

Officers Report

Planning Application No: 139839

PROPOSAL: Outline planning application to erect 2no. dwellings with all matters reserved.

LOCATION: Land to North East of Red House Main Street Osgodby
Market Rasen LN8 3PA

WARD: Market Rasen

WARD MEMBERS: Cllr Stephen Bunney, Cllr Cordelia McCartney, Cllr John McNeill

APPLICANT NAME: Mr Brown

TARGET DECISION DATE: 15/11/2019 - Extended

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Joanne Sizer

RECOMMENDED DECISION: Grant permission subject to conditions.

This application has been referred to the planning committee as there are objections from the Parish Council and neighbours who consider the proposed development to be a departure from the Neighbourhood Plan, and that these matters are considered to be finely balanced.

Description: The application site is located outside of but partially on the edge of the "developed footprint" forming Osgodby village (a small village within the Local Plan settlement hierarchy (policy LP2)). Part of it forms the curtilage of Laburnum House and is currently fenced off from the wider site by wire fencing, trees and planting. The whole site is currently grass land with some trees running along the north boundary. It slightly slopes from south to north with some additional raised areas being present along the southern edge. Land to the south is also notably raised with a concrete platform being visible above the ground levels of the site. Boundary treatments for the whole site generally consist of wire fencing to all aspects but does also consist of wooden post and rail fencing and hedging along the domestic garden areas of the dwellings located along Washdyke Lane. Access to the site is gained off Washdyke lane via an existing field access.

This application seeks outline planning permission to erect two dwellings, with all matters (layout, scale, appearance, landscaping & access) reserved for subsequent approval ("reserved matters").

An indicative plan has been submitted for consideration. During consideration of the application, the proposals have been amended from 4 dwellings to 2 and now includes a reduced application site. This application is a resubmission of application 139146 refused planning permission on 01/05/2019 for the following reasons:

1. The whole of the site is not considered to be an appropriate location as defined by the Central Lincolnshire Local Plan or as set out in the sequential approach for Osgodby village in the neighbourhood plan. The development of the whole site would not therefore retain the core shape and form of the settlement, reflect or respect the landscape character, the street scene nor setting of the village. The proposals are consequently contrary to Policies LP1, LP2, LP17 and LP26 of the Central Lincolnshire Local Plan, Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance contained with the NPPF and NPPG.

2. The provision of 4 dwellings also exceeds the allocated growth level set out for Osgodby village within Central Lincolnshire Local Plan and growth allocation for the Parish within the neighbourhood plan without any clear demonstration of Local Community Support being submitted. The proposals are consequently contrary to the Policies LP1, LP2, LP3 and LP4 of the Central Lincolnshire Local Plan, Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance contained with the NPPF and NPPG.

Relevant history:

On the site

139146 - Outline planning application to erect 4no dwellings with all matters reserved – Refused 01/05/19

131553 – Erect 8 No 3 bedroom Houses – RE – Appeal dismissed

137728 – Erect 2 dwellings – WA

Adjacent the site

131553 – Erect 8 No 3 bedroom Houses – RE – Appeal dismissed

135514 – Outline to erect 3 No dwellings – GC

122848 – Outline to erect 4 dwellings – RE

120963 – Outline to demolish exiting storage building an erect 2 detached dwellings – RE – Appeal dismissed

Representations:

Chairman/Ward member(s): None received

Osgodby Parish Council:

28/10/19: My Council has the following objections on the proposed amendments:

Osgodby Parish Council do not support this application. It has been assessed against the Neighbourhood Plan and I would maintain that the proposed secondary adjacent greenfield site is not an appropriate location as defined in Policy 1. The development also does not have direct frontage. The neighbourhood plan favours developments with strong relationships between frontages and the main streets of the village - clauses 7.8 of the Neighbourhood Plan. The application also does not have community support especially from those of neighbouring residences.

