

Officers Report

Planning Application No: 138157

PROPOSAL: Planning application to erect 5no. detached dwellings

LOCATION: Land adj Bleak Farm High Street Cherry Willingham LN4 3AH

WARD: Cherry Willingham

WARD MEMBER(S): Cllr Mrs A Welburn, Cllr Mrs M Palmer and Cllr Mr C Darcel

APPLICANT NAME: Mr H Roe

TARGET DECISION DATE: 24/09/2018

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant permission subject to conditions

The application has been referred to the Planning Committee at the request of the Ward Member. The application was presented at Planning Committee on 19th September 2018.

The application was deferred to the next planning committee meeting on 17th October 2018 to allow the submission of more specific material details from the applicant and to enable clarification of the archaeology stance taken by the Historic Environment Officer at Lincolnshire County Council.

Following communication with the agent the request for additional material details has been declined in writing by the applicant. Please see representations section for an updated comment from the Historic Environment Officer.

Proposal:

This full application has been submitted to construct five two storey four bedroom dwellings with two street frontage dwellings and three behind.

Site:

The application site is an area of land (0.32 hectares) positioned in the centre of Cherry Willingham. The wider site has a previous agriculture history of being farmstead (farmhouse and barns) but this use has now ceased. This site is now in an untidy condition with a derelict lean to barn to the front and a modern portal framed agricultural building (open to ends and sides) and orchard to the rear. Its appearance includes piles of rubble, bricks, roof tiles, timber and other items. The site is set just back from and above the highway and slopes upwards from north to south. The site is open to the north boundary with the occasional tree with a mix of fence panels, walls and hedging to the east. The south boundary is screened by high trees and hedging. The west boundary is screened to the rear half by high hedging and

is open to the front half. Neighbouring dwellings are adjacent or opposite to the north, east and south. The remainder of the unused agricultural site sits to the west including the run down unoccupied farmhouse. A protected tree sits in the south west corner of the site. There are Listed Buildings in the vicinity of the site. These are:

- The Manor House - Grade II Listed (approximately 26 metres to the south east)
- 21, 23, 25 and 27 High Street - Grade II Listed (approximately 95 metres to the west)

Relevant history:

132418 - Outline planning application for erection of up to 13no. dwellings with all matters reserved and the conversion of a barn to a dwelling – 23/08/16 - Granted with Legal Agreement

137057 - Planning application for the residential development of 5no. detached dwellings - 04/05/18 –Refused (Planning Committee) – Notification of an appeal has been received (no start date as yet)

Reasons for refusal:

The proposed development will not protect the historic village centre of Cherry Willingham, its setting and its heritage assets including non-designated heritage assets through its detrimental layout and design. The proposal is therefore contrary to local policies LP25 and LP26 of the Central Lincolnshire Local Plan, guidance within the National Planning Policy Framework, particularly paragraph 58, 128, 132 and 133 and the statutory duty set out in section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990

Representations

Cllr Welburn:

- The Planning Committee stated for the outline that they wished the details to go back to them for consideration: This is the 2nd new application on the same theme and as such should go back to the Planning committee for their comments.
- This application sits below the threshold for affordable housing but, clearly with the adjacent land, the site is overall larger; and the adopted policy allows for requirement of affordable provision when it is clear that a larger comprehensive scheme (that would be in excess of the relevant threshold) should deliver such units. Therefore, the site as a whole should be considered as Cherry Willingham is in need of affordable houses and the rules should not be circumvented by intermediate applications.
- It is also important from a conservation point of view, this is the centre of the village and is of historical importance, in the original application it was deemed that the house and barns should be saved and the development be in keeping with the surrounding street scene, through neglect and

deliberate ignoring of the rules the barns have now been destroyed although the bricks have been stored, therefore amends should be made and care taken to restore the visual effect even if the original cannot be rebuilt.

- Paragraph 58 of the NPPF, as well as the adopted Local Plan policy and the Neighbourhood Plan seeks to ensure good design that will establish a strong sense of place, add to the overall quality of the area, respond to local character and optimise the potential of the (larger) site to accommodate development. Unfortunately, this design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village. No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.

