

# **Officers Report**

## **Planning Application No: 142874**

**PROPOSAL:** Outline planning application to erect up to 144no. dwellings - access to be considered and not reserved for subsequent applications.

**LOCATION:** Land to the north of Rudgard Avenue Cherry Willingham  
Lincolnshire

**WARD:** Cherry Willingham

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

**APPLICANT NAME:** Taylor Lindsey Ltd

**TARGET DECISION DATE:** 16/07/2021

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Grant permission subject to conditions and s106 planning obligation that secures the following –

**£91,080 NHS contribution**

**£5000 to monitor the Travel Plan**

**£1900 for rail crossing upgrades**

**25% of the overall dwellings (up to 36no.) to comprise Affordable Housing, with the share split as follows -**

- 60% of the Affordable Housing designated as Affordable Rented Housing;
- 15% of the Affordable Housing designated as Shared Ownership Affordable Housing; and
- 25% of the Affordable Housing designated as First Homes

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The application is presented to planning committee due to the level of representations made on the application and Parish Council concerns over compliance with the Cherry Willingham Neighbourhood Plan, particularly in regard to housing numbers and density.

The Planning Committee at its meeting on 7th September 2022 resolved to defer this planning application for a Members' Site Visit. The Planning Committee site visit took place on 21st September 2022 commencing at 10.30am.

### **Description:**

The site is an approximately 5.21ha, broadly triangular parcel of land located to the north east of the centre of Cherry Willingham, currently consisting of two generally flat agricultural fields comprising arable-cultivated land and a small broad-leaved copse, with hedgerows interspersed with some trees to the boundaries. Access to the site is currently achieved from Croft Lane and Rudgard Avenue.

The southern boundary of the site is bordered by three different uses. In the westernmost portion, the site is bound by the local shopping amenities and residential development, with arable land wrapping the eastern portion of the site separated by field boundary ditches and hedges. To the north lies the Lincoln to Grimsby railway line with a Public Right of Way and residential development beyond, and to the west lies Croft Lane, one of the main arterial routes through Cherry Willingham, also with residential development beyond.

The application seeks outline permission to erect up to 144 dwellings with access to be considered and not reserved for subsequent applications. Matters of layout, scale, appearance and landscaping are therefore all reserved for subsequent approval (“reserved matters”).

It is proposed that the development will comprise the erection of up to 144 dwellings which includes a 25% proportion of affordable homes (up to 36 in total) to assist with meeting the district’s identified housing needs. Approximately 4.42 ha of the site is proposed to be developed for residential purposes, representing a net density of approximately 32.58 dwellings per hectare (DPH), and is to include access roads, private garden space, car parking areas and open space. Further details of appearance, landscaping, layout and scale are reserved for subsequent applications.

**Relevant history:**W20/356/95 – Outline planning application for residential development and construct vehicular access in accordance with Drawing Nos 9033L/10A and 11A received on 5 September 1995. Refused 02/10/95

**Representations:**

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

**Cherry Willingham Parish Council:** 29/06/21 - The Parish Council acknowledges that the land in question is included in the 2017 local plan and would welcome development that is in line with both the Local Plan and the adopted Neighbourhood Plan. We would like to make the following points as we believe the proposal is not in accordance with either Plan.

1) The Local Plan (CL1179 page 119) and the Neighbourhood plan (Policy H1 p 17) state 40 dwellings as the indicative number for the site. The Neighbourhood Plan (policy H2 p24) states that allocated housing sites should be designed at densities to deliver the anticipated yields. The application is for 360% more dwellings than the indicative number and if granted would result in a very crowded site (0.011 ha/ dwelling, including road and green space, compared to the indicative 0.039 ha/dwelling derived from the Local Plan). The total would exceed the number of existing dwellings on Rudgard Ave, a larger site.

We appreciate that this application must be considered as it stands but note that if it were to set a precedent for similar density of development on allocated areas in the parish it could

result in over 1300 additional dwellings on the other 2 allocated sites within the main village (rather than 333) and 126 in "Little `Cherry", off Hawthorn Rd rather than 59.

The Parish Council has met with the applicant Taylor Lindsey to seek an explanation for the difference in numbers between the application and the Local Plan and the Neighbourhood Plan. Taylor Lindsey states that the figures in the two plans are erroneous and that they unsuccessfully challenged them at the time. Both plans were scrutinised heavily at the time of development and if no changes were made as a result it is the Parish Council's belief that attempting to do so through a planning application is not appropriate. If successful in revising the allocated number we are concerned that Taylor Lindsey could take the same approach with the next phases of the development. If both had the same density as proposed for 142874 it could allow 806 dwellings on Thornton East (CL1181) rather than 200, and 539 on Rudgard East (CL4437) rather than 133. The total dwellings on the 3 sites would then be 1489 rather than the 373 in the Local Plan - an almost 400 % increase.

2) We cannot see that the density of development in Application 142874 will comply with 5.11.3 of the Local Plan or policy H1 of the Neighbourhood Plan as it would not "make a positive contribution to the character and appearance of the environment within which it is located", it would not "have regard to its local context and would "impact negatively upon the amenity experienced by neighbours" (in this case the rest of the village). Policy H1 3 specifically mentions the need for development proposals for CL1179 and the adjoining development sites should demonstrate a master planning approach to create a cohesive and sustainable development: we do not consider that the outline plan given for the 3 sites demonstrates such a master plan.

3) Policy D1 Cherry Willingham Neighbourhood Plan : Design principles for Cherry Willingham - Parking and layout. Paragraph j) states "where developments are proposing on-street parking provision, this shall be incorporated into the layout of the development through clearly defined parking bays"; and paragraph k) states "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."

The proposed density means that parking space will be restricted, and it appears from the plan there is unlikely to be space for more than 1 vehicle per dwelling on each plot.

Although the travel assessment document states the road beyond the 6.5m wide access for commercial vehicles to the business premises is 5.5m wide it seems probable from the outline plan that on road parking will cause congestion and restrict access to delivery and emergency vehicles. This is already an issue in the village as can be seen in the contrast between the upper and lower ends of Ladymeers Road: the lower end is more densely developed and is much more congested.

4) Policy H2 Cherry Willingham Neighbourhood Plan: Housing Type, Mix and Density. Paragraph 1. states: "developments should deliver housing of a size, type and tenure appropriate to the site and locality." Whilst this is only an outline application and does not identify specific house types the density of 0.011 ha/dwelling is even greater than that allowed for the Wesley Rd developments in the Local and Neighbourhood Plans (0.0215/ha and 0.00252/ha respectively). Many of the existing new properties in the "Little

Cherry" area along Hawthorn Rd are terraced townhouse type dwellings (some 3 storey), which would be out of place on the site in question if they were to be proposed on the definitive plan.

5) Both the Local Plan and the Neighbourhood Plan include the need for sustainability and the reduction of carbon emissions. Designing properties to be suitable for home working would help towards this and could reduce the traffic congestion issues mentioned in 12) below.

6) Policy OS3 Cherry Willingham Neighbourhood Plan Policy: Footpaths and cycleways. Although the plan shows a footpath from the western end of the proposed development to Croft Lane we consider that in addition a parallel cycle path should be provided: this would be safer for pedestrians and would also reduce the risk for cyclists by providing an alternative route that avoids the Rudgard junction (see 12b) below). The application also fails to take advantage of the proximity of the application site and the two future development sites to the existing public footpath and cycle routes. Paragraph 2 of OS3 states "Developments that propose improvements to the existing public footpaths between Cherry Willingham, "Little Cherry" and Fiskerton, shall be strongly supported." In its objectives the Neighbourhood Plan "seeks to encourage new connections to other areas of the Parish and neighbouring communities",

7) Policy H1(h) Cherry Willingham Neighbourhood Plan promotes development that ..."avoids creating hard edges along any boundaries of the sites that face the open countryside", paragraph 4.3 supports housing development which ..."enhances the village setting" ...and the design principles in paragraph 15.9 advise that ..."more areas of structural woodland planting associated with new development could create closure". There is a missed opportunity in the application to mitigate the hard edge of the application design by including a path connecting to the Fiskerton footpath within a landscaped strip along a new edge to the village, thereby avoiding the same hard edge as the existing Lady Meers development, which ends abruptly against open agricultural landscape.

8) Currently the village has a population age structure which is older than the average for the area. We are concerned that the proposed mix of dwelling types may not meet the need of the community to become more balanced demographically by providing an adequate number of larger dwellings. To allow development at this density would probably mean houses of such a size that they would only be suitable for very small family units. This might be OK as starter homes but could result in them being aimed at the retirement end of the market. Cherry already has a skewed demographic, and an even higher proportion of elderly residents would make for an unbalanced community and pressure on services other than education (which could be disadvantaged). There appears considerable demand for larger properties within the village: there have been a considerable number of property extensions by people who presumably wish to remain local but for whom there are few larger properties available.

9) The increase in population of the proposed development (331 according to the estimate by the Clinical Commissioning Group) would add to the pressure on local amenities.

a) Although we appreciate the application must stand alone, we note that if all sites were to be developed at the density proposed for application 142874 the parish population could potentially increase by around 3,700, which would be likely to overwhelm village facilities and totally change its nature.

10) Policy OS1 Cherry Willingham Neighbourhood Plan : Provision of new Public Open Space and Neighbourhood Plan Policy OS2: Local Green Space

The application does not make any reference to general improvement of village amenities other than the green space at the NE corner (0.59ha).

11) There is no reference to social or affordable housing although we appreciate this may appear when detailed planning permission is sought.

