



# **Officers Report**

## **Planning Application No: 140331**

**PROPOSAL:** Outline planning application to erect 5no. dwellings - all matters reserved.

**LOCATION:** Land adjacent to Fleets Road Sturton by Stow Lincoln LN1 2BU

**WARD:** Stow

**WARD MEMBER:** Cllr T Coulson

**APPLICANT NAME:** JCM Glassford Ltd.

**TARGET DECISION DATE:** 23/01/2020

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant permission subject to conditions.

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The application is being referred to the Planning Committee for determination as there are objections from neighbours and Sturton by Stow Parish Council and the planning matters under consideration are finely balanced.

### **Description:**

The application site comprises of an area of agricultural land located off Fleets Road, towards the east of Sturton by Stow.

The site is adjoined by a range of agricultural buildings to the north, residential dwellings to the west and south and the site forms part of a larger agricultural field which runs to the east. Fleets Road wraps around the southern and western boundary of the site. The site slopes gradually from west to east and is raised slightly from the highway. The southern and western boundary of the site comprise of a mature hedgerow. The eastern boundary is open to the remaining field and the northern boundary comprises of a mix of post and rail fencing and shrubbery. A field access is located within the north-western corner of the site. The dwellings along Fleets Road in the vicinity of the site are mainly frontage properties and are a mixture of style, form and age.

Two TPO trees lies along the southern boundary of the site. The definitive public rights of way namely: Stur/76/1, Stur/77/1 and Stur/79/1 lies in close proximity to the site.

The application seeks outline permission for 5no. dwellings with all matters reserved for subsequent applications. Matters of access, scale, appearance, layout and landscaping are therefore all reserved for subsequent approval.

### **Relevant history:**

None.

**Representations:**

Chairman/Ward member(s):

No representations received to date.

**Sturton by Stow Parish Council:**

(in summary)

- The Council strongly objects to the planning application.
- The recent flooding issues highlight that the surface water drainage system is not adequate.
- Highway safety matters such as lack of pavement and width of road, therefore the network is not suitable for the accesses suggested.
- Development in the countryside will set a precedent for further encroachment into the countryside.
- The development will remove the hedge which will spoil the character of the area.
- Odour issues from sewage treatment works.
- A planning application in the area has been refused due to access issues.

**Local residents:**

Objections received from the following properties:

Manor Farm, No's 14, 16a, 18, 20 Fleets Road, 1 Whittles Court, 25 Saxilby Road, 30 The Close, 19 Ashfield, 2 Allan Close, 9 Swan Drive, 4 St Hughs Terrace, The Willows, 14, 16 Manor Farm Drive, Sturton by Stow.

Comments summarised below:

- Highway safety matters.
- Issues in relation to lack of pedestrian footway.
- Proposed properties would be out of character with surrounding dwellings.
- Residential amenity concerns.
- Flooding issues.
- Removal of hedge would affect character and appearance of the area and biodiversity value.
- Proposed dwellings are too large.
- Neighbourhood plan does not support the development.
- Neighbourhood plan survey identified the need for starter homes, not executive houses.
- Development would impact rural character of the settlement.
- Loss of agricultural land.
- The site is not a suitable location and there are more suitable sites in the village.
- Impact on archaeology.
- Odour issues from sewage treatment works.
- Drainage capacity.

Comments of support received from the following properties:

Overhills Farm, Mill Lane, 21 High Street and 56 Stow Road, Sturton by Stow and Mill House Farm, Moor Road, Walesby.

Comments summarised below:

- The houses should be fully eco-friendly.
- The proposal provides good sized plots.
- The site is an infill plot.
- The village has suitable facilities to accommodate the proposal along with connectivity to Lincoln.
- There is scope for improvements to pedestrian safety and surface water flooding issues.
- Village needs sustainable growth of all types of housing.
- Development will create a rural street feel to the area.