Cherry Willingham Parish Council: Objections and comments

No objection 'in principle' for residential purposes, however we do not believe this application is appropriate for this site and object to the application for the reasons detailed below. It is important that this new application is determined by committee (as was the previous refused full application in May 2018) to ensure the important heritage aspects of this site are fully considered and should permission be granted conditioned appropriately.

Heritage

The site until comparatively recent times was a working farmstead which by virtue of its age, associated activities and rural agricultural character undoubtedly defined this particular part of the village. Collectively, those qualities inform its status as a non-designated heritage asset. As confirmed by the emerging Neighbourhood Plan.

Visual Impact and Design

- Current condition of the site does not in itself provide any justification for the granting of this particular proposal.
- It is uncertain that this proposal would respond to local character and feels that the design is very generic and has no design theme to complement the site and its setting next to the farmhouse and at the historic centre of the village.
- No consideration is apparent of heritage or streetscape issues and the site's relationship with the street scene.
- Traditional materials are being proposed (e.g. clay pantiles) which is good, given the style of dwelling proposed, but the detailing is somewhat bland and suburban.
- Proportions/detailing for some window openings need reviewing and chimney stacks should be larger as a design feature to be proportionate to the scale of the dwellings and to enliven the roofscape (see immediately across the road. A more bold but honest contemporary approach would be a better fit for the site and strengthen 'sense of place'.

- Close boarded fencing is indicated, but where prominent (i.e. along the access road), this should be brick to tie the development together (and that could perhaps reflect the site history with the brick barns).
- Surface treatment to the road is also key - pavers would be suburban and not appropriate, although gravel or resin surface may work.
- A design statement/commitment of some sort should be requested and justified showing how a high quality development is being proposed.

Highways

- Additional private drives would be needed for the remainder of the site leading to a plethora of openings and harm to the street scene.

Other

- Wishes to flag up that affordable housing is needed as part of this development in due course.
- CIL should apply to the development
- The site as a whole should be considered at the same time.
- Has concerns that the whole site will end up a 'bitty' design if the whole site is not considered at the same time.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: No objections subject to conditions and advisory notes

Archaeology: No objections subject to a condition:

Representations received 26th September 2018:

This office made previous comment on an earlier proposal for this site which stated that we recommended no archaeological input would be required. This was with the qualification that it was believed that the disturbance within the former farmyard and demolished building had destroyed any archaeology within the proposed development area.

However, a new officer has reviewed the current proposals and with fresh eyes it is clear that an area of orchard land is to be developed, this is depicted on the 1905 OS map and is therefore likely to have remained undisturbed throughout the modern period. Its location within the historic core of Cherry Willingham and adjacent to the site of its manor house, means there is a high potential for medieval and earlier Anglo-Saxon remains to be destroyed during development on any works affecting this area of orchard (Plot 5 on the plans submitted.) Excavations in advance of residential development nearby to the East have revealed regionally significant remains of the Anglo-Saxon period including footings for timber building, iron furnace and metalwork production. The orchard land being developed is one of the last potentially undisturbed open spaces within the historic core of the village, meaning it is particularly important that any remains here are recorded before destruction. No archaeological work would be required for other parts of the development in the areas that have recently been disturbed.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially, I envisage that this would involve the archaeological monitoring of all groundworks within the area of the old orchard with the ability to stop and record archaeological features.

Representations received 10th August 2018:

The developer's Heritage Statement is wholly inadequate, having been produced using data obtained from the Heritage Gateway website, which includes only basic information aimed at the general interest user. It is not equivalent to the official Historic Environment Record that comprises a comprehensive and dynamic information service maintained by Lincolnshire County Council, which includes a range of data and locational information not available on this public website. It is also apparent that appropriate expertise has not been used in compiling the statement, which is evident not only in its failure to use the minimum sources of data required by the NPPF, but also in the failure to describe rather than list nearby designated and non-designated assets, and the lack of consideration of how the proposed development will actually affect them or their setting. There is also no consideration of the proposed development's impact on below ground archaeology, despite its position at the centre of the medieval village of Cherry Willingham, adjacent to its Grade II Listed Manor House, and less than 200m from Saxon settlement revealed during previous housing development nearby.

