

Officers Report

Planning Application No: 144645

PROPOSAL: Planning application for 3no. bungalows with rooms in the roof space including single garages and all associated works

LOCATION: Land rear of 7 Waterford Lane Cherry Willingham
Lincolnshire LN3 4AL

WARD: Cherry Willingham

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

APPLICANT NAME: Heronswood Design Ltd

TARGET DECISION DATE: 01/06/2022 (Extension agreed to 15th July 2022)

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

This application has been referred to the Planning Committee, following comments from Cherry Willingham Parish Council that the proposed development conflicts with the provisions of the Cherry Willingham Neighbourhood Plan.

Description:

The application site is rear garden space to 7 Waterford Lane, Cherry Willingham. The site is set back from and below Waterford Lane (30mph) with the area sloping down gently from north to south. The host dwelling is unoccupied which explains the unmaintained condition of the site. The north boundary is open with the host dwelling further to the north. The east boundary is screened by hedging, fence panels and trees of high level with some lower areas. The south boundary is screened by 1.5-1.8 metre fence panels. The west boundary is screened by hedging and small trees with regular gaps. Neighbouring dwellings are adjacent or opposite to the north, east and south. An area of grass is to the west with dwellings on the other side. The application site includes or is close to a number of protected trees. These are:

- Tree Preservation Order (2008) Cherry Willingham – Group 1 (north west corner)
- Tree Preservation Order (2004) Cherry Willingham – Tree 1 (Access)
- Tree Preservation Order (2004) Cherry Willingham – Tree 5 (shared east boundary)
- Tree Preservation Order (2004) Cherry Willingham – Tree 6 (shared east boundary)

The application seeks permission for 3no. bungalows with rooms in the roof space including single garages and all associated works

Relevant history:

144787 - Planning application for removal of garage, outbuildings and conservatory, form an extension with new integral double garage, increase width of existing access and the formation of a private driveway – 07/06/22 - Granted time limit and other conditions

Representations:

Chairman/Ward member(s): No representations received to date

Cherry Willingham Parish Council: Objection

Whilst we are content with the principle of the development we have the following concerns:

1. The access road to the properties is quite narrow, going down to 2.5m adjacent to the first property. The minimum requirements for a Fire Appliance is 3.7m between the kerbs. National requirements are - "there should be a minimum carriageway width of 3.7 m between kerbs; there should be a minimum gateway width of 3.1 m; there should be vehicle access for a pump appliance to within 45 m of every point within single family houses; fire service vehicles should not have to reverse more than 20 m."

We believe that the current design would make access for emergency vehicles very difficult for the two rear properties.

2. In comparison to the existing properties along Waterford Lane the proposal is very dense especially for 4 bedroom properties. This is contrary to Policies H3 and D1 a), b), d), e), g) of the Cherry Willingham Neighbourhood Plan.
3. We share the concerns of the Tree and Landscape Officer regarding the loss of trees on the site prior to the application and with the proposed density of the development are unable to see how the developer will be able to plant replacement trees in order to comply with paragraph 12 of her report. "A scheme of landscaping should be required as some compensation for the loss of most of the trees on this site.

In short we believe that the proposal in its current form falls short of the requirements of the Cherry Willingham Neighbourhood Plan

Local residents: Representations received from:

Supports

1 Waterford Court, Cherry Willingham

Lovely looking development to convert what is an eyesore at present. With respectable plans taking the neighbours into consideration. Good contrast of modern and reclaimed materials that will fit in around the local area.

General Observation

3 Waterford Court, Cherry Willingham

I see that the application marks the private drive to the side of my property. I would like to point out that this is actually over part of the boundary on my land. There is a concrete post on the land the other side of my fence which is the actual boundary and I was informed that there was originally a footpath along the side of this land. The actual boundary runs from this post along the side of the fence as a wedge shape and the tree that was removed by the new owners - holly was actually on my property and removed without my consent. I would like to discuss ownership of this wedge shape piece of land with the new owners with regard to development of the proposed new drive please.

WLDC Tree and Landscape Officer: No Objections

Representation received on 1st June 2022:

The information is comprehensive and appropriate, and no further information or alterations are required in relation to the trees and their future well-being.