LCC Highways & Lead Local Flood Authority:

(in summary)

- No objection in principle.
- Indicated access points are acceptable. It will require formal accesses constructed to the HA's specification.
- With regard to parking provision to individual plots, the applicant should refer to guidance laid out in the Lincolnshire Development Roads and Sustainable Drainage Design Approach.
- Confirmation of proposed condition.

LCC Archaeology:

No archaeological impact.

LCC Public Rights of Way Team:

No observations.

WLDC Environmental Protection:

Contamination: Our records indicate an historic area of unknown land fill in the vicinity of the site, as such a suitable phase 1 desk top contaminated land assessment is required to establish if any potential contaminants are present or likely to be present on site. Any issues found should be suitably remediated against prior to occupation.

Noise/dust/odour: The site is in close proximity to an existing farm, as such there is potential for noise/dust/odour etc. from activity on the farm causing nuisance to end users of the development. As such a suitable assessment is required of any existing and all potential disturbance from the use of the farm on the site and end users. Any mitigation required to protect end users should be installed prior to occupation and thereafter maintained.

WLDC Trees and Landscapes Officer:

I have no objection to development of this site. There are two TPO trees on the southerly edge of the site, one a sycamore and other an ash. The Ash is nearly dead and is a Category U tree, and should not pose a constraint to the proposals. The sycamore is a large and prominent feature tree and any development of the site should take account of its Root Protection Area (RPA) calculated in accordance with BS5837:2012. Development and any underground utilities should be kept outside the trees RPA.

The perimeter mixed, native hedgerow is a priority habitat as listed in the Lincolnshire & UK Biodiversity Action Plans and should be retained where possible. There are four proposed driveway accesses shown where sections of hedgerow would need to be removed. The easterly and northern boundaries are currently open, and boundary creation should be of mixed, native hedgerows in keeping with the rural character of the area, and these would provide compensation for the loss of the sections of hedgerow for the driveways. Landscaping should be required in a reserved matters application.

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must 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.

Central Lincolnshire Local Plan (2012-2036):

Following adoption at Full Council on 24<sup>th</sup> April 2017 the CLLP forms part of the statutory development plan.

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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

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

National Guidance:

National Planning Policy Framework (NPPF) -

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

National Planning Practice Guidance -

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

Neighbourhood Plan:

Whilst the Parish was designated as a Neighbourhood Area in 2018, a draft Plan has yet to be published for consultation. The Sturton by Stow and Stow Neighbourhood Plan is not at a stage where it can be taken into consideration in the determination of this application.

**Main issues**

- **Principle of Development**
- **Other Considerations**

- Access, Scale, Appearance, Layout and Landscaping
- Residential Amenity
- Contamination
- Foul and Surface Water Drainage
- Agricultural Land
- Highway Improvements and Pedestrian Footway
- Community Infrastructure Levy

**Assessment:**

Principle of Development

Sturton by Stow is identified as a category 5 Medium Village under Policy LP2 of the CLLP. Policy LP2 states that “*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.*

*\*\* 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.”*

Policy LP4 establishes the total level of % growth for each Medium Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

LP4 permits 15% growth in Sturton by Stow as the village contains ‘key facilities’, which equates to 97 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (10/01/2020)<sup>1</sup>, the settlement of Sturton by Stow can still support 12 new dwellings before it meets its housing growth limit.

Policy LP4 also sets a sequential approach to the priority of potential development sites. Stating “*in each settlement in categories 5-6 [small and*

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<sup>1</sup> See <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>

*medium villages] 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\*\**

*\*\* See definitions of 'appropriate locations' and 'developed footprint' in Policy LP2."*

The proposal accords with the scale of development of up to 9 dwellings. The site is adjoined by residential properties on three sides (north, west and south) and is therefore considered to be an appropriate location as defined because it retains core shape and form and does no harm to character and appearance or that of surrounding countryside. There is sufficient remaining growth to accommodate the proposal. The proposed site constitutes a greenfield site at the edge of the settlement in an appropriate location. Whilst this falls into tier 3 of the LP4 sequential test, there are no available sites within Sturton by Stow which fall into higher tiers of the sequential test. Overall, the proposal accords with LP2 and LP4 and therefore the principle of development is acceptable.

