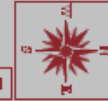


Proposed Residential Development | Hawthorn Road | Cherry Willingham | LN3 4



Thus, drawing on this concept, a hybrid strategy (also referred to as *hybrid*) is defined as a strategy that is not purely market-oriented or customer-oriented, but rather a combination of the two. In other words, a hybrid strategy is a combination of the two strategies of market orientation and customer orientation, or a combination of the two strategies of market orientation and customer orientation.



**RDS** RYLAND DESIGN  
SERVICES LTD  
ARCHITECTURAL DESIGN AND PLANNING

London | Woodstock | Bath | Oxford | Gloucester | Worcester | Lincoln | Nottingham  
 Tel | 01673 860100 Fax | 01673 863544 Web | [www.nylanddesign.co.uk](http://www.nylanddesign.co.uk)  
 E-mail | [info@nylanddesign.co.uk](mailto:info@nylanddesign.co.uk) Twitter | [Nyland\\_Design](https://twitter.com/Nyland_Design)

Title	Proposed Phase Four Site Plan Drawing
-------	--

Date | December 2016

Scale | 1:500 @ A1

Client	Pride Homes (Lincoln) Ltd
--------	---------------------------

Project	Proposed Residential Development, Hawthorn Road, Cherry Willingham
---------	---

Drawing Number | RDS 11268 / 01

## **Officers Report**

### **Planning Application No: 134096**

**PROPOSAL:** Planning application for erection of 69 dwellings

**LOCATION:** Land off Hawthorn Road Cherry Willingham Lincoln

**WARD:** Cherry Willingham

**WARD MEMBERS:** Cllr Mrs A Welburn, Cllr C Darcel, Cllr Mrs M Palmer

**APPLICANT NAME:** Pride Homes (Lincoln) Ltd

**TARGET DECISION DATE:** 06/06/2016

**DEVELOPMENT TYPE:** Major – Dwellings

**CASE OFFICER:** Ian Elliott

#### **RECOMMENDED DECISION:**

That the decision to grant planning permission, subject to conditions, be delegated to the Chief Operating Officer, to enable the completion and signing of an agreement under section 106 of the Planning Act 1990 (as amended) pertaining to:-

- The construction of 17 affordable homes to be transferred to a registered social landlord.
- A contribution of £157,870 towards the development of local schools within Cherry Willingham.
- £29,326 towards building a notes storage facility at The Parade Surgery, Cherry Willingham to be paid on sale of the 15<sup>th</sup> dwelling. This will allow movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.
- To provide a total of at least 5% open play space on the site including a management and maintenance plan.

And, in the event of the s106 not being completed and signed by all parties within 6 months from the date of this Committee, then the application be reported back to the next available Committee meeting following the expiration of the 6 months.

---

#### **Description:**

The application has been referred to the Planning Committee at the request of the Ward Member for reasons of highway impact and sustainability.

Planning permission is sought for residential development of 69 dwellings and associated works. The development is for 2 semi-detached houses (plots 5-6) and terraced housing in blocks of between 3 and 6 dwellings. The dwellings will be two and three storey high with a total of 139 parking spaces. Access to the site is in the north east corner.

The application site is a long narrow area of land (1.12ha) to the south of Hawthorn Road. The site is set behind other dwellings well back from Hawthorn Road and can be accessed via an existing road constructed in connection with other recently constructed residential housing. The northern half of the site is designated in the WLLP as residential allocation HA1 with the southern half as open countryside grassed land.

The northern half of the site is in a churned up condition including some excavation with mounds of earth and is used for vehicle and material storage. The northern half additionally includes an area of grass. The southern half of the site is set lower than the northern half and is covered by overgrown grass. It slopes gently downwards from north to south. The site is screened by fence panels to the north boundary with a mix of fencing, hedging and trees to the east boundary. The south boundary is open with a group of high trees very close by. The entire west boundary is screened by hedging and trees.

Neighbouring dwellings sit adjacent to the north and northern half of the east boundary (top half). Planning permission for housing has been granted for housing along the rest of the east boundary but these are yet to be constructed but at the site visit it appeared that this phase of housing has commenced. A small area of open land and a group of trees sit to the south with open fields to the west

To the South is the Fox Covert Site of Nature Conservation Interest (SNCI). The northern half of the site is allocated for residential development in the West Lindsey Local Plan (First Review) June 2006.

### **Town and Country Planning (Environmental Impact Assessment) Regulations 2011:**

The development is not development falling within either schedule 1 or 2 of the Regulations and does not qualify as EIA Development under the Regulations.

### **Relevant history**

#### Site

None

#### Other

Adjacent the site to the east:

132089 - Planning application to erect 33no. semi-detached and terraced houses with associated highway (Phase 2) – 13/07/15 - Granted time limit and other conditions

Adjacent to the east of 132089:

132090 - Planning application for erection of 26no. semi detached and terraced houses with associated highway (Phase 2) – 29/05/15 - Granted time limit and other conditions

Adjacent the site to the north east:

120493 - Planning Application to erect 31 dwellings, construction of link road and provision of public open space - 13/08/08 - Granted time limit and other conditions

124343 - Planning application to vary condition 2 of planning permission  
120493 granted 13 August 2008 - 27/07/09 – Refused – Allowed on Appeal  
04/02/10

128773 - Planning application to erect 37no. semi-detached, terraced and detached dwellings - 17/01/14 - Granted time limit and other conditions

132904 - Planning application for replacement of plots 17 and 18 of previously approved planning permission 128773 with 7no. two bedroom dwellings and upgrade adjacent highway - 18/01/17 - Granted time limit and other conditions

Adjacent to the south east:

133693 - Outline planning application for residential development of 29no. dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted  
28/06/16

Further to the east of 133693:

133692 - Outline planning application for residential development of 19no. dwellings - all matters reserved - 27/04/16 – Refused – Appeal submitted  
27/06/16

### **Representations**

#### **Ward member Cllr Mrs A Welburn: Comments/Objections**

Please note I would like to request that the above applications are brought to planning committee and not officer determination.