Representation received on 20th May 2022:

1. Site specific information is required for the demolition of the existing outbuildings, and how the TPO sycamore would be considered and protected throughout the works – see para 2 above.
2. Clarification of plan and key is required for the red areas on the Tree Protection Plan, as explained in para 8 above.
3. More detailed site specific information is required for the type and installation of temporary ground protection measures over tree RPAs – see para 9.
4. I recommend altering the size and shape of the parking area for plot 7a to reduce encroachment into the RPA of the large TPO beech tree T6. This should also remove the need for a cellular confinement system in this area, depending on the extent of reduction of hard surface area – see para 5.
5. A plan is required to show the area where a cellular confinement system is to be used.

Underground utilities should not run through the RPA of trees intended to be retained, especially the TPO trees. Although the AIA points out none should run through RPAs, can it please be clarified where any underground utilities would run, so the LPA can be sure the TPO trees would not be affected.

Representation received on 14th April 2022 (Summarised):

- Two trees are protected by Tree Preservation Order Cherry Willingham No1 2007 and one by TPO Cherry Willingham No4 2004. The protected trees are a sycamore, T7, near the NE corner adjacent to the driveway into the site, and a group of two large, mature beech trees, G1, near the

westerly boundary just south of the existing dwelling. The sycamore is within this application area, and the two beech trees are outside the application area, though the common (green) beech is very close to the intended new boundary fence.

- A BS5837 tree survey should be required for the two TPO trees
- An Arboricultural Method Statement (AMS) should be required, and should include details of any works connected with development that occurs within or very close to the trees RPAs, and how materials and activities will be in relation to minimizing potential harm to the trees and their growing environment.
- Details of tree protection measures should be required for prior approval, with any approved fencing and/or ground protection measures to be installed prior to commencement of works, and should be retained in position until completion. Such details are generally included in an AMS.
- Existing trees should be retained where possible for instant, mature landscaping and feature.
- A scheme of landscaping should be required as some compensation for the loss of most of the trees on this site.

LCC Highways/Lead Local Flood Authority: No objections with advice

Representation received 20th May 2022:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Representation received 18th May 2022:

The initial part of the access will require increasing to a minimum of 4.1m, can the applicant revise the block plan to reflect this?

LCC Archaeology: No representations received to date

IDOX checked: 6th June 2022

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 4th March 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

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
LP17 Landscape, Townscape and Views
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 (NP)**

Relevant policies of the NP include:

Policy H3 Infill Development in Cherry Willingham

Policy D1 Design Principles for Cherry Willingham

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/bardney-southery-stainfield-apley-neighbourhood-plan>

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

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

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

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

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

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:

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

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Model Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Reducing Energy Consumption – Residential Development
- S19 Resilient and Adaptable Design
- S20 Flood Risk and Water Resources
- S22 Meeting Accommodation Needs
- S46 Accessibility and Transport
- S48 Parking Provision
- S52 Design and Amenity
- S56 The Historic Environment
- S65 Trees, Woodland and Hedgerows

[https://central-](https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome)

[lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome](https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome)

Main issues

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Cherry Willingham Neighbourhood Plan
Concluding Statement
- Visual Impact, Character and Appearance
- Residential Amenity
- Highway Safety
- Drainage
Foul Water
Surface Water
- Archaeology
- Protected Trees
- Landscaping

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.

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 developed footprint is defined within local policy LP2 of the CLLP as:

"throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:

- a) individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b) gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c) agricultural buildings and associated land on the edge of the settlement; and*
- d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement."*

Local policy LP2 defines an appropriate location as *"throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- retain the core shape and form of the settlement;*
- not significantly harm the settlement's character and appearance; and*
- not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement."*

Cherry Willingham Neighbourhood Plan:

Policy H3 sets out criteria for infill development placing importance on the character of the area.

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

Concluding Statement:

The application site is rear garden land to 7 Waterford Lane which is within the developed footprint of Cherry Willingham. The site is not identified as an allocated site in Local Policy LP52 of the CLLP or the policies of the CWNP but is situated between buildings therefore is considered an infill and intensification site.

The development proposes three bungalows with roof accommodation in an area which comprises a mix of two storey dwellings and bungalows of mixed scale and appearance. Existing dwellings within the locality have a mix of larger, similar and smaller plot sizes. The plot sizes along Lime Grove would generally be smaller. Housing development set back from Waterford Lane is evident adjacent the site along Waterford Court. It is considered that the principle of the development of the site would retain the core shape and form of the settlement without significantly harming the character and appearance of the settlement.

Therefore the proposed residential development of the site in principle, accords to local policy LP2 of the CLLP, Policy H3 of the CWNP and the provisions of the NPPF.