Recommendation: it is recommended that more information be required from the developer in the form of a heritage impact assessment. This should detail the significance of heritage assets to be affected by these proposals, both above and below ground, and the impacts the development will have on them, and justification for any harm. The assessment should provide the local planning authority with sufficiently detailed information in order to make a reasoned decision regarding the development's impacts on the historic environment.

Conservation Officer: No representations received to date

Tree and Landscape Officer: No objections

If sizes and positions haven't changed then I would expect my comments to remain the same. If the change is only in relation to material then they will have no relevance to trees and hedges.

IDOX checked: 5th September 2018

Planning Policy

Central Lincolnshire Local Plan 2012-2036 (CLLP)

Following adoption at Full Council the CLLP forms part of 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

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

Cherry Willingham Neighbourhood Plan

Cherry Willingham Parish Council has formally submitted their Neighbourhood Development Plan and associated documents for consideration as part of the Neighbourhood Plan Regulations 2012 (as amended). West Lindsey District Council will now consult with the public and consultation bodies. The consultation period began on Monday 25 June 2018 and closed at 5pm on Monday 20 August 2018. The results of the consultation and inspectors assessment is unknown to date. Paragraph 48 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 48 of the National Planning Policy Framework the draft version of the Cherry Willingham Neighbourhood Plan can be afforded increasing weight. The policies relevant to this application are noted to be:

Policy H3: Infill Development in Cherry Willingham

Policy HE1: Protecting the Historic Environment

Policy D1: Design Principles for Cherry Willingham

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

National Planning Policy Framework

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

National Planning Practice Guidance

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

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<http://www.legislation.gov.uk/ukpga/1990/9/section/66>

Greater Lincolnshire Biodiversity Action Plan 2011-20 (3rd Edition)

<http://www.glnp.org.uk/admin/resources/lincs-bap-2011-2020-review-2015final.pdf>

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
National Planning Policy Framework
Cherry Willingham Draft Neighbourhood Plan
Extant Planning Permission 132418
Concluding Assessment
- Listed Buildings
- Visual Impact
- Residential Amenity
- Archaeology
- Impact on Trees
- Highway Safety
- Foul and Surface Water Drainage

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.

This application has been submitted 3-4 months after the refusal of planning application 137057 by the Planning Committee. The difference between this application and 137057 is the materials used particularly to plots 1 and 2.

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Cherry Willingham as a large village and *'to maintain and enhance their role as large villages which provide housing, employment, retail and key services and facilities for the local area, the following settlements will be a focus for accommodating an appropriate level of growth'*. LP2 states that most of the housing growth in Cherry Willingham will be *'via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint'*. The application site is not an allocated site but is an appropriate infill site within the developed footprint of Cherry Willingham.

National Planning Policy Framework:

The Central Lincolnshire Local Plan was formally adopted on 24th April 2017 following an examination in public. This established a deliverable five year

supply of housing land. The latest review published January 2018 identified a housing supply of 6.19 years.

Paragraph 213 of the NPPF states that *'However, existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'*

Submitted Cherry Willingham Neighbourhood Plan:

As listed above the Cherry Willingham Neighbourhood Plan currently has increasing weight in the decision making process and the relevant policies are listed in the policies section above.

Policy H3 sets out criteria for infill development placing importance on the character of the area and the impact on the setting of heritage assets.

Policy HE1 provides a map identifying the position of Listed Buildings (Map 3) and Non-Designated Heritage Assets (Map 4) within the settlement and importance on protecting their setting.

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

Extant Planning Permission 132418:

The application site is the eastern section of a larger site given outline planning permission for residential development (see history section) on 23rd August 2016. This permission gave three years for the submission of the reserved matters application, namely access, scale, appearance, layout and landscaping.