It is 2.3km to the shops and 0.9m to the Community School field boundary, this is a significant development which is not sustainable given its distance from the main Cherry Willingham settlement and from Lincoln, distances which mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within the acceptable walking distance.

I would like to draw your attention to the recent appeal decision in respect of the site at Lodge Lane, Nettleham (132063), in which a maximum of 800m has been referenced as the appropriate distance for access to services etc. This application is far in excess of that. It is also noted that WLDC, in connection with the Carlton Centre application, has quoted 200 – 800m as being desirable walking distance (Ref: 'Providing for Journeys on Foot' -CIHT 2000).

The stopping of Hawthorn Road is a major issue for any development along this route, as both alternative routes have been proven to have traffic issues

already without the addition of this and other developments proposed for this area.

Of particular concern is that transport will be required to access schools and medical services. There is a disconnect from access to the village and Carlton Centre facilities as the bus services are twice a day to the village and non-existent to the Carlton Centre. There is no public transport to the Nettleham surgery, where all the local procedures take place, except by catching two buses one into Lincoln and one out to Nettleham, making a return journey time consuming and difficult to manage, so again there is a requirement for more car journeys.

You will be aware of a submission from one of our school governors re the local primary schools already having issues with lack of places, and we have evidence that residents moving into the village are being turned down at the local surgery again through a lack of availability. The surgery at Cherry Willingham is only a satellite of Nettleham and this and other proposed developments in the area are putting us at the 4000 mark, add to this the population of Reepham and Fiskerton, our very near neighbours, and it is evident that we really need a new surgery before the population of this area is allowed to rise.

Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road stopping, thus lessening the argument for this being a sustainable development.

The Hawthorn Road stopping will put even more traffic onto the existing local roads with traffic from this development (together with traffic from previous adjacent sites with existing permission) being required to pass through Cherry Willingham and Reepham to access some destinations. This was acknowledged by WLDC in the recent Draft Local Plan allocations when allocation sites adjacent to Cherry Willingham accessed from Hawthorn Road were rejected in favour of sites elsewhere in Cherry Willingham.

Evidence at the recent Lincoln Eastern Bypass Public Inquiry also showed that the left slip from Hawthorn Road (E) onto the LEB Southbound will be close to practical traffic capacity at year of opening of the LEB. This could potentially lead to delays for traffic from the area of the application site joining the LEB in order to access south Lincoln causing traffic to prefer alternative routes through Cherry Willingham village. The cumulative effects of this application and previous permissions at adjacent sites will only lead to more pressure on this slip road.

No other Ward Member representations received

**Cherry Willingham Parish Council: Objections**

Our principal objection is that this is a significant development which is NOT sustainable given its distance from the main Cherry Willingham settlement

and from Lincoln. The distance of the application site from the main Cherry Willingham settlement mean that a car is a necessity to allow residents of this development access to essential and non-essential facilities as these are not within acceptable walking distances. Of particular concern is that transport will be required to access regularly used facilities including schools and medical services.

Additionally, there is a disconnect from access to the village and Carlton Centre facilities as the bus services are infrequent to the village and almost non-existent to the Carlton Centre, and cannot be relied on for year round needs.

Should all pending planning applications in the Hawthorn Avenue Satellite settlement be granted the settlement will contain over 300 houses with not even a convenience shop within walking distance?

There is a need to also take into account the impact the planned (and now confirmed) closure of Hawthorn Road to through traffic as part of the Lincoln Eastern Bypass scheme will have. Although this proposed new development is located close to Lincoln, its residents will not have direct access to the northern half of Lincoln or the existing Lincoln northern bypass and hence the wider road network due to the aforementioned Hawthorn Road closure, thus lessening the argument for this being a sustainable development.

Too few car park spaces have been allocated per dwelling when many households today have more than one car, therefore the inevitable parking on the street which will ensue brings concerns about accessibility; particularly for emergency vehicles.

**Local Residents:** Representations received from 9 Hawthorn Road and 1 Heathcroft, Cherry Willingham (In summary:

- The junction and the link road on to Hawthorn Road is not suitable for the extra volume of traffic from this new housing estate development.
- The impact of the Hawthorn Rd closure and LEB are unknown but what is clear is that several junctions and roads in the area are already running close to if not already at capacity.
- Cherry Willingham is already a large village, busy with people and traffic and does not need the added service or infrastructure pressure of yet more residents.
- the housing type does not appear to be in keeping with the style of housing in the area.

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

Response received 9<sup>th</sup> March 2017:

The revised scheme appears to offer the minimum of 2 parking spaces per dwelling required although it is not possible to check the distances behind the parking spaces to ensure that they are usable spaces. There needs to be a

minimum distance of 6m behind the proposed parking spaces in order that the vehicles can get in and out of them.

There does not appear to be information on the surface water drainage. The LLFA are aware that infiltration was not possible on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne Road unless an upgrade is proposed to this system? Unless the applicants respond to this issue the original objection will still stand.

Response received 16<sup>th</sup> March 2017:

The parking situation has now been resolved. There is still an issues with the drainage to resolve, although discussions have taken place with respect to other phases of the development. It is likely that the developer will have to do further work to prove that their proposed system will work. This will include further investigation of the site and monitoring of the water table.