12) We note that access in the application is a reserved matter for future consideration and approval. Nevertheless, we note that as the proposal stands the only access to the site is off Rudgard Avenue. Although the Travel Assessment states the first part of the access road will be 6.5m wide with a squared off junction to Rudgard Avenue (which is an improvement to the current arrangement) we are concerned that goods vehicles (including HGVs) may still need to back in or out of this as there is no turning space by the commercial premises. This would continue to pose a high risk of obstruction and potential danger to other road users. The proposed footpath from the new estate access road to Croft Lane might actually increase the danger as it is so close to the Co-op delivery area.

a) This would be a particular issue during the construction stage. Could the site be accessed by the airfield using the existing hard surface tracks with an extension to the east end of the site?

b) Although this would be partly ameliorated if sites B and C are developed with access to Ladymeers Road via Thornton Way and The Leys the combined volume of traffic from the 3 sites would seem likely to cause congestion on the Ladymeers/Church Lane junction and potentially on the narrow twisting lower end of Ladymeers Rd and its junction with Fiskerton Rd (which appears to be becoming increasingly busy since the completion of the bypass).

c) These issues would be exacerbated by development of sites B and C at the same density as proposed in this application: several hundred extra cars could potentially be attempting to exit or enter the developments over fairly short time periods.

13) Policy E1 Cherry Willingham Neighbourhood Plan: Enabling Employment Opportunities: The application makes no contribution to this policy. The location of the application site would lend itself to the incorporation of extended employment opportunities behind the Village Centre. In line with Policy R1: Village Centre

14) Section 19 Cherry Willingham Neighbourhood Plan – Community Priorities: As already stated the land is identified for development in both the current development plans. The Parish Council would welcome the associated CIL that development would provide. However, the current application is more likely to compound the problems identified under Community Priorities especially Community Priority 2: Traffic management measures, to such an extent that any CIL would be required to mitigate the issues caused by the development rather than enhance the village.

15) Optima Transport Assessment – Provided by Taylor Lindsey in support of the Application:

a) The summary of the assessment states in paragraph 7.1.8 that in regard to the proposal for 144 dwellings “Trips at the Croft Road/Church Lane/High Street junction will slightly exceed the 30 two-way trip threshold however the majority of additional trips will occur on the through flow, which will not result in either a material or severe impact on the junction performance. Despite this we remain concerned that this could prove a bottleneck.

b) We also note that there is no analysis of the possible impact on the Church

Lane/Fiskerton Rd and Waterford Lane/Fiskerton Rd junctions, where Lincoln bound traffic has to turn right onto a road which appears to have become increasingly busy since the bypass was completed.

c) We believe that as the current application is submitted as phase 1 of the total identified development area the Transport assessment and Travel Plan should consider the site as a whole rather than just the first phase. As such we consider the resulting conclusions to be flawed.

#### Conclusion

In summary the Parish Council is disappointed that the applicant, who has a long-standing relationship with the village has unfortunately failed to take advantage of the hard work done by the Parish Council to produce the Cherry Willingham Neighbourhood Plan, which on its adoption was commended by WLDC for its quality and thoroughness.

We wish to oppose the application for outline planning permission as it stands but would welcome a resubmission that relates much more closely to that described in the Local and Neighbourhood Plans. We would like to take this opportunity to refer the applicant to section 15 and Policy D1 of the Neighbourhood Plan: Design principles for Cherry Willingham. The Council also consider that as the first significant development since the newly adopted Neighbourhood Plan, the application is a test of whether all the effort put in by the community will turn out to have been worthwhile. If the current application were to be approved against the Local and Neighbourhood plans there could be a loss of trust in the whole process of planning and development.

30/07/21 - We have looked at Taylor Lindsey's response and agree that there is an error in the size of the plot. However, it does not mean that there is also an error in the number of dwellings, it is equally possible that the area plotted on the site map has been drawn incorrectly and the hectare figure is correct.

Taylor Lindsey in their response sought to blame the Parish Council for not consulting them during the preparation of the Neighbourhood Plan. The Parish Council advertised the development of its Neighbourhood Plan widely throughout the parish in the three years leading up to its publication.

This was done through a wide variety of means of communication. For Taylor Lindsey to accuse the Parish Council of failing to consult with them as the landowner is farcical. As the landowner and promoter of the site and believing there to be such a serious error in the Local Plan it would have been an ideal opportunity to take steps to have this corrected. They surely can't expect anyone to believe that they were unaware that a Neighbourhood Plan was being developed and that it would have great implications for several of their sites.

Even if we take the density [given by the applicant] dated 09 July 2021 as more appropriate for the 5.17 Ha's the number of dwellings comes out at 116. That means that the application for 144 dwellings is 24% greater.

We should also take into account that housing density is not the sole driver when deciding the number of dwellings for a particular site. Of particular concern in relation to this site is the access route as we also raised in our response. It is noteworthy that the Environmental Protection Officer in her response has requested that a Construction Management Condition is approved and adhered to throughout the construction period which will specifically cover access to and from the site. The Parish Council's preferred

option as stated in our initial response is for a specific construction access to be put in place utilising the existing runways and perimeter tracks across Fiskerton airfield. It is the Parish Council's opinion as stated in our response that correction of the error, whatever it is, through the planning application process is not the correct means. In response to Dan's second email to you dated 12 July, he challenges other issues that the Parish Council raised.

Point 3. As this is only an outline application as is stated frequently through the application documents much of the detail is deferred for the full application. It is therefore difficult to see the details. It is particularly difficult to give credit to the applicant's claim that the issues around avoiding a hard edge to the village can be dealt with through landscaping at the detailed application stage, when the layout plan submitted with the outline application fails to show such landscaping or even allocate any land for it.

However, much of the concern that the Parish Council has is due to the very poor parking layout in the last development by the applicant. It is difficult to reconcile the figures provided with the layout plan, unless of course the applicants are counting garage space as parking spaces (which would not be a helpful approach as most modern garages are built too narrow to be used, many owners are likely to convert garages to extra rooms and it is increasingly common practice for garages to be used for storage). We are also concerned about the absence of on-street visitor parking bays. Add to all this the already overstated density and it can be seen why this is a potential issue. The number of parking spaces is not the only issue, it is also the quality of the spaces that makes for a good site. The Chartered Institution of Highways and Transportation (CIHT) and The Institute of Highway Engineers (IHE) have produced Technical Guidance on what constitutes good Urban parking.

Point 6. We welcome Taylor Lindsey's agreement to widen the footway to Croft Lane and add a dedicated cycleway. We hope that they will also ensure that this extends to and will create a further route to and through phases two and three of the overall site. Notwithstanding this, the Parish Council has, as set out in its previous representation, a range of concerns about the proposed development, many of which it believes can only be resolved by a significant reduction in the density of the development.

The Parish Council has considered the responses provided by Taylor Lindsey but remains opposed to the application in its current form. We are still of the mind that the application falls short of the requirements and intent of the Local and Neighbourhood Plans.

The Council also consider that as the first significant development since the newly adopted

Neighbourhood Plan, the application is a test of whether all the effort put in by the community will turn out to have been worthwhile. If the current application were to be approved against the Local and Neighbourhood plans there could be a loss of trust in the whole process of planning and development.

19/04/2022 - The Planning Committee of Cherry Willingham Parish Council accept in principle the development of the site but continue to have the following concerns regarding the request for the outline application to be accepted without further conditions. 1) There is a lack of clarity over the number of dwellings that will be

permitted on the site. The application is for “up to 144” which we consider to be too many, considering the shape and size of the site and the access from Rudgard Avenue. HELAA appendix E gives a potential capacity of 116 dwellings. The Draft Mid Lincolnshire Local Plan Review, currently out to consultation and the most recent figure given, states 97 dwellings as the potential for the site. We consider that the situation should be clarified by WLDC Planning Committee and an upper limit for the number of dwellings should be set in line with the current Local Plan Review consultation. An approximately 33% reduction in the developer's original application to 97 dwelling would considerably lessen the concerns mentioned above. 2) The more recent documents submitted with the application are from Anglian Water and relate to the capacity at Reepham recycling works and the risk of downstream flooding. We understand the developers plans for drainage have been revised and that Anglian water will be obliged to take appropriate mitigating actions. However we are concerned about the possibility of Anglian water's mitigations not being in place by the time the dwellings are occupied. 3) Anglian Water also refer to the risk of surface water flooding which is not their responsibility. LCC and the Environment Agency also refer to this risk. We consider that that outline planning permission without conditions should not be granted unless WLDC planners are satisfied the risk has been adequately mitigated. 4) The NHS in its 2021 comments said there was a need to increase capacity at the surgery in the building. We consider that S106 money should be made available, although in view of the plans by the developer for phases 2 and 3 (which will be considerably larger) it would be appropriate to consider if there might be a way to “roll up” infrastructure resources for all 3 phases, which would result in economies of scale and better value for money.

**Reepham Parish Council:** would wish to see the following taken into account:

1. Although the majority of this 12.87 acre site lies within Cherry Willingham Parish a small part of it (approximately 0.46 acres) in the extreme north east corner of the site actually lies within Reepham Parish. The part in question is the triangular shaped area forming part of a larger area of land coloured green on the applicant's site layout plan marked 'POS'. RPC assumes POS is public open space. This triangular parcel of land presently forms a small area of woodland and RPC would want this to be retained as woodland rather than being cleared to form part of the proposed public open space. This would aid in screening the proposed development from our village.
2. In addition, RPC would wish to see a significant strip of green planting along the remaining eastern boundary of the site to screen the development from our village. It would also enhance the differentiation between the development and the proposed solar farm. The indicative site layout plan suggests that the developer proposes to build housing right up to this boundary.

**Agent Response:** 09/07/21 - We note the comments on our above planning application from Cherry Willingham Parish Council.

The Parish Council has misunderstood the calculations on site density / capacity leading to some very significant errors in their statement and a gross exaggeration of the potential number of dwellings that could be developed across the three allocated sites and the potential impacts on the village.

There is an obvious mistake in their calculations of density; they have failed to appreciate the implications of correcting the site area from 1.57 Ha to 5.17 Ha and that the indicative capacity of 40 dwellings for the application site is a density of 7.7 dwellings per hectare whereas the two adjacent allocations are already based on a more appropriate 22.5 dwellings per hectare.

I attach a detailed summary of the figures, but, in conclusion:

- The 2017 CLLP estimates a total capacity for the three sites of 373 (based, in part, on the incorrect site area).
- The 2019 HELAA corrects the site area and revises the indicative capacity to 449.
- Based on the 144 dwellings proposed for the subject site we estimate a total of 556 dwellings.
- The Parish Council are suggesting a total of 1489 dwellings across the three sites.