It is considered that policy LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

### **Other Considerations**

#### Access, Scale, Appearance, Layout and Landscaping

Details of access, scale, appearance, landscaping and layout cannot be assessed at this stage as they are reserved for subsequent approval.

#### *Access:*

Planning law requires<sup>2</sup> that *"where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated."*

The application includes an indicative site plan which identifies three access points from Fleets Road. The Highways Authority (HA) have commented stating that the principle of development is acceptable and it will require a formal access construction to the HA's specification. An advice note will be placed on the decision notice in order to make the applicant aware of the highway authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification<sup>3</sup> and DFT Manual for Streets<sup>4</sup>.

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<sup>2</sup> Article 5(3) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

<sup>3</sup> <https://www.lincolnshire.gov.uk/transport-and-roads/strategy-policy-and-licences/control-of-new-development-affecting-the-highway/development-road-and-sustainable-drainage-specification-and-construction/87183.article>

<sup>4</sup> <https://www.gov.uk/government/publications/manual-for-streets>

### *Scale and Appearance:*

Scale and appearance are reserved matters, and the application has not included any indicative elevation plans or sketches at this stage. There is a mixture of property styles, forms and ages within the immediate vicinity of the application site. Any future details of scale and appearance through a reserved matters application would need to be informed by the locality of the site.

It is however considered that the site has the capacity to accommodate up to five dwellings of an appropriate scale and appearance.

### *Layout:*

Whilst layout is a “reserved matter”, the application provides an indicative layout and it is clear that the site is of a size which is capable of accommodating five dwellings with sufficient space for parking, turning a vehicle and external amenity space, without unduly harming the amenity of neighbouring land or unduly harming the prevailing character.

### *Landscaping:*

Landscaping is a “reserved matter” and the application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape. There are two TPO trees located along the southern boundary of the site, a sycamore and an ash. The Trees and Landscapes officer has been consulted on the application advising that the Ash is nearly dead and is a Category U tree, and should not pose a constraint to the proposals. The sycamore is a large and prominent feature tree and any development of the site should take account of its Root Protection Area (RPA) calculated in accordance with BS5837:2012. An appropriate condition will be included to secure such details. A well-established mature native hedgerow spans the southern and western perimeter of the site. The verdant nature of the approach into Sturton by Stow from the east along Fleets Road is an important characteristic of the area. The hedgerow would also form a priority habitat as listed in the Lincolnshire & UK Biodiversity Action Plans. The retention of this hedge, except where partial removal is required to form access to the highway, will be secured via condition. It is noted that carriageway widening is also required as part of this permission. It has been confirmed that the appropriate widening can be achieved to the satisfaction of the HA without the removal of the perimeter hedge. Further details in relation to proposed landscaping will be required at the reserved matters stage.

Subject to the above a successful reserved matters application the development could accord with local policy LP17 of the CLLP and the provisions of the NPPF.

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

### Residential Amenity

It is considered that five dwellings could be designed and positioned so as not to harm the living conditions of neighbouring dwellings. Therefore, subject to a



successful reserved matters application the development could accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

#### Environmental Protection

Policy LP26 Design and Amenity requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

The WLDC Environmental Protection team have identified a historic record of a potential landfill site approx. 10m south of White House Farm. The site is in close proximity to an existing farm, as such there is potential for noise/dust/odour etc. from activity on the farm causing nuisance to end users of the development. Both matters require further investigation which can be secured via condition, in agreement with the Environmental Protection team. Subject to further assessment the development could accord with local policy LP16 and LP26 of the CLLP and the provisions of the NPPF.

It is considered that policy LP26 is consistent with the residential amenity guidance and policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight.

#### Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within policy LP14 (and NPPF paragraph 158).