Response received 21<sup>st</sup> March 2017:

LCC as LLFA have real concerns with how this site will be drained. There remains outstanding issues with the drainage on phase 1 which is built and no means of the disposal of surface water. Phase 2 has already been constructed without any agreements. The LLFA are in discussions with the developer regarding the surface water but there does not appear to be any easy solution. The LLFA have been told that phase 4 is going to infiltrate when we know the other sites have very little or no infiltration and this is a concern. Ground levels would not allow for a conventional piped system so this is a further concern. Initial advice is for refusal until a suitable drainage solution can be found. HREF14 - Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework.

**Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework.**

However, if WLDC are mindful to approve the development then please add the following conditions to any decision notice. Conditions should be correctly worded in order that enforcement action can be taken if any development takes place prior to the conditions being discharged.

Conditions 1:

Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.



**Conditions 2:**

No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been 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 restricted to Greenfield run off rate litres per second;
- 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.

**LCC Archaeology:** No archaeological input required.

**Housing Zone Programme Manager:** Comments

The affordable housing requirement will be for 17 units to be delivered as affordable housing on site of which I would suggest 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership.

**Local Education Authority (Lincolnshire County Council):** Comments with contribution required:

This development would result in a direct impact on local Schools. In this case just the primary schools at Cherry Willingham are projected, notwithstanding the proposed development, to be full in the future to the permanent capacity of the school. A contribution is therefore requested to mitigate against the impact of the development at local level. Contribution required for an additional 14 primary places (£157,870).

**NHS England:** Comments with contribution required

The development is proposing 69 dwellings which may result in an increased patient population of 159. The practice that is most likely to be affected by an increase in population is the Nettleham Medical Practice at Lodge Lane, Nettleham, LN2 2RS; they have a branch surgery at The Parade, Cherry Willingham, LN3 4JL. The total practice list size is circa 11,400 and has grown by 3.6% in the last two years. Any further increase and the level of patient care will be compromised. The S106 contribution would provide capital towards building a notes storage facility at Cherry Willingham along

with an extra multipurpose/clinical room. The storage facility will allow the movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there. Contribution of £425 per dwelling is sought (up to £29,326).

**Tree and Landscape Officer:** Comments

This application is extending new development further into the countryside and has already had a detrimental impact on hedges, trees and biodiversity value by unauthorised tree and hedge removal pre-empting planning permission.

If this application gains consent, it should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting.

Development should not take place within the footprint of the woodland and SNCI. Plots 59 and 60 are substantially within the footprint of the Fox Covert woodland, and plot 58 has a small part of its rear garden within the woodland footprint. There is a chance that trees will be required to be replanted over the footprint of the original woodland which would affect these three plots in the SW corner of the proposed development.

**Forestry Commission:** Comments

A Restocking Notice for the above should go out in the next few days and I will send you a copy for your records. I have also attached an old planning drawing that shows where the woodland and potential development overlap.

**Natural England:** No comments or objections

**Lincolnshire Wildlife Trust:** No objections.

**Lincolnshire Police:** Comments

Request that you consider the following points that if adhered to would help reduce the opportunity for crime and increase the safety and sustainability of the development. Properties should be orientated to face streets and public areas. Windows of routinely occupied rooms (e.g. lounge/living room/kitchen) should be positioned to provide effective overlooking of the frontage and contribute to natural surveillance.

Further advice is given on parking provision, windows, doors and a sense of ownership.

**Relevant Planning Policies:**

West Lindsey Local Plan First Review 2006

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the

policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 2 Residential Allocations – Lincoln Policy Area

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 3 Settlement Hierarchy

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 8 Windfall and Infill Housing in Small Rural Settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

STRAT 9 Phasing of Housing Development and Release of Land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

STRAT 12 Development in the open countryside

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

STRAT 19 Infrastructure requirements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

SUS 4 Cycle and pedestrian routes in development proposals

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt4.htm>

RES 1 Housing Layout and Design

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm>

RES 2 Range of housing provision in all housing schemes

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm>

RES 5 Provision of play space/recreational facilities in new residential development

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm>

RES 6 Affordable housing provision

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt6.htm>

CORE 10 Open Space and Landscaping

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt8.htm>

NBE 10 Protection of Landscape Character in development proposals

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 19 Landfill and Contaminated Land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

NBE 20 Development on the Edge of Settlements

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt11.htm>

### Central Lincolnshire Local Plan 2012-2036 (April 2016) (CLLP)

The submitted local plan has now been submitted to the Secretary of State for examination and the hearing stage concluded on 14<sup>th</sup> December 2016. The Central Lincolnshire Joint Strategic Planning Committee has published the final list of modifications to the plans which have been agreed with the Inspector and a 6 week public consultation ended on the 2<sup>nd</sup> March 2017. It is anticipated that the inspector will publish the final report in March-April 2017.

With consideration given to paragraph 216 of the National Planning Policy Framework this version of the CLLP will therefore carry more weight in

determining planning applications than the earlier draft versions. The policies relevant to this application are noted to be:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP26 Design and Amenity

LP55 Development in Hamlets and the Countryside

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

relevant background documents include

Proposed Submission Consultation: Report on Key Issues Raised June 2016 (PSC)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Policy LP2 The Spatial Strategy and Settlement Hierarchy Evidence Report

Proposed Submission April 2016 (TSSSH)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Policy LP55 Development in Hamlets and the Countryside Evidence Report (PHCER)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Schedule of Proposed Post-Submission Main Modifications January 2017 (SPPMM)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

#### Cherry Willingham Neighbourhood Plan

West Lindsey District Council has approved the application by Cherry Willingham to be designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood development plan.