The mistake over the site area and the indicative capacity was covered in DLP's Planning Statement and was further addressed in my email to you of 1 June. We have met with representatives of the Parish Council and explained the position but they have, clearly, not grasped the principles behind this.

Their response is critical of us for challenging the Neighbourhood Plan. We promoted our land through the Central Lincolnshire Local Plan process and took all the correct steps in that regard. The mistake on the site area is unfortunate but certainly not of our making. The mistake in the CLLP has been carried through in the preparation of the Neighbourhood Plan where a further opportunity to spot and address a manifest error on land areas was not taken. Had we been consulted over the preparation of the Neighbourhood Plan (as the owner / promoter of the allocated sites for the village) then this could have been addressed at that stage but, regrettably, we were not.

12/07/21 - Further to my email of 9 July 2021, we have now worked through the remainder of the Parish Council's statement. We would like to comment as follows: The email referred to above deals with point 1.

Point 3 states that 'there is unlikely to be space for more than 1 vehicle per dwelling'. That is manifestly incorrect as the indicative site layout plan shows two off-street parking spaces for every dwelling, in addition to garages.

Point 4 relates, as per point 1 and as discussed in my previous email, to development density. The Parish Council's figure of 0.011 Ha/dwelling is incorrect. The correct figure is 0.035 Ha/dwelling (i.e. three times the plot size the Parish have calculated). The proposed density allows for generous plots, well-proportioned gardens, ample offstreet parking and POS in excess of the CLLP requirements.

In relation to Point 6, we would have no objection to widening the footway to Croft Lane to provide a combined footway / cycleway. There are no existing footpaths connecting to the application site. Connectivity to the footpath to Fiskerton is a longer term aim and the potential for this is shown on the indicative masterplan submitted with the application.

Point 7 deals with the desire to avoid a 'hard edge' to the village. This can be addressed through landscaping proposals at the reserved matters stage. The application retains an

area of established woodland in the north eastern corner of the site which is proposed to form part of the POS. We would contend that this is virtually unique for a housing development in Central Lincolnshire.

The comments at Point 8 about housing mix are not, strictly, relevant at this stage as this is an outline application. However, we would point out that the indicative layout shows a mix of two, three and four bedroom dwellings, including 36 affordable dwellings, which are considered ideal for family occupancy. Taylor Lindsey has considerable experience of building and selling homes in Central Lincolnshire, and in Cherry Willingham in particular, and the house type mix proposed on the indicative layout has been carefully considered to reflect the anticipated demand.

Point 9 is addressed by the requested contribution from NHS Lincolnshire. Again, the Parish Council has grossly overestimated the impacts of the development of the three allocated sites through a misunderstanding of the site areas. They estimate a population increase of 3,700 people whereas the established NHS formula, when applied to the correct areas and densities, estimates around 1,279. The current village population is approximately 3,500; we are certainly not planning to double the size of Cherry Willingham !

Point 11 states that 'there is no reference to social or affordable housing'. We would draw attention to paragraph 3.6 in the Planning Statement which details that the development '... includes 25% proportion of affordable homes (36 in total) ...'.

Points 12 and 15 deal with highways matters. Pre-application consultation was carried out with Lincolnshire County Council Highways and we note from their consultation response that they consider the application acceptable in highways terms.

Point 13 relates to employment opportunities. The site has a residential allocation in the CLLP and is not considered suitable for employment use per-se. However, the comments completely overlook the very significant local employment and training opportunities that are created by the construction process itself.

We hope that the Parish Council will be minded to consider the above comments, correct the mistakes in their analysis of the application, and, we hope, decide to support the proposals.

**Local residents:** General observations received from 88 Rudgard Avenue, 30 Croft Lane, 38 Rudgard Avenue, 1 Heathcroft, 62 Rudgard Avenue with the following comments –

- Would like to draw your attention to the fact that this entrance is highly used by deliveries and residents to the flats and shops at the parade.
- Lorries use this entrance (the only entrance) from Rudgard Avenue to reverse their big lorries to the back of the shops
- Concern is that these houses will contain children going to school and just as some of the children do now they will use the back of the shops as a cut through to school and the bus stop. Even more will use it to cut through to the shops etc on the parade.

Something needs to be put in place to keep the increased number of children and pedestrians safe from reversing lorries that do not always have a reversing noise and will not be able to see them.

- This is a narrow junction too and passing with a lorry or delivery van would be difficult, and as such the volume of traffic going in and coming out of the development will also be held up in this junction because of the lorries that are sometimes stood standing waiting for a space to drop off their deliveries.
- I know about the lorries delivery problems because I live on this corner and watch it every day. I have also been the victim of having to have my fence replaced several times because lorries have hit it due to not watching where they are going. and since the extension of the compound at the rear of the coop the area for the lorries has decreased substantially causing the queuing to happen. I know that if a car is parked on the road then it can cause mayhem and can even block this junction completely.
- Ideally would like to see a footpath alongside the back of the shops to Croft Lane on the plans to facilitate the safe exit out of this junction to Croft lane and the Parade for all the residents of this development.
- Lady Meers Road is windy and narrow with cars/vans street parking in the evenings and weekends. Maybe an access road off Fiskerton Road to the east of the development would ease this.
- There is an access point off Croft Lane, this is directly next to the railway line/railway crossing – this could be used as a one way system only.
- Doctors surgery has limited opening times Mon/Fri am only.
- Will the bus service cope?
- Will the schools cope with the influx of pupils?
- Loss of a view and overlooking.
- Error on phase 2 plan. Notice there is a planned exit onto the road leading out of the farm gate. Would like to point out that from the gate to the tarmac which leads onto Rudgard Avenue is private property.
- Increase in vehicles to the area.
- Availability of services.
- Impact of residents.
- Environmental impact.
- Ignoring Cherry Willingham Neighbourhood Plan.
- The village is desperate for social housing and part buy part rent schemes.

Objections received from 2 St Matthews Close, 21 Rudgard Avenue, 76 Lady Meers Road, The Hawthornes 26 Thornton Way, 2 St Hugh's Close, 72 Rudgard Avenue, 6 St Hugh's Close, 38 Rudgard Avenue, 10 Rudgard Avenue, 66 Minster Drive, 22 Thornton Way, 24 Thornton Way, 54 Rudgard Avenue, 3 The Paddock, 60 Rudgard Avenue, 64 Rudgard Avenue, 58 Rudgard Avenue, 3 Thornton Way, 32 Croft Lane, 88 Rudgard Avenue with the main concerns –

- Doctors and local shops aren't big enough to cope with that many people.
- No additional amenities have been created with other new builds of late.
- Increased traffic and noise.
- Danger to vulnerable people with little or no provision put in for cycling or walking.

- Developer puts nothing in to the local community.
- Will the sewers cope with these new developments too?
- No mention of how the existing community will benefit from the development.
- Where is their reference to/consideration of the Cherry Willingham Neighbourhood Plan?
- Traffic calming measures are briefly mentioned as part of the development's road layout, but what about consideration of the main access roads to which this development will 100% depend upon - long stretches of road with no traffic calming measures in place – Lady Meers, Church Lane, Croft Lane, High Street, Fiskerton Road
- to which this development will add 385 cars. And that is just phase A of the development; expect 1000+ cars by the time all 3 phases are complete. What analysis/planning has taken place with regards which roads will absorb this traffic as residents enter and exit the village? It is knowingly naïve to suggest a leaflet through the door will encourage less cars on our roads as part of a 'Travel Plan.'
- Where are the infrastructure considerations?
- Opening Thornton Way as a through road will see a huge impact on many of the residents.
- Devaluation of property.
- 144 dwellings seems to be an excessive number of houses, given the space available and the limitations of the facilities of the village.
- The homes will be, as usual, crammed into the available space, regardless of our quality of life and indeed quality of house-build.
- Cherry Willingham seems to be growing at a pace (and lack of real planning) akin to 1840s Manchester.
- In consultation provided by Anglian Water they state there is insufficient capacity in the current network to accept additional water. Planning/construction should not be permitted until this is resolved.
- Surface water runoff should be limited to the green field rate and conditioned in accordance with their drainage plan. Attention should be installed prior to housing construction.
- The hedge/tree line should be retained and maintained into the future to reduce the existing properties being overlooked and to reduce environmental impact. Retention should be a condition of the permission.
- Access to the new development off Rudgard Avenue is not good and inappropriate for large number of vehicles.
- Other access should be developed to this proposed development avoiding Rudgard Avenue to prevent further congestion, noise and pollution before and after the build.
- Has there been any concerns over the railway?
- This new development will be directly opposite my house. On the other side of the railway. With the height of the railway being over 6 feet above my ground floor almost as high as my second floor I have a concern over the noise. The issue will be the echoes from the new houses once built. We notice this echo with the houses opposite ours in Minster drive. It could be that when the heavy trains pass by at 3 am it's likely to create much more noise than we have a present. It's likely that I will have to fit triple glazing to combat the noise and allow people sleeping in the back bedrooms, to sleep

without disturbance. I feel that this cost of this remedial work will need to be reimbursed by the developer.