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

Visual Impact, Character and Appearance

Support to the development of the site and its design has been received from a neighbouring resident.

Objections have been received from the Cherry Willingham Parish Council. They consider that, in comparison to the existing properties along Waterford Lane the proposal is very dense especially for 4 bedroom properties and that this is contrary to Policies H3 and D1 a), b), d), e), g) of the Cherry Willingham Neighbourhood Plan.

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 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 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.*”

The identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The development proposes 3 four bedroom detached bungalows with roof accommodation which would measure approximately (measurements taken from submitted plans):

Plot	Measurement (metres)			
	Height	Eaves Height	Length	Width
7a	5.7	2.7	16.1	16
7b	5.7	2.7	15	12
7c	5.7	2.7	18.1	17

The detached garage to plot 7a and 7b would measure approximately (measurements taken from submitted plans):

- 4.4 metres in height
- 2.3 metre eaves height
- 6.7 metres in length
- 3.5 metres in width

The submitted elevation plans included a list and example of the external materials and colour finishes. In summary the external materials for each plot would be:

- Red Brick
- Red Pantiles
- Cream UPVC Windows
- Oak Door with Cream Frame
- Ivory Render
- Black Plastic Rainwater Goods

All of the external materials are considered acceptable and will be conditioned to be adhered to on the permission.

As previously stated the area comprises a mix of house types, designs, ages and plot sizes. The development proposes red brick bungalows which are prevalent within the area, particularly to the south. Whilst first floor bedrooms are proposed these are retained entirely within the roofspace so the buildings will appear outwardly, in scale and appearance, as genuine bungalows. The

proposed bungalows would respect and relate well to the character of the bungalows off Elm Avenue and Lime Grove to the south and west of the site.

Whilst the concerns of the Parish Council are noted, the prevailing character of this residential area is of modest red brick buildings on smaller plots. In terms of density, the application site would measure 13.4 dwellings per hectare (dph) based on 3 dwellings on a site measuring 0.224 hectares. By comparison, existing bungalows along nearby Lime Grove (see plan below outlined in blue with 5 bungalows on a site measuring 0.184 hectares) to the south/south west, for instance measures 27.2 dph.



Whilst it is noted that the Parish Council do consider there to be conflict with policies H3 and D1, it is considered that, in terms of scale, appearance and layout, the development would reflect the prevailing character of this residential area and have much lower density than Lime Grove. In this regard, I find that policies H3 and D1 are complied with.

It is considered that the proposed development would not have an unacceptable harmful visual impact on the site or the surrounding area and would accord to local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the CWNP and the provisions of the NPPF and the National Design Guide.

Residential Amenity

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

Plot 7a and 7b have been positioned more to the west of the site with the private drive along the east boundary. Plot 7a and 7b would be sufficiently separated from each other and from the existing dwellings including the host

dwelling (7 Waterford Lane) to the north. Plot 7b and 7c would also be sufficiently separated from each other.

Plot 7c is located more centrally at the end of the site with part of its rear elevation (gable end) approximately 1 metre from the south shared boundary with 26 Lime Grove and its detached garage approximately 2 metres from the east boundary. The detached garage to plot 7c would have a flat roof of approximately 2.4 metres high. The rear elevation of plot 7c would be partly 5.2 metres high to the gable end ridge and 2.4 metres from the rear elevation of the garage. As shown below the rear garden on 26 Lime Grove has outbuildings across the share boundary.



Consideration is additionally given to the direction of the sun which rises from the east and sets to the west.

Each bungalow includes rooflights on their rear roof slope mainly serving bedroom accommodation. However the position of the rooflights and the dwelling plus the gradient of the roof slope and the separation distance to neighbouring dwellings means no unacceptably harmful overlooking would occur on the existing or future neighbouring dwellings.

The design of the bungalows and the proposed landscaping would ensure each proposed and existing neighbouring dwelling would have sufficient private external amenity space.

The private drive would serve three dwellings which would generate vehicle noise and possible headlight glare into this existing garden space. However the amount of vehicle movements generated would be modest and the position of the dwellings would not lead to any direct headlight glare.

It is therefore considered that the proposed development would not have an unacceptable overbearing impact, cause any unacceptable loss of light or cause any unacceptable harm on the privacy and living conditions of future and existing neighbouring residents. This is due to the scale, siting and landscaping of the development.