I have looked at the WLDC Planning website and I think that there has been 17 houses granted over the last few years. I will update the spreadsheet next week. The NP states the Parish doesn't want growth to be more than 10% (25 dwellings). Although this isn't a maximum figure if there is strong community support. The neighbourhood plan spans 20 years. We have allocated about 70% of this growth already. I think its likely Ward homes and West Haven will get approval too which will take it up to 76%. I feel there are more appropriate locations for development in the village which should be given priority and protect green field spaces for everyone in the Parish.

11/09/19: Different parish council members responded individually.
Objections, lack of information, abstaining from comment

07/08/19: Different parish council members responded individually.
Objections, lack of information, abstaining from comment

Local residents:

Ravensbrook 18 Washdyke Lane

24/10/19: Previous comments are the same as the last but add the following:
No details of the house types, why are they close to the existing properties, the village plan will be overlooked if supported. Impact on neighbouring amenity during construction.

21/08/19: Concerns raised in relation to the on-going construction of 134383, absence of footpath, the current use of land is paddock land, the land houses wildlife and subject to standing rain.

Norton Cottage Washdyke Lane and Malachai Cottage Washdyke Lane:

07/11/19: Photograph taken 26th October evidencing flooding on Washdyke Lane.

29/10/19: Same representations as 31/08/19

31/08/19: The scale and rate of growth of current development is too high and goes against the Osgodby Neighbourhood Plan. Development exceeds the agreed maximum of 25 houses only 4 years into the 20 year plan period. The location of the proposed development is in the lowest priority location, and there is no supporting evidence as required by ONDP even to be considered. The layout of the development is not in keeping with the ribbon development nature of the Parish. Washdyke Lane is not suitable or safe for pedestrian and vehicular traffic for further development. There are flooding and drainage problems on Washyke Lane.

LCC Highways/Lead Local Flood Authority:

30/08/19: The principle of the proposed development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout, as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

Internal Drainage Board:

The above application lies within the IDB (extended) district and indicates that:

- The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.
- If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.
- If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.
- If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.
- No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.
- If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits

Rights of Way:

17/10/19 No comments or observations to make.

15/08/19 No comments or observations

Archaeology:

25/10/2019: No change to previous comments.

21/08/19: The proposed development is situated within the historic core of the medieval village of Osgodby. Medieval remains have been found within the village including a pitcher handle of 13th-14th century date, and as well as foundations, walls and a courtyard surfaces indicative of remains of former buildings and occupation.

It is therefore recommended that the developer be required to commission an archaeological scheme of works in order to ensure that any archaeological remains can be recorded prior to their destruction.

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 monitoring of all groundworks, with the ability to stop and fully record archaeological features.

Relevant Planning Policies:

Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Here the development plan comprises the provisions of the Central Lincolnshire Local Plan (April 2017); and the Osgodby Neighbourhood Plan (July 2018).

Under planning law, if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

Central Lincolnshire Local Plan 2012-2036

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

LP14: Managing Water resources and flood risk

LP17: Landscape, Townscape and views

LP25: Historic Environment (Archaeology)

LP26: Design and Amenity

All these policies are considered to be in accordance with the NPPF for paragraph 213 purposes and full weight afforded to them.

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

Neighbourhood Plan:

Osgodby Neighbourhood Plan was made on 2nd July 2018. Relevant policies are noted below:

Policy 1: Residential Development in Osgodby village

Policy 4: Design and character of Development

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/>

National guidance

National Planning Policy Framework

National Planning Practice Guidance

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

Main issues

Principle

Visual amenity

Residential amenity

Flood Risk and Drainage

Highway Safety

Archaeology

Assessment:

Principle:

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

Central Lincolnshire Local Plan 2012-2036 (adopted in April 2017) contains a suite of policies that provide a framework to deliver appropriate residential development. All policies within the Local Plan are considered to be in accordance with the NPPF for paragraph 213 purposes.

Whether the proposed site would be located within the developed footprint of Osgodby village would principally be assessed against Local Plan Policies LP2: The spatial Strategy and Settlement Hierarchy, LP4: Growth in Villages and LP3 Level and Distribution of Growth.