- Overlooking.
- Loss of privacy.
- Volume of traffic during and after construction.
- Effect on local wildlife.
- Is there capacity at the schools?
- Can the bus service cope with the influx of new residents?
- Loss of a view.
- Not in-keeping.
- Little existing vegetation or mature planting along the boundaries to blend new and old or offer significant screening.
- About half way along the part of the phase 2 plan, notice there's a planned exit onto the road leading out of the farm gate. Would like to point out that the farm gate to the tarmac which leads onto Rudgard Avenue is private property.
- The 2019 Cherry Willingham Neighbourhood Plan (CWNP) (Policy H1) also suggests a total of 40 properties to be suitable for site CL1179, Land north of Rudgard Avenue. Taylor Lindsey have proposed 144 dwellings for the same site. This is phase 1 of 3, if this planning application is successful, a precedent would be set, sites CL1181 and CL4433 that are adjacent to the subject site, may also have 360% increase on what the NP states for those sites, so a possible 1200 further dwellings rather than the 333 suggested.
- need to bring your attention to the fact that the entrance is already used frequently by all the shops receiving deliveries, along with the residents living above the shops on the Parade.
- Residents parking on Rudgard Avenue will, as it does now, cause traffic problems and delays. I also suspect damage to the verges will become a real issue.
- should be consideration given to the amount of vehicles using the busy entrance to Rudgard Avenue from the main road. Along with the entrance and exit to the parade itself.
- Development will lead to another 150 cars
- the provision of an appropriate mix, type, tenure and density of dwellings, as required by policy H2, that contribute towards a sustainable community - The properties proposed are mainly 2 and 3 beds where there is a distinct lack of larger family properties in the village, and these would be more appropriate. There is no detail to the number of storeys of the properties either, 3 storey properties would definitely be out of character for this area.
- Contrary to the Neighbourhood Plan
- wanted to comment on the number of trees and shrubs that have been removed by the developer in the last 2 years, prior to the assessment of the trees on the land regarding the development, sneaky. The established trees would have soaked up vast quantities of water from the clay soil we have in the area and it is evident now how much they consumed as in their absence, our gardens and driveways are becoming more frequently flooded, albeit relatively briefly, following heavy downpours, this was never the case before.

- The travel analysis that has taken place was based on 2015 levels of traffic in the village. Although no major developments have occurred since this time, the opening of the Eastern Bypass has altered the way traffic moves through the village (and also comes from other villages) so it may not be an accurate reflection of current traffic volumes/habits.
- I do not want a public footpath to the rear of our garden.
- Planning permission has already been passed for the new Cherry Willingham Marina, which is close to the above application, which leads to the bottom road, causing unsafe access from the additional proposed Taylor Lindsey developments.
- Along with the loss of parking space at the small shopping area, the high volume of car traffic will impede on local village business's ability to trade.
- The current mains drainage cannot cope with any more dwellings as it is overloaded – the Cherry Willingham Marina development will already increase the stress on the already stressed system – this additional development will only add to the problems. Surface water drainage in Cherry Willingham has become a big problem over the past few years, and still needs to be addressed.
- Another large development will drastically increase traffic, impact on local air quality, safety of pedestrians, particularly local school children.
- The density of the development seems far too high for a small village setting in a rural area, more like a development for a city.
- The plans include 33 two bedroom semi-detached and terraced houses, 58 three-bedroom homes, 33 three- bedroom detached and 20 four-bedroom detached house – but NO bungalows. No two-bedroom semi-detached bungalows or three-bedroom detached bungalows or four-bedroom detached bungalows.
- The lack of bungalows, limits the elderly/retired and disabled purchase seekers into the village; not offering a suitable lifestyle for the more vulnerable.
- This development is not safeguarding and improving the long-term quality of life for residents of Cherry Willingham. It is not growing the village in a sustainable way that reflects locally identified issues and concerns.
- Insufficient parking
- Surely lessons can be learnt from the bad planning of Ladymeers road. (Roads too narrow, lack of parking.)
- Why can't brown field land be built on first before not encroaching on green field sites?
- Train noise with freight trains passing through the village at all hours sounding their horns. Eight times each time they go through the crossing. How are young families going to sleep?
- Why change to up to 144 dwellings?
- Construction hours
- The developer should consider all sources of flood risk and not negatively impact on existing dwellings – this has not been adequately addressed and I object to the application. Also noting the comments by Anglian Water the application the application does not consider all sources.

**LCC Highways and Lead Local Flood Authority:** 28<sup>th</sup> May 2021 - In order for the Highway Authority to provide a substantive response to this application a Transport

Assessment and Travel Plan will be required. It is requested that the applicant submits these documents for consideration.

4<sup>th</sup> June 2021 - *Highways*

The principle of development is acceptable the HLLFA, the likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable.

Access drawing 20100/GA/01 Rev A dated 24/07/20 is acceptable in principle however the inclusion of tactile crossing points may be required, to be determined at S.38 approval stage. Stopping up of the redundant public highway at the rear of No. 86 Rudgard Avenue will be required. It is requested that an application under the Town and Country Planning Act is made as part of this application. The Travel Plan submitted as part of this application is currently being assessed and further comments regarding this are to follow in due course. A Section 106 sum of £5000 will be required for the future monitoring of the approved Travel Plan should the planning application be approved by the Local Planning Authority. Subject to the Travel Plan assessment further improvements or contributions may be required.

Layout is a reserved matter and as such has not been considered as part of this application. When an application for reserved matters is made please consider the guidance laid out in Lincolnshire County Council's Development Road and Sustainable Drainage Approach. Adequate off road parking will be required for all plots.

An upgraded crossing point in the form of tactile paving will be required on Rudgard Avenue outside No. 1 and 102, to form part of final recommended conditions to the Local Planning Authority.

*Drainage*

Discharge at 9.26 l/s to the ditch on the north-eastern boundary is acceptable provided consent is obtained from the relevant Internal Drainage Board.

It would appear that no first stage water treatment is provided, the initial surface water capture is via gullies and carrier pipes and this does not align with national guidance on providing sustainable drainage schemes on new developments. Alternative options should be explored for source control and first stage water treatment, such as swales if appropriate.

Surface water attenuation should be above ground where possible.

The following information will be required in order for the HLLFA to assess the suitability of the sites drainage strategy, taking into account the above comments:

- A revised FRA and drainage strategy including adoption and/or maintenance proposals and sketch layout plans in line with SuDS principles.
- Preliminary development layout showing surface water drainage infrastructure in line with SuDS principles.
- Preliminary hydraulic calculations.
- The necessary consents in principle, where applicable.

10/08/22 – No objections subject to conditions (detailed in consultation response)

*Travel plan*

03/08/21 Travel Plan comments - The Travel Plan has been submitted to support the above planning application for c144 dwellings The measures suggested are mainly

promotion based. The Travel Plan is generally good and includes some informative tables and images. However it lacks in incentives (for a site of this size) and the proposed target is not considered 'stretching'.

Recommendation: That consideration is given to the comments and a revised Travel Plan submitted for approval. That an approved Travel Plan is conditioned to be in place prior to occupation. That S106 funding is provided to ensure effective monitoring is undertaken.

04/11/21 - I can confirm that my comments have been actioned and that the Travel Plan now meets the requirements.

**Anglian Water:** The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. We have no objection subject to the following condition:

Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

**Environmental Protection:** 12/07/22 - *Contamination* - The Phase I Geo-environmental Appraisal by Alan Wood and Partners dated December 2020 recommends a Phase II investigation for the site. I therefore request the following condition: Contaminated Land (Prior to Commencement).

*Noise and vibration* - I have reviewed the Planning Noise Assessment and Vibration Assessment reports by Spectrum Acoustic Consultants. Although I accept the conclusions of both reports I do have concerns about the proximity of the railway line to some of the proposed dwellings, especially if the line was to be upgraded in the future which could result in increased train movements.

If the applicant is not minded to revise the layout; acceptable ambient indoor and outdoor noise levels can only be achieved in some of the properties with the mitigation measures proposed in the Spectrum report. I therefore request a condition on noise mitigation.

I also request a Construction Management Condition.

12/04/22 - I have reviewed the additional information provided and I do not have any comments.

**Strategic Housing:** LP11 of the Central Lincolnshire local Plan details a 25% contribution to affordable housing is required in the Lincoln Strategy Area where this site is located and this is detailed within the Design and Access Statement. The NPPF para 64 states that 10% of all housing delivered on major sites must be a low cost home ownership option. 10% equates to 14.4 units. 25% contribution equates to 36 units. Deduct the 14 required for shared ownership which means 22 units are to be delivered as Affordable Rent.

Summary:

14 units shared ownership

22 units affordable rent

The Central Lincs SHMA 2015 identifies a need to provide 676 affordable units per annum to meet newly arising need in the future which will require an uplift to 911 units per annum to cover the under delivery. This equates to a total of 17,400 affordable homes over the period 2012 – 2036. Below are the numbers of people who are registered for affordable housing and have expressed an interest in Cherry Willingham.

1 bed: 105 42/105 over 55

2 bed: 82 16/82 over 55

3 bed: 27 0/27 over 55

4 bed: 4 2/4 over 55

The house types details on the application are a mix of 2, 3 and 4 bed accommodation, the 2 and 3 bed dwellings would be suitable to be delivered as affordable.

I would like to see the affordable units secured through a S106 as affordable in perpetuity. The affordable housing must be delivered in partnership with a registered provider.

27/10/21 - I have put both affordable housing contributions below both with a First Homes element and without.

AH contribution with First Homes

25% affordable requirement = 36 affordable dwellings in total

10% requirement (of entire site) for low cost home ownership = 14

Of 14 – 9 are required to be first homes leaving 5 as shared ownership

Remaining affordable rent = 22

Summary

9 x First homes

5 x shared Ownership

22 x affordable rent

AH contribution without First Homes

22 x Affordable rent

14 x shared ownership

Either of the above are acceptable in terms of an affordable housing contribution

**NHS England:** Due to the location of the development the 2 practices that would be impacted the most are Nettleham Medical Practice and Glebe Park Surgery Practice. The contribution requested for the development is £91,080 (£632.50 x 144 dwellings.)

**LCC Education:** 21/05/21 - The County Council has no comments to make on this application in relation to education as there is currently projected to be sufficient capacity in the locality for this scheme.

10/08/21 - As there is no change in numbers, please refer to our comments of 21 May.

31/03/22 - The County Council has no comments on this consultation in relation to education as any impacts have been mitigated at the outline stage on the original consultation with the education ask being given in our response dated 21/05/2021.

**Neighbourhood Planning Officer:** Policy H1: As informed by the CLLP this policy allocates the site (excluding wooded area) for 40 dwellings ref CL1179 Land North of Rudgard Avenue. The application is for 144 dwellings. H1 sets development principles for the site a) to j). A key element of policy H1 is to ensure that the development of the three allocations (CL1179, CL4433, CL1181 occurs in an integrated way allowing best possible access into and around the sites (policy H1 parts (2) and (3)). It is good to see that the application includes a masterplan (for Sites A, B and C) to help achieve this and that the application itself plans for eventual connection with adjacent allocated site CL4433.

