

## **Officers Report**

### **Planning Application No: 139520**

**PROPOSAL:** Outline planning application to erect 9no. dwellings with access to be considered and not reserved for subsequent applications.

**LOCATION:** Land south of Eastgate Scotton Lincolnshire DN21 3QR

**WARD:** Scotter and Blyton

**WARD MEMBERS:** Cllr Mrs L Clews; Cllr Mrs L A Rollings; and Cllr Mrs M Snee

**APPLICANT NAME:** Mr P Fox

**TARGET DECISION DATE:** 06/09/2019

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

**RECOMMENDED DECISION:** Grant permission subject to conditions and the receipt of a S106 obligation (Unilateral Undertaking) to bind the plots to:

- 1. Being sold individually for self-build.**
- 2. Being serviced plots through the construction of the vehicular access, private road and services to the rear plots by A F Developments Ltd**

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#### **Description:**

The application site is an area of agricultural land to the south east of Eastgate, Scotton. The site is adjacent the settlement of Scotton which lies to the south west and north west. The site is overgrown currently not used for growing crops and slopes gently downwards from south west to south east. It is set just back from and above the level of the highway which has a 30mph speed limit. The site is open to the north east and south east boundaries. The south west boundary is screened by low fencing, some trees and hedging. The north west boundary is screened by high hedging and trees. Neighbouring dwellings are opposite or adjacent to the south west and north west with open field to the north east and south east. There are two Listed Buildings to the west of the site. These are:

- Church of St Genwys – Grade 1 Listed
- Acacia Cottage – Grade 2 Listed

Within the front north east boundary of the site is a tree protected by Tree Preservation Order (Scotton No.1) 2019. The site is also within a Sand and Gravels Minerals Safeguarding Area (MSA).

Planning permission is sought, in outline, for a proposed development of 9no. dwellings with access to be considered (and not reserved for subsequent applications).

Matters of of scale, appearance, layout and landscaping have all been reserved for subsequent approval (“reserved matters”).

The reserved matters will need to be considered through a subsequent reserved matters planning application, subject to approval of this outline application.

It has been requested by a ward member that the application goes to the planning committee on the grounds of the accesses impact on highway safety and the development impact on the existing tree and hedging.

### **Relevant history:**

135056 - Outline planning application for proposed development for 9no. dwellings with access to be considered and not reserved for subsequent applications – 12/01/17 - Granted time limit and other conditions (Planning Committee)

139276 - Pre-application enquiry for 9no. dwellings - 08/05/19

### **Representations**

**Councillor M Snee:** Requests application is considered by the Planning Committee

The draft Scotton Neighbourhood Plan stipulates design code principles, it is not clear from the revised proposals if these have been met:

- The Planning committee need to ensure there is provision of safe and accessible access from the site
- The Planning committee need reassurances that existing trees and Hedges at the front are being retained as part of the development
- Need to establish that the proposal does not cause any unacceptable detrimental harm to the private amenity of adjacent properties
- The need to establish that the orientation of the properties maximise the advantage of solar gain for renewable technologies.

### **Scotton Parish Council: Objections**

Representation received 27<sup>th</sup> August 2019:

- The Applicant should follow all recommendations and conditions laid down in the original sanction for outline plan for 9 buildings.
- The new updated plan does not give sufficient clearance to allow vehicles to enter the main Eastgate Road safely. The visibility of oncoming traffic is insufficient. The road requires widening from Plot 1
- The plans show no indication that Transco or Cadent have been contacted regarding these plans. The let-down station and the main gas pipeline to the village are in the area of the plan and also there is a vent pipe crossing the road and in the area of indicted path.

- There is no indication of preservation of the sycamore tree which has a preservation order.
- The plan indicates using land which is not owned by the applicant. The owners of this land have not given the applicant permission to use their land.
- Once again this application is against the Neighbourhood Plan. No Large houses of any kind are required.
- There is no affordable housing as indicated in the original permission for this plan.

