

# Officers Report

## Planning Application No: 145735

**PROPOSAL:** Planning application for an entry level exception site consisting of 20no. affordable houses - phase 3 - resubmission of 143260

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

**WARD:** Cherry Willingham

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

**APPLICANT NAME:** Mr G Collins- Cherry Tree Homes Ltd

**TARGET DECISION DATE:** 17/01/2023 (Extension of time agreed until 28 April 2023)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Delegate back to officers to grant planning permission with conditions and;

- The signing of a Section 106 agreement to secure the proposal as an entry level exceptions site and an NHS contribution of £12,650.00 and;
- A unilateral undertaking securing public bridleway access through the field to the south of the application site to Green Lane.

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The application is presented to the planning committee for determination as the proposal is a re submission of planning application 142360 which was also presented to the planning committee.

The application was deferred for a site visit at the last planning committee meeting of the 29<sup>th</sup> March 2023, which was scheduled to take place on 20<sup>th</sup> April 2023.

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**Town and Country Planning (Environmental Impact Assessment) Regulations 2017:** The proposal does not exceed the screening threshold of more than 150 houses or exceeding 5 hectares for residential development set out in Schedule 2, 10 (b). It is neither "schedule 1" nor "Schedule 2" development, therefore there is no requirement to screen the proposal.

**Site Description:** The application site is a rectangular piece of land to the south of a modern housing development, within an area informally known as 'Little Cherry' off Hawthorn Road. This area is physically separated from the main body of Cherry Willingham, located to the east. The site is currently in an overgrown state with established hedges to the western and southern boundaries. There is a mature ash tree

to the western boundary. To the east, south and west is arable farmland. A wooded area known as Fox Covert is located to the south west of the site. Approximately 300m to the south of the site is a public right of way (reference Cher/133/1) which runs east to west, along Green Lane and into Cherry Willingham.

**The Proposal:** The proposal is a re submission of 143260 which was refused by the Planning Committee on 4<sup>th</sup> November 2021.

This application proposes the erection of 20no. fully affordable dwellings in a semi-detached and terraced format. This also includes 4 bungalows in the south east corner of the site. The dwelling types are as follows;

- 4no. 1 bed bungalows;
- 10. 2 bed houses;
- 6no. 3 bed houses.

The proposed road layout would be continuation of Wesley Road. Public open space is proposed in the south west corner of the site being centered around an existing ash tree.

### **Relevant History:**

**143260-** Planning application for an entry level exception site for erection of 21no. affordable dwellings - phase 3. Refused by Planning Committee on 03/11/21 for the following reason:

*1. The proposal does not prioritise safe, easy and direct pedestrian access contrary to policy D1 of the Cherry Willingham Neighbourhood Plan. Furthermore, the design and extension into the countryside would have an urbanising effect contrary to policies LP17 and LP26 of the Central Lincolnshire Local Plan. Therefore the proposal would be contrary to paragraph 72(b) of the NPPF which seeks development to comply with any local design policies and standards.*

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

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

### **Land to the west-**

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

**Representations, in summary. Full representations can be viewed through the Council's website using the following link:**

<https://www.west-lindsey.gov.uk/planning-building-control/planning/view-search-planning-applications/search-planning-application-database?id=145735&nb=1>

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

**Cherry Willingham Parish Council:**

**16/03/2023- Support the Proposal:**

CWPC indicated its acceptance of the original application (143260) but it was rejected by WLDC Because it did not prioritise direct pedestrian access to the main part of CW contrary to policy D1 of the NP and it represented extending urbanisation into the countryside, contrary to the Central Lincolnshire Plan policies (although the land had been scheduled for development and continues to feature in the draft revised LP) The plan has been modified and resubmitted.

#### Positive features

- 1) It is entirely affordable housing and appears to be subject to a S106 agreement to enforce this. Some units would be suitable for older people. This fits policy H2 of the NP
- 2) The general style does seem to fit into the existing development – it is not obviously “affordable housing: (NP policy H2/4)
- 3) The overall visual appearance of the scheme is interesting and varied (see the CAD pictures. This is in accordance NP D1/2.
- 4) The modifications to the original scheme put 4 single storey dwellings at the south end of the site and show the hedge to the south will be improved so the visual impact from Green Lane to the south will be minimised and will still give a rural feel to the view.
- 5) There is good public open space (NP OS3)
- 6) The environmental aspects of the proposal (particularly the preservation and improvement of hedges) are in accordance with NP D1/4 and 5.
- 7) The scheme does give a promise of bridleway access to Green Lane which has been a longterm aim for CWPC (NP OS3/2, CF1/community priorities 19/5).