The development therefore accords to local policy LP26 of the CLLP, policy D1 of the CWNP and guidance contained within 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.

Highway Safety

The Cherry Willingham Parish Council have objected to the width of the access and the area of private drive measuring 2.5 metres wide.

The development would use the existing vehicular access to 7 Waterford Lane and install a private drive to the dwellings which would predominantly be 4.5 metres wide. There is a section within the site where the private drive narrows (2.5 metres wide) for a short period where only one vehicle could pass but this is acceptable as this is within the confines of the site and vehicles approaching the narrow point can view vehicles approaching from the other direction. The other area where the private drive is narrow is at the access point. This measures off the site plan at 3.1-3.2 metres wide which is unacceptable as two vehicles would not be able to pass meaning the potential for a vehicle having to wait on Waterford Lane. The widening off the access has been requested by the Highways Authority. In response to this the site plan has been amended to provide an access measuring 4.5 metres wide which is acceptable as it would allow two vehicles to pass.

The private drive would run past the east elevation of 7 Waterford Lane and down the east side of the site. Waterford Lane has a 30mph speed limit and the observation views were considered acceptable at the officer's site visit. The proposed dwellings and host dwellings would be served and still be served by adequate off street parking provision.

The Highways Authority at Lincolnshire County Council have no objections to the development.

Therefore the development will not have an unacceptable 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 111) 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 which is the preferred option. No plans have been submitted to evidence connection to a mains sewer.

Surface Water:

Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged. 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 it is considered that foul and surface water drainage can be addressed by condition. It would be expected that foul and surface water drainage would not have an unacceptable harmful impact and would be expected to accord with 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.

Archaeology

The Historic Environment Officer at Lincolnshire County Council has not to date commented on the application. In planning application 133957 (Land North Of, Waterford Lane, Cherry Willingham) the HEO had no objections and this development sits very close to this application site to the north/north west of Waterford Lane.

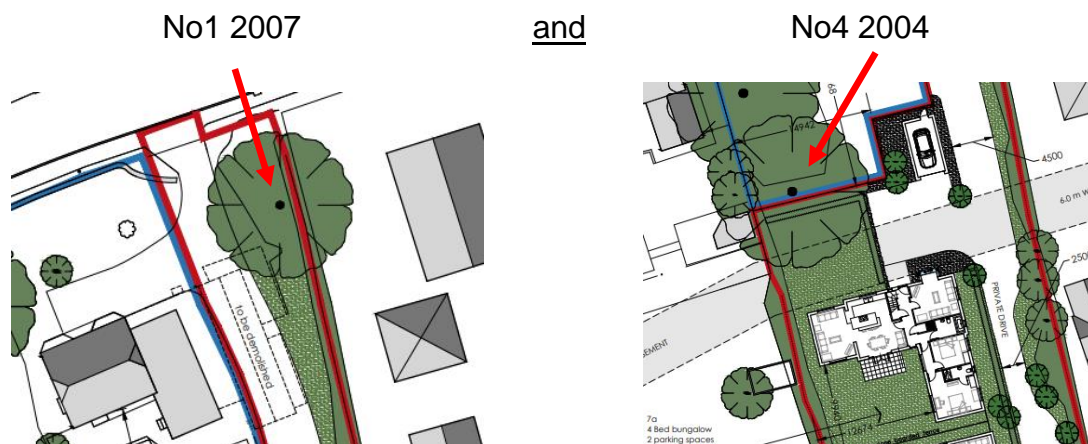
Therefore it is considered that the development would not have an unacceptable harmful archaeological impact and accords to LP25 of the CLLP and guidance within the NPPF.

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

Protected Trees

Concerns have been raised by the Parish Council.

The application site as confirmed by the Authority's Tree and Landscape Officer (TLO) includes protected trees. These are Tree Preservation Order Cherry Willingham:



The application on the request of the TLO has included an Arboricultural Impact Assessment and an Arboricultural Method Statement by Brown Bear Tree Care received 13th May 2022. The Method Statement includes Tree Protection Plan 001 dated 6th May 2022. However to provide clarity on the areas of the private drive which would be required to be constructed from a cellular confinement system the Impact Assessment and Method Statement including the plan (dated 24th May 2022) were updated.

Following the receipt of the amended documents the TLO has no objections to the development.

Therefore subject to adhering to the details of the submitted statements via conditions the development would not be expected to have a harmful impact on the protected trees and accord to LP21 of the CLLP and guidance within the NPPF.