Representation received 7<sup>th</sup> August 2019:

- All conditions and recommendations to the approval of the original outline permission must be adhered to and enforced.
- The suggested three lane entrances to Eastgate are in themselves unsafe and as indicated by the Highways could only be allowed if the road width is increased and a footpath included.
- The Sycamore tree has a 6 month preservation order and the Parish Council will be supporting a life time preservation. This will also require further alterations to the suggested plan.
- Although the application goes to great length that it is only an outline plan. The applicant mentions bungalows next to the existing building. Therefore the Parish Council is totally against the extremely large buildings shown in the application. This is against all recommended buildings required by the Neighbourhood Plan.

**Local residents:** Representation received from a number of residents.

5A, 7, 9, 10, 32 Eastgate, Scotton  
 Church View, Eastgate, Scotton  
 Siennow, Eastgate, Scotton  
 9, 31 Westgate, Scotton  
 18 Northorpe Road, Scotton  
 Pasture Farm, Crapple Lane, Scotton  
 Cockthorn Farm, Scotton  
 The Bungalow, 2A High Street, Scotton  
 Three Ways, High Street, Scotton  
 4 Orchard Drive, Pontefract

Objections, in summary:

#### Highway Safety

- There are too many accesses and unsafe at key times.
- Eastgate is very narrow with two vehicles unable to pass one another and used by agricultural machinery.
- There is no provision for a footpath for residents and school children.
- Road will not be able to cope with potential of 22 more vehicles.
- Will result in more street parking.
- Road widening is inadequate.

- The new proposed layout still only shows a visibility splay at one of the proposed access points not all 3 as required by Highways. This visibility splay should both be 43 metres minimum.
- The Highways Officer did state that the setback could be reduced to 2 metres if the Applicant could demonstrate a suitably low 85 percentile speed but I can confirm I have not seen any traffic monitoring done on the road and none is referred to in the revised submission.
- As a result of using a 2 metres set back this reduces the visibility to 38 metres.
- The re-siting of the middle vehicular access on a concealed S bend means that it is now in close proximity to the driveway for Blackthorns.
- The new amended proposed layout fails to address the issues raised on the 5<sup>th</sup> July 2019 by Lincolnshire County Council Highways case officer.
- The removal of all obstacles over 1 metre in height from the line of sight on access splays is unachievable.
- The road widening will give a false sense of leaving the village meaning vehicles will speed up only to be met by a car approaching on the single lane carriageway or pedestrians.

#### Heritage

- Loss of tree/hedging will spoil the view of the Church.
- Rural nature of listed building setting compromised.

#### Tree and Hedging

- Road widening will threaten the root system of the Sycamore.
- Tree and hedging frames the Listed Church and should be preserved.
- Removal contrary to policy 13 of the Scotton Neighbourhood Plan.
- No dig policy should be adopted around the tree and hedging root protection area.
- The road widening and footpath cannot be achieved without compromising the roots of the protected Sycamore tree and the Walnut tree on the extreme boundary of No 7 Eastgate.
- The tree with the TPO has a calculated RPA (of 11.64 metres, which clearly encompasses the proposed hatched area and 1.2 metre footpath and slightly further into 9 Eastgate's front garden.

#### Scale and Mix

- Last thing needed is more large detached homes.
- Shortage of bungalows for residents who want to stay in the village and starter homes.
- Need for affordable housing.
- Not a good mix of dwellings.

#### Layout

- Development will create ribbon development.

#### Visual Amenity

- Will alter beyond recognition the scenic single track green lane in and out of the village.

- Loss of tree/hedging will spoil the view of the village.
- Significantly alter the street scene.

#### Drainage

- No more housing can be connected to the sewage system.
- Multiple access points will increase the flood risk on the road from driveway run-off.
- The proposal still fails to address the drainage issues outlined by Highways.

#### Flood Risk

- Road is a medium surface water flood risk and turns into a mini river with moderate rainfall.

#### Ecology

- Bats could be roosting within the tree
- Biodiversity impact

#### Land Availability Sequential Test

- This has not been demonstrated as requested by LP4.