Concluding Assessment:

It is therefore considered that the principle of residential development on the site has already been established and the development can be supported subject to satisfying other material considerations.

Impact on Listed Buildings and Non-Designated Heritage Assets

The site is located within the setting of Listed Buildings. The Manor House is to the south east and is divided from the site by other residential dwellings. The Listed Buildings off High Street are almost 100 metres away. The setting of these Listed Buildings is currently harmed by the current untidy condition of the site and the adjacent land to the west.

Local policy LP25 of the CLLP states that *'Development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire'* and provides a breakdown of the required information to be submitted as part of an application in a heritage statement.

In the Listed Building section of LP25 it states that *'Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building'*.

Policy HE1 of the Submitted Cherry Willingham Neighbourhood Plan (SCWNP) sets out criteria for protecting Heritage Assets within Cherry Willingham. Map 3 (pg30) and Map 4 (pg31) of the SCWNP identifies the location of Listed Building and Non-designated Heritage Assets. In particular criteria 1 of HE1 lists what needs to be considered when assessing the impact of development on a heritage asset.

Guidance contained within Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'*.

Paragraph 193 states that *'great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*

Paragraph 195 provides guidance that *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent'*

Paragraph 197 states that *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.

The impact of a development of the setting of a listed building is more than just its visual presence and annex 2 of the NPPF defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

Paragraph 13 (Conserving and Enhancing the Historic Environment) of the NPPG (Reference ID: 18a-013-20140306) further supports this definition declaring that *'Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage'* and *'although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors'*.

The Local Authority's Conservation Area Officer (CAO) has not submitted any comments but in refused planning application 137057 the CAO stated that *'the proposed development appears standard and formulaic, particularly when you take into account the heritage assets that existed and how these contributed, most unusually, to a streetscape'* and that *'currently, the application contains insufficient information, which does not then allow the LPA to have 'special regard' as is required under section 66 of the LB&CA Act 1990.'*

The application has included the submission of a Heritage Statement dated 30th July 2018 which states that the development *'will be able to contribute to the setting of the site, the nearby existing historic assets and enjoyment for the future homeowners'*. In the design section it states that plots 1 and 2 will *'reference the historic use of the site'* in detail and materials.

The previous comments of the Conservation Officer are noted, however the site already has outline permission (132418) for residential dwellings. Included in the outline application which gained permission was an indicative layout which suggested that the dwellings to the rear of the site were to be more standard dwellings with possibly a small run of agricultural barn style terraced dwellings (plots 2-4) to the front. However planning permission 132418 does not include a condition stipulating that the dwellings to the front are designed with an agricultural barn appearance.

Taking into consideration the condition of the site and the planning history of the site it is considered that the proposal due to the siting, scale, massing and design of the dwelling will at least preserve the setting of nearby Listed Buildings and non-designated heritage assets. Therefore the proposal will accord with local policy LP25 of the CLLP, policy HE1 of the SCWNP, the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

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

Visual Impact

Objections have been received from the local ward member and the Parish Council in regards to the visual impact of the development.

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

The SCWNP sets out criteria for infill developments (Policy H3) and design principles (Policy D1). Policy D1 states that '*proposals shall only be supported where they are of a high standard of design that have fully considered the relevant design principles*'.

The site as observed at the site visit is currently in poor condition in terms of its ground condition, existing derelict buildings, piles of different materials and other items left on site such as a bath, oil drum and tyres. The condition of the site currently detracts from the street scene along the High Street and the setting of the nearby listed buildings to the west and the buildings opposite which are considered as non-designated heritage assets in the SCWNP.