#### Issues

- 1) The whole development south of Hawthorn Rd is in visual appearance more appropriate to an urban environment ,though in my opinion this application does act to mitigate this
- 2) The front and rear of some of the dwellings (e.g., units 5 and 6) appears top heavy – a dark slate roof above light walls is unbalanced, whereas with darker walls (units 7 and 8) this is much less noticeable. Gables on some properties mitigate this – cf the front and rear elevations of 15 and 16)
- 3) The layout plan in the application (September 2021) is not the same as in the Flood Risk submission (dated June 2021). (However, I doubt this would have any significant effect on the flood risk)

4) The accessibility of the site to village facilities is presented in a positive light but it is approx. 2km from the southernmost dwelling (20) to The Parade on foot (2.5km via the proposed bridleway to Green Lane and approx. 3 km to the primary school from the midpoint of the development (property10) via Hawthorn Rd (2km via the proposed bridleway), which in practice will mean that most journeys are likely to be by car.

#### Conclusion

The Parish Council would be in favour of accepting the application provided there is absolute certainty that:

- a) all the housing will be affordable and allocated in accordance with paragraph 8.13 of the adopted Cherry Willingham Neighbourhood plan. With the selection criteria included in the S106 agreement.
- b) That the bridleway to connect to Green Lane is put in place.
- c) That the environmental and visual amenity outcomes are in accordance with the application

**11/11/2022- Support the Proposal:** CWPC indicated its acceptance of the original application (143260) but it was rejected by WLDC.

#### Positive features

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- 2) The general style does seem to fit into the existing development – it is not obviously “affordable housing: (NP policy H2/4)
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5) "Little Cherry" continues to have a complete absence of community facilities other than the small playground and the green space in this development.

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a) all the housing will be affordable and allocated in accordance with paragraph 8.13 of the adopted Cherry Willingham Neighbourhood plan. With the selection criteria included in the S106 agreement.

b) That the bridleway to connect to Green Lane is put in place.

c) That the environmental and visual amenity outcomes are in accordance with the application.

### **Local residents/Third Party Representations:**

**Letters of objection have been received from no.'s 12, 14,16, 18, 27, 30,36,39,57,65, 69, 116, 118 Wesley Road, summarised as follows;**

- The road is yet to be adopted by the Council, this should be completed before development goes ahead;
- Access concerns;
- If affordable housing were to be placed in this location it would potentially be out of alignment with the current resident demographic and would lower the value of existing properties;
- Issues within parking, drains and general upkeep on Wesley Road;
- Traffic is already bad on the road with people speeding through the chicane style set up, and to add work vehicles to the mix is just crazy;
- noise pollution from the building works;
- general increase in dirt causing impact on houses and cars - access and egress of emergency vehicles is already of concern due to the lack of space and parking. Further housing will only worsen this issue - added pressure on local services such as gp. It's already hard enough to get an appt, adding more people to the catchment area can only worsen this situation;
- There has been no notification of the development;
- Concerns with the speed of vehicles that currently use Wesley Road;
- It would be better to create a green space/park play area;
- Damage to wildlife;
- Local services such as schools and GP practices are oversubscribed;
- Poor drainage;
- No access to local amenities.

**A letter of support has been received from no. 116 Wesley Road:**

I wish residents would realise that had planning been rejected for their phases they wouldn't be living where they are now!! No issues with parking.

### **LCC Highways/Lead Local Flood Authority:**

**01/03/23-**

Highway Safety- No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. Highway safety is not affected. There is a negligible affect on highway capacity

Flood Risk and Drainage (as LLFA) - In principle the proposed drainage strategy is acceptable, subject to detailed design. Therefore surface water flood risk has been mitigated, reducing the run-off on site to greenfield discharge rates.

Recommends three conditions and four informatives in the event permission is granted.

**01/02/2023 (email)-** It is proposed to delay adopting the estate that serves this development. As it's in their ownership there will be no access issues and any damage caused to the existing highway will be their liability and will require repair before adoption by us. This coupled with the proposal to use smaller construction vehicles where possible satisfies me on the access issues and removes the need for a haul road.

The drainage strategy is still a concern.