#### Land Ownership

- The new layout includes proposed development outside of the red line ownership boundary and included an enlarged plan to show in yellow some of the area outside of the Applicants' ownership.
- The above Application envisages widening the road by 2 metres and constructing a 1.2 metre wide footpath which the Application Plans show would then be running inside our garden wall obtained planning permission 134885 which is extant.
- The hatched area is outside the original line of development and belongs to No 9 Eastgate.
- The proposed 2 metre road widening and construction of 1.2 metre wide footpath can only be achieved by using part of my garden (Pasture Farm) which we strongly object to.

#### Other

- This application is for access to be considered and self-build plots and affordable housing should be considered irrelevant in any decision making process for this application.
- Severe disruption in terms of construction traffic on Eastgate, particularly for the local farmers as well as the residents potentially for years to come!

**Historic England:** No objection with advice

We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**WLDC Conservation Officer:** No objections with advice

I am pleased to note that the layout of the proposed new dwellings will open up and frame a view of the grade I listed church. I also note the heritage

statement provides some details on the type of house design and materials. I am happy to support an application for outline development subject to all matters reserved regarding design and materials.

Whilst I concur with the basic heritage statement that traditional design, perhaps expressed with contemporary fenestration may be appropriate, locally distinctive materials will be required and this should not include bricks that look like recycled bricks (whether reclaimed or new bricks that look like reclaimed bricks). Traditional houses of the 18th and 19th centuries in Lincolnshire were built of fine facing bricks of one colour on the front elevation and often a complementing but less formal brick on the sides and rear. Reclaimed bricks were never used. Authentic design therefore carries a requirement for a more appropriate brick and roof covering detail.

**LCC Education:** Comment

The County Council has no comments to make on this application in relation to education as this falls below the trigger for a request for financial contribution.

**LCC Highways/Lead Local Flood Authority:** No objections subject to conditions and informatives.

- Recommend conditions in relation to the footpath, carriage widening and visibility obstructions.
- Layout has not been considered by the Highway Authority as part of this application, as it is a reserved matter.

They will need to intercept any private curtilage run-off so it doesn't discharge onto the highway. Any drainage required as part of the accesses, widening and footway works would get picked up by us when they formally apply to agree the detail of works within the highway.

**Scunthorpe & Gainsborough Water Management Board:** No objections with advice

**LCC Minerals and Waste:** No objections

**LCC Archaeology:** No objections

This office has previously commented on a number of similar proposals for this site. As part of which it was recommended that a programme of archaeological evaluation was undertaken in light of the proximity of the site to the medieval village core. However, the results of this evaluation have successfully demonstrated that the site lay outside of the medieval village, and was instead part of its open fields.

**WLDC Tree and Landscape Officer:** No objections subject to conditions  
Representation received 2nd September 2019:

The plan shows the tree crown extents and its basic circular RPA (unadjusted to compensate for existing physical root obstructions). Due to this being an

'outline' I am happy to wait for RM application(s) for tree protection details, and any construction details in close proximity to the RPA.

Representation received 17th June 2019:

I have no objections to development of this land, however, the intended road widening for the new access is likely to sever important roots close to the tree. This is at risk of being detrimental to the future health and stability of the tree. Details for landscaping and a tree survey should be required to be submitted with any subsequent RM application if this outline application gains permission.

**WLDC Senior Housing Strategy and Enabling Officer:** Comment  
Based on the size of the proposed dwellings at the above site, 20 % affordable housing would be required as per the Central Lincs Local Plan. This equates to either 2 dwellings - rounded from 1.8, or an off-site contribution of £151,920. WLDC preference is for on-site delivery of affordable housing, however, due to the size of the proposed properties, none would be suitable for affordable housing and so an off-site contribution would be acceptable on this site. I would expect to see the off-site contribution secured through a S106.

**WLDC Housing Strategy, Health and Wellbeing Lead Officer:** Supports  
The proposal would contribute towards meeting our self-build requirement.

**WLDC Planning and Housing Monitoring Officer:** Comment  
As the application is only for outline permission CIL will not be due at this time, however when the reserved matters is submitted I believe the best way to deal with this would be for the applicant to submit and masterplan and redline each plot individually. Offers advice on CIL process.

**Lincolnshire Police:** No objections with advice  
The advice provided considers the landscaping and lighting of the site plus the position of utility meters and approved document Q of Building Regulations.

