





## **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:** Refuse permission

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#### **Description:**

The application has been referred to the Planning Committee at the request of the Ward Member for reasons of highway impact and sustainability. The application was presented to the 5<sup>th</sup> April 2017 Planning Committee where it was deferred to enable a site visit to take place on 20<sup>th</sup> April 2017 at 9am. The scheme proposed has not altered since last presented to the Planning Committee.

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 site is in the open countryside.

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. 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 is still no information on the surface water drainage? It is know that the adjoining development is 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? The developer has not come back with any details as yet so our original objection will still stand.

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

The parking situation is now acceptable. There is still the drainage to deal with, and it looks like they 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 are 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. There does not appear to be any easy solution. It is proposed that phase 4 will infiltrate but it is known the other sites have very little or no infiltration. This is a concern. Levels are unsuitable to allow for a conventional piped system so there is little chance of this working either. Our initial advice is for one of refusal until a suitable drainage solution can be found.

**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 and please ensure that they are 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. It is recommended that 12 are delivered as affordable rent and the remaining 5 are delivered as shared ownership.

**Local Education Authority (Lincolnshire County Council):** 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:**

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 wood will be issued in the next few days It should be noted that 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.

**IDOX checked: 16<sup>th</sup> May 2017**

**Relevant Planning Policies:**

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council on 24<sup>th</sup> April 2017 the CLLP is the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered relevant are as follows:

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  
LP12 Infrastructure to Support Growth  
LP13 Accessibility and Transport  
LP14 Managing Water Resources and Flood Risk  
LP17 Landscape, Townscape and Views  
LP21 Biodiversity and Geodiversity  
LP24 Creation of new open space, sports and recreation facilities  
LP25 The Historic Environment  
LP26 Design and Amenity  
LP55 Development in Hamlets and the Countryside  
<https://www.n-kesteven.gov.uk/central-lincolnshire/>

Cherry Willingham Neighbourhood Plan (CWNP)

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 a draft neighbourhood development plan. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. With consideration given to paragraph 216 of the National Planning Policy Framework the CWNP has no weight.  
<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)

Strategic Housing and Economic Land Availability Assessment October 2014 (SHELAA)

### **Main issues**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*National Planning Policy Framework*  
*Sustainability*  
*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.

Since the Planning Committee meeting on 5<sup>th</sup> April 2017 and the Planning Committee site visit on 20<sup>th</sup> April 2017 the Central Lincolnshire Local Plan 2012-2036 has been adopted meaning the West Lindsey Local Plan Review 2006 and its saved policies are no longer relevant to be considered in the decision making process.

This is considered to be an important point as previously part of the site (northern part) was allocated for housing (38 dwellings) in the WLLP. On examination of the SHELAA the application site was not put forward as potential land available to be tested for housing allocation in the CLLP. As the WLLP has now been superseded and as the allocation was not taken forward into the CLLP it cannot be given any weight in the current determination process. The development will now be required to be determined in accordance with the up to date development plan (not a superseded one).

*Central Lincolnshire Local Plan 2012-2036:*

The application site is adjacent the existing residential built form of Hawthorn Avenue or adjacent land which is currently under construction for housing. Therefore the site is in the open countryside.

Local policy LP55 of the CLLP (Parts A, B, D and G) of the CLLP protect the rural character of the open countryside from inappropriate housing development. LP55 Part D states that *'applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2'*.

Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Hawthorn Avenue is not listed in any of the top 6 categories of LP2 therefore has to be considered as in category 7 (Hamlets) as it has a dwellings base of at least 15 units which are clustered together to form a single developed footprint. The CLLP does not envisage Hawthorn Avenue as a settlement in its own right and focus for very limited future growth. Local policy LP2 category 7 states that residential development proposals in hamlets will be *'single dwelling infill developments (i.e. within the developed footprint of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations will be supported in principle'*.

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

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

The application site is on the edge of hamlet therefore is not an infill site, is not within the existing developed footprint of the hamlet or will it retain the core shape and form of the settlement.

*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 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"*.

The latest Housing Land Availability Assessment for Central Lincolnshire was published on 15th December 2016 in Five Year Land Supply Local Plan Examination Note. Using the Liverpool method with a 20% buffer the five year housing requirement for Central Lincolnshire for the period 2017-2022 is 10,141 dwellings or

2,028 dwellings per annum. Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,712 dwellings which equates to a deliverable supply of 6.27 years in the five year period 2017 to 2022.

*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 "Hamlet" under policy LP2. Cherry Willingham is listed separately as a "large village" and Hawthorn Avenue is not 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 (CLLP LP1, LP2 and LP55, 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 considered to be sustainable development.

#### *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, as there are currently no policies to consider.

#### *Concluding Assessment:*

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

The application is considered to be in an inappropriate location for housing development within open countryside on the edge of a hamlet and the housing is not essential to the effective operation of rural operations. The development is not of a scale commensurate to the hamlet where only appropriate single infill dwellings developments are considered acceptable.

The sites location has extremely limited sustainability credentials 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 contrary to local policies LP1, LP2 and LP55 of the CLLP and the provisions of the NPPF.

Therefore the principle of the development cannot be supported.

#### 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 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 and if minded to approve the application all first and second floor bathroom/ensuite windows would 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 if minded to approve the application 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 and if minded to approve the application the permission would 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. The proposal will therefore not have a significant adverse impact on archaeology and will conform to local policy LP25 of the CLLP and guidance contained within the NPPF.