Policy LP2 of the Central Lincolnshire Local Plan, *designates Osgodby as a small village within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature in **appropriate locations** (around 4 dwellings per site) being accommodated.*

LP2 goes on to advise that an appropriate location means a location which does not conflict when taken as a whole with national policy or policies in this Local Plan. 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 settlements character and appearance;*
and

- *Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

The core shape and form and prevailing character of this edge of settlement location of Osgodby village is predominately characterised by the linear form of the dwellings running along Washdyke Lane and Main Street, and the open fields abutting them.

The site is set back from Washdyke Lane and Main Street and behind the properties which run in a linear form along them. It was concluded in the determination of application 139146 that the development of the whole of the site did not retain the core shape and form of the settlement and would be harmful to the character and appearance of the settlement, its setting and surrounding countryside.

The application site has however now been reduced and sits directly behind the properties facing Washdyke Lane with a large proportion of it consisting of garden land. As a consequence the site now has more of a relationship with the built form of the village forming its core shape and form and encroaches less into the open paddock land associated with the wider rural character of this edge of the settlement location. Again consideration is given to the outline planning permission for 3 dwellings granted on the land between the site and Orchard House in 2017. However no reserved matters application has been received to date. As this permission is extant it is a material planning consideration, but weight is tempered by the absence of any details approved as reserved matters. For the purposes of considering the character and form, the neighbouring site has been considered as undeveloped at the time of determining this application.

The site as such is still recognised as back land development on the edge of the village which abuts open land on two sides. However, due to the now closer relationship with the built form of the village and the provision of two dwellings, it is concluded on balance that the site has the ability to retain the core shape and form of the settlement without being unduly harmful to the character and appearance, its setting and surrounding countryside. Consequently the development is now thought to be in accordance with LP2 of the Central Lincolnshire Local Plan.

Policy LP4 of the CLLP allocates the growth levels for settlements within medium and small villages. The allocated No of dwellings for the village is 14 and as of the 14/11/2019 there is no remaining growth to be accommodated in this village. The policy also provides a sequential approach to be applied to prioritise the development of sites. It 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.'

The development in proposing additional dwellings above that allocated exceeds the growth target set out in Policy LP4 and could not be supported by it, unless accompanied by demonstrable evidence of clear local community support, which was not submitted as part of the application. In addition the policy does state:

Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed by this policy.

Although no evidence of local community support has been submitted with this application, Osgodby is subject to a Neighbourhood Plan which was made on 2nd July 2018. This plan consequently postdates the Central Lincolnshire Local Plan which was adopted in April 2017. As part of the development plan its policies post-date and can take precedence over the CLLP, where there is any conflict within the policies.

Policy 1: Residential Development in Osgodby village is relevant to this application. This policy states:

1. Proposals for up to four dwellings on **primary or secondary locations in Osgodby Village** will be supported in principle. The settlement area of Osgodby Village is presented in Policy Diagram 1 below (not the full plan).



Criterion 2 states:

For new residential development in the Parish, a sequential test will be applied with priority given as follows:

a. Infill brownfield sites in a primary location;

- b. Infill greenfield sites in a primary location;*
- c. Brownfield sites adjacent to the settlement area in a primary location;*
- d. **Greenfield sites adjacent to the settlement area in a primary location;***
- e. Infill brownfield sites in a secondary location;*
- f. Infill greenfield sites in a secondary location;*
- g. Brownfield sites adjacent to the settlement area in a secondary location;*
- h. Greenfield sites adjacent to the settlement area in a secondary location;*

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

The supporting text in the Neighbourhood Plan provides more clarity to the Primary and Secondary terms used in the policy and colour code applied to Diagram 1. It confirms:

- a. **the term “primary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village and where development frontage directly faces or is in close distance to either side of Main Street or Washdyke Lane, or to the eastern side of Mill Lane;***
- b. the term “secondary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village.*

And

- a. Infill is considered to be any site that is completely within the settlement area and in between an otherwise continuous built up frontage of dwellings; these areas are identified as the darkest area in Policy Diagram 1.*
- b. Adjacent to the settlement area is considered to be any site that is located at the borders of the settlement area, but immediately adjacent with at least one side parallel to the continuous built form; they are identified as the areas of degrading colour between the darkest and lightest areas in Policy Diagram 1.***

It was concluded in the determination of application 139146 that the **whole** of the application site was not considered to be either a primary or secondary location. Consequently the site did not feature within the sequential list supplied in Policy 1 and as the application was not submitted with any clear explanation of why sites within the list are not available or suitable, it failed the sequential strategy set out in it.