**IDOX checked:** 1st October 2019

**Relevant Planning Policies:**

#### Local Policy

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan in this location comprises the Central Lincolnshire Local Plan (April 2017) and the Lincolnshire Minerals and Waste Local Plan (June 2016).

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

The policies considered most 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  
LP4 Growth in Villages  
LP10 Meeting Accommodation Needs  
LP11 Affordable Housing  
LP13 Accessibility and Transport  
LP14 Managing Water Resources and Flood Risk  
LP17 Landscape, Townscape and Views  
LP21 Biodiversity and Geodiversity  
LP25 The Historic Environment  
LP26 Design and Amenity

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

#### Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies)

The site is within a Limestone Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/>

#### Neighbourhood Plan

Scotton Parish Council have consulted on their draft Neighbourhood Plan and supporting documents under Regulation 14. The consultation ran for a 6-week period between the 11th February 2019 and closes on the 3rd April 2019. The results are unknown. The relevant draft policies are:

Policy 6 – Allocation of Site (15a)

Policy 13 – Safeguarding Important and Distinctive Landscape Features (View 1 on map 9 and Green Lane on map 10)

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

The National Planning Policy Framework (NPPF states (paragraph 48) that: Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*



### National Guidance

National Planning Policy Framework (NPPF)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance (NPPG)

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

### Other

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

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

Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

<http://www.legislation.gov.uk/ukpga/2016/22/part/1/chapter/2/enacted>

Natural England's East Midlands Agricultural Land Classification Map

Self-Build and Custom Housebuilding Guidance

<https://www.gov.uk/guidance/self-build-and-custom-housebuilding>

### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*Draft Scotton Neighbourhood Plan*  
*National Planning Policy Framework*  
*Heritage*  
*Protected Tree*  
*Minerals*  
*Agricultural Benefit*  
*Concluding Statement*
- Access

### **Assessment:**

#### Principle of the Development

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

The principle of accommodating 9 dwellings on the site has previously been established in extant outline planning permission 135056 dated 12<sup>th</sup> January 2017.

(Outline) planning permission (with access to be considered) was granted in January 2017 and requires reserved matters (appearance, layout, scale, landscaping) to be submitted within 3 years i.e. by January 2020. The existence of this extant permission is a fall back position that should be attached weight in the determination of this application.

This was determined against the provisions of the then extant West Lindsey Local Plan Review 2006, albeit the draft CLLP was at a very advanced stage.

For reasons of clarity this application was submitted due to the proposal including two additional vehicular access points off Eastgate. The extant permission only included approval of one vehicular access whereas this application proposes three vehicular accesses. The access nearest the north east edge of the site is very similar or identical in position to the single access in the extant outline permission.

A second key change to the site from the extant outline permission is the protected status given to the prominent tree to the front on 22nd July 2019 during the determination process.

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Submitted local policy LP2 states that development proposals in Scotton (Medium Village) will:

*'Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- *no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- *typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However, in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances'.*

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'.*

Submitted policy LP4 additionally requires a sequential approach to be applied to prioritise the most appropriate land for housing within small villages. LP4 states that:

*'In each settlement in categories 5-6 of the settlement hierarchy, a sequential test will be applied with priority given as follows:*

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
- 2. Brownfield sites at the edge of a settlement, in appropriate locations*
- 3. Greenfield sites at the edge of a settlement, in appropriate locations*

*Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.*

Local policy LP4 goes on to say that Scotton has a growth level of 10%. An updated table of remaining growth for housing (dated 16<sup>th</sup> September 2019) in medium and small village's states that Scotton has 256 dwellings which equates to a growth allowance of 26 dwellings. Since the publication of this growth level 13 dwellings have been approved, since 1<sup>st</sup> April 2012, with a remaining allowance of 13 dwellings. As this already includes the 9 dwellings approved in outline planning permission 135056 the level of growth in Scotton would remain at 13 dwellings.

*Draft Scotton Neighbourhood Plan:*

Since the determination of planning application 135056 the DSNP has identified the site as an allocated housing site (15a) and policy 6 sets out the criteria for development of the site.