Other Considerations:

Landscaping

The submitted site plan includes illustrative landscaping details but does not include sufficient information on hardstanding materials, planting and boundary treatments. Therefore a landscaping condition would be attached to the permission to provide more comprehensive details.

Land Ownership

A comment in relation to land ownership was received from a neighbouring resident. Whilst land ownership is a civil matter it can alter the type of certificate that needs to be signed at the end of the application form.

This comment was passed onto the applicant/agent who responded confirming that *“Whilst we acknowledge the neighbours comments, the Land Registry Title plans do not show a kink or any deviations in the red line. On that basis, it is our opinion that the red line application area follows the title plan area, purchased by the land owners”*.

Whilst the comments of the neighbour are noted, the applicant has submitted a copy of the Land Registry Title Plan. The application site would appear to accord with this, and there is no other evidence before me to suggest that the applicant has otherwise erroneously signed the land ownership certificate.

Community Infrastructure Levy (CIL)

The development would be liable to a CIL payment of £25 per square metre prior to commencement of works.

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 Settlement Hierarchy, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and Policy H3 Infill Development in Cherry Willingham and Policy D1 Design Principles for Cherry Willingham of the Cherry Willingham Neighbourhood Plan in the first instance.

Consideration has additionally been given to policy S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S6 Reducing Energy Consumption – Residential Development, S19 Resilient and Adaptable Design, S20 Flood

Risk and Water Resources, S22 Meeting Accommodation Needs, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity, S56 The Historic Environment and S65 Trees, Woodland and Hedgerows and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, the National Design Guide and the National Design Model Code. In light of this the principle of the development is acceptable and would provide three bungalows within the developed footprint and in an appropriate location. The development would not have an unacceptable harmful visual impact on the site, the street scene or the surrounding area and would not harm the living conditions of neighbouring dwellings or the future residents. The development would not have a harmful impact on protected trees, highway safety, drainage or archaeology. This is subject to a number of conditions.

Human Rights Implications:

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

Legal Implications:

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


Representors to be notified -
(highlight requirements):

Standard Letter Special Letter Draft enclosed

Prepared by: Ian Elliott

Date: 6th June 2022

Signed:



Authorising Officer:

Date: 07/06/2022

Decision Level (tick as appropriate)

Committee

Recommended Conditions

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

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

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

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

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- 1768P-22-26c dated 18th May 2022 – Site Plan
- 1768P-22-27 dated February 2022 – Plot 7a Floor Plans
- 1768P-22-28 dated February 2022 – Plot 7a Elevation Plans
- 1768P-22-29 dated February 2022 – Plot 7b Floor Plans
- 1768P-22-30 dated February 2022 – Plot 7b Elevation Plans
- 1768P-22-31 dated February 2022 – Plot 7c Floor Plans
- 1768P-22-32a dated 1st April 2022 – Plot 7c Elevation Plans
- 1768P-22-33 dated April 2022 – Plot 7a and 7b Garage Elevation and Floor Plans
- AMS22-01 dated 24th May 2022 – Tree Protection Plan (Appendix A of the Arboricultural Method Statement by Brown Bear Tree Care dated 24th May 2022)

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy H3 and D1 of the Cherry Willingham Neighbourhood Plan.

3. The development must be completed in strict accordance with the Arboricultural Method Statement by Brown Bear Tree Care and Tree Protection Plan (AMS22-01) dated 24th May 2022. All tree protection measures must be installed prior to works commencing and retained in place until the development is fully completed. The areas identified on the

Tree Protection Plan for a cellular confinement system must be completed using a no dig/excavation method.

Reason: To appropriately protect and safeguard the protected trees and trees to be retained on the site to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

4. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation must occur until the approved scheme has been carried out. The approved scheme must be retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

5. No occupation must take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of all new and retained trees and hedging.

Reason: To ensure that appropriate landscaping is introduced and will not unacceptably harm the character and appearance of the site to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

6. The development must be completed in strict accordance with the external materials identified on the elevation plans listed in condition 2 of this permission.

Reason: To ensure the use of appropriate materials in the area to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

7. No occupation of each individual dwelling must take place until the vehicular access, private drive to the dwelling and its individual driveway

identified on site plan 1768P-22-26c dated 18th May 2022 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.

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

8. All planting or turfing comprised in the approved details of landscaping must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must 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. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Cherry Willingham Neighbourhood Plan.