

Anglian Water confirms it is obligated to upgrade Reepham (Lincs) Water Recycling Centre which currently does not have capacity to treat the flows the development site and that the sewerage system at present has available capacity for these flows.

PPG Paragraph: 020 Reference ID: 34-020-20140306 states:

“The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning

authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out.”

A condition is required to ensure water recycling centre upgrading works are carried out prior to occupation of the development.

Flood risk and drainage matters shall be resolved with further information from the applicant and input of the LLFA following the planning committee.

Ecology and trees

Policy LP21 is consistent with NPPF section 15 in requiring protected species are taken into account and enhancements are secured. It is given full weight.

The submitted preliminary ecological appraisal considers the habitat on and near the site and the potential for protected species. It recommends additional hedgerow planting and enhancement of existing hedgerows; native tree planting; bat boxes and bat friendly lighting; good working practices regarding badger; bird mitigation regarding site clearance and vegetation works; and house sparrow boxes. The report recommends a wildlife enhancement plan is prepared to ensure that as a minimum, the recommendations contained within the report are enacted.

The block plan shows bat and bird boxes but it is unclear whether tree and hedgerow planting and hedgerow enhancements are in accordance with the recommendations. The DAS considers street lighting spillage towards hedges will be significantly screened. It is unclear how this can be the case because the open space provides a clear path for light pollution to areas of hedging.

The appraisal is sufficient to demonstrate the impact on protected is acceptable but a detailed mitigation and enhancements condition is required to ensure the recommendations of the appraisal are correctly implemented. A landscaping condition will also assist in securing tree lined streets of a type that are suitable for a constrained site of this nature in accordance with NPPF paragraph 131.

The tree survey considers the ash tree to be a category B tree, which should be retained. The proposal has been amended to ensure retention of the mature ash tree as part of the public open space and the site layout allows retention of a significant proportion of the existing hedgerows. The eastern boundary shows hedge planting on the countryside facing side of the development in order to avoid hard edges as required by CWNP Policy D1.

The Council's Tree Officer recommends the ash tree is retained and is given plenty of space around it and protective fencing should be erected along the outer extents of its root protection area prior to work commencing in the area around it.

Contributions and open space

Contributions

No developer contributions are sought by consultees.

Open space

Policy LP24 requires residential development to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document. This should 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.

Policy OS1: Provision of new Public Open Space

1. New development should provide public open space to development plan standards. New public open space should be designed in a way that ensures that it is:

- a) accessible, safe and inclusive to all; and*
- b) safeguards and enhances the natural environment and local habitats.*

2. Where appropriate, the design and layout of the open spaces should allow habitat and species connectivity through linking new open space to existing habitats and green spaces.

NPPF Paragraph 92 requires decisions should aim to achieve healthy, inclusive and safe places which:... (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure. Paragraph 98 states “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.”

Using the West Lindsey occupancy rates per dwelling based on the number of bedrooms it contains and the formula set out in the Developer Contributions SPD, 21 dwellings would result in a requirement for 555m² of on-site open space. The site layout provides approximately 570m². The submitted unilateral undertaking also secures public access from this open space through the field to the south and onto the public right of network which is an additional benefit arising from the proposal that enhances connectivity for residents of the proposal and wider population.

Management and maintenance of on-site open space shall be secured by the s106 agreement. Delivery of the open space is secured by condition.

Contributions and open space matters are considered acceptable.

Other

There are no known archaeological requirements.

The site is in CIL charging zone 1, where the Community Infrastructure Levy (CIL) charge is £25 per square metre for houses. However, an applicant may claim for exemption or relief in certain circumstances, which includes the provision of 'social housing'.

Conclusion

The development plan is silent regarding entry-level exception sites and Little Cherry is not categorised within the CLLP settlement hierarchy nor the CWNP. The draft CLLP is not determinative because its policies attract little weight at this stage. In such circumstances, CLLP Policy LP1 supports the grant of planning permission in the absence of material considerations that indicate otherwise and taking into account the explicit support given to the proposal by the NPPF.

A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area. There is limited conflict with Policy LP13 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes. The applicant will provide a unilateral undertaking to secure better connectivity for non-motorised vehicle travel to Cherry Willingham via a footpath.