As previously acknowledged the Scotton Parish Council have consulted on their draft Neighbourhood Plan and supporting documents under Regulation 14. The consultation ran for a 6-week period between the 11th February 2019 and closes on the 3rd April 2019. The results of the consultation are as yet unknown and the draft Neighbourhood Plan is open to amendments.

With consideration given to paragraph 48 of the National Planning Policy Framework the draft version of the Scotton Neighbourhood Plan can be afforded some limited weight.

*National Planning Policy Framework:*

*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)'.*

*Heritage:*

The proposal has the potential to have an impact on the setting of nearby listed buildings (see description).

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’.*

*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. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*

*Paragraph 193 states that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, 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, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use’.*

*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 application has included a Heritage Statement dated 10th June 2019. The Authority’s Conservation Officer has not objected to the proposal in outline form and welcomes the indicative layout as it *‘will open up and frame a view of the grade I listed church’*

The application is in outline and it is considered that the site can be developed without having a harmful impact upon the setting of the Listed Buildings. Due care will be required at the reserved matters stage to ensure scale and appearance do not adversely affect the setting of these heritage assets.

*Protected Tree:*

Objections have been received in relation to the impact of the development on the protected tree and an unprotected Walnut Tree at 7 Eastgate. It is important that the proposal does not impact on the health and future presence of the protected tree in particular. No development will occur which will impact on the Walnut Tree and the highway sits between the site and the road widening/footpath scheme. The Authorities Tree and Landscape Officer (TLO) has not objected to the proposal stating that *‘due to this being an ‘outline’ I am happy to wait for RM application(s) for tree protection details, and any construction details in close proximity to the RPA.’* A condition to secure tree protection measures is recommended.

*Minerals:*

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies *‘to support sustainable economic growth and our quality of life’*. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*‘Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:*

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*

- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- *the development is, or forms part of, an allocation in the Development Plan.*

The site is in a Sand and Gravels Minerals Safeguarding Area. The application has not included the submission of a Minerals Assessment but the minerals and waste assessment in section 5 of the submitted Planning Statement states *'as outline planning permission has already been granted for the site the development is clearly acceptable in this regard.'*

Along with the extant permission (135056) the site is allocated for housing (Policy 6) in the Draft Scotton Neighbourhood Plan (DSNP) which has increasing weight as part of the overall Development Plan. It is acknowledged that the DSNP is at a stage where it is still liable to amendments prior to and after examination by an allocated planning inspector. Therefore increasing weight has to be given to its allocated status which meets the final bullet point above.

The Minerals and Waste team at Lincolnshire County Council have no objections to the development due to there being an extant outline planning permission.

Therefore the proposal would potentially sterilise a minerals resource but this sterilisation can already be fulfilled by extant planning permission 135056 and weight is given to the sites draft allocation in the DSNP.

*Agricultural Benefit:*

Guidance contained within Paragraph 170 states that planning policies and decisions should recognise *'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'* The field is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (good to moderate). This designates the site as being fairly productive for agricultural use. The site is currently in an overgrown unused condition and the development is only building on part of the land (0.54 Hectares).

*Concluding Statement:*

The development is within the 9 dwellings limit set out in LP2 and Policy 6 of the Draft Scotton Neighbourhood Plan. The proposed development is a greenfield site adjacent but outside the developed footprint of Scotton to the south west and north west therefore has the lowest priority for housing. The principle of a 9 dwelling development on the site has already been established as acceptable in extant planning permission 135056 and although determined

under the revoked West Lindsey Local Plan the extant planning can still be invoked and this is a material consideration in the decision making process. The allocation of the site in the draft policy 6 of the DSNP should be recognised and is a material consideration, albeit this can only be afforded limited weight at this early stage in the Neighbourhood Plan's preparation. The development would sterilise a minerals resources but this sterilisation can already be fulfilled by extant planning permission 135056 and weight is given to the sites draft allocation in the DSNP. The development introduces 9 dwellings onto the site which subject to reserved matters would be expected to preserve the setting of the grade I listed Church. Providing appropriate protection measures are approved and installed during the construction phase then the development would not harm the protected tree to the front of the site. The extant planning permission has already established that the loss of the agricultural land is not considered as significant.