The development proposes to construct five detached two storey dwellings with 4 bedrooms to be constructed from (identified on application form):

- Reclaimed Red Bricks from the site (Plot 1 and 2)
- Red Brick (Plot 3, 4 and 5)
- Lincoln Clay Pantiles
- UPVC brown timber effect windows
- Brown timber composite door (Plot 1 and 2)
- Composite door (Plot 3, 4 and 5)

The proposed three dwellings behind plots 1 and 2 are standard dwellings but each dwelling has a different design therefore provides more interest than a development which proposes an identical dwelling and plot layout for plot 3-5. The submitted heritage statement states that '*in terms of detailing on the proposed elevations, the units (in particular units 1 & 2) reference the historic use of the site and the exact details can be dealt with via condition(s)*'.

The site is in a prime location in the centre of the settlement and in desperate need of redeveloping to improve the visual appearance and street scene along this stretch of high Street.

The site is 0.32 hectares in size and can accommodate the five dwellings proposed whilst providing sufficient garden space and off street parking. In comparison to the indicative site layout (L-BOW-025-SLPP Revision E dated 11th September 2015) proposed in outline planning permission 132418 this development provides less density of dwellings from 7 to 5 dwellings.

The area around the development site includes a mix of frontage dwellings and dwellings will sit further back from the main highways through Cherry Willingham along cul-de-sacs or no through roads. This includes Becke Close to the south east/south and Blacksmith's Green to the north.

Therefore given the present condition of the site the proposal will not have a significant adverse visual impact on the site, the street scene or the surrounding village of Cherry Willingham therefore accords to local policy LP17 and LP26 of the CLLP, policies H3 and D1 of the SCWNP and guidance within the NPPF.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

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

On the opposite side of High Street to the north is 4, 6, 8 and 10 High Street. To the east of the site is 1 High Street, 4, 6, 8 Church Lane and 5 Becke Close. To the south is 8 and 10 Becke Close. The proposed dwellings given the separation distance will not impact on the living conditions of these neighbouring dwellings through a loss of privacy, an overbearing impact or a loss of light.

To the west of the site is Bleak Farm Farmhouse which is unoccupied and currently in an uninhabitable deteriorating condition. Although it seems unlikely it is possible that this dwelling could be refurbished and occupied again in the future. Proposed plot 4 and plot 5 will have bedroom windows which will look towards the east and south elevations of the farmhouse and the rear garden space. The farmhouse would still have some areas of privacy in its rear garden space. Consideration is given to the separation distances and the proposed uses of the rooms. Therefore it is considered that some overlooking of the farmhouse would occur if occupied but not to a significant degree. The proposed dwellings will not cause an overbearing impact or loss of light on the farmhouse.

It is important to consider the impact of the proposed dwellings on each other although there is a degree of buyer beware. The proposed dwellings have been positioned and designed including first floor openings to ensure the dwellings will not have a significant harm on the living conditions of the future residents.

Due to the close proximity of neighbouring dwellings it is considered that a construction method statement is required to ensure the construction phase considers the neighbouring residents. This will be a condition on the permission.

The proposal includes parking to the side of plot 1 (1 space for plot 1, 2 and 3) and an area of 6 parking spaces (2 spaces for plot 1, 2 and 3) between the rear boundaries of plot 1/2 and the north side boundary of plot 3. The parking spaces to the side of plot 1 is not ideal but the amount of vehicle movements will not significantly disturb the residents of plot 1. The parking to the rear has close access to each serving dwelling and will be covered by natural surveillance from the rear of plots 1, 2 and 3.

Overall it is therefore considered that the proposed dwellings will not have a significant impact on the living conditions of neighbouring dwellings or future residents of the site therefore is in accordance with LP26 of the CLLP, policy D1 of the SCWNP and guidance contained with the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Archaeology

The Historic Environment Officer at Lincolnshire County Council no objections to the development subject to a scheme of archaeological works prior to any groundworks being required by condition. This representation is in complete conflict with representations made during refused planning application 137057 where the Historic Environment Officer at Lincolnshire County Council had no objections to the proposal. The change in position has been justified as an oversight during the previously refused planning application (137057) which appears to relate to the area of Orchard to the rear of the site.

The site as previously explained above is part of a wider site with extant outline planning permission (132418) for 13 dwellings. This wider site has until the end of 23rd August 2019 to submit a reserved matters application which includes layout. This reserved matter could potentially be influenced by the archaeology pre-commencement condition (condition 8) for a scheme of archaeological investigation.