The application site has however now been reduced and consequently the sequential assessment for it needs to be re-assessed. In this regard the Parish Council and some close resident(s) are not in support of the application as the proposed secondary adjacent Greenfield site is not considered to be an appropriate location as set out in Policy 1 of the Neighbourhood Plan. It is also stated that the site does not have a direct frontage or strong relationship with the main streets of the village.

Whilst these views are recognised, it is obvious from Policy Diagram 1 of the Neighbourhood plan that most of the site is now within the deeper orange areas and is adjacent to the settlement area of Osgodby Village. Although it is agreed that the site does not directly face onto Washdyke Lane it is considered to be in close distance to it. The site is also considered to be immediately adjacent to the borders of the settlement and has one side parallel to the continuous built form of Washdyke Lane. Consequently, it is concluded that the site *is* in a primary location which is adjacent to the settlement and being Greenfield sits within criterion d on the sequential hierarchy set out above. As such the site is half way up the sequential list and considered to be sequentially acceptable without needing further justification.

This is however recognised to differ to the opinion of the Parish Council.

The final Criterion of Neighbourhood Plan Policy 1 relates to the growth level allocated to Osgodby parish and guides that:

*Proposal for residential development that fulfil the requirements of this policy and that, alone or **in combination with other extant permissions or developments built since 1st April 2015**, would increase the number of new dwellings delivered in **Osgodby Parish by more than 25, will need to be accompanied by demonstrable evidence of clear local community support for the scheme.***

This allocated level of growth is different to the 14 afforded to Osgodby village through the Central Lincolnshire Local Plan and as the growth area is defined as Osgodby Parish is also subject to a wider area than the individual settlements identified in the Local Plan. The development catchment date is also different to that in the Local Plan, incorporating development since 1st April 2015 and not from April 2012.

Residents and the Parish Council have raised concerns that the growth level for the neighbourhood plan runs until 2036 and growth levels are already close to being met. There is however no limiting timescales in the neighbourhood plan which controls growth levels in this regard.

A search of the Councils data has revealed that there is a total of 22 residential properties/units subject to extant planning permissions or built out within the Policy 1 time period stipulated and consequently a remaining growth level of **3 dwellings** for the parish remains as of the 14/11/19. It is however important to acknowledge there are currently two other live planning applications (see planning history section) for respectively one (140160) and two (140128) dwellings in Osgodby. Therefore there are three planning applications totalling four proposed dwellings when only three dwellings remain. Local policy LP2 sets out and defines that once growth levels have been met any developments for housing will be required to demonstrate clear local community support. The evidence to demonstrate clear local community support must be submitted at the point of submission and cannot be accepted after submission. As described above at the time of submission Osgodby has

remaining housing growth therefore no requirement for the community support evidence was required.

This application in seeking permission for 2 dwellings therefore fits within the 25 allocated for the Parish and the development in accordance with this aspect of Policy 1 of Osgodby Neighbourhood Plan. Overall it therefore has to be concluded that the site is sequentially an appropriate location and the development of 2 dwellings can be supported by Policy 1 of the Neighbourhood Plan.

Principle Conclusion:

The above assessment has concluded that on balance the reduced application site has the ability to retain the core shape and form of the village as set out in LP2 of the Central Lincolnshire Local Plan. However, the provision of 2 dwellings exceeds the growth levels set out in policy LP4 and consequently principle support cannot be given for the development through this policy and the Central Lincolnshire Local Plan. Nevertheless, an assessment of the Osgodby Neighbourhood Plan Policy 1 which postdates the Central Lincolnshire Local Plan has concluded support can be given to the site and development and full weight afforded to this policy approach. The principle of development is therefore considered to be acceptable in accordance with policy 1 of the Osgodby Neighbourhood Plan but it recognised that this not an opinion shared by the Parish Council and some nearby resident within the village.