**14/12/22- Highways-** No objection in principle to the layout shown, the single parking space located in the public open space (in front of plots 11-14) should be rotated through 90 degrees to make it more accessible. Can the layout be revised to address this?

Currently only part of the estate roads that serve as access to the proposed development are adopted highway, therefore should the developer wish for the new development to be adopted, details for the previous phase's adoption will be required. The estate roads which will provide access to the new proposal are in part private and are not suitable for construction traffic during the build out phase, therefore the HLLFA will require details for a temporary access road for construction traffic.

It has been noted the applicant has submitted swept path analysis to demonstrated some vehicles can access the site, but this doesn't include the larger vehicles used in construction nor the fact that a certain level of on street parking is present at most times of the day, preventing the movements necessary.

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

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

**Environment Agency:** The Environment Agency does not wish to make any comments on this application.

**Archaeology:** No representations received to date.

**Anglian Water (In summary):**

Section 1- Assets Affected- Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. Recommends informatives to the applicant,

Section 2- Wastewater Treatment- The foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre that will have available capacity for these flows.

Section 3- Used Water Network- The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection

Section 4- Surface Water Disposal- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

Recommends a condition for a surface water management strategy to be submitted.

**LCC Education Services:** Having assessed the impacts based in the updated housing mix, there remains no education ask for primary and the one required for secondary is covered by CIL at the present time.

**Lincolnshire Police:** No objections.

**NHS Lincolnshire:** The contribution requested for the development is £12,650.00 (£632.50 x 20 dwellings). The above development is proposing 20 dwellings which, based on the average of 2.3 people per dwelling for the West Lindsey District Council area, would result in an increase in patient population of 46. The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians.

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

There are two elements to the need for the homes, the Central Lincs HNA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register. This liaison was done back in 2021 with the following needs information reflecting the size and tenure specified for the site.

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

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

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



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

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

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

**ECM Checked:** 11/04/2023

### **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 2023); the Cherry Willingham Neighbourhood Plan (made 2019); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

### Development Plan

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

On the 28th March, the Planning Inspectorate published their "Report on the Examination of the Central Lincolnshire Local Plan Review". The report concludes that the Central Lincolnshire Local Plan Review provides an appropriate basis for the planning of the City of Lincoln and the districts of North Kesteven and West Lindsey, provided that a number of main modifications are made to it (supplied by the Inspectors).

At the time of writing - The Central Lincolnshire Local Plan Review is expected to be considered at the meeting of the Central Lincolnshire Joint Strategic Planning committee (CLJSPC), scheduled for Thursday 13th April. In the event the Committee resolve to adopt the new Plan, it will become the Development Plan against which planning decisions must be considered and taken against.

This assessment has therefore been made against the provisions of the 2023 Central Lincolnshire Local Plan, in anticipation that it will be part of the statutory development

plan against which the Planning Committee will need to make its decision, at its meeting on 26th April 2023.

**Relevant policies of the CLLP include:**

Policy S1: The Spatial Strategy and Settlement Hierarchy  
Policy S2: Growth Levels and Distribution  
Policy S4: Housing Development in or Adjacent to Villages  
Policy S5: Development in the Countryside  
Policy S21: Flood Risk and Water Resources  
Policy S22: Affordable Housing  
Policy S23: Meeting Accommodation Needs  
Policy S47: Accessibility and Transport  
Policy S49: Parking Provision  
Policy S51: Creation of New Open Space, Sports and Leisure Facilities  
Policy S53: Design and Amenity  
Policy S60: Protecting Biodiversity and Geodiversity

[Local Plan Review | Central Lincolnshire Local Plan \(n-kesteven.gov.uk\)](https://www.n-kesteven.gov.uk/local-plan-review)

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

Relevant policies of the CWNP include:

Policy H2: Housing Type, Mix and Density  
Policy OS1: Provision of new Public Open Space  
Policy OS3: Footpaths and Cycleways  
Policy D1: Design Principles for Cherry Willingham

Cherry Willingham Character Assessment

<https://www.west-lindsey.gov.uk/my-services/planning-andbuilding/neighbourhood-planning/all-neighbourhood-plans-in-westlindsey/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 (2019)**
- **National Design Code (2021)**

### **Main issues**

- Principle of Development;
- Design and Character Impacts;
- Residential Amenity;
- Highways;
- Flood Risk and Drainage;
- Ecology and Trees;
- Developer Contributions and Open Space;
- Other Matters

### Principle of Development

The application site is located south of Wesley Road within Hawthorn Avenue, 'Little Cherry'. Hawthorn Avenue, 'Little Cherry' is now recognised a medium village under policy S1: The Spatial Strategy and Settlement Hierarchy of the Central Lincolnshire Local Plan.

