

# **Officers Report**

## **Planning Application No: 140513**

**PROPOSAL:** Outline planning application to erect 1no. dwelling - all matters reserved

**LOCATION:** Land Off Main Street Osgodby Market Rasen LN8 3PA

**WARD:** Market Rasen

**WARD MEMBERS:** Cllr S Bunney, Cllr C McCartney, Cllr J McNeill

**APPLICANT:** Mr J Marris

**TARGET DECISION DATE:** 23/03/2020

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Daniel Evans

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

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### **Description:**

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

The application site comprises of an area of land located to the side (west) of Middlefield, located in the defined settlement of Osgodby.

The site is adjoined by residential properties to the east and north and the garden space of West Haven to the west. Open countryside adjoins the southern boundary of the site. Main Street adjoins the northern boundary with additional residential properties beyond. The site itself consists of an area of hardstanding/gravel which currently hosts a number of structures associated with the host property. Three mature trees are located along the western boundary. The site is bounded by a mix of hedging, fencing and more open boundaries (east). Osmond Cottage, a Grade II Listed Building is located to the north of the site.

The application seeks outline permission for 1no. dwelling with all matters reserved. Matters of access, scale, appearance, layout and landscaping are reserved for subsequent applications ("reserved matters").

### **Relevant history:**

97/P/0831 - Outline application to erect one dwelling. Granted 17/12/97.

M01/P/1119 - ERECT ONE DWELLING. Granted 30/01/02.

M02/P/0426 - ERECT 4 BEDROOM DETACHED HOUSE AND DETACHED GARAGE (OUTLINE APPLICATION NO. M01/P/1119 REFERS, GRANTED 30/01/02). Granted 24/07/02.

### **Representations:**

Chairman/Ward member(s): No representations received to date.

Osgodby Parish Council:

(in summary)

- It can not be relied upon that previously granted applications may or may not lapse and decisions to grant cannot be made on assumptions.
- The outstanding allocation for Osgodby stands at 1 dwelling according to West Lindsey District Council Monitoring of growth document published on 17th December 2019.
- Although the proposed development is deemed to be Infill brownfield site, the neighbourhood plan favours developments with strong relationships to frontages and the main roads of Osgodby. Policy 1, point 2 of the Osgodby Neighbourhood Plan states that for new residential developments in the parish, a sequential test will be applied. This development low down on the list (g) a brownfill site adjacent to the settlement area in a secondary location.
- It is to be expected that proposals for development of a site lower in the sequential test should include a clear explanation of why sites are not available or suitable within categories higher up the list.
- Linear development is a key feature of Osgodby Village with only a handful of properties in the entire village set back behind other properties. This application will be sited behind other properties and would therefore not follow the core shape and form and prevailing character of the village which is strongly and predominately linear in form.

Local residents:

2 The Homestead, Main Street, Osgodby

(in summary)

- No objections in principle.
- Land ownership queried.

Osmond Cottage, Main Street, Osgodby

(in summary)

- No objections.

Low Cottage, Main Street, Osgodby

(in summary)

- There has been a surge in planning applications throughout the village.
- This would not substantiate infill according to the neighbourhood plan, as the proposed property does not front Main Street as it is set back quite a distance off Main Street.
- Given that the neighbourhood plan was drawn up to encourage growth of the village in respect of attracting young families into affordable housing, this again is not the case for the proposed property.
- The village has already hit a 25 dwelling target figure and this proposed property does not fulfill any of the said criteria or vision of the neighbourhood plan.
- Consideration also has to be given to vehicular arrangements, given that Middlefield already operate a commercial business from the

property combined with private vehicles and the addition of more vehicles in a very confined space is not acceptable.

- I feel that should this application be supported, it would deter and not enhance the overall rural feel, given the close proximity of all the proposed and already under development properties.

West Haven, Main Street, Osgodby  
(in summary)

- We support the proposal.

#### LCC Highways & LLFA:

(in summary) 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.

#### Archaeology:

(in summary) No representations received to date.

#### WLDC Conservation Officer:

(in summary) Thanks for the consultation and the discussions about this proposed development. I think I can agree that it may be possible to build a house on this site, but great care needs to be taken with regard to the setting. When reserved matters are submitted I will expect to see a well detailed proposal, that demonstrates how design proposals will respect the setting of the listed building opposite to ensure its setting is preserved without harm.

#### WLDC Trees and Landscapes Officer:

(in summary) From the site visit photos I can confirm that the two ash trees and the pine to the side of the existing driveway would not meet the criteria for a TPO. I would have no objections to the proposed development in relation to its impact to existing trees and hedges.