The development therefore subject to the submission of the reserved matters (scale, appearance, layout and landscaping) accords with policy LP1, LP2, LP3, LP4, LP21 and LP25 of the CLLP, Policy 6 of the DSNP, policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies), the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP1, LP2, LP3, LP4, LP21, LP25, Policy 6 and M11 are consistent with the housing, sustainability, heritage, biodiversity and minerals guidance of the NPPF and can be attached full weight.

#### Access

Objections have been received in relation to highway safety. The application site is set just back from and above the level of the highway which has a 30mph speed limit and has a junction on the opposite side of the road between The Old Rectory and 9 Eastgate. The highway narrows to a single vehicle width after this junction as you drive out of the village. The proposed three accesses will be positioned:

1. Within the right hand side of the north west boundary opposite the shared boundary of 9 Eastgate and Pasture Farm.
2. Around the middle of the north west boundary opposite Pasture Farm.
3. Within the left hand side of the north west boundary opposite the Old Rectory.

The ISP additionally includes the position of a road widening scheme and a pedestrian footpath to the north west of Eastgate adjacent the boundaries of 9 Eastgate, Pasture Farm and Blackthorns. Representations have been made declaring that the road widening scheme is on land owned by the occupants 9 Eastgate and Pasture Farm. The Highways Authority have submitted a plan received 25th September 2019 identifying (highlighted yellow) land where they have highway rights.

From the site visit the highway does bend as you drive out of the village, however the visibility splays appear sufficient in both directions from each

access. The Highways Authority have not objected to the proposal but have recommended a number of conditions regarding the widening scheme, the pedestrian footpath and disposal of surface water. It is therefore considered that the proposal will not have an adverse impact on highway safety. The development therefore accords with policy LP13 of the CLLP, Policy 6 of the DSNP and the provisions of the NPPF.

It is considered that policy LP13 and Policy 6 consistent with the highway safety guidance of the NPPF and can be attached full weight.

### **Other Considerations:**

#### Scale, Appearance, Layout and Landscaping

Details of scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval. The application has included the submission of an indicative site layout plan PF/19/03 revision E (ISP) dated 30th March 2019.

#### *Scale and Appearance:*

Scale and appearance are reserved for subsequent approval.

Local policy LP10 of the CLLP states that *'new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities'*.

Criteria a), b) and c) of policy 6 of the DSNP sets out the mix of dwelling types, and sizes, the height and the materials that should be used for the development.

The submitted planning statement states that *'it is intended that the houses will have a traditional rural appearance that will be entirely in keeping with the rural village character of Scotton'*

The application has not included any indicative elevation plans. The ISP indicates that the proposal will include 7 large dwellings and 2 bungalows (plot 1 and 5).

The dwellings in the locality are mixed in size, type and appearance from bungalows to two storey dwellings. Any future details of scale and appearance through a reserved matters application would need to be informed by its locality, and comply with CLLP policy LP26 (and the Neighbourhood Plan, with weight dependent on its stage of preparation).

#### *Layout:*

Layout is a reserved matter for subsequent consideration.

Nonetheless, the ISP demonstrates that the site is capable of accommodating nine dwellings with sufficient parking and external amenity space. The layout will need to acceptably integrate into its location on the edge of the settlement



and the nearby residential form plus as previously stated preserve the setting of the nearby Listed Buildings.

*Landscaping:*

Landscaping is reserved for subsequent approval.

Nonetheless, there is plenty of scope for opportunities to provide new planting within the site and on the boundaries. The use of soft boundary landscaping on the outer north east and south east boundaries of the site is advised and important to retain an appropriate relationship with the adjacent open fields. This should additionally include infill planting to the frontage boundary.

Residential Amenity

The scale of the site should provide ample room to accommodate nine dwellings to negate any harm on the living conditions of existing and future occupants.