The National Planning Practice Guidance advises that *“generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

*Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate”. (Paragraph: 080 Reference ID: 7-080-20150323)*

The application form states that surface water is proposed to be dealt with through a sustainable drainage system and a mains sewer. The site is not within an area identified by the Environment Agency as at risk from surface water flooding. Nonetheless, I note the comments of a number of residents in relation to a recent flooding event. The Lead Local Flood Authority (LCC) have been consulted on the application, and have advised they have no

objection in principle to the development. It is anticipated that subject to receiving further details, the development will introduce a positive drainage strategy where there currently is the absence of such.

Flood risk, foul and surface water drainage matters are considered acceptable in principle, subject to receiving further details, the scheme accords with policy LP14 of the Central Lincolnshire Local Plan. It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

#### Agricultural Land

Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by recognising the benefits of the best and most versatile agricultural land. The site is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (Good to Moderate). The development site currently forms part of a much larger field the remainder of which will remain in agricultural use. The development would not lead to a loss of agricultural land which is classified as grade 1 or 2, which would represent a superior quality of soil, and the loss is relatively minimal therefore is acceptable in this case.

#### Highway Improvements and Pedestrian Footway

In their initial response, LCC Highways requested carriageway widening to Fleets Road and a footway be provided from the existing footway network to the recreation ground and specifically the public right of way Stur/79/1. The most easterly site boundary lies approximately 90m from the recreation ground and it would be unreasonable to insist on a footway which connects to Stur/79/1 given the quantum of development proposed. However, a connection to the existing network is required and a condition which seeks the provision of a footway will be included on the decision.

It is important to note that the provision of a footway, along with carriageway widening to this part of Fleets Road, could not be achieved along with the retention of the hedge. In this instance, the impact on character from the potential removal of the hedge and the provision of the footway network outweigh the need for the proposed carriageway widening. This approach has not drawn an objection from LCC Highways on highway safety grounds and it is deemed acceptable in this regard.

#### Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) in 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. Therefore no accurate CIL calculation can be made at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

#### **Conclusion**

The decision has been considered against policies 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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this it is considered that the principle of the proposal is acceptable and will provide five dwellings in an appropriate location for housing. This is subject to satisfying a number of conditions and the submission of a reserved matters application (access, scale, appearance, layout and landscaping).

#### Draft Conditions

#### **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 **access** to the highway, **appearance**, **layout** and **scale** 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 an assessment of the noise, dust and odour disturbance from the use of the farm on the site and end users has been submitted to and approved in writing by the Local Planning Authority. The assessment must include any necessary mitigation measures. Any

mitigation measures required must be installed prior to the occupation of the first dwelling and thereafter maintained.

**Reason:** To protect the amenity of the future residents from undue noise, dust and odour to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until a desktop phase 1 contamination report has been submitted and approved in writing by the Local Planning Authority. All recommendations and remedial measures in the phase 1 contamination report must be completed prior to any works commencing on site.

**Reason:** In order to safeguard human health and the water environment and identify potential contamination on-site to accord with the National Planning Policy Framework and local policy LP16 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until, details of the form and position of the protection measures to protect all the protected trees within, on the boundary or adjacent the site have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement of development (including scraping of ground) and retained in place until the development is completed.

**Reason:** To safeguard the existing trees within, on the boundary or adjacent 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:**

7. 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 shall 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 and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

8. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 868.01 Revision A dated March 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 to accord with the National Planning Policy Framework and policy, LP13, LP17 and LP26 of the Central Lincolnshire Local Plan.

9. The development hereby permitted shall not be occupied until details for the provision of a pedestrian footway, have been submitted to, and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. The footway shall be completed in accordance with the approved details prior to occupation of the dwellings.

**Reason:** To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

10. The existing hedge along the southern and western perimeter of the site, shall be retained to a minimum height of 1 metre except where partial removal is required for vehicular access.

**Reason:** In the interest of the visual amenity of the area in accordance with the National Planning Policy Framework and policies LP17 and 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.