#### **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 (adopted in April 2017); the Osgodby Neighbourhood Plan (made 2 July 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

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

Relevant policies of the CLLP include:

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  
LP17: Landscape, Townscape and Views  
LP21: Biodiversity and Geodiversity  
LP26: Design and Amenity  
<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

- **Osgodby Neighbourhood Plan (NP)**

Relevant policies of the NP include:

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/all-neighbourhood-plans-in-west-lindsey/osgodby-neighbourhood-plan-made/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

*"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)."*

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

**Main issues**

- **Principle of Development**

- **Setting of Listed Building**
- **Other Considerations**

#### **Assessment:**

##### **Principle of Development**

Policy LP2 designates Osgodby as a small village and states that in relation to development within small villages “*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 small scale development of a limited nature in appropriate locations.*
- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses”.*

‘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 Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development.

LP4 permits 10% growth in Osgodby village, which equates to 14 new dwellings. In accordance with the LPA’s most recent ‘Monitoring of Growth in Villages’ document (28/02/2020)<sup>1</sup>, the remaining growth of the settlement is 0. Therefore, no growth remains to be accommodated within Osgodby over the plan period.

Therefore, to accord with local policy LP2 and LP4 the proposal needs to be ‘*promoted via a neighbourhood plan or through the demonstration of clear local community support*’. In the absence of a neighbourhood plan or through the demonstration of clear local community support further housing development in Osgodby would run contrary to the spatial strategy proposed by policies LP2, LP3 and LP4.

LP4 states that 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 Parish Council have completed a Neighbourhood Plan which was made on 2<sup>nd</sup> July 2018. This plan consequently postdates the Central Lincolnshire Local Plan which was adopted in April 2017. As part of

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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/>

the development plan its policies post-date and can take precedence over the CLLP, where there is any conflict within the policies (s38(5) of the Planning & Compulsory Purchase Act 2004).

Policy 1 of the NP states that *“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.*

2. *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 an secondary location;*
- f. Infill greenfield sites in an secondary location;*
- g. Brownfield sites adjacent to the settlement area in an secondary location;*
- h. Greenfield sites adjacent to the settlement area in an 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.*

3. *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.”*

For the purposes of the NP a ‘primary location’ in Osgodby is defined as the following:

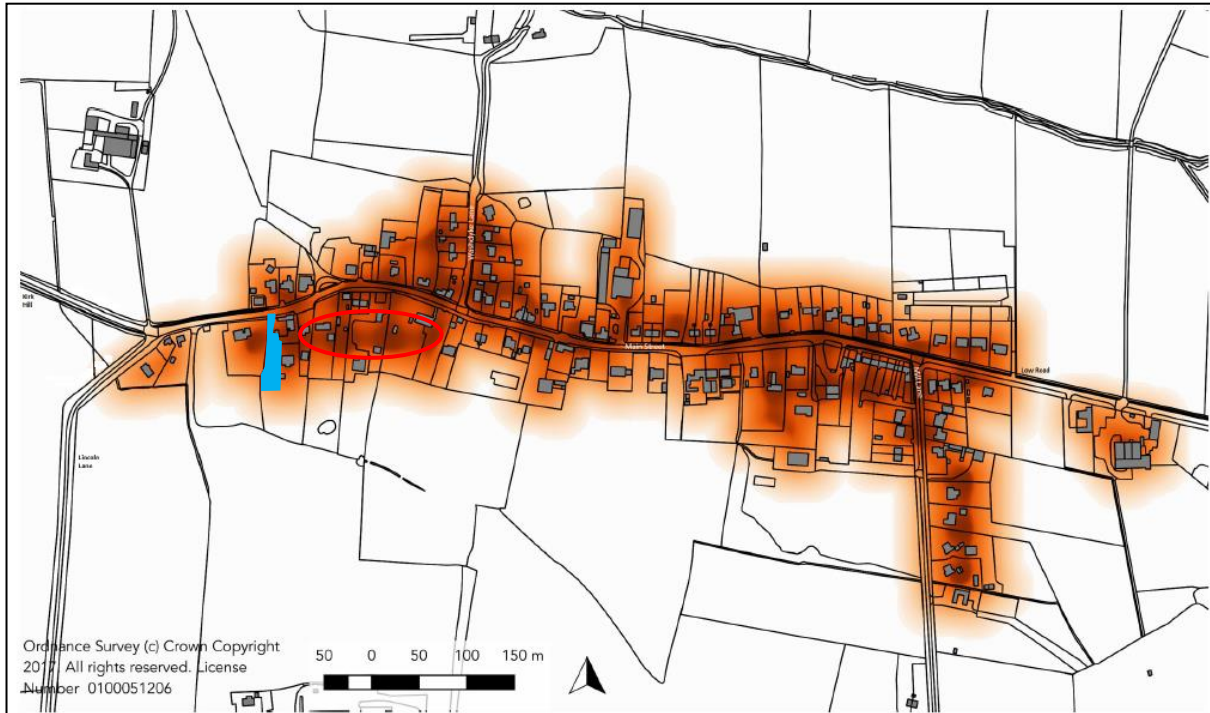
*“the term “primary location in Osgodby Village” means a location which is infill or adjacent to the settlement area of Osgodby Village and where development frontage directly faces or is in close distance to either side of Main Street or Washdyke Lane, or to the eastern side of Mill Lane”.*

For the purposes of the NP ‘infill’ in Osgodby is defined as the following:



*“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”. Policy Diagram 1 is shown below and the site is shown in blue.*

For the purposes of the NP ‘Adjacent to the settlement area’ in Osgodby is defined as the following:

“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”.