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

#### National guidance

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance (PPG)

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

#### Other

Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)

<https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/>

Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000  
Natural England's East Midlands Agricultural Land Classification Map  
West Lindsey Landscape Character Assessment August 1999 (WLLCA)  
West Lindsey Countryside Design Summary December 2003 (WLCDS)

### **Main issues**

- Principle of the Development  
*West Lindsey Local Plan Review 2006*  
*National Planning Policy Framework*  
*Sustainability*  
*Submitted Central Lincolnshire Local Plan 2012-2036*  
*Cherry Willingham Neighbourhood Plan*  
*Concluding Assessment*
- Visual Impact
- Residential Amenity
- Archaeology
- Highway Safety
- Drainage
- Landscaping
- Impact on trees and the SNCI
- Open Space Provision
- Affordable Homes
- NHS and Education Contributions
- Ecology
- Flood Risk

### **Assessment:**

#### Principle of the Development

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

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. The CLLP additionally has a similar framework set out in LP policies

The site is green field (paddock/farmland) and lies adjacent the settlement edge of Hawthorn Avenue.

#### *West Lindsey Local Plan Review 2006:*

Hawthorn Avenue is listed in local policy STRAT 3 of the WLLP as a small rural settlement. Cherry Willingham is in view from the site to the south east but is clearly separated by agricultural fields. Cherry Willingham is listed as a primary rural settlement in local policy STRAT 3 of the WLLP. Therefore

policies STRAT 2, STRAT 3, STRAT 9 and STRAT 12 of the WLLP are relevant to be considered.

The northern half of the site is allocated for residential development (WLLP policy STRAT 2) under HA1 (Hawthorn Avenue). Site allocation HA1 (which includes land east of the application site already under construction) is allocated for 38 dwellings and 10 affordable houses. The application proposes 26 dwellings within the site allocation. The southern half of the site (accounting for the remaining 43 dwellings) would be outside the site allocation. The overall proposal includes 17 affordable homes of which some are expected to be positioned within the both halves of the site.

The application site extends further south than the allocation HA1. Nonetheless, it is a significant material consideration that planning permission (132089 – see planning history) has already been granted for residential development on the eastern boundary of the site as shown on site plan RDS 11267/01 dated December 2016. The application site would extend southward in general alignment with these permissions.

The position of the proposed dwellings will be entirely on green field land which is on the lowest rung of sequential release of land advocated through policy STRAT 9 (Class E).

Overall, development of the site would “square off” the Hawthorn Avenue development, already established by the permissions granted to the east and by site allocation HA1. It is therefore a rational extension to completing the development already established at Hawthorn Avenue.

The WLLP defines (paragraph A99) the open countryside ‘*as being the land that is not within the built footprint of the settlements listed in Policy STRAT 3*’

Hawthorn Avenue does not have a defined settlement boundary in the WLLP. The WLLP states (paragraph A100) that “*the assessment of what is either within the [small rural] settlement or within the open countryside is a subjective matter which needs to be considered on an individual case by case basis.*”

Whilst development would potentially be contrary to policy STRAT12, it is considered questionable as to whether this area should be considered as “open countryside” in line with paragraph A100 of the WLLP.

*National Planning Policy Framework:*

The National Planning Policy Framework (NPPF) and online Planning Practice Guidance, are material considerations to take into account alongside the development plan.

The latest Housing Land Availability Assessment for Central Lincolnshire was published in September 2016. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land

Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,092 dwellings which equates to a deliverable supply of 5.26 years in the five year period 2016/17 to 2020/2021.

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that *“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

NPPF paragraph 49 is not therefore engaged. NPPF 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development.” The NPPF presumption test (paragraph 14) for decision taking is,

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

Given the five year housing supply, the policies of the WLLP are not automatically deemed out of date and key issue is therefore whether the policies of the plan are consistent with the NPPF (paragraph 215). Paragraph 215 it states that *‘due weight should be given to relevant policies in existing plans according to their degree of consistency with [the NPPF] (the closer the policies in the plan to the policies in the [NPPF], the greater the weight that may be given)’*.

Saved local policy STRAT 1 provides guidance for decision makers on a large number of general points which assist to determine the acceptability of planning applications. Many of these guidelines are generic in nature and accord with other policies of the plan. This policy mostly provides generic advice within it which are consistent with the provisions of the NPPF.

Saved local policy STRAT 9 seeks to promote a sequential approach to development by prioritising previously used land first before considering greenfield land. The policy also seeks to prioritise the most sustainable allocated sites first before considering other settlements. This policy is largely with the NPPF paragraph 17 and 111 which seeks:

*‘Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.’*

Saved local policy STRAT 12 seeks to protect the open countryside from inappropriate and harmful development. This appears to be somewhat consistent with one of the core principles of the NPPF (paragraph 17) to:

*‘take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’*

In implementing this, National Planning Practice Guidance advises:

*‘One of the core principles in the National Planning Policy Framework is that planning should recognise the intrinsic character and beauty of the countryside. Local plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside’.*

The Planning Practice Guidance is clear. In implementing the NPPF’s core principle, Local Plans should include strategic policies to conserve/enhance the wider countryside. Policy STRAT12 achieves this aim.

Therefore it is considered that local policies STRAT 1, STRAT 3, STRAT 9 and STRAT 12 are all consistent with the provisions of the NPPF.

*Sustainability:*

The Ward Member and Parish Council both question whether continued growth of Hawthorn Avenue is sustainable due to the lack of facilities within reasonable walking distance and reliance on private vehicle therefrom.