Overall the site has had a mixed history of comments from the Historic Environment Officers at Lincolnshire County Council therefore it has to be considered whether the recommendation for a scheme of archaeological works is reasonable. In this case following further comment from the Historic Environment Officer and investigating the previous history of the site it is considered that conditioning scheme of archaeological works is not unreasonable prior to works commencing.

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

Impact on Trees

The application site includes a protected tree in the south west corner of the site and an old traditional looking orchard to the rear.

Protected Tree:

The relocation of plot 5 has moved it outside the root protection area of the protected tree and provided better clearance from its crown. The Authority's Tree and Landscape Officer has stated that the comments submitted during refused planning application 137057 are still relevant to this new application. Therefore the Tree and Landscape Officer has no objections regarding the protected tree subject to conditions requiring appropriate protective measures to be installed prior to commencement until completion and that no excavation occurs within the root protection area.

Orchard:

The southern part of the site includes an old orchard which can already be removed through the building out (providing the remaining reserved matters are approved) of extant outline planning permission 132418

Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*

Local Policy LP21 states that:

'All development should:

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

Pages 139-142 of the Greater Lincolnshire Biodiversity Action Plan 2011-2020 (3rd Edition) describes the importance in retention of Traditional Orchards. It states that *'traditional orchards are defined as groups of fruit or nut trees planted on vigorous rootstocks at low densities in permanent grassland, and managed in a low intensity way'* and that they have declined 60% since the 1950's.

The position of plot 5 has allowed some of the Orchard Trees to remain in place as stated on proposed site plan J1548-PL-02 dated March 2018. Again the Authority's Tree and Landscape Officer has not objected to the part removal of the Orchard.

Given the orchard trees can be removed through extant planning permission 132418 the proposed retention of some of the orchard trees through this development is welcomed.

Subject to conditions the development will accord with LP21 of the CLLP and guidance contained with the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

Highway Safety

The proposed vehicular access off High Street will utilise an existing access in the north west corner of the site. High Street has a 30mph speed limit and the observation views were considered acceptable at the site visit.

The Highways Authority at Lincolnshire County Council have not objected to the proposed access subject to conditions. The proposal would therefore not have an adverse impact on highway safety and accords to local policy LP13 of the CLLP, policy D1 of the SCWNP and guidance contained within the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Foul and Surface Water Drainage

The application form states that foul drainage will be disposed of to the mains sewer. Surface water is proposed to be dealt with through soakaway which is a method of sustainable urban drainage system and is encouraged, however the suitability of the site for soakaways has not been justified through appropriate testing. Therefore it is considered that foul and surface water is addressed by the use of a condition.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Other Considerations:

Flood Risk

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

Contamination

Due to the historical use of the site and storage of chemicals it is considered necessary to include a precautionary contamination condition in the interest of public health and safety.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd January 2018. An additional information form has been submitted but not an assumption of liability form. On measuring the floor space of the dwellings it is estimated that the total floor space created will be approximately 998m². Therefore using this approximate figure the development, which is located in the Lincoln Strategy Area will be liable to a CIL payment required prior to commencement of the development of approximately £24,950. An advisory note will be attached to the permission.

Affordable Housing

The proposal is below the dwelling and floor space limit for an affordable housing contribution to be required in accordance with local policy LP11 of the CLLP and provisions of the NPPF.