Visual Amenity

Local Plan Policy LP17 relates to landscape, townscape and views. It seeks to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area.

Local Plan Policy LP26 relates to design and amenity and 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 are well designed in relation **to siting**, height, scale, massing and form. The policy also states that the proposal should **respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area** and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

Neighbourhood Plan Policy 4 relates to Design and Character of Development and states:

Development proposals will be supported provided that their design and specification complement the established character of the village in which they are located as described in the Design Character Appraisal, taking particular account of:

- a. the ways in which the overall form, scale, massing, layout and proportions of new buildings and extensions relate to neighbouring buildings and impact on the character and appearance of the villages as a whole; and,*
- b. the visual impact of materials used for external walls and roofs, and the desirability of selecting these from a locally distinctive palette; and,*
- c. the ways in which the development impacts on designated and non-designated heritage assets as identified in the Design Character Appraisal; and*
- d. the visual importance of defining boundaries - particularly boundaries between public and private realms - in ways that are consistent with the mixture of hedges and brick walls that traditionally contribute to the character and distinctiveness of the villages; and,*
- e. The importance of retaining existing mature trees, hedgerows and verges, and to include in new development appropriate landscaping solutions to mitigate visual impact, possibly using native specimens; and,*
- The desirability of echoing and interpreting locally distinctive architecture and building elements of traditional buildings and heritage assets in the design and construction of new buildings and structures; and,*
- g. The impact of new buildings and structures on important views in and out of the villages and on the setting of the villages within the wider landscape.***

Applicants should explain how these issues and other advice contained in the Design Character Appraisal have been taken in to account in the design of developments for which planning permission is sought.

The Design Character Appraisal describes Washdyke lane as a *mixed collection of dwellings ranging from brick-built ex-local authority housing, to detached modern houses, with an older converted terrace and a brick and stone house at the end of the lane. Most set back from the highway with large gardens in front.*

This application in seeking outline permission with all matters reserved does not include details of layout, scale and appearance or materials of the proposed dwellings, as these are reserved for subsequent approval through the Reserved Matters application process. The application has however been submitted with an indicative plan for consideration and to assist in showing how four dwellings could be accommodated on the site.

With all matters being reserved the main visual considerations at this outline stage centre around the impact the proposed dwellings would have on the ***landscape character, street scene, setting of the village and local distinctiveness of the surrounding area.***

Again it is noted that in the determination of application 139146 the provision of 4 dwellings on the site would not reflect or respect the character of the

landscape character, street scene, setting of the village and local distinctiveness of the surrounding area

The application site has however now been reduced and sits directly behind the properties facing Washdyke Lane with a large proportion of it consisting of garden land. As a consequence the site now has more of a relationship with the built form of the village forming its core shape and form and encroaches less into the open paddock land associated with the wider rural character of this edge of the settlement location. It has therefore been concluded as part of the principle assessment of this application that the reduced application site has the potential to retain the core shape and form of the village and is sequentially acceptable in line with Policy 1 of the Neighbourhood Plan.

The provision of two dwellings also reduces impact from that previously assessed for 4 and subject to the size, scale and design of the dwellings being at reserved matters stage, their presence could be read as part of the village despite being back-land. It is therefore considered that the development has the potential not to be unduly harmful to the character of the village and its setting from Washdyke Lane. It is therefore concluded that subject to conditions relating to finished site and floor levels and boundary treatments it would be unreasonable to withhold permission on visual amenity grounds in accordance with Policy LP17 and 26 of the Central Lincolnshire Local Plan and Policy 4 of the Neighbourhood Plan.