There are no facilities within the Hawthorn Avenue area itself, with the exception of bus stops within Hawthorn Road/Avenue served by the no.3A bus (Lincoln to Short Ferry). These factors are recognised in Hawthorn Avenue’s status as a “Small Rural Settlement” under policy STRAT3, listed separately from Cherry Willingham. Hawthorn Avenue is not listed as a settlement in its own right in the Submitted Central Lincolnshire Local Plan, nor is it included within the inset map for Cherry Willingham.

A Transport Statement (TS) has been submitted during consideration of the planning application. The TS puts forward that all local facilities are within 2km of the site and within “walking distance”. Whilst facilities may be within 2km of the site geographically, this does not equate to being within 2km walking distance. There are no public rights of way connecting Hawthorn Avenue to Cherry Willingham. People will therefore need to walk along Hawthorn Road. This will mean that:

- from the site entrance to the Cherry Willingham Community School (Secondary) would equate to an approximate 1.5km walk.
- from the site to the Cherry Willingham Primary School would be over 3km.
- to the nearest food convenience store and Health Centre would be an approximate 2km walk.



Planning policy encourages measures to reduce the need to travel and reliance upon private vehicles (WLLP policy STRAT1, NPPF chapter 4).

Planning policy and guidance does not set out as to what may constitute a reasonable walking distance. The Institute of Highways and Transportation suggests the following as acceptable walking distances.

	Town Centres (m)	Commuting/School (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Maximum	800	2000	1200

Table 2: Suggested Acceptable Walking Distances (IHT)

Most facilities, with the exception of the Cherry Willingham Community School, are beyond these parameters.

The Ward Member and Parish Council both note the appeal decision at Lodge Lane, Nettleham (appeal APP/N2535/W/15/3129061 against refusal of application 132063) where the Inspector found that services and bus stops more than 800m away *“is less than ideally located in terms of accessibility on foot”*, although it may be noted that the Inspector nonetheless upheld the appeal.

The Transport Statement recognises that there are bus stops within walking distance on Hawthorn Road / Hawthorn Avenue. Nonetheless, the timetable supplied in the TS suggests that the half hourly bus service 3 (Short Ferry to Lincoln) does not stop at Hawthorn Avenue. The nearest stop is at the Secondary School, approximately 1.5km away.

Service 3A does stop at Hawthorn Avenue, but is a considerably less frequent service. The timetable suggests there are only four stops (Monday to Friday) going onward to Lincoln (0756hrs; 0942hrs; 1342hrs; 1542hrs).

It is considered that the site is in an area with extremely limited sustainability credentials and most facilities are outside the accepted walking distances. Therefore the continued growth of Hawthorn Road/Avenue is not sustainable, however the northern half of the site is allocated for housing development (HA1) and the site as a whole provides a logical and acceptable conclusion to the development to the south off Hawthorn Road/Avenue.

*Submitted Central Lincolnshire Local Plan 2012-2036:*

The submitted Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight

that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The plan is now formally within its examination period with the Secretary of State and has been debated and considered at a hearing which concluded on 14<sup>th</sup> December 2016. The Submitted Local Plan is now at the most advanced stage possible, prior to publication of the Inspector's report which is anticipated in March-April 2017.

Submitted policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. As previously stated Hawthorn Avenue is not listed in any of the top 6 categories of LP2 therefore has to be considered as in category 7 (Hamlets and Open Countryside). Therefore Submitted local policy LP2 states that development proposals in Hawthorn Avenue '*will unless stipulated by policy LP55, development in areas not listed above will be restricted to that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services; renewable generation; and to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents*'.

As alluded to above submitted local policy LP55 (Parts A, B, D and G) of the CLLP protect the rural character of the open countryside from inappropriate housing development.

A summary of all the keys issues raised through the consultation periods of the Draft and Further Draft Central Lincolnshire Local Plan are listed in the PSC submitted with the CLLP. The PSC summarises comments made on specific settlements, however as Hawthorn Avenue is not listed as a settlement none were made. Representations were not made to include Hawthorn avenue as a settlement. It is noted that in LP2 supportive comments were received in relation to the growth attributed to Cherry Willingham.

Accordingly, the proposed CLLP does not envisage Hawthorn Avenue as a settlement in its own right or a focus for future growth.

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

The CWNP has an approved designated area and the neighbourhood plan group are working towards the production of a draft neighbourhood plan. The CWNP currently has no weight in the decision making process.

#### *Concluding Assessment:*

It is important when considering the principle of the development to weigh up the benefits of the development against any harm.

The northern half of the site is allocated for housing under HA1 of the WLLP therefore the principle for housing on this section of the site has already been established. This leaves a balancing act of assessing the acceptability of the southern half which will complete the built form of housing development to the

south of Hawthorn Road. In normal circumstances the southern half of the site would be unacceptable, however land to the south of Hawthorn Road/Avenue has been extensively developed over a number of years of which some in the WLLP is allocated for housing and some which is land with planning permission for housing. This development continues to date with the commencement of planning permission 132089. This development will therefore offer a natural conclusion to development in this location.

Any further development above and beyond this site and current permissions would not be considered as sustainable or acceptable. However, given the history and boundaries of the overall development (4-5 phases) the approval of the southern half would neatly complete the built form and not leave a southern end which looks disjointed from the rest of the overall development. The relationship with the overall development is therefore an important and relevant consideration.

Consideration has been given to the extremely limited sustainability credentials of the sites location which revolves around links to public transport and the walking distance to Cherry Willingham Community School. Therefore the residents will rely heavily on a vehicle to travel to services/facilities such as shops, medical, employment, education (primary school) and recreational (including village hall and church). The proposal is therefore considered to fail saved local policies STRAT 1, STRAT 12 of the WLLP, local policies LP2 and LP55 of the CLLP and the provisions of the NPPF with respect to flood risk.

