

Approval of Reserved Matters

Name and address of applicant

TWD Developments Ltd
c/o Core Architects
The Terrace
Grantham Street
Lincoln
LN2 1BD

Name and address of agent (if any)

Core Architects
The Terrace
Grantham Street
Lincoln
LN2 1BD

Part One – Particulars of application

Date of application:

19/02/2018

Application number:

137229

Particulars of planning permission reserving details for approval:

The erection of up to 40 dwellings.

Application number: 133344 (appeal ref APP/N2535/W/16/3147051)

Particulars and location of development:

Application for approval of reserved matters for erection of 38no. dwellings - considering appearance, landscaping, layout and scale - following outline planning application 133344 allowed on appeal 14 June 2016

Land west of Lancaster Green Hemswell Court Hemswell Cliff DN21 5TQ

Part Two – Particulars of decision

The West Lindsey District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that **approval has been granted** in respect of the details referred to in Part One hereof for the purpose of the conditions imposed on the grant of planning permission referred to above subject to the following conditions:

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

None – please refer to outline planning permission.

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

None.

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

1. With the exception of the detailed matters referred to by the conditions of this approval and the outline planning permission, the development hereby approved shall be carried out in accordance with the following drawings and documents:
 - 388-2b-001 Site Location Plan;
 - 388-2b-020 Type A End Terrace Unit;
 - 388-2b-021 Type A Mid Terrace Unit;
 - 388-2b-023 Type B End Terrace Unit;
 - 388-2b-024 Type B Mid Terrace Unit;
 - 388-2b-025 Type B Passageway Unit;
 - 388-2b-026 Type C End Terrace Unit;
 - 388-2b-027 Type C Mid Terrace Unit;
 - 388-2b-028 Type C Passageway Unit;
 - 388-2b-030 Type A – Double Block Elevations;
 - 388-2b-031 Type A – Triple Block Elevations;
 - 388-2b-032 Type B – Double Block Elevations;
 - 388-2b-033 Type B – 4x Block Elevations;
 - 388-2b-034 Type B – 4x Block Elevations Sheet 2;
 - 388-2b-035 Type C – Double Block Elevations;
 - 388-2b-036 Type C – Triple Block Elevations;
 - 388-2b-037 Type C – 4x Block Elevations;
 - 388-2b-038 Type C – 4x Block Elevations;
 - 388-2K-005 H Site Layout;
 - 388-2K-006 A Street Elevations Sheet 1;
 - 388-2K-007 A Street Elevations Sheet 2;
 - 388-2-080 A Design Statement.

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 provisions of the development plan, namely the Central Lincolnshire Local Plan.

2. No development of the dwellings shall take place until a schedule of external materials has been submitted to, and agreed in writing with, the Local Planning Authority. The development shall thereafter proceed in accordance with the approved schedule.

Reason: To ensure the development respects local character and the setting of nearby heritage assets, in accordance with policies LP25 and LP26 of the Central Lincolnshire Local Plan.

3. No development shall take place within the Root Protection Area (RPA) of any of the trees identified to be retained on drawing 388-2K-005H unless a detailed Arboricultural Method Statement has been submitted to, and agreed in writing with, the Local Planning Authority. The Arboricultural Method Statement should include (but is not limited to) the following:
 - a) Measures for the protection of trees to be retained ('Tree Protection Scheme'), including implementation, supervision and monitoring of;
 - b) Tree Works Specification, where need is identified;
 - c) Details of construction works and methods, where proposed to take place within the RPA;
 - d) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
 - e) Timing and phasing of works in relation to any development within the RPA.

Development within the RPA of any trees identified for retention shall take place only in accordance with the approved Arboriculture Method Statement.

Reason: In the interest of the amenity of the locality in accordance with Central Lincolnshire Local Plan policies LP17 and LP26.

4. Prior to the occupation of any of the dwellings, final details of the size, species and position or density of all trees / hedging/ shrubs to be planted, and elevational details of the fencing and walling, shall be submitted to the Local Planning Authority for approval. This should include details of replacement trees to mitigate the impact of the loss of tree group G1 as shown on drawing 388-2K-005H.

Reason: In the interest of the amenity of the locality in accordance with Central Lincolnshire Local Plan policies LP17 and LP26.

5. Prior to the occupation of any dwelling, a landscaping management plan, detailing management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens, shall be submitted to and approved with writing. The landscape management plan shall be implemented in its entirety in accordance with the approved schedule.

Reason: In the interest of the amenity of the locality in accordance with Central Lincolnshire Local Plan policies LP17 and LP26.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with Central Lincolnshire Local Plan policies LP17 and LP26.

Notes to the Applicant

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

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

Reasons for granting approval

It is concluded that the revised details now result in an appropriate layout, scale & appearance of dwellings, which give regard to the local character and setting of the adjacent listed building. It is considered that the layout has sought to minimise the loss of protected trees within the site that can be deemed to contribute positively towards the prevailing character.

It is considered that the proposed development would accord with the provisions of the development plan, in particular policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan.

Working Practice Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. This has included measures to improve the impact on the setting of the adjacent heritage asset and minimise the loss of trees. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in

favour of sustainable development, as set out within the National Planning Policy Framework.

Date 15th August 2018

Signed: 

Mark Sturgess

Executive Director of Operations and
Head of Paid Service

West Lindsey District Council
Council Offices
Guildhall
Marshall's Yard
Gainsborough
DN21 2NA

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. You are strongly advised not to commence works until you have obtained any other permissions or consents that may be required, for example approval under the Building Regulations, otherwise there may be a risk of significant legal and financial consequences. For further advice on the Building Regulations, contact the Council's Building Control section.

Failure to adhere to the details of the approved plans or to comply with the conditions attached to this permission is a contravention of the provisions of the Town & Country Planning Act 1990 in respect of which enforcement action may be taken. Please contact the planning department for further advice relating to the discharge of condition process and the appropriate fee payable (if applicable).

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If you want to appeal, then you must do so within six months of the date of this notice.** Appeals must be made on a Reserved Matters appeal form which may be downloaded from the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk>. Alternatively appeal forms can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, telephone 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
- **Only the applicant possesses the right to appeal this decision.**

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

If you require this document in another format e.g. large print, please contact Customer Services on 01427 676676, by email customer.relations@west-lindsey.gov.uk or by asking any of the Customer Services staff.