Policy H2: Noted that part (3) says allocated sites should be designed at densities to deliver anticipated yields set out in Policy H1 (40 dwellings).

Policy E1: Would apply to possible expansion of village centre adjacent to site. See comment for policy R1.

Policy OS1: What are the light green areas shown on the housing layout and masterplan. They are distinct from the darker green public open space areas. Are they grass verges/ front gardens/ or just hard open areas which wouldn't appear to aid green space connectivity. This policy supports integration of wooded area in top corner of site. To help assess habitat and species connectivity would help if nearby existing open spaces/wildlife corridors were shown on plans. The north easterly tip of the site includes an existing wooded area which looks if it would be integrated with proposed public open space. However this wooded area lies outside allocated housing site area and also within Reepham parish council boundary. Would seem a logical thing to include. Would its inclusion affect open space provision sums for the allocated part of the site?

Policy OS3: Site does include provision of separate footway behind village centre linking site with Croft Lane. Also proposed site provides future footway linkages to the other allocations.

Policy D1: Please consider design principles including Building for Life guidance (criterion i).

Policy R1: Checked the boundary of the site against the allocation as shown in the NP as taken from the CLLP. At first it looked like site, at its bottom westerly end, included some of village centre area. See Map 9. But on closer inspection appears not so but please have a check just in case. The access to the site from Rudgard Avenue will also be shared with the service area for the village centre. Several new homes will be close to the busy rear service area. Policy R1, subject to certain safeguards, does encourage the expansion of the village centre with a possible opportunity in the rear service area adjacent to the site.

Character Area 2 Central Strip page 81: This provides a landscape description of the three allocated sites.

06/08/21 - I have no other comments to make on the application and its change of description to what I made previously.

In the recent correspondence on the application reference is made to consultation.

In preparing the adopted Local Plan there would have been publicised opportunities to comment on figures (capacity/area etc) given for the site before it was adopted.

As for the neighbourhood plan this went through several rounds of statutory/public consultation before it could be made.

05/04/22 - Thank you for consulting Neighbourhood Plans on the above application. If this consultation is about new drainage details submitted only then reference should be made to Cherry Willingham NP Policy H1: Housing Land Allocations and Development Principles in Cherry Willingham criterion (j) which states: where appropriate, avoid areas at risk of flooding and incorporate the provision of Sustainable Urban Drainage Systems and/ or appropriate drainage and flood mitigation measures.

**Lincolnshire Police:** 04/05/21 - Do not have any objections to this application

02/08/21 - do not have any objections to this application.

31/03/22 - do not have any objections to this application.

**Lincolnshire Fire and Rescue:** In order to be successful in firefighting, adequate access to buildings for fire appliances and immediate access to adequate supplies of water, must be provided. The access to, and proximity of, those water supplies directly affects the resources that Fire and Rescue Authorities need to provide in protecting and mitigating their communities from the effects of fire. Please find below a list of Lincolnshire Fire and Rescue Authority requirements relating to access for fire appliances and firefighting water supplies.

**Network Rail:** Following assessment of the details provided to support the above application, Network Rail has concerns about the potential impact of the scheme upon the adjacent railway level crossing on Croft Lane.

*Cherry Willingham Level Crossing*

The safety of railway level crossings and all crossing users is of paramount importance to us and we would have concerns over any proposals that would increase the usage and risk of a railway crossing. The proposed development site is in close proximity to Cherry Willingham Level Crossing on Croft Lane and we have concerns that increases in traffic associated with the proposed scheme will have an adverse impact on the crossing without the implementation of mitigation measures. We consider that upgrades to the crossing fencing and signage (upgrade of existing warning signs to TSR 770 and TSR 773 on each road approach with fixtures on yellow backing boards) should be provided at the developers expense to improve the visibility of the crossing to users and help mitigate this increase in risk. Without these measures, we consider that the development would be unacceptable. We are currently acquiring estimated costs for these improvements and will provide these as soon as possible.

Other requirements and conditions have been recommended regarding works in proximity to the operational railway environment, drainage, boundary treatments, landscaping and lighting.

31/03/2022 - £1900 required for the upgrades to the crossing.

**Witham Valley Access Group:** Apart from being having too great a number of houses on this site, there is insufficient footpath connection with the surrounding area.

**Environment Agency:** 24/05/21 - The proposed development will be acceptable if the following measures are implemented and secured by way of a planning condition on any planning permission.

*Condition*

The development hereby permitted shall not be occupied until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

*Reason*

To ensure that the site does not pose any risk to the water environment. This is in line with paragraph 170 of the National Planning Policy Framework (NPPF) which recognises that the planning system should enhance the environment by preventing development from contributing to, or being put at unacceptable risk from water pollution.

19/04/22 - We have no comments to make in respect of the further information received. Please refer to our letter dated 24 May 2021 for our position on this application.

**Archaeology:** No archaeological input required.

Idox checked: 11/08/22

**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)***

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

LP9: Health and Wellbeing

LP10: Meeting Accommodation Needs

LP11: Affordable Housing

LP12: Infrastructure to Support Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

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

LP26: Design and Amenity

LP52: Residential Allocations – Large Villages

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

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

Relevant policies of the NP include:

Policy H1 – Housing Land Allocations and Development Principles for Cherry Willingham

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

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

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

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

National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in 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**
- *National Design Guide*

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

Draft Local Plan / Neighbourhood 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).*

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft ("Reg 18") 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 Draft ("Reg 19") of the Local Plan was published in March 2022, and was subject to a further round of consultation. On 8th July 2022, the Local Plan Review was submitted to the Planning Inspectorate in order for it to commence its examination.

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies

within the submitted “Reg 19” Plan, with the weight to be given subject to the extent to which there may still be unresolved objections to those policies (the less significant the unresolved objections, the greater the weight that may be given)

Consultation responses can be found in document STA022 Reg 19 Consultation Responses by policy / STA023 Reg 19 Consultation Responses by respondent.

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

### **Main issues**

- Principle
- Open Space
- Highways
- Infrastructure
- Affordable Housing
- Flood Risk and Drainage
- Noise
- Ecology

### **Assessment:**

#### Principle

Cherry Willingham is defined as a large village. Policy LP2 of the CLLP states that 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. Most of this growth will be via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint.

The site is allocated for residential development in the CLLP (policy LP52) – site CL1179. Consequently, the principle of residential development would accord with the Central Lincolnshire Local Plan.

Policy H1 of the CWNP states that land to accommodate, approximately 432 new dwellings, is allocated on the following sites; CL1179 - Land North of Rudgard Avenue (40 dwellings); CL1181 – Land East of Thornton Way (200 dwellings); CL4433 – Land East of Rudgard Avenue (133 dwellings); CL4751 – Site 1 Land South of Wesley Way (26 dwellings); and CL4752 – Site 2 Land South of Wesley Road (33 dwellings). These sites shall be the focus of residential development, in Cherry Willingham, over the plan period in-line with the adopted Central Lincolnshire Local Plan. Development on these sites shall be supported, provided it adheres to other statutory, Local Plan and Neighbourhood Plan policies and the development principles contained in policy H1.

The proposed site is an allocated site CL1179 in the Central Lincolnshire Local Plan and an allocation in policy H1 of the Cherry Willingham Neighbourhood Plan. The

principle of residential development of the site therefore accords with the development plan, subject to all other policy considerations.

There have been numerous objections and concerns over the amount of dwellings proposed given the indicative number for the site including representations from both the Parish Council and the applicant's agent on calculations of numbers.

The **indicative** number of dwellings for the site is stated as 40 in the current CLLP and the NP.

The applications seeks permission for 144 dwellings – 360% of the indicative amount given within the development plan.

However, this indicative number was actually an error in the plans and confirmation has been received from the Central Lincolnshire Local Plan Team with the following –

*“An inaccuracy has been brought to my attention in both the 2017 adopted Local Plan and in the Regulation 18 Consultation version of the draft new Local Plan. This discrepancy relates to a site known as Land north of Rudgard Avenue, Cherry Willingham (Ref CL1179 in the 2017 Local Plan and WL/CW/001 in the consultation draft new Local Plan).*

*This discrepancy relates to the size and subsequently the indicative capacity of the site.*

*The adopted 2017 Local Plan has the size of the site as 1.57 hectares with an indicative capacity of 40 dwellings. This capacity was derived from applying a standard assumption about the density and the amount of the site that would be expected to be needed for infrastructure taking into account the size and location of the site. The methodology is set out in the LP48-LP54 Residential Allocations – Evidence Report (available at <https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/17939.pdf>). The calculation for this is 1.57ha x 30dph x 85% of the site = 40 dwellings. An extract of the background methodology for assessing potential capacity is provided at Appendix A to this letter.*

*However, it has been brought to my attention that this site size is incorrect and it should in fact be 5.17 hectares, not 1.57 hectares.*

*In the Local Plan Regulation 18 Consultation Draft of the new Local Plan, the size of the site has been updated to reflect the actual size (5.17 hectares), but the indicative capacity of 40 has mistakenly been carried forward from the adopted 2017 Local Plan.*

*The methodology proposed to be used for allocated sites without permission in the new Local Plan has changed slightly from that used in the 2017 Local Plan*

*and this is provided in Appendix B to this letter. The full evidence document can be viewed at <https://www.n-kesteven.gov.uk/resources/assets/attachment/full/0/121868.pdf>. Using this methodology the calculation would be 5.17ha x 25 dph x 75% of the site = 97 dwellings.*

*As with all allocated sites, and as is clarified in paragraphs 10.2.1 and 10.2.2 of the 2017 adopted Local Plan, the figure is only intended to be indicative and an appropriate design-led solution should be delivered for each site even if this is for a higher figure or a lower figure than the indicative one, provided it is otherwise consistent with the Development Plan Policies and National Policy. “*

Consequently therefore, it would appear that the indicative figure within the published Development Plan would therefore underestimate the capacity of the site had the standard methodology<sup>1</sup> been correctly employed.