The northern half of the site is allocated for housing under HA1 of the WLLP and the southern half will logically complete the housing development to the south of Hawthorn Road/Avenue.

Therefore the principle for housing on the northern section of the site has already been established and in this case given the circumstances the principle of the southern half of the site is acceptable given the relationship to the northern half and the rest of the overall housing development. This is subject to satisfying all other material considerations.

#### Visual Impact

The site according to the West Lindsey Landscape Character Assessment 1999 (WLLCA) is within the Lincoln Fringe. The WLLCA carries on to state that the Lincoln Fringe has a flat agricultural landscape with a number of expanded settlements and approaches to settlements are dominated by the built form. It is not considered to be a highly sensitive landscape.

The proposed development for 69 dwelling has a reasonably high density with a mix of housing designs and material finishes. This concept replicates the adjacent phases given permission or constructed to the east. The proposed dwellings will be screened from view to the north and east by the existing built form off Hawthorn Road/Avenue and dwellings constructed as part of the earlier phases. The proposal will only be in view from the immediate areas to the north and east.

The proposal will be more widely in view from the south east around to the north west. To the south east of the site is the main Cherry Willingham settlement (north west settlement edge). Viewpoints were visited at the north west settlement Edge of Cherry Willingham namely Green Lane and public bridleway Cher/133/1. From both these locations the proposal will be viewed in context with the housing development already constructed or to be constructed. There is some vegetation from these views but this will only screen the lower half of the proposed dwellings.

Public bridleway Cher/133/1 runs west from Green Lane connecting to Gtwl/133/1 and the Gtwl/133/2. This is one line of public footpath which terminates to the north of Greetwell Road. The section of the public bridleway to the south and south west of the site will not be able to view the proposed dwellings due to the separation distance and the high group of trees which sit close to the south boundary of the site.

The settlement boundary of Lincoln is approximately 1,000 metres from the west boundary of the site with no public rights of way in between. To the north west of the site is Hawthorn Road which has national speed (60mph) and apart from an occasional small gap is screened by roadside hedging.

The location of the proposal is not designated as an area with special landscape character or significance.

It is therefore considered that the proposal will not have a significant adverse visual impact on the site, the settlement edge or the surrounding area. The proposal will therefore conform to saved local policy STRAT 1, NBE 10 and NBE 20 of the WLLP, local policy LP17 of the CLLP and guidance contained within the NPPF.

#### Residential Amenity

The assessment on residential amenity will need to consider the impact of the proposed dwellings on each other, on existing adjacent dwellings and on adjacent dwellings that could be constructed in the near future.

The dwellings on site will to a degree overlook each other from first floor level which is normal for developments of this type and density. There are a number of examples due to the layout where the rear garden boundaries of a block of dwellings meets with the side boundary of another dwelling. In most cases the boundaries are separated by a footpath which terminates at the sites boundary edge. In all of these cases the separation distance between the rear elevation and side boundary is at least 9 metres to a maximum of 12 metres. Privacy at ground floor level will be maintained by boundary screening.

Again due to the density of the layout there will be some dwellings which receive more natural light than others.

Although there is an element of buyer beware on developments of this type it is not considered that the proposed dwellings on the site will have a significant adverse impact on the living conditions of the future occupants.

The adjacent dwellings whether existing or proposed (planning permission 132089) will again be adequately separated from the site and have boundary screening. Therefore the proposal will not have a significant adverse impact on the living conditions of the existing or potential future occupants.

Given the density of the development all first and second floor bathroom and ensuite windows will be conditioned to be obscurely glazed.

Overall each dwelling will have an adequate or reasonable amount of garden space for the size of dwelling. However consideration has to be given to the need to remove permitted development rights for some of the plots to ensure an adequate amount of rear amenity space is retained. After assessment of the layout it is considered necessary and reasonable to remove permitted development rights for rear extensions and outbuildings to plots 23, 44, 45, 46 and 47.

To respect the living conditions of the existing adjoining dwellings the permission will include a pre-commencement condition for a comprehensive Construction method statement to be submitted.

#### Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

#### Highway Safety

The layout of the site has been amended due to initial verbal concerns raised by the Highways Authority at Lincolnshire County Council. The original layout did not provide sufficient car parking spaces to the amount of two per dwelling. The amended layout (RDS 11268/01 dated December 2016) has now provided two car parking spaces per dwelling which includes adjacent parking and grouped areas of parking near to the served dwellings. Where there are groups of parking there is a gap of at least 6 metres between each bank of parking which is a requirement of the Highways Authority. This is sufficient to allow a vehicle to safely reverse into and out of the parking spaces whilst turning.

The proposal will therefore not have a significant adverse impact on highway or pedestrian safety and will conform to saved local policy STRAT 1 of the WLLP, local policy LP26 of the CLLP and guidance contained within the NPPF.

#### Drainage

The proposal includes a Drainage Strategy (DS) dated March 2017.

Section 4.2 of the DS states that foul drainage '*will be served by a 150mm foul connection which will be installed into Anglian Water sewer on Hawthorn*

*Road at the phase 1 junction into the project site'. A foul drainage connection plan has not been submitted.*

Section 4.3 of the DS states that *'surface water run-off will be disposed of through infiltration systems, following the successful undertaking of percolation tests'*. The exact position, number and size of soakaways will be determined at the detailed design stage.

The Lead Local Flood Authority (LLFA) are currently in discussions with the developer in relation to an appropriate surface water disposal method for planning permission 132089 which is adjacent the southern half of this site. The Highways Officer has stated that *'We know that they are unable to provide infiltration on the adjacent site as the water table is too high. There is no capacity left in the highway drain that fronts the site along Hawthorne road unless they are going to upgrade this system? However, as yet they have not come back with any details as yet so our original objection will still stand'*. Therefore *'Insufficient information has been provided to demonstrate that the use of sustainable drainage systems for the management of surface water run-off is inappropriate in accordance with the National Planning Policy Framework'*.