*This policy states that 'Beyond site allocations made in this plan or any applicable neighbourhood plan, development will be limited to that which accords with Policy S4: Housing Development in or Adjacent to Villages or other policies relating to non-residential development in this plan as relevant.'*

The site is not allocated within the submitted draft plan. With regard to the application site, Policy S4 states the following within medium villages;

*3. Proposals for residential development on unallocated land immediately adjacent to the developed footprint will only be supported where this is:*

*a) a First Homes exception site in accordance with the NPPF and provided it is outside of the Lincolnshire Wolds Area of Outstanding Natural Beauty and not within a location that is subject of a Designated Rural Area as defined in Annex 2 of the NPPF; or*

***b) Exclusively for a rural affordable housing exception site. (emphasis added)***

*Any proposals for First Homes exceptions sites or rural affordable housing exception sites will also be subject to the requirements of Policy S22.*

Part three of Policy S22: Affordable Housing, states that: *In the countryside, immediately adjacent to an existing settlement, where through an assessment of local needs there is an identified need for affordable housing, permission for rural affordable housing may be permitted as an exception to policies in this Local Plan. To facilitate delivery of such schemes, the local planning authority may consider whether allowing a limited amount of market housing would be appropriate, taking into account the location of the site, the degree of need for affordable homes and the quantity of affordable homes delivered on the site.*

The proposal is for a fully rural affordable exception site which is immediately adjacent to the existing built form of 'Little Cherry' (Wesley Road) located directly to the north of the application site. It can therefore be considered to accord to the provisions of S4 and S22 in principle. Further details of the other points of policy S22 (including the identified need) are discussed below.

The NPPF (a material consideration) also sets out support for 'entry level exceptions sites'. *Paragraph 72 of the NPPF states that:*

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

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) be adjacent to existing settlements, proportionate in size to them<sup>35</sup>, not compromise the protection given to areas or assets of particular importance in this Framework<sup>36</sup>, and comply with any local design policies and standards.*

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

*“(36) i.e. the areas referred to in footnote 6 in chapter 2. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.”*

The requirements of paragraph 72 are detailed below;

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

The authority's area would be that of Central Lincolnshire. The Strategic Housing Market Assessment states that, as per the NPPG, Lincoln, North Kesteven and West Lindsey (Central Lincs) can be jointly considered as a single housing market area.

There are two elements to the need for the homes, the Central Lincs HNA identifies a need for affordable housing and that need is not being met across the Central Lincolnshire Housing Market. The types and tenure of properties that are then delivered on the site should reflect the need identified through the housing register information. The D&A statement submitted as part of this application details liaison with WLDC regarding the property types and that those property types reflect the need identified by the Housing register. This liaison was done back in 2021 with the following needs information reflecting the size and tenure specified for the site.

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

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

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

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

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

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

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

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

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

**“(b) be adjacent to existing settlements, proportionate in size to them<sup>35</sup> , not compromise the protection given to areas or assets of particular importance in this Framework<sup>36</sup>, and comply with any local design policies and standards.”**

The site is adjacent to the existing settlement. The size limit for entry level exceptions sites is larger than one hectare in size or exceeds 5% of the size of the existing settlement. Little Cherry is approximately 16 hectares in area. The 5% limit equates to 0.8 hectares. The proposal is 0.45 of a hectare which is within the size limits. The proposal does not compromise areas or assets of particular importance (as referenced). The site is at low risk (flood zone 1) of flooding. As set out below, the proposal is considered to comply with local design policies and standards. The 100% affordable housing far exceeds the 25% requirement of CLLP Policy S22.

#### *Sustainability and accessibility of the location*

The previous opinions of planning inspectors regarding this site and the adjacent site differ. One found compliance with the now superseded policy LP13 (Accessibility and Transport) and one found some conflict. There are limited bus services in ‘Little Cherry’.

Within the decision notice for appeal reference APP/N2535/W/17/3179325, with regard to accessibility, the Inspector stated the “appeal site is less than ideally located in terms of accessibility of most day to day services and facilities in the village which would be required by future residents of 69 dwellings, other than by means of a private vehicle” and “On balance I conclude that there would be only limited conflict with Policy S47 of the CLLP which seeks to minimise travel and maximise the use of sustainable transport modes.”