To clarify indicative numbers. Using the current methodology in the 2017 Local Plan, on the correct site area the indicative figure should have been 116 dwellings within the site. The formula would work on the basis of 75% of the site being developable, at 30 dwellings per hectare.

The application proposes up to 144 dwellings – so would nonetheless be 24% greater than the indicative capacity, had the correct formula been employed.

Under the regulation 19 Submission Plan, which has been submitted for examination, the site is given an accurate site area of 5.17, and an indicative capacity of 97.

This is because the methodology has changed<sup>2</sup>. It now proposes a density assumption of 25dph in large villages, and still a developable area of 75%.

At 144 dwellings, the application proposes to be 50% higher than the indicative capacity in the draft Local Plan.

The figure in the neighbourhood plan was taken directly from the 2017 plan and should therefore also have been 116, if the correct standard methodology had been employed.

Regardless of the methodology in either Local Plan, this figure is **indicative** only.

To reiterate the comments from the Local Plan Team “As with all allocated sites, and as is clarified in paragraphs 10.2.1 and 10.2.2 of the 2017 adopted Local Plan, the figure is only intended to be indicative and an appropriate design-led solution should be

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<sup>1</sup> Document HO006 - LP48-LP54 Residential Allocations Evidence Report (April 2016) (<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/planning-policy-library-archive/>)

<sup>2</sup> Document EVR076-082 Central Lincolnshire Policies S76 – S82: Sustainable Urban Extensions and Housing Allocations in Lincoln Urban Area, Main Towns, Market Towns, and Large, Medium and Small Villages Evidence Report (<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>)

delivered for each site even if this is for a higher figure or a lower figure than the indicative one, provided it is otherwise consistent with the Development Plan Policies and National Policy”.

The indicative figure is **not** a ceiling or cap on the number of dwellings for the site.

Paragraph 124 of the NPPF expects planning decisions to support development that makes efficient use of land, taking into such factors as an areas prevailing character and setting, and well designed places.

Consequently, whilst the development proposes a level of housing greater than that indicatively anticipated within the development plan, The indicative site plan shows that 144 dwellings do sit comfortably within the site with ample gardens, adequate parking levels and appropriate open spaces.

However, the indicative site plan did not show SUDs features or tree lined streets, as required by the newly published NPPF.

The application description was therefore changed from –

*Outline planning application to erect 144no. dwellings - access to be considered and not reserved for subsequent applications.*

To

*Outline planning application to erect up to 144no. dwellings - access to be considered and not reserved for subsequent applications.*

The inclusion of “up to” adds more flexibility to the application when submitting reserved matters. It is an upper limit – should the local planning authority consider that it can in principle, be achieved.

Therefore, should the inclusion of these features require a reduction in house numbers, this change can be accommodated.

Updated drainage strategy plans do now show SUDs features.

Criteria 1 and 3 of Policy H2: Housing Type, Mix and Density states that

1. Proposals for new housing development of 6 or more dwellings should deliver housing of a size, type and tenure appropriate to the site and locality. Proposals will be informed by:

- a) Strategic housing market assessments;
- b) the local demographic context and future trends; and
- c) local assessments of housing need and demand.

3. The five allocated housing sites should be designed at densities to deliver the anticipated yields set out in Policy H1. 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).

Whilst indicative only, the site plan demonstrates a mix of 2, 3 and 4 bed homes.

The neighbourhood plans officer notes that part (3) says allocated sites should be designed at densities to deliver anticipated yields set out in Policy H1 (40 dwellings).

However, as per the discussion above, the indicative totals have been calculated incorrectly. The 40 dwellings is an incorrectly anticipated amount of dwellings for the site. Furthermore, 40 dwellings for a site of this size would be an inefficient use of the land. The NPPF (paragraph 125) actually states that Local Planning Authorities should “refuse applications which they consider fail to make efficient use of land”.

The densities surrounding the site are more comparable to the site.

The site, when measuring density at a standard calculation (i.e. no. of dwellings divided by the site area X 100) gives a density of 28 dwellings per hectare (dph) for the site. When looking at the density to the north of the railway, this is 25dph and to the south 24dph. 40 dwellings on the site would be 8dph which would be wholly inappropriate.

It is considered that the proposal is acceptable in principle and would be in accordance with policy LP2 of the Central Lincolnshire Local Plan and Policies H1 and H2 of the Cherry Willingham Neighbourhood Plan.

The development would be substantially above the indicative figures within the development plan, even when employing the standard methodology. Nonetheless, the Local Planning Authority should encourage the efficient use of land. A higher number than the indicative threshold should only be a concern if it was to result in other planning impacts. However, it is considered that the site can accommodate a higher number without undue detriment to the prevailing character of the area.

NPPF paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

Policy LP2 of the CLLP and H1 of the CWNP are consistent with the NPPF and attached full weight.

### Open Space

Policy LP24 of the CLLP states that residential development will be required to provide new or enhanced provision of public openspace, 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 (or similar subsequent document).

Open space, sports and recreation provision requirements should:

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

Policy OS1 of the CWNP states that 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.

A large area of Public Open Space (POS) is indicatively proposed to the eastern extent of the site adjacent the retained copse, providing a soft transition from the open countryside in towards the built area of Cherry Willingham and also opportunities for recreation and biodiversity enhancement. There are also several pockets of incidental open space within the indicative layout which would further these opportunities and improve residential amenity

The Design and Access Statement has extensively addressed the provision of open space and concludes as follows –

*Essentially three strands exist; accessibility, quantity/provision and quality. Appendix C of the CLLP amplifies policy LP24 in this regard and requires the provision of, or access to, two types of 'open space': Local Useable Greenspace (LUG) (1.5ha/1,000 population in tiers 3- 6 of the settlement hierarchy) and Strategic Formal Playing Fields (SFPP) (1.1ha/1,000 population). 5.16 Applying an indicative occupancy multiplier of 1.7 occupants per 2 bedroom dwelling, 2.3 occupants per 3 bed dwelling, and 2.8 occupants per 4 bed dwelling (as set out in the CLLP Developer Contributions SPD) to the proposed development of 144*

*dwellings, this equates to an expected occupancy in the order of 320 inhabitants. In turn, this results in a LUG requirement of 0.48ha and SFPF requirement of 0.35ha, being minded of the contents of Appendix C of the CLLP.*

*The indicative layout envisages a total on-site LUG provision of 0.59 ha, thus demonstrating that the site can accommodate the necessary LUG provision, albeit this will be determined at reserved matters stage.*

*In terms of SFPF, it is not considered practical to include such provision on-site such that assessment of existing facilities within the locality, given the requirements of Policy LP24 and Appendix C, is necessary to determine whether requests for a commuted sum towards creation of new facilities or the upgrading and improvement of an existing usable facility would be necessary to make the development acceptable in planning terms.*

*In this regard the background and supporting evidence base to Policy LP24 is set out in the Central Lincolnshire Open Space Audit and Provision Standard Assessment (April 2016). This details the national benchmark standards used in the assessment of quantity and accessibility of playing field provision (for formal sports pitches and outdoor sport) which, it is stated, should be within a 1,200m distance or a walking travel time of 15 minutes. Paragraph 2.47 of the report however states that in rural settlement locations such as this, a 15-20 minute driving time or 15 minute walk is considered reasonable criteria on which to base such assessment, and as such both the specific local provision and that available further afield is considered here.*

*A specific definition of what constitutes a SFPF site is not explicitly set out within either the Central Lincolnshire Open Space Audit and Provision Standard Assessment (April 2016), which forms part of the evidence base for the CLLP, or the CLLP itself. However, when referring to national provision standard guidance, Table 2 of the 2016 Audit references 'formal sports pitches' and 'all outdoor sport' under the 'Playing Field Provision' heading. Expanding on this further, Appendix A of the Audit provides a description of 'Outdoor Sports Facilities' in terms of large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable. It is therefore considered logical and reasonable to include such facilities for the purpose of this assessment.*

*Cherry Willingham benefits from two sites which should be classified as SFPF according to the above definition. Firstly, the playing fields located to the rear of Cherry Willingham Primary School are positioned circa 650m to the south of the application site and can be readily accessed from Laburnum Drive and Fern Grove by lit footways. This provision amounts to some 1.9ha in total, comprising a formal football pitch with goal posts and changing facilities as well as a large area of flat grassland which could accommodate further activity. Secondly, land*

*to the west of Croft Lane provides a further two formal football pitches with goal posts, as well as changing facilities. This site is circa 3.3ha in size, resulting in a total provision of approximately 5.2ha. It should also be noted that other indoor sports facilities present here, including badminton courts, can be booked out and contribute to the sport and recreation facilities available in Cherry Willingham.*

*When applying the quantity standards set out in Appendix C, it is desirable that such provision serve a catchment population in the order of 4,728 (5.2/0.0011). The entirety of Cherry Willingham and the neighbouring village of Reepham lie within the 1,200m catchment of these sites. Data from the 2011 data demonstrates that the total population of these settlements is 4,421. There is therefore a surplus capacity of some 300 population within these settlements.*

*Further to this, a significant area including much of the Lincoln Urban Area is accessible within a 15-20 minute drive of the site and that there is therefore a significant number of SFPF sites within this area. Of particular note are pitches associated with the University of Lincoln Sports Centre (0.5ha), Hykeham Tigers Football Club Ground (4.5ha), and OneNK Leisure Centre (6.4ha). Given this and that set out above, there is sufficient the capacity available to satisfy the accessibility standards set out in Appendix C of the CLLP.*

*In accessibility terms, the provision offered by facilities in Cherry Willingham and the surrounding area therefore has sufficient capacity to accommodate the development in the context of the quantity standards set out at Appendix C of the CLLP.*

*In qualitative terms, both sites in Cherry Willingham are well established and serve a variety of functions for different age groups. Both are positioned in accessible locations within the village and close to public transport links. Both sites are considered to be well maintained.*

*Applying the Quality Assessment Criteria set out at Appendix B of the 2016 Audit, it is clear that both sites would score highly in qualitative terms, being that it is:*

- Accessible and well connected;*
- Attractive and appealing;*
- Biodiverse supporting ecological networks;*
- Supports active lifestyles, health and wellbeing for a range of age groups; and,*
- Is community supported.*

In view of the above, it is considered that the proposed development would comply with the requirements of Policy LP24 and Appendix C of the CLLP in terms of provision, accessibility and quality and Policy OS1 of the CWNP as well as provisions of the NPPF promoting access to high quality open spaces and opportunities for sport and recreation.