Conclusion and reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic

Environment and LP26 Design and Amenity of the Central Lincolnshire Local Plan 2012-2036 in the first instance, relevant policies of the Cherry Willingham Draft Neighbourhood Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

In light of this it is considered that the principle of the development is acceptable including the contributing five dwellings on an appropriate site with the developed footprint of a large settlement and towards the housing supply in Central Lincolnshire. The proposal will not have a significant adverse visual impact on the site, the surrounding area or the street scene and will preserve the setting of nearby Listed Building and Non-Designated Heritage Assets. It not have a significant harmful impact on the living conditions of neighbouring dwellings, trees, highway safety, archaeology or drainage. This is subject to 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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

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 details of the external materials listed below have been submitted or inspected on site and agreed in writing by the Local Planning Authority.
 - A one metre square sample panel of brickwork, mortar and bond.
 - Roof materials

- rainwater goods and downpipes including the colour
- All windows including section drawings and colour finish.
- Doors

The brickwork panel constructed shall be retained on the site until the development hereby approved has been completed.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding area including the Listed Buildings and Non-Designated Heritage Assets to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policies H3, HE1 and D1 of the Submitted Cherry Willingham Neighbourhood Plan.

3. No development shall take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation shall occur until the approved scheme has been installed.

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

4. No development shall take place until, details of the form and position of the protection measures to protect the tree adjacent the south west boundary of the have been submitted to and approved in writing by the Local Planning Authority. The details to include a plan showing the root protection area of the tree and no excavation or land level changes within the root protection area. The approved protection measures shall be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing boundary trees during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policies LP17, LP21, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development shall take place until a landscaping scheme has been submitted including details of:
 - the height and materials used for the boundary treatments
 - the surface material of the road and parking spaces
 - the species, height, position and planting formation of any hedging and/or trees.

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework, local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

6. 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;

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 local policies LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following
 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording.
 3. Provision for site analysis.
 4. Provision for publication and dissemination of analysis and records.
 5. Provision for archive deposition.
 6. Nomination of a competent person/organisation to undertake the work.
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National

Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

8. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 7 at least 14 days before the said commencement. No variation shall take place without prior written consent of the local planning authority.

Reason: In order to facilitate the appropriate monitoring arrangements and to ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

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

9. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
 - J1598-PL-02 Rev 04 dated March 2018 - Proposed Site Plan
 - J1598-PL-03 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Floor Plans
 - J1598-PL-04 Rev 02 dated March 2018 – Plot 1 and 2 Proposed Elevations and Sections Plan
 - J1598-PL-05 Rev 01 dated November 2017 – Plot 3 Proposed Floor Plans
 - J1598-PL-06 Rev 01 dated November 2017 – Plot 3 Proposed Elevations and Sections Plan
 - J1598-PL-07 Rev 01 dated November 2017 – Plot 4 Proposed Floor Plans
 - J1598-PL-08 Rev 02 dated December 2017 – Plot 4 Proposed Elevations and Sections Plan
 - J1598-PL-09 Rev 02 dated December 2017 – Plot 5 Proposed Floor Plans
 - J1598-PL-010 Rev 01 dated November 2017 – Plot 5 Proposed Elevations and Sections Plan

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, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Submitted Cherry Willingham Neighbourhood Plan.

10. Before the dwellings are occupied, the access and the individual drives/parking and turning spaces shall be completed in accordance with the approved proposed site plan J1598-PL-02 Rev 04 dated March 2018 and retained for that use thereafter.

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

11. The proposed driveways and turning spaces shown on plan proposed site plan J1598-PL-02 Rev 04 dated March 2018 shall be constructed from a permeable material and retained thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036

12. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

13. The archaeological site work shall be undertaken only in full accordance with the written scheme required by condition 7.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan.

14. Following the archaeological site work referred to in condition 13 a written report of the findings of the work shall be submitted to and approved in writing by the local planning authority within 3 months of the said site work being completed. .

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework, local policies LP25 of the Central Lincolnshire Local

Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan

15. The report referred to in condition 14 and any artefactual evidence recovered from the site shall be deposited within 6 months of the archaeological site work being completed in accordance with a methodology and in a location to be agreed in writing by the local planning authority.

Reason: To ensure the satisfactory archaeological investigation and retrieval of archaeological finds in accordance with the National Planning Policy Framework (2012), local policies LP25 of the Central Lincolnshire Local Plan 2012-2036 and Policy HE1 Protecting the Historic Environment of the Submitted Cherry Willingham Neighbourhood Plan

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

NONE