Upon searching for services much of the services that stop along Hawthorn Road are aimed at school travel, these are the 548 to Cherry Willingham Priory Academy, the 146 to De Aston School and 510 to William Farr School.

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

The application has been submitted with a Unilateral Undertaking which will secure a public footpath access across the field to the south of the site to the Public Footpath along Green Lane, this is a material consideration in this application. This link would go to the main body of Cherry Willingham, with access to more facilities, as detailed above.

It is considered the site is not necessarily ideally located for non-car based travel to services and facilities. The majority of travel is likely to be by car with some walking, cycling and limited bus use for school travel. However, the footpath link is a material consideration and would provide better connectivity with Cherry Willingham.

*Concluding assessment:* Overall, in relation to the principle of development, the Central Lincolnshire Local Plan is supportive of rural affordable exceptions sites that lie directly adjacent to medium villages, such as Hawthorn Avenue 'Little Cherry', the proposal would therefore accord to policies S4 and S22 of the Central Lincolnshire Local Plan. The proposal would also meet the provisions of paragraph 72 of the National Planning Policy Framework and is therefore considered to be acceptable in principle.

### Design and Character Impacts

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and Reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.*

Policy H2 of the CWNP states; *“Elsewhere development proposals should deliver housing at densities that reflect the specific characteristics of the site and its surrounding area (in terms of the existing built form and landscape).”* *“Affordable Housing*  
*4. Where affordable housing is to be provided on site, it must be fully integrated with the market housing throughout the development.*  
*5. Affordable housing should be aesthetically indistinguishable from market housing.”*

Policy D1 of the CWNP supports development proposals where they are of a high standard of design, including taking into account, local distinctiveness and character, architectural quality, take into account the environment and landscape, accessibility, design and parking and layout.

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

The refusal reason for 143260 sited the impact of the development upon the character and appearance of the area. The separation distance between the most southern plot (20) and the boundary to the adjoining countryside has been increased and additional

tree and hedge planting incorporated into the scheme along this south boundary. The dwellings in this southern area of the site are also proposed to be bungalows, which provide a softer transition into the adjoining countryside.

Given this, it is considered the proposal would not result in a significant impact on the wider landscape character of the rural area, or the character and appearance of the adjacent settlement. The proposal would be viewed very much as an extension to the existing housing estate from the surrounding countryside. The design and construction section of the DAS aims to incorporate, where possible, carbon reduction and renewable energy materials through the latest technology and construction methods and confirms the proposal will be designed to meet the requirements of Building for Life guidance on good design.

The design of the dwellings mirrors that of the estate to the north with dual pitched roofs, some frontage gable ends, a mixture of render, brick and timber wall treatments, and shared road surfaces. Semidetached and terraced properties, with some forming rows and others at 90 degree angles to each other are found within the existing estate and the proposal. Building plot sizes and dwelling heights are very similar. Appropriate bin storage is provided.

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

### Residential Amenity

At point 8 of Policy S53 it states that development proposals will;

*a) Provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces;*

*d) not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare;*

The application site is located to the south of no.69 Wesley Road which has ground floor and first floor windows in its south elevation that look toward the site. The north elevation of Plot 5, directly to the south of this existing dwelling would have a ground floor dining room windows and a first floor bathroom window. It is considered necessary to condition that the first floor window in this elevation is obscurely glazed. Views in between ground floor windows would mainly be screened by boundary fencing. Plot 1 would be approximately 11.5m from 69 Wesley Road and at an angle to it which is an acceptable relationship.

It is acknowledged that some overlooking would occur from the north facing bedroom windows of plots 11 and 12 into the rear amenity area of plot 4, however this is not considered to be an unacceptable level. Proposed rear garden areas are all approximately 7-8m in depth. The two bed dwellings at plots 11-14 would have c. 6-6.5m



back gardens, which is considered to be appropriate for these size dwellings. The proposed site plan also shows adequate bin storage for all dwellings. There are no other amenity concerns rising from the proposed layout.

Within the submitted Design and Access statement the agent has provided a table which shows that the gross internal floor area of each dwelling complies with the minimum size standards as detailed within Appendix 4, Affordable Housing of the CLLP developer contributions SPD (adopted June 2018). The space standards also comply with the Nationally Described space standards.

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

Overall, the proposals would not cause any unacceptable residential amenity impacts and would accord to the aims of policy S53 of the CLLP and Policy D1 of the CWNP.