Proposed management and maintenance should be conditioned to ensure long term design objectives, management responsibilities and maintenance schedules for all landscaped areas are achieved.

### Highways

Policy LP13 of the CLLP states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

Criteria in policy H1 of the CWNP states that

- e) the scheme provides easy access and movement within the development and avoids making unnecessary barriers to movement between development areas.
- f) provides direct access to off street parking that is within the curtilage of the dwelling

The application is in outline including details of the access.

A Transport Assessment has been submitted in support of the application.

This concludes that –

- The development proposals can be summarised as follows:

- Up to 144 residential dwellings;
- Access via Rudgard Avenue; and
- Associated access, parking, landscaping and infrastructure.

- This report has provided a commentary on the existing Site and its conditions. It has demonstrated that with that the Site is in a sustainable location that is accessible with appropriate public transport and pedestrian links. This provision provides future residents with opportunities to travel via alternative modes of transport and minimise trips by the private car.

- A review of the personal injury collision data has been undertaken for the study area, which has shown that there are no specific safety concerns that the proposed development would exacerbate.

- The vehicular access to the Site will be from an extension and upgrading of an existing access point onto Rudgard Avenue. The access has been designed in accordance with Manual for Streets and Lincolnshire Development Roads and Sustainable Drainage Design Approach (2017).

- The predicted development trip generations have been undertaken based on agreed trip rates. The development is predicted to generate 68-72 two-way trips during the network peak hours, see table below -

**Table 5.2 Proposed Trip Generation**

Time Period	Total Vehicular Trip Generation (144 dwellings)		
	Arrivals	Departures	Total
AM Peak 08:00-09:00	19	53	72
PM Peak 17:00-18:00	47	21	68

- The development will not result in a material or severe impact at existing off site junctions within the study area with traffic volumes below 30 two-way trips during both the AM and PM peak hours in the majority of cases.

- Trips at the Croft Road/Church Lane/High Street junction will slightly exceed the 30 two way trip threshold however the majority of additional trips will occur on the through flow, which will not result in either a material or severe impact on the junction performance.

- A capacity assessment of the Croft Lane/Rudgard Avenue priority junction confirms that it can adequately accommodate the proposed development at the proposed design year of 2026 incorporating background traffic growth.

- From the work undertaken it is concluded that there are no reasons on highways or transport grounds why the development Site should not be granted outline planning permission for residential purposes.

The Highways and Lead Local Flood Authority (HLLFA) have been consulted on the application and have stated that the principle of development is acceptable the HLLFA, the likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable.

They also state that access drawing 20100/GA/01 Rev A dated 24/07/20 is acceptable in principle however the inclusion of tactile crossing points may be required, to be determined at S.38 approval stage. Stopping up of the redundant public highway at the rear of No. 86 Rudgard Avenue will be required. It is requested that an application under the Town and Country Planning Act is made as part of this application.

As layout is a reserved matter the HLLFA have not considered this as part of this application. They offer advice that when an application for reserved matters is made to consider the guidance laid out in Lincolnshire County Council's Development Road and Sustainable Drainage Approach. Adequate off road parking will be required for all plots. However, a condition is recommended to be included for a parking strategy.

An upgraded crossing point in the form of tactile paving will be required on Rudgard Avenue outside No. 1 and 102, this can be conditioned.

#### *Travel Plan*

A Travel Plan has been submitted in support of the application.

A Travel Plan (TP) is a package of measures tailored to the needs of individual sites, aimed at promoting greener, cleaner travel choices and reducing the reliance on the car. It involves the development of a set of mechanisms, initiatives and targets that together can enable a development to reduce the impact of travel and transport on the environment, whilst also achieving a number of other benefits for residents.

The highways team have been consulted on the Travel Plan.

They consider that the measures suggested are mainly promotion based. The Travel Plan is generally good and includes some informative tables and images. However it lacks in incentives (for a site of this size) and the proposed target is not considered 'stretching'.

They have given comments and considerations for an amended travel plan. A final Travel Plan can be conditioned.

A sum of £5000 will be required for the future monitoring of the approved Travel Plan and can be secured by s106.

The proposal subject to conditions is considered to be in accordance with policy LP13 of the CLLP and policy H1 of CWNP.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) 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.

Policy LP13 of the CLLP and H1 of the CWNP are consistent with the NPPF and should be attached full weight.

#### Infrastructure

Policy LP12 states that all development should be supported by, and have good access to, all necessary infrastructure.

#### Infrastructure

Planning Permission will only be granted if it can be demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development. Development proposals must consider all of the

infrastructure implications of a scheme; not just those on the site or its immediate vicinity. Conditions or planning obligations, as part of a package or combination of infrastructure delivery measures, are likely to be required for many proposals to ensure that development meets this principle.

Consideration must be given to the likely timing of infrastructure provision. As such, development may need to be phased either spatially or in time to ensure the provision of infrastructure in a timely manner. Conditions or a planning obligation may be used to secure this phasing arrangement.

#### *Developer Contributions*

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

LCC Education have been consulted and have no comments to make on this application in relation to education as there is currently projected to be sufficient capacity in the locality for this scheme.

The NHS have been consulted and state that the above development is proposing 144 dwellings which, based on the average of 2.3 person per dwelling for the West Lindsey District City Council area, would result in an increase in patient population of 331.

Therefore, an increase in population of 331 in the West Lindsey District Council area will place extra pressure on existing provisions, for example extra appointments requires additional consulting hours. This in turn impacts on premises, with extra consulting/treatment room requirements.

Due to the location of the development the 2 practices that would be impacted the most are Nettleham Medical Practice and Glebe Park Surgery Practice.

The contribution requested for the development is £91,080 ( $£632.50 \times 144$  dwellings).

This can be secured by s106 planning obligation.

The NHS has subsequently confirmed that the contribution will be solely for the purposes of additional clinical space at Nettleham Medical Practice.

A contribution for the railway crossing has been requested by Network Rail (£1900). This can also be secured by s106.

Paragraph 20(c) of the National Planning Policy Framework states that Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure).

Policy LP12 is consistent with the NPPF and is attached full weight.

#### Affordable Housing

Policy LP11 states that affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.

25% of the proposed development is proposed for affordable housing. On a site of up to 144 dwellings, this would amount up to 36 affordable dwellings.

The type of Affordable Housing is proposed as follows -

60% of the Affordable Dwellings designated as Affordable Rented Housing;

15% of the Affordable Dwellings designated as Shared Ownership Affordable Housing;  
and

25% of the Affordable Dwellings designated as First Homes

This will be secured by s106 planning obligation.

The proposal would be in accordance with policy LP11.

Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

Whilst LP11 in its entirety is not wholly consistent with the NPPF (in terms of the thresholds for requiring affordable housing) the development meets the requirement for affordable housing in both the CLLP and NPPF and is therefore attached full weight.

#### Flood Risk and Drainage

NPPF paragraph 156 states that strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

LCC Highways and Lead Local Flood Authority have been consulted on the application and a summary of their comments is below -

- SuDS are expected to be considered for the management of the surface water.
- Discharge to the adjacent watercourse should be limited to the greenfield runoff rate.
- Flood risk should not be increased within the site or to the surrounding area and flows resulting from rainfall in excess of the 1 in 100 year rainfall event, are to be managed in exceedance routes that minimise the risks to people and property, allowing for 40% climate change.

Following the inclusion of swales within the drainage proposals, additional SuDS features were requested on 22 November 2021. Permeable paving/gravel driveways and a lagoon/mini wetland (submitted 28 March 2022) were further added to the drainage strategy to provide additional SuDS attenuation and treatment.

Following guidance from authorising bodies a hybrid drainage solution is proposed –

- A below ground attenuation tank is proposed, in addition to a lagoon, to enable the use of the public open space by local residents. Whilst the tank will provide the majority of the attenuation, the still conditions within the structure will allow the settlement of solids providing primary treatment during high flow conditions. The swales and lagoon will provide treatment to the surface water runoff close to the source whilst still attenuating small to medium volumes
- The combined strategy of sub-surface (Tank) and surface (Swale and Lagoon) drainage provides a troika SuDS solution addressing: Quantity (volume stored in all the drainage structures), Quality (treatment within the swales and lagoon) and Amenity/Biodiversity (within the Lagoon), whilst still allowing local residents to benefit from a large communal and recreational open space

A sustainable drainage solution has been proposed as part of the drainage design, which incorporates the use of multiple and appropriate SuDS features: swales and lagoon.

The combined strategy of sub-surface (Carlow Tank) and surface (Swale and Lagoon) drainage complies with Lincolnshire County Council's design guidance. Subsequent to previous documents / submissions, Anglian Water have now confirmed that they will adopt Carlow Tanks, removing any concerns about future maintenance.

Previous submissions have already added additional SuDS features to the original design; permeable paving / gravel driveways (January 2022) and a lagoon / mini wetland (March 2022).

To minimise the POS land-take the attenuation structures have been designed as follows

- 2.4 m deep and 708.3 m<sup>2</sup> plan area attenuation tank (Carlow), providing 1,700 m<sup>3</sup> attenuation.
- 0.8 m deep and 470 m<sup>2</sup> plan area (footprint) lagoon/mini wetland providing 100 m<sup>3</sup> storage (minimum 68.4 m<sup>3</sup> treated attenuation).

- The remaining attenuation volume is provided within the hybrid surface water conveyance network of pipes and swales. The footprints of these structures are constrained by the need to ensure necessary offsets (easements) between them and the surrounding properties and highways. The swale and lagoon/mini wetland enhance the biodiversity while still allowing the effective use of the POS area in accordance with LCC's design guidance.