Given the grounds conditions of the adjacent site it is unlikely that the grounds conditions on this site will differ. Therefore the LLFA are still recommending refusal for the site on drainage grounds due to the high water table, poor infiltration capabilities of the ground and the lack of a suitably justified method of dealing with surface water. The application has so far not submitted a suitable and sustainable method of dealing with surface water from the site.

The objection from the LLFA has been noted and the sites shortcomings in being able to provide an acceptable method of surface water drainage. It is considered that following comments from the LLFA that the site is likely to have ground conditions which are not acceptable for infiltration methods.

Guidance contained within paragraph 51 (Reference ID: 7-051-20150323) states:

*'when considering major development..., sustainable drainage systems should be provided unless demonstrated to be inappropriate'*.

If as it seems the site is unsuitable for soakaways then an alternative more traditional method will need to be demonstrated through a pre-commencement condition. Therefore if the use of a sustainable drainage system is proved to be inappropriate it is the applicant's responsibility to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site.

#### Impact on trees and the SNCI

The application site currently has no trees which will be affected by the development however a number of trees attributed to the Site of Nature Conservation Interest (Fox Covert) (SNCI) have been removed without

permission. Following discussions with the Authorities Tree Officer these trees were in the south west corner of the site and a replacement order has been placed on the developer to re-install the removed trees. This has an impact on plots 58, 59 and 60.

In an email 21st October 2016 the agent has stated that *'the applicants have had a meeting on site with the forestry commission officer and he has indicated that as long as they replant the trees in the next 5 years the forestry commission will not take any action'*.

The Forestry Commission have confirmed in an email dated 21<sup>st</sup> March 2017 that a restocking order will be issued to the site owner in the next few days.

As stated by the Authorities Tree Officer it is more accurate that the restocking of the site will have a substantial impact on 59/60 and to a lesser degree plot 58.

In an email 21st October 2016 the agent has stated further that *'it is the developers plans to create a woodland area with a new lake which will possibly be used as an attenuation lake for the drainage from this and other phases of housing together with creating woodland walks, replanting suitable trees as well as leaving areas for recreation space, public open space and further housing'*.

The removal of the trees without prior notification or consent from the required authority is regretful and will need to be replaced in line with the issued restocking order from the Forestry Commission. The Forestry Commission has stated in conversation that a planning permission will override the restocking order making some of the trees unable to be replaced as they once stood. A very high percentage of the trees will be able to be replaced as they initially stood and this will be the responsibility of the Forestry Commission to monitor.

Therefore the scale of the SNCI will be extensively replenished in accordance with the restocking order. The impact on the SNCI will therefore not be significant.

#### Landscaping

A landscaping plan has not been submitted to correspond with the amended site plan RDS 11268/01 dated December 2016. The Authorities Tree Officer has recommended that if approved the development *'should be conditioned that gaps and thin areas along the existing boundary hedgerows are infilled and thickened with new native hedgerow planting'*.

Therefore a pre-commencement condition will be attached to the permission to ensure a comprehensive landscaping plan is submitted prior to commencement. This will include:

- Scheme of planting including size, species (native) and planting formation.

- Thickening and filling in of gaps to hedging along existing external boundaries
- All Boundary treatments within the site
- Surface materials for the off street parking spaces and where applicable turning areas.

#### Open Space Provision

The application site is 11,234.99m<sup>2</sup> in size which equates to 1.12 hectares. Therefore to accord with local policy RES 5 of the WLLP the development must provide play space/recreational facilities of 5% of the total site area.

The site provides two area of open space totalling 845m<sup>2</sup>. As a percentage this equates to 7.52% (845/11,234.99x100) of the site covered by play space. The development therefore conforms to saved local policy RES 5 of the WLLP.

The two areas of open space will need to be managed and maintained. The applicant has submitted a heads of terms document which demonstrate a commitment to providing these details through a legally binding Section 106 Agreement.

#### Affordable Homes

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This site for 69 dwellings is required to provide 25% affordable homes.

The Housing Officer has states that *'the affordable housing requirement will be for 17 units to be delivered as affordable housing on site of which I would suggest 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership'*.

The applicant has submitted a Heads of Terms which demonstrates a commitment to providing 17 affordable homes on the site through a legally binding Section 106 Agreement. This includes trigger points for confirming a registered social landlord and transferring the affordable housing to them. Therefore the required affordable housing contribution of 25% has been met and the proposal conforms to saved local policy RES 6 of the WLLP.

#### NHS and Education Contributions

The applicant has submitted a Heads of Terms document which demonstrate a commitment to providing the following contributions:

- £157,870 towards the development of local schools within Cherry Willingham
- £29,326 towards building a notes storage facility at The Parade Surgery, Cherry Willingham. This will allow movement of all the medical records from Nettleham to Cherry Willingham thus enabling the creation of 2 consulting rooms at its main site to consolidate its services there.



This includes trigger points for paying the Education contribution on sale of the 35<sup>th</sup> dwelling and paying the NHS contribution on sale of the 15<sup>th</sup> dwelling. Therefore the proposal will conform to saved local policy STRAT 19 of the WLLP.