### Highways

Policy S47 requires that developments should demonstrate, where appropriate that they have had regard to the following criteria:

- a) Located where travel can be minimised and the use of sustainable transport modes maximised;*
- b) Minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links and integration with existing infrastructure;*
- c) Making allowance for low and ultra-low emission vehicle refuelling infrastructure.*

Access including construction vehicles will use access through the site to the north off Franklin Way. Many of the neighbouring resident's objections relate to construction vehicles accessing the site through the existing estate roads, this has also been of concerns in previous applications at the site. The application has been provided with vehicular path plans which show that a small tipper, an excavator and a 7.5T box van can move through the existing site and also turn within it. The highways authority have been in discussions with the applicant and the adopting of the estate road will be delayed. The Highways Authority have reviewed the submitted information and are satisfied that the route through the estate for construction vehicles and use of smaller vehicles during the construction stage is acceptable, they have requested that a construction management plan is submitted prior to the commencement of development which has been agreed with the agent for the application.

Policy S49 of the CLLP details the parking provision required for residential development. Appendix 2 of the CLLP details the car parking standards that are applicable within Central Lincolnshire.

All two and three bedroom dwellings have two, off road car parking spaces each. The one bedroom dwellings have one off road parking space. The proposal also includes one visitor car parking space to the north of the site and a further three spaces to the south. The proposals accord to the standards detailed in Appendix 2.

The application has also been submitted with a Unilateral Undertaking (UU), with the adjoining land owner which will allow a public right of way from the southwest of the proposed site to Green Lane (to the south). This will provide public access between 'Little Cherry' and the settlement of Cherry Willingham.

Overall, the proposal would not cause any detrimental highway safety impacts, subject to conditions the proposal accords to Policies S47 and S49 of the CLLP as well as Policy D1 of the CWNP.

### Flood Risk and Drainage

Policy S21 requires proposals demonstrate that they have incorporated Sustainable Drainage Systems (SUDS) in to the proposals unless they can be shown to be inappropriate; to show that that there is no unacceptable increased risk of flooding to itself or existing land or buildings; and that adequate foul water treatment and disposal already exists or can be provided in time to serve the development. NPPF Paragraph 169 requires SUDS schemes for major developments.

The submitted flood risk assessment identifies the site at being at low risk of flooding. The FRA states that finished floor levels will be set at a minimum of 150mm above the surrounding ground levels which is sufficient mitigation for

With regard to the management of surface water, ground investigations have previously been carried out which have confirmed that the site is not suitable for infiltration, evidence of this has been submitted with the application. Therefore it is proposed for this to be dealt with by draining it to existing storage facilities located below the existing public open space to the north of the site with discharge via the existing pumping station to Anglian Water surface water sewer. The above storage and pumping station have been designed to cater for the additional surface water from the adoptable highway, private drives and roofs of this proposed phase 3 of the development. The surface water is then pumped into the existing Anglian Water surface water sewer at manhole 8754. The LLFA and Anglian Water have requested further technical information to demonstrate the proposed method would work in practice.

The foul water from the proposed development will be discharged to the existing sewer on Phase 2 which has been sized accordingly. Anglian Water have stated that the foul drainage from this development is in the catchment of Reepham (Lincs) Water Recycling Centre that will have available capacity for these flows.

It is therefore considered that the proposed methods of foul and surface water drainage are acceptable in principle subject to further detailed surface water management strategy prior to the commencement of any works.

### Ecology and Trees

Policy S60 seeks to protect and enhance biodiversity. The submitted preliminary ecological appraisal considers the habitat on and near the site and the potential for protected species. It recommends additional hedgerow planting and enhancement of existing hedgerows; native tree planting; bat boxes and bat friendly lighting; good working practices regarding badger; bird mitigation regarding site clearance and vegetation works; and house sparrow boxes. The report recommends a wildlife enhancement plan is prepared to ensure that as a minimum, the recommendations contained within the report are enacted. The block plan shows bat and bird boxes but it is unclear whether tree and hedgerow planting and hedgerow enhancements are in accordance with the recommendations.

The report is sufficient to demonstrate the impact on protected is acceptable but a detailed mitigation and enhancements condition is required to ensure the recommendations of the appraisal are correctly implemented.

Policy S61 requires measures for biodiversity opportunity and net gain. The submitted ecological appraisal does propose measures to improve biodiversity on site. It does not however quantify this through a recognised metric.