It is considered the proposal would not result in a significant impacts on the wider landscape character of the rural area and the proposal is designed in accordance with CWNP and CLLP requirements. No undue harm would arise to residential amenity subject to conditions, including a temporary construction access and track. The quantity and nature of occupational traffic would not be expected to harm highway safety and convenience. The internal site layout and parking provision is considered to be appropriate. Construction access and track would be secured by Grampian condition to avoid harm to highway safety and residential amenity. Ecological and arboricultural matters are demonstrably acceptable subject to conditions. Flood risk and drainage matters require final details from the applicant and further input of the LLFA. No financial contributions are sought and open space is secured via condition and section 106 agreement. There are no other technical problems with the application.

The proposal is considered broadly in compliance with both national and local policy requirements. The slight conflict with regards to the accessibility of the site to services and facilities, and proximity to sustainable forms of transport is considered to be outweighed by the need for affordable of the sort proposed

which responds to an identified need. It is considered any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Therefore, is it recommended that Planning Committee delegate back to officers to grant planning permission subject to conditions; completion of a bi-lateral section 106 agreement securing the proposal as an entry level exceptions site and the management and maintenance of the on-site public open space; receipt of a unilateral undertaking securing public access through the field to the south of the application site to Green Lane; resolution of surface water drainage matters; and evidence of agreement in principle from an adjacent landowner to construction road provision; and any conditions or other measures relating to these matters. In the event these matters are not resolved within 9 months of the date of the planning committee meeting, the application will be reported back to the next available planning committee.

Conditions

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

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

2. The development hereby permitted shall not commence unless planning permission has been granted by the Local Planning Authority for a temporary construction road between the application site and Franklin Way (or a suitable alternative), and said temporary construction road has been installed in accordance with the approved details. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of measures the developer will take to ensure all construction traffic uses the temporary construction road.

Reason: Wesley Road and Cherry Paddocks are considered unsuitable to provide access to the application site for construction traffic. Therefore, an alternative temporary construction access is required in the interests of highway safety and convenience in accordance with Policy LP13 of the Central Lincolnshire Local Plan.

3. 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;

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

4. No development shall take place until a detailed ecological mitigation and enhancements report based on the principles established in the submitted Ecological Appraisal dated June 2021, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To prevent harm to and provide net gain for protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

5. Protective fencing shall be erected along the outer extents of the root protection area of the ash tree prior to work commencing in the area around it. A small indent may be made to allow for construction of the car parking space within the RPA.

Reason: To protect existing trees in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

6. Prior to their use in the development, details of external finishing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

Reason: To secure good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

7. Prior to occupation of the development, details of foul water drainage to accommodate foul and surface flows from the proposal shall have been submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the development until off-site works are confirmed to have been completed.

Reason: To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. Foul water drainage shall be carried out in accordance with the submitted Flood Risk Assessment and Outline Sustainable Drainage Strategy received 28/9/2021.

Reason: To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

9. Development shall proceed in accordance with the following approved drawings:

1290- A- 00-001_Rev A00
1290- A-08-002_Rev A01
1290- A-08-003_Rev A01
1290 08-006_Rev A01
1290 08-009_Rev A01
1290- A-10-005_Rev A01
1290- A-10-006_Rev A03
1290- A-08-001_Rev A00
1290- A-08-004_Rev
1290- A- 08-005_Rev A00
1290- A-08-007_Rev A00
1290- A-08-008_Rev A00

Reason: For the sake of clarity and in the interests of proper planning.

10. Prior to occupation, all the north facing openings of dwelling 5 shall be obscure glazed and shall remain so in perpetuity.

Reason: To prevent mutual overlooking with the property to the north in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

11. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes 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 the visual impact of the development on the area of great landscape value is minimised in accordance with the requirements of Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

12. The on-site public open space shall be landscaped in accordance with the details approved under condition 11 of this permission and shall be available for use upon occupation of the 15th dwelling of the development hereby permitted. The open space shall remain available for public use at all times.

Reason: To ensure provision of open space in accordance with the requirements of Policy LP24 of the Central Lincolnshire Local Plan.

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