The site is within Flood Zone 1 (low probability) and is not at significant risk of flooding from any source.

Foul effluent discharge will need to be pumped to the 150 mm public foul crossing the site.

The foul drainage will be offered for adoption to Anglian Water.

It is considered that the proposal would be in accordance with policy LP14.

Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 169 of the states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

### Noise

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

A noise report has been submitted with the application.

This concludes that a noise assessment has been carried out to establish the impact of noise affecting the proposed residential development at Rudgard Avenue, Cherry Willingham, Zone A.

The assessment has demonstrated that acceptable internal ambient noise levels can be achieved at the site, as per the guidance and standards set out by WHO and BS 8233. Acceptable internal ambient noise levels can be achieved by implementing the proposed scheme of mitigation.

Noise in external amenity spaces has also been assessed and mitigation recommended such that acceptable noise levels can be achieved at the site, in line with the guidelines set out by WHO and BS 8233.

It is recommended to condition the noise mitigation measures.

Paragraph 130(f) of the NPPF states that planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>49</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

LP26 is consistent with NPPF and is attached full weight.

### Ecology

Policy LP21 states that all development should:

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

Proposals for major development should adopt an ecosystem services approach, and for large scale major development schemes (such as Sustainable Urban Extensions) also a landscape scale approach, to biodiversity and geodiversity protection and enhancement identified in the Central Lincolnshire Biodiversity Opportunity Mapping Study.

Development proposals should create new habitats, and links between habitats, in line with Biodiversity Opportunity Mapping evidence to maintain a network of wildlife sites and corridors to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Lincolnshire Biodiversity Action Plan and Geodiversity Action Plan.

Development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings.

An ecology survey has been submitted as part of the application.

This concludes that no mitigation is required for the loss of the arable-cultivated land habitat to the development, including the rough grass areas and headlands, small dry ditches and the re-growing cut remnant hedge between the two fields.

The sketch housing layout (plan reference 1930/03/01B) given in Appendix 1, shows that the mature ash tree and mature field maple tree on the southern boundary are retained.

The copse will not be developed so mitigation is not relevant for this habitat.

The only mitigation required for plant species is that for the corn spurrey, and, although not a protected species, this is considered to be desirable on account of the Vulnerable status of the species in Britain. This is an annual plant of arable land and disturbed ground, and as such it would not survive on the site post-development, since there would be no suitable habitat remaining. Corn spurrey could not survive in, for example, open space grassland with a closed turf or within the copse woodland. It is not practical for the development to retain an area of open disturbed ground for the corn spurrey.

Therefore since the plant is an annual it is proposed to collect top soil from the part of the eastern field where it occurs, since this would have seeds and possibly plants (depending on the time of year) and translocate to a suitable receptor site. This would need to have light sandy soils and be either open vegetation or be disturbed to give the required open ground for the corn spurrey. Translocation of the corn spurrey could be done at any time of year and it is a standard ecology procedure for mitigation.

A suitable receptor site would be a nearby arable field off-site to the south which is in the ownership of Taylor Lindsey.

No mitigation is needed for invasive alien plants since none occur.

### *Enhancements*

Enhancements for habitats would be to plant a mixed native tree and shrub species hedge along the currently open parts of the southern and eastern boundaries. This enhancement would help to define the development against the adjacent farmland and provide habitat for wildlife in general. The sketch housing layout plan shows habitat enhancements in the form of tree and hedge plantings on the site amongst the proposed new dwellings and at the proposed areas of public open space; and in addition there are proposed grassy drainage swales. These would all benefit wildlife in general. No habitat enhancements are proposed for the copse.

There are no constraints to the proposed development from badgers, otters, water voles, white-clawed crayfish, reptiles, breeding or sheltering great crested newts, barn owls, or roosting bats, or hares or hedgehogs.

It is considered that foraging and commuting bats are not a constraint to the development. This is because the copse and the line of trees and shrubs along the railway, which are the habitats most likely to be used by bats, would remain in situ because they are to be retained or they are rooted off-site on the railway land, so the sheltered habitat feature provided by them could still be used by bats post-development.

Trimming of overhanging branches of railway trees to facilitate the development, if needed, would not significantly affect the use bats would make of the site.

The site has very little habitat which could be used by nesting birds, and this is limited to the few mature trees, and the shrubs etc along the boundary ditches, and the copse. The remnant hedge on the boundary between the two fields would not support nesting birds since it is too low and open. Therefore, unless any further habitats are required to be cleared from the site, it is considered that nesting birds are not a constraint to the proposed development. This constraint only applies during the bird breeding season, which is roughly March to August inclusive. Nesting birds are not a constraint outside the breeding season ie: September to February inclusive.

No enhancements are necessary for badgers, otters, water voles, whiteclawed crayfish, reptiles, breeding or sheltering great crested newts, barn owls, or hares.

The habitat enhancement discussed above for tree and shrub planting along the open parts of the eastern and southern boundaries would benefit foraging and commuting bats since when the plantings had grown up they would provide a sheltered corridor along which bats could fly.

An enhancement for roosting bats would be to provide some bat roosting boxes for attachment to the main trunks of some of the multi-stemmed ash trees in the copse. Similarly, bird nesting boxes could be attached to trees in the copse.

The enhancements can be conditioned.

The proposal, subject to an enhancement condition would be in accordance with policy LP21.

Paragraph 179(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 is consistent with the NPPF and is attached full weight.

#### *Other matters*

Devaluation of property is not a material consideration.

Construction hours will be conditioned.

Network Rail have requested a condition for landscaping. However, landscaping is a reserved matter and details will be provided a reserved matters stage.

#### **Conclusion**

The proposal is on allocated site CL1179 of the Central Lincolnshire Local Plan and H1 of the Cherry Willingham Neighbourhood Plan. The indicative plan shows that 144 dwellings sit comfortably within the site with ample gardens, adequate parking levels and appropriate open spaces.

Whilst the site has an indicative number of dwellings, this figure is not a ceiling or cap on the number of dwellings for the site.

It is considered that the proposal is acceptable in principle and would be in accordance with policy LP2 of the Central Lincolnshire Local Plan and Policies H1 and H2 of the Cherry Willingham Neighbourhood Plan.

The likely impact of the development on the existing highway network in terms of additional vehicle trip generation is considered to be acceptable. The proposal is considered to be in accordance with policy LP13 of the Central Lincolnshire Local Plan.

The proposal includes a drainage strategy and whilst the method of disposal is acceptable a full and detailed drainage strategy will still need to be determined. Conditions can secure this and subject to these conditions the proposal would be in accordance with policy LP14 of the Central Lincolnshire Local Plan.

The proposal would provide the full contribution to affordable housing. The proposal is therefore in accordance with policy LP11 of the Central Lincolnshire Local Plan.

The proposal would provide the full contribution to health. The proposal is therefore in accordance with policy LP12 of the Central Lincolnshire Local Plan.

The noise assessment has demonstrated that acceptable internal ambient noise levels can be achieved at the site. Acceptable internal ambient noise levels can be achieved by implementing the proposed scheme of mitigation.

Noise in external amenity spaces has also been assessed and mitigation recommended such that acceptable noise levels can be achieved at the site. Mitigation measures can be conditioned. It is considered the proposal would be in accordance with policy LP26.

The application has been submitted with an ecological statement which has included mitigation measures. Subject to conditions to be in accordance with this mitigation, the proposal would be in accordance with policy LP21 of the Central Lincolnshire Local Plan.

Subject to conditions it is considered the proposal would be acceptable and would not have a detrimental impact on the character of the area, highway safety/capacity, ecology, flood risk and drainage in accordance with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP26 and LP52 of the Central Lincolnshire Local Plan and Policies H1, H2, OS1, OS2 and D1 of the Cherry

Willingham Neighbourhood Plan including the advice given in the National Planning Policy Framework and the National Planning Practice Guidance.

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

Conditions

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

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

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

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

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

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

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

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

4. Reserved matters application shall include details of a suitable trespass proof fence adjacent to Network Rail’s boundary (approx. 1.8m high) and provide details provision for its future renewal and maintenance.

**Reason:** The safety, operational needs and integrity of the railway.

5. In order to demonstrate the correct amount of parking, reserved matters application shall include a parking strategy, to be agreed in writing by the Local Planning Authority, detailing all parking spaces to be provided on site and how this satisfies current Local and Neighbourhood Policy.

**Reason:** To ensure adequate parking provision is provided in the interests of amenity and highway safety.

**6.** In order to demonstrate a sufficient housing mix, reserved matters application shall include a plan of housing types to be agreed in writing by the Local Planning Authority.

**Reason:** In order to help support the creation of mixed, balanced and inclusive communities in accordance with policy LP9.

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

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

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

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

**8.** No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development. The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;

- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

**9.** Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project 2 Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority

**Reason:** The safety, operational needs and integrity of the railway.

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

**10.** The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to greenfield rates;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

**Reason:** To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

**11.** Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

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

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

**13.** The development shall be carried out in accordance with the mitigation measures contained within the Noise Assessment by Spectrum Acoustic Consultants dated 27.04.2020.

**Reason:** In the interests of residential amenity in accordance with policy LP26 of the Central Lincolnshire Local Plan.

**14.** The development shall be carried out in strict accordance with the mitigation measures within the Ecology Report 2020/09/597 by Tim Smith.

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

**15.** No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of an upgraded crossing point in the form of tactile paving on Rudgard Avenue, outside No. 1 and 102, has been certified complete by the Local Planning Authority.

**Reason:** To ensure the provision of safe and adequate means of access to the permitted development.

**16.** The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

**Reason:** In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

**17.** Detail of any external lighting shall be submitted to and approved in writing by the Local Planning Authority to be approved in conjunction with Network Rail.

**Reason:** The safety, operational needs and integrity of the railway.

**18.** Prior to occupation of any dwelling, details of the proposed management and maintenance of the open space and landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. Management and maintenance shall be in accordance with these approved details.

**Reason:** In the interest of the amenity of the locality in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan and policy OS1 of the Cherry Willingham Neighbourhood Plan.

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

None

**Human Rights Implications:**

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

**Legal Implications:**

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