Residential Amenity:

The amenity section in Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Proposals should demonstrate where applicable to a degree proportionate to the proposal how the following matters have been considered, in relation to both the construction and life of the development:

- m. Compatibility with neighbouring land uses;
- n. Overlooking
- o. Overshadowing;
- p. Loss of light;
- q. Increase in artificial light or glare;
- r. Adverse noise and vibration;
- s. Adverse impact upon air quality from odour, fumes, smoke, dust and other sources
- t. Adequate storage for and collection of house hold waste
- u. Creation of safe environments.

The application site is located adjoining and adjacent to other existing residential properties and their garden areas. Consideration is also given to the potential of the two dwellings being present on land to the rear of Orchard House subject to outline consent.

Concerns have been previously raised in terms of the relationship of the site with the existing properties along Washdyke Lane in terms of overlooking between them and those proposed. Although this application has been provided with an indicative layout plan these details along with exact size, scale and design of the dwellings are however reserved for future consideration at Reserved Matters stage. The assessment of the site therefore relates to the possibility of two dwellings being located on site without being unduly harmful to the residential amenity of the existing and proposed dwellings around. The site in this regard is considered to be large enough to host two dwellings subject to their size, scale, siting and design being acceptable. It is envisaged that separating distances and window configuration could be such that harm through presence, overshadowing and overlooking could be mitigated. The same principle is applied to those proposed to the rear of the site as the exact details of the layout of this site, the size, scale and design of the dwellings have yet to be considered or approved. Site levels are however an important consideration with the site currently sloping and uneven. A condition ensuring such details were submitted and approved would therefore need to form part of any permission granted. Boundary treatments will also play an important role in providing screening and separation to the dwelling and a further condition needed to secure further details in this regard.

Concerns have been raised in terms of limiting noise and disturbance to those neighbouring properties around through the construction period. Again a condition limiting construction times could be included on any permission granted which would help reduce impacts in this otherwise rural location. With such conditions in place it is considered that the provision of 2 dwelling on the site can principally be supported in not raising undue concerns in terms of impact on residential amenity as set out in Policy LP26 of the Central Lincolnshire Local Plan.

Drainage and Flood risk:

Policy LP14 relates to Managing Water Resources and Flood Risk

The site lies within flood zone 1 (low probability) and meets the sequential test to direct new development to those areas at lowest risk of flooding (CLLP policy LP14 and NPPF paragraph 158).

Criterion 2 of Policy 4 of Osgodby Neighbourhood Plan also seeks that *Development proposals should be required to demonstrate appropriate consideration of Flood Risk and the adoption of sustainable urban drainage relevant to the site where such techniques are necessary to ensure adequate drainage.*

Concern has been raised by local residents in relation to surface water flooding on the site, along Washdyke Lane and outside the access to the development. Photographs have been provided. However, an examination of the EA surface water flood maps do not indicate that the site or immediately

surrounding area is subject to or at risk of surface water flooding. The Lead Local Flood Authority have also not raised concerns in this regard.

It is considered therefore that a condition should be required to ensure a satisfactory sustainable drainage system that does not increase the risk of flooding, and has the potential to better the existing conditions.

Highway Safety

Policy LP13 of the Central Lincolnshire Local Plan relates to Accessibility and Transport and states *all development should demonstrate that they provide well designed, safe and convenient access for all.*

Criterion 3 of Policy 4 of the Osgodby Neighbourhood Plan also states that *Development proposals should provide appropriate access and off-street car parking to development plan standards.*

Residents have raised concerns in relation to the access being safe within increased traffic, connectivity of the site with the lack of footpaths and flooding issues. Although it is recognised that access into the site is reserved and to be fully considered at Reserved Matters stage. It is noted that the highway authority have not raised any principle highway safety or parking concerns at this outline stage.

It is considered that a satisfactory access to and from the site can be achieved, and that subject to approval of reserved matters, development can comply with policies LP13 and policy 4 in this regard.

Archaeology

It has been recognised by Lincolnshire County Council Archaeology that the proposed development is situated within the historic core of the medieval village of Osgodby. Medieval remains have been found within the village including a pitcher handle of 13th-14th century date, and as well as foundations, walls and a courtyard surfaces indicative of remains of former buildings and occupation.