Policy S61 does state that “Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.” A mandatory 10% BNG requirement for 20 dwellings is not expected under the provisions of the Environment Act until at least November 2023.

Consequently, it is considered appropriate for a planning condition to secure a final demonstration of BNG to be achieved on the site against a recognised metric, following the mitigation measures proposed within the Ecology Statement.

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

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

Overall, the proposal would not have unacceptable impacts on ecology or trees and would accord to policy S60 of the CLLP.

### Developer Contributions and Open Space

The NHS have requested a contribution of £12,650. The calculations is based on the likely impact of this new population in terms of number of additional consultation time required by clinicians. This contribution will be secured by Section 106 agreement.

Open Space- Policy S51 requires residential development to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in the latest Central Lincolnshire Developer Contributions Supplementary Planning Document.

The proposed site layout plan provides approximately 570m<sup>2</sup> of open space this is considered to be acceptable for the development of 20 dwellings.

The submitted UU also secures public access from this area of open space through the field to the south onto the Public Right of Way network. This will enhance connectivity for the residents of the application site and wider population. The implementation and management of the open space will be secured by condition.

### Other Matters

**Energy Statement-** Policy S7 of the CLLP requires an Energy Statement to be submitted. However, this application was originally submitted in October 2022, significantly before the adoption of the April 2023 Local Plan, and when the plan was at a draft stage, prior to its examination. The application was not determined by the statutory timescale (by January 2023), and was subject to an agreed extension of time in order for the applicant to work with, and address matters raised by the Local Planning Authority. It is therefore not considered to be reasonable to require that an energy statement is supplied in this instance.

**Community Infrastructure Levy-** The site is in CIL charging zone 1, where the Community Infrastructure Levy (CIL) charge is £25 per square metre for houses.

**Conclusion and reasons for decision:** The decision has been assessed against policies Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S2: Growth Levels and Distribution, Policy S4: Housing Development in or Adjacent to Villages, Policy S5: Development in the Countryside, Policy S21: Flood Risk and Water Resources, Policy S22: Affordable Housing, Policy S23: Meeting Accommodation Needs, Policy S47: Accessibility and Transport, Policy S49: Parking Provision, Policy S51: Policy S53: Design and Amenity, Policy S60: Protecting Biodiversity and Geodiversity of the Central Lincolnshire Local Plan, the policies contained within the adopted Cherry Willingham Neighbourhood Plan and the provisions of the NPPF, with particular regard to paragraph 72 and the guidance contained within the NPPG.

In light of this assessment, the principle of development is supported by the policies within the CLLP which are supportive in principle of such affordable housing sites. A 100% affordable housing development is to be afforded significant weight due to the recognised pronounced shortfall of such accommodation within the housing market area, and is considered to be in accordance with the requirements of paragraph 72 of the NPPF.

It is considered that the proposal would not result in unacceptable impacts upon the wider character of the area and would integrate well with the existing estate. No unacceptable impacts on residential amenity have been found. The access to the site is considered to be acceptable and would not be at a detriment to highway safety, subject to the submission of a construction management plan. The proposed drainage is acceptable in principle subject to the submission of a detailed surface water management scheme.

The application is therefore recommended for approval subject to conditions, the signing of a Section 106 agreement to secure the dwellings as fully affordable and to secure the NHS contribution, as well as the signing of a Unilateral Undertaking.

## **RECOMMENDED CONDITIONS**

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

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

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

**Conditions which apply or require matters to be agreed before the development commenced:** 2. No development shall take place until a detailed Construction Management Plan and Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan and Method Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. The approved document shall be adhered to throughout the construction period. It shall include;

- (i) the routing and management of construction traffic;
- (ii) the on-site parking of all vehicles of site operatives and visitors;
- (iii) the on-site loading and unloading of all plant and materials;
- (iv) the on-site storage of all plant and materials used in constructing the development;
- (v) wheel washing facilities;
- (vi) the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

(x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site.

**Reason:** In the interests of the safety and free passage of those using the adjacent public highway and 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.

3. No development shall take place until a detailed surface water drainage scheme has been submitted to and 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 run-off 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/ no part of the development 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 in accordance with Policy S21 and the provisions of the NPPF.

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

**Reason:** To prevent harm to and provide net gain for protected species in accordance with Policy S60 of the Central Lincolnshire Local Plan.