The ISP demonstrates this apart from the position of plot 1 which appears very close to the north east elevation of 32 Eastgate. It is acknowledged that 32 Eastgate sits slightly higher than plot 1. The proposed location of plot 1 is additionally set further back than 32 Eastgate therefore is likely to impact on the immediate rear garden space of 32 Eastgate. The ISP identifies plot 1 as accommodating a bungalow which along with the site levels could be appropriately constructed and landscaped to reduce harm on the occupants of 32 Eastgate. It is considered reasonable and necessary to condition plot 1 to be a single storey dwelling.

The ISP demonstrates that plot 9 has a shared boundary with the long narrow rear garden of 32 Eastgate. A dwelling and its garaging will need to be appropriately orientated and positioned to enable the enjoyment of the garden space to 32 Eastgate is not harmed to an unacceptable level.

It is advised that plot 1 and 9 have blank gable end facing 32 Eastgate.

Archaeology

As eluded to the Historic Environment Officer (HEO) at Lincolnshire County Council has previously commented on this site in outline permission 135056 where Archaeological Evaluation was professionally completed. Given this the proposal will not be expected to cause any significant adverse archaeological impacts.

Foul and Surface Water Drainage

The application states that foul water will be disposed of to an existing foul sewer. Surface water will be disposed of too soakaways which is a sustainable urban drainage system. No objections have been received by the Lead Local Flood Authority. It appears that foul and surface water can be appropriately dealt with from the site, however further details and evidence will need to be submitted and agreed through a condition on the outline permission.

Objections have been received in relation to surface water flooding of the highway. No objections have been received from the Lead Local Flood Authority at Lincolnshire County Council. As previously stated the drainage methods proposed are considered acceptable and it is the applicant's responsibility to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site including the use of permeable surfacing to the access roads and driveways.

The Highways Authority have stated that the development *'will need to intercept any private curtilage run-off so it doesn't discharge onto the highway. Any drainage required as part of the accesses, widening and footway works will get picked up by us when they formally apply to agree the detail of works within the highway.'*

#### Affordable Housing and Self Build

Local Policy LP11 of the CLLP states that:

*'Affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceed 1,000 sqm.'*

Therefore, if the units exceed 1000sqm, an affordable housing contribution will be required under policy LP11.

LP11 should be considered for its consistency with the NPPF. The NPPF (paragraph 63) states that *'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas..'* Annex 2 of the NPPF defines major development as: *'for housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.'*

The proposed development is less than 9 dwellings but the site measures 1.2 hectares. The indicative plan also suggests that the development will far exceed the 1,000 square metre floor space restriction in local policy LP11. The development is therefore liable to an affordable housing contribution either on or off site secured through a S106 agreement.

However paragraph 64 of the NPPF states the following *'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- a) *provides solely for Build to Rent homes;*
- b) *provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) **is proposed to be developed by people who wish to build or commission their own homes; or**

*d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.'*

The NPPF defines self-build housing as '*housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.*'

The applicant has submitted a head of terms document to the Local Planning Authority to create a legal Unilateral Undertaking to provide certainty and commitment to the site being a self-build development. The 9 plots will be sold on the general market and then each purchaser will submit their own reserved matters application to the Local Planning Authority.

Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a general "duty to grant planning permission etc.". The Planning Practice Guidance (Paragraph: 023 Reference ID: 57-023-201760728) explains:

*Subsection (2) states that 'relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.*

*The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.*

*At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.'*

Paragraph 25 of the NPPG (Reference ID: 57-025-201760728) provides a list of methods of how relevant authorities can support self-build housing within their area.

The Authority's Lead Officer for Housing Strategy (LOHS) has commented that Government Self-Build and Custom Housebuilding Guidance<sup>1</sup> states in summary that:

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<sup>1</sup> <https://www.gov.uk/guidance/self-build-and-custom-housebuilding#self-build-and-custom-housebuilding>

- Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.
- The level of demand is established by reference to the number of entries added to an authority's register.
- Relevant authorities should consider how they can best support self-build and custom housebuilding and this could include engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested.

The LOHS has stated that *'There are currently 7 individuals registered on the West Lindsey self-build and custom housebuilding register. Based on the above guidance we have a duty to permission plots within 3 years following the end of the base period for any registrations in that period (currently 3 x plots by 30/10/2020 & 2 x plots by 30/10/2021). Therefore the proposal would contribute towards meeting our requirement.'*

Accordingly, weight should be given to the consideration that the development will provide "self-build" plots and that there is a recognised demand on the Self Build Register. The submission of the proposed S106 unilateral undertaking is necessary in order to secure this.