As a consequence they have recommended that a condition form part of any permission given ensuring that prior to any groundworks taking place 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 will enable heritage assets within the site to be recorded prior to their destruction.

The proposed development subject to the recommended condition(s) is considered to be acceptable in preservation through record in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Conclusion and reasons for granting permission

The application has been assessed against Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP4, LP13, LP14, LP17, LP25 and LP26 as well as all other material considerations including Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance within the NPPF and NPPG. In light of this assessment the proposals on balance are considered to be principally in accordance with Policy 1 of the Osgodby Neighbourhood Plan as well as LP1 and LP2 of the Central Lincolnshire Local Plan. The proposals subject to conditions are also considered to meet the requirements of Policies LP13, LP14, LP17, LP25 and LP26 of the Local Plan and Policy 4 of the Neighbourhood Plan. Consequently grant of permission is recommended subject to the following conditions:

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

1. The development hereby permitted shall be begun before the expiration of two years from the 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:

2. Application for approval of the reserved matters (required by condition 3) shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

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

3. No development shall take place until, plans and particulars of the layout of the development, scale, and appearance of the buildings to be erected, the means of access to the site 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 shall 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.

4. No development shall be commenced until details of a scheme for the disposal of surface water and for the dealing with foul sewage has been submitted to and approved in writing by the local planning authority. Where percolation is a part of the disposal system a percolation test in compliance

with British Standards shall be carried out. Where the results of such a test indicate that a percolation system will not function adequately in adverse conditions, then details of an alternative system shall be submitted to and approved in writing by the district planning authority.

Reason: To ensure adequate drainage provision to serve the development in accordance with policy LP14 of the Central Lincolnshire Local Plan, policy 4 of the Neighbourhood Plan and the NPPF.

5. 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. The local planning authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme, at least 14 days before the said commencement.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

6. Details of the finished site levels and finished floor levels of the proposed development shall be submitted along with the details referred to as reserved matters secured by condition 3 above and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of residential and visual amenity in accordance with policies LP17, LP26 of the Central Lincolnshire Local Plan, Policy 4 of the Neighbourhood plan and guidance in the NPPF.

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

7. 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 site location plan received October 2019. 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 in accordance with Policies LP2, LP17, LP26 of the Central Lincolnshire Local Plan and Policy 1 of the Neighbourhood Plan.

8. The development shall only be carried out in accordance with the details approved through condition 4 above and shall be completed prior to occupation of the dwelling and thereafter retained.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

9. The development shall proceed wholly in accordance with the approved scheme of archaeological works approved by condition 5 above. A written report of the findings of the work shall also 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 preparation and implementation of an appropriate scheme of archaeological mitigation measures in accordance with policy LP25 of the Central Lincolnshire Local Plan and NPPF.

11. Construction work shall only be undertaken between the hours of 8am and 6pm Monday to Friday and 9am to 1pm on a Saturday and not on a Sunday or Bank Holiday.

Reason: To preserve residential amenity in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

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

None.

Reasons for granting permission

The application has been assessed against Central Lincolnshire Local Plan Policies LP1, LP2, LP3, LP4, LP13, LP14, LP17, LP25 and LP26 as well as all other material considerations including Policies 1 and 4 of Osgodby Neighbourhood Plan and guidance within the NPPF and NPPG. In light of this assessment the proposals on balance are considered to be principally in accordance with Policy 1 of the Osgodby Neighbourhood Plan as well as LP1 and LP2 of the Central Lincolnshire Local Plan. The proposals subject to conditions are also considered to meet the requirements of Policies LP13, LP14, LP17, LP25 and LP26 of the Local Plan and Policy 4 of the Neighbourhood Plan.

Notes to the Applicant

Internal Drainage Board:

The above application lies within the IDB (extended) district and indicates that: -

The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area.

The planning application may relate to work in, on, under or near a watercourse within the Internal Drainage Board (IDB) Drainage District and requires CONSENT from the IDB in addition to any landowner agreements for works, access, easements and planning permissions.

The IDB give the following comments/recommendations:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits

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