5. No development shall take place until an addendum to the Ecology Statement shall be submitted for the written approval of the Local Planning Authority, which calculates the anticipated biodiversity net gain that will be achieved through the proposed mitigation, against Natural England's Biodiversity Metric.

**Reason:** In order to demonstrate how the development will deliver measurable net gains in biodiversity in accordance with policy S61.

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

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

**Reason:** To protect existing trees in accordance with Policies S53 and S60 of the Central Lincolnshire Local Plan and D1 of the CWNP.

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

**Reason:** To secure good design in accordance with Policy S53 of the Central Lincolnshire Local Plan and D1 of the CWNP.

8. Prior to the occupation of the development, details of foul water drainage to accommodate foul and surface flows from the proposal shall have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To secure appropriate drainage that prevents flooding and protects the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

Site Location Plan A-10-01 A01 received 09/01/2023

Proposed Site Plan 1290-A-10-005 A01 received 09/01/2023

Proposed Block Plan 1290-A-10-005 A01 received 09/01/2023

Proposed Site Layout Plan (08) 018 A03 received 09/01/2023

Proposed highway layout plan (08) 017 A02 received 09/01/2023

Amended proposed ground floor site plan 1290-A-10-006 A01 received 09/01/2023

Units 1 & 2 Proposed Floor Plans, Sections and Elevations 1290- A- 08-005 Rev 00 received 18/10/2022

Units 3 & 4 Proposed Floor Plans, Sections and Elevations 1290- A- 08-004 Rev 00 received 18/10/2022

Units 5 & 6 Proposed Floor Plans, Sections and Elevations 1290- A- 08-003 Rev 00 received 18/10/2022

Units 7 & 8 Proposed Floor Plans, Sections and Elevations 1290- A- 08-001 Rev 00 received 18/10/2022

Units 9 &10 Proposed Floor Plans, Sections and Elevations 1290- A- 08-007 Rev 00 received 18/10/2022

Units 11, 12, 13 & 14 Proposed Floor Plans, Sections and Elevations 1290- A- 08-008 Rev 00 received 18/10/2022

Units 15 & 16 Proposed Floor Plans, Sections and Elevations 1290- A- 08-002 Rev 00 received 18/10/2022

Units 17 & 18 Proposed Floor Plans, Sections and Elevations 1290- A- 08-006 Rev 00 received 18/10/2022

Units 19 & 20 Proposed Floor Plans, Sections and Elevations 1290- A- 08-009 Rev 00 received 18/10/2022

Tree Constraints Plan 71882-3- 01 received 18/10/2022

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

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with policies S53 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. Prior to the occupation of any dwelling, 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 in accordance with policy S47.

11. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, and areas of public open space, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree lined streets. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure the visual impact of the development on the area is minimised in accordance with the requirements of Policies S53 and S60 of the Central Lincolnshire Local Plan.

12. The on-site public open space shall be landscaped in accordance with the details approved under condition 10 of this permission and shall be available for use upon occupation of the 15th dwelling of the development hereby permitted.



**Reason:** To ensure provision of open space in accordance with the requirements of Policy S51 of the Central Lincolnshire Local Plan.

13. Prior to occupation, details of the management and maintenance of the public open space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out on accordance with the approved details.

**Reason:** To ensure that appropriate management and maintenance of the open space is carried out in accordance with the National Planning Policy Framework and policy S53 of the Central Lincolnshire Local Plan.

14. The Public Open Space as identified on plans 1290-A-10-005 A01 and 1290-A-10-005 A01 received 09/01/2023, shall be retained as such, and in perpetuity.

**Reason:** In the interests of amenity in accordance with policies S51 and S53 of the Central Lincolnshire Local Plan.

15. Prior to occupation, the ground and first floor windows on the north elevation of Plot 5 shall be obscurely glazed to a level of 3 or higher and shall remain in perpetuity for the lifetime of the development.

**Reason:** To protect the amenity of the neighbouring occupiers, in accordance with policy S53 of the CLLP.

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

None.

**Notes to the Applicant**

**COMMUNITY INFRASTRUCTURE LEVY**

Please be aware that as of the 22<sup>nd</sup> January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal [www.west-lindsey.gov.uk/cilforms](http://www.west-lindsey.gov.uk/cilforms) and West Lindsey District Council's own website [www.west-lindsey.gov.uk/CIL](http://www.west-lindsey.gov.uk/CIL)

Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

**Highways**

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

### **Anglian Water**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The development site is within 15 metres of a sewage pumping station. This asset

requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

### **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