Given the commitment through a legal S106 unilateral undertaking it is considered that an affordable housing contribution cannot be sought due to the self-build nature of the development.

#### Community Infrastructure Levy

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within zone 2 where there is a charge of £15 per square metre. This is an outline application with scale to be considered through the submission of a future reserved matters application.

However as previously described above the development will be a self-build site which would make it exempt from paying CIL. The Authority's Planning and Housing Monitoring Officer has provided advice in the representations section of this report including how the self-build exemption can be forfeited if the correct processes are not followed prior to commencement of the development within each plot's red line.

Paragraph 82 of the Community Infrastructure Levy section in the NPPG (reference 25-082-20190901) states that *'If the necessary qualification requirements are met and the application process is completed within required timescales, an exemption from the Community Infrastructure Levy will be available to anybody who is building their own home or has commissioned a home from a contractor, house builder or sub-contractor. Individuals benefiting from the exemption must own the property and occupy it as their principal residence for a minimum of 3 years after the work is completed.'*

### Land Ownership

The ownership of the land proposed to be used to enable the widening of the road has been challenged by the residents of 9 Eastgate and Pasture Farm. This issue has been discussed earlier in the Highways section of this report.

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

The decision has been considered against local policy LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, 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, policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and Policy 6 and 13 of the Draft Scotton Neighbourhood Plan in the first instance. Furthermore consideration has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of the above assessment it is considered that the proposal is acceptable subject to certain conditions. The site currently has extant outline planning permission (access considered) 135056 and is allocated for housing (9 dwellings) in the Draft Scotton Neighbourhood Plan. The development will positively contribute nine dwellings towards the housing supply in Central Lincolnshire and the remaining housing growth allocated to Scotton. The proposed dwellings will additionally contribute towards the Authority's self-build register. The proposal will not have a harmful impact on highway safety, the protected tree to the front boundary, archaeology, a minerals resource or increase the risk of flooding. The development will additionally preserve the setting of the nearby listed buildings. The proposal is therefore acceptable subject to satisfying a number of pre-commencement conditions and the submission of a reserved matters planning application (scale, appearance, layout and landscaping).

### **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. Application for approval of the reserved matters must be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No development must take place until, plans and particulars of the **appearance, layout and scale** (see advisory note) of the buildings to be erected and the **landscaping** of the site (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority, and the development must be carried out in accordance with those details.

Reason: The application is in outline only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted must be begun before the expiration of two years from the date of final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

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

4. No development must take place until, details of the form and position of the protection measures to protect the protected tree adjacent the north west boundary have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement. The protection measures must be retained until:

- The vehicular accesses, estate road, Plot 1 and Plot 2 are completed.

Reason: To safeguard the protected tree to the front north west boundary of the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the access hereby approved must be carried out in accordance with Location Plan PF/19/01 and Site Plan (vehicular access points only) PF/19/03 Rev E dated 30th March 2019. The works must 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 LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

6. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation must occur until the approved scheme has been carried out.

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 6 of the Draft Scotton Neighbourhood Plan.

7. No occupation on the site must occur until the works to improve the public highway by means of a 1.2m wide footway (including a tactile crossing point) and carriageway widening and realignment, in accordance with plan PF/19/03 Rev E dated 30th March 2019 has been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

8. Before the middle access is brought into use all obstructions exceeding 1 metre high must be cleared from the land within the visibility splays illustrated on plan PF/19/03 Rev E dated 30th March 2019 and thereafter, the visibility splays shall be kept free of obstructions exceeding 1 metre in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

9. Before the middle access is brought into use the land between the highway boundary and the vision splays indicated on drawing number PF/19/03 Rev E dated 30th March 2019 shall be lowered so that it does not exceed 0.6 metres above the level of the adjacent carriageway (Eastgate) and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre to accord with the National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036 and policy 6 of the Draft Scotton Neighbourhood Plan.

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

NONE