### Ecology

Paragraph 118 of the NPPF clearly states that '*Opportunities to incorporate biodiversity in and around developments should be encouraged*'

The application has included a Preliminary Ecological Appraisal completed by Brindle and Green Ecological Consultants dated February 2016. In summary this reports suggested the following recommendations:

#### Wild Birds:

- Any trimming to retained hedgerows should ideally avoid the breeding bird season (March – August) or a watching brief and detailed search should be carried out by a suitably experienced ecologist 24 hours prior to removal/disturbance of the habitats on site.
- The barn owl nest box within Building 1 is to be checked by a suitably experienced ecologist prior to any disturbance to Building 1 (Building 1 has already been removed).
- Several nest boxes including at least 1 barn owl nest box are placed in a suitable place within the site.
- Gaps within the boundary hedgerows could also be planted with native hedgerow species.

#### Bats:

- Sympathetic lighting plan should be implemented to avoid light spill onto the bordering hedgerows and trees to avoid disturbance to foraging and commuting bats.
- Bat boxes could be erected within the new development to provide additional habitat.
- Gaps within the hedgerow boundary could be planted with native species.

#### Badgers:

- A precautionary check for badgers using the site should be undertaken by a suitably experienced ecologist within 1 month prior to construction works commencing.
- Any excavations left overnight are to be covered at the end of each working day, or include a means of escape for any animals.
- Any temporarily exposed open pipe systems are to be capped in such a way as to prevent badgers gaining access.
- Gaps within hedgerows could be planted with native fruit bearing shrubs to provide additional foraging opportunities.

#### Great Crested Newts:

- In the unlikely event that great crested newt/s are found on site during works, an ecological consultant is to be contacted immediately.

**Reptiles:**

- In the unlikely event that reptile/s are found on site during works, an ecological consultant is to be contacted immediately.
- Deadwood within the hedgerows should be left in situ/retained where possible.

The above recommendation in the ecology appraisal will be secured with planning conditions. This will also include the installation of 6 wild birds boxes, 1 owl box and 4 bat boxes.

**Flood Risk**

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

**Other Considerations:**

NONE

**Conclusion and reasons for decision:**

On balance it is considered that the benefit of the development will outweigh the harm and will positively contribute 69 additional dwellings including affordable homes towards the housing supply in Central Lincolnshire. The location of the site has extremely limited sustainability credentials which revolves around links to public transport and the walking distance to Cherry Willingham Community School. The northern half of the site is allocated for housing under HA1 of the WLLP therefore the principle for housing on this section of the site has already been established. The southern half of the site is in the open countryside and would normally be unacceptable in such a location. However Given the history and boundaries of the overall development (4-5 phases) the approval of the southern half would neatly complete the built form and not leave a southern end which looks incomplete and disjointed from the overall development. The site would not have an adverse visual impact or an adverse impact on highway safety, the living conditions of existing or future residents, archaeology, drainage, trees. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

**Overall Planning Balance and Conclusions:**

The northern half of the site is allocated for housing under HA1 of the WLLP and the development of the southern half is a logical conclusion which will square off the overall development. The proposal will positively contribute 69 additional dwellings towards the housing supply in Central Lincolnshire including an onsite affordable homes contribution.

The site is potentially in the open countryside, however consideration has been given to paragraph A100 of the WLLP and the relationship of the site with the existing and proposed development to the south of Hawthorn Avenue/Hawthorn Road. On assessment the site has or will have built form adjacent its north and east boundaries therefore reducing its open countryside

identity. If left undeveloped the southern half of the site would appear incomplete and disjointed.

The site would not have an adverse visual impact or an adverse impact on highway safety, the living conditions of existing or future residents, archaeology, drainage and trees.

On balance it is considered that the benefits of the development will outweigh the harm. The proposal is therefore acceptable subject to the signing of a Section 106 Agreement and satisfying a number of pre-commencement conditions.

**Human Rights Implications:**

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

**Legal Implications:**

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

**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 surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been 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 restricted to Greenfield run off rate litres per second;

- 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 drainage scheme approved in condition 2 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, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until a landscaping scheme has been submitted including the following details:

- All trees and hedging to be retained along the boundaries
- Site boundary treatments including any infilling to the external boundaries
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments identifying plot boundaries and division to existing dwellings.
- Access road and parking spaces/turning area surface materials.
- Location of 6 bird boxes, 4 bat boxes and 1 owl box.

Reason: To ensure that appropriate landscaping and trees are retained and introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;

- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xi) Protection to boundary hedging and trees

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

5. 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:

- Proposed Phase 4 Site Plan RDS 11268 / 01 dated December 2016
- Proposed Elevation, Floor and Sections plans  
(all dated November 2015)
  - 769 (08) 009 REV A00
  - 769 (08) 010 REV A00
  - 769 (08) 014 REV A00
  - 769 (08) 015 REV A00
  - 769 (08) 016 REV A00
  - 769 (08) 021 REV A00
  - 769 (08) 022 REV A00
  - 769 (08) 025 REV A00

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

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

6. The development shall be completed in accordance with the recommendations of the Preliminary Ecological Appraisal completed by Brindle and Green Ecological Consultants dated February 2016.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

7. Before each dwelling (or other development as specified) is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety. to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

8. Before each dwelling is occupied their parking spaces shall be completed in accordance with the details shown on drawing number RDS 11268 / 01 dated December 2016.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

9. All planting or turfing comprised in the approved details of landscaping (condition 3) shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased 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. The landscaping should be retained thereafter.

Reason: To ensure that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and saved Policy STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 and LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

10. Notwithstanding the provisions of Schedule 2, Part 1, classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external alterations or extensions to the dwellings on plots 23, 44, 45, 46 and 47 including the insertion of a structure or building within the curtilage and new windows other than as authorised by this permission.

Reason: To safeguard the living conditions of neighbouring dwellings and the retention of sufficient rear external amenity space as to accord with the National Planning Policy Framework and saved Policies STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.