#### 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 local policies LP13 and 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 LLFA 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'*.

The LLFA Officer additionally states that *'levels are unsuitable to allow for a conventional piped system so there is little chance of this working either'*.

Following further verbal discussion with the LLFA Officer (18<sup>th</sup> May 2017) the applicants have still not provided a suitable and achievable solution to the drainage of the adjacent sites (phases 1 and 2) whether through a sustainable or traditional method. A piping system has been suggested for phases 1 or 2 but the only existing system on Hawthorn Road is at capacity and would require upgrade to take the additional capacity of phases 1 and 2. Given the grounds conditions of the adjacent site it is unlikely that the grounds conditions on this site will differ. Given the lack of progress on this key issue since the application was last presented to the planning committee this is now considered a significant concern which cannot be adequately dealt with by condition.

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'*.

After consideration of the LLFA comments and the guidance of the NPPG it is considered that there has so far been no clear evidence submitted to suggest that a suitable surface water drainage system of any specification can be achieved. Therefore there are insufficient details or evidence to prove that the site can be drained to a sufficient standard to meet the needs of the development.

It is acknowledge that the applicant could come forward with a suitable and achievable drainage system at a later date, however there is nothing to suggest this at this current moment in time.

The proposal is therefore contrary to local policy LP14 of the CLLP and guidance within the NPPF.

#### 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 if minded to approve the application a pre-commencement condition would 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

Local policy LP24 of the CLLP states that '*Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)*'. It additionally states that the first option is for it to '*be provided on-site in a suitable location*'.

Appendix C of the CLLP provides the standards required for '*new residential major development providing or having access to open space to the following quantity standards*':

Open Space Type	Quantity Standard
Strategic Formal Playing Fields	1.1 ha/1000 population
Local Usable Greenspace - Urban (Level 1-2 of the settlement hierarchy) settlements	1.8 ha/1000 population
Local Usable Greenspace - Rural towns and villages (level 3-6 of the settlement hierarchy) settlements	1.5 ha/1000 population

The above table does not provide an open space standard for major developments within or adjacent locations in policy LP2 category 7 (Hamlets) of the CLLP. However developments of this scale are expected to preferably provide open space on site or enhance provision of existing open space within a reasonable distance of the site.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local: 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play - 400m or 5 minute walk  Neighbourhood Equipped Area of Play - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk  Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

There is a modest area of open space with a small playground which was implemented as part of one of the earlier applications off Hawthorn Avenue. There are additionally modest areas of open space provided on all other phases previously given planning permission. The open space with playground is approximately 400 metres from the most southern proposed dwellings on the site therefore a short walk away. However none of these local open spaces are over 0.2 hectares in size.

The next nearest public playing field is off Laburnum Drive and adjacent Cherry Willingham Primary School. Given the earlier distances disclosed (see sustainability assessment) to the Primary School the main playing field is approximately 3,000 metres from the site.

Given the size and distances to existing playing fields (with or without playgrounds) it is considered that the site is not within the local acceptable distance for amenity green space and playing field provision or within the neighbourhood acceptable distance for formal equipped playing fields.

The indicative site layout plan RDS 11268/01 dated December 2016 demonstrates an intent to provide two areas of open space within the site. The application site is 11,234.99m<sup>2</sup> in size which equates to 1.12 hectares. The site provides two areas 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 open space.

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, if the decision is to approve the application.

The development is therefore in accordance with local policy LP9 and LP24 of the CLLP subject to the signing of a section 106 agreement.

#### Affordable Homes

Local policy LP11 of the CLLP 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 as it is within the Lincoln Strategy Area (excluding Sustainable Urban Extensions). The Lincoln Strategy Area is identified on a map of the Lincoln Strategy Area on page 15 of the CLLP.

Although based on policies of the former West Lindsey Local Plan Review 2006 The Housing Officer has stated 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'*. These figures are still relevant as the 25% affordable homes requirement has not altered in the CLLP.

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 local policy LP11 of the CLLP.

#### NHS and Education Contributions

The applicant has submitted a Heads of Terms document which demonstrate a commitment to providing the following contributions, if the application was to approved:

- £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 local policy LP12 of the CLLP.

#### 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:**

### Accessibility and Adaptability of Dwellings

Local policy LP10 of the CLLP states that *'more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical'*. This means that (30%) of the dwellings will need to meet the part M4(2) standard.

If it was minded to approve the application then It would be considered necessary to add a condition ensuring compliance with part M(4)2 of the Building Regulations 2010.

### **Conclusion and reasons for decision:**

On balance it is considered that the harm of the development will outweigh the benefits of positively contributing 69 additional dwellings including affordable homes towards the housing supply in Central Lincolnshire.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. The application is in an open countryside location which is considered inappropriate for housing development and the development is not of a scale commensurate to a hamlet where only appropriate single infill dwelling developments within the developed footprint are considered acceptable. The site is in an unsustainable location where residents will rely heavily on a vehicle to travel to day to day services/facilities such as shops, medical, employment, education (primary school) and recreational (including village hall and church). The proposal is therefore considered contrary to local policies LP1, LP2 and LP55 of the CLLP and the provisions of the NPPF.
2. Insufficient information has been submitted to evidence that surface water from the site can be drained to an acceptable standard whether through a sustainable urban drainage system in the first instance or secondly through a more traditional method. The proposal is therefore considered contrary to local policies LP14 and the provisions of the NPPF.