Source: Osgodby Neighbourhood Plan<sup>2</sup>

Key	
	Application Site (approximate position)
	Areas identified as 'infill' (darkest areas) located approximately 40m to the south of Main Street.

### Concluding Assessment

The proposal accords with the scale of development of up to 4 dwellings. The site contains no built structures immediately to the west of the site and therefore cannot be considered an infill plot as it is not located in between an otherwise continuous built up frontage of dwellings (see definition of 'infill' on previous page). Nevertheless, the proposal would constitute a primary location (see definition of 'primary location' on previous page). Although the site primarily, except the access, does not front directly onto Main Street, the primary locations definition also allows for proposals that are in 'close distance' to Main Street. In the absence of a definition of 'close distance' within the NP, this is a matter of interpretation. The indicative site plan outlines that the dwelling will be sited approximately 40m from the southern edge of Main Street. Whilst the settlement of Osgodby as a whole displays linear development features, there are examples within the locality whereby dwellings are set back from the highway, such as Summerfield House, which

<sup>2</sup> <https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/osgodby-neighbourhood-plan-made/>

is located approximately 70m to the south Main Street. When considering the NP policy as a whole, there is a clear onus to promote housing in areas that are darkest on Policy Diagram 1. As shown above (circled in red), some of the darkest areas directly to the east of the application site are located approximately 40m to the south of Main Street, a similar distance to that of the proposed dwelling. Whilst the curvature of the road is noted, the very existence of the darkest areas set back from the highways as shown in Policy Diagram 1 would suggest that areas set back could be considered as acceptable by the policy. When considering this, along with the dwelling's position directly adjacent to 'Middlefield', it is concluded within this assessment that this site can be considered a 'close distance' to Main Street, and the site would therefore constitute a primary location. The site would therefore constitute a greenfield site adjacent to the settlement area in a primary location. In accordance with the LPA's most recent 'Monitoring of Growth in Osgodby Parish' document (28/02/2020<sup>3</sup>), the remaining growth of the Parish is 1 dwelling. Therefore, there is an adequate growth remaining within the Parish to accommodate this proposal.

Clarification was sought from the Parish Council regarding their consultation comments. The Parish Council have clarified their position in relation to infill which concurs with the above assessment but remain of the opinion that the site forms a secondary location. The Parish Council have provided no evidence to suggest what constitutes a 'close distance' except from suggesting that the policy promotes frontage development. Whilst I agree with this to an extent, the definition of primary location promotes "*where development frontage directly faces or (emphasis added) is in close distance to either side of Main Street*". The existence of this additional allowance in addition to frontage, suggests that some developments that do not directly front onto Main Street may be acceptable. Further interpretation of this is provided in the preceding section.

Overall, the proposal accords with policy 1 of the Osgodby Neighbourhood Plan and therefore the principle of development is acceptable.

### **Setting of Listed Building**

Osmond Cottage, a Grade II Listed Building is located to the north of the site. Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Setting is more than views, it is how the building is experienced.

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. It goes on to advise that unless it is explicitly demonstrated that

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<sup>3</sup> <https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/housing-growth-in-medium-and-small-villages-policy-lp4/>



the proposal meets the tests set out in the NPPF, permission will only be granted for development affecting designated or non-designated heritage assets where the impact of the proposals do not harm the significance of the asset and or its setting.

Proposals will be supported where they:

- Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials siting, layout, mass, use and views and vistas both from and towards the asset;
- Promote opportunities to better reveal significance of heritage assets, where possible;
- Take into account the desirability of sustaining and enhancing non-designated heritage assets and their setting.

This application accepts the principle of development and detailed design is reserved for a subsequent application. The Conservation Officer has advised that the forthcoming submission would need to demonstrate how the design proposal will respect the setting of the listed building opposite to ensure its setting is preserved without harm. For this assessment it is considered that a dwelling could be accommodated within the site without causing harm to the setting of the listed building.

Accordingly, the proposal accords with policy LP25, the provisions of the NPPF and the statutory duty.

It is considered that policy LP25 is consistent with the historic environment 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:**

The application includes an indicative site plan which identifies that the proposed dwelling will utilise the established access which serves the host dwelling, directly from Main Street. 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>4</sup> and DFT Manual for Streets<sup>5</sup>.

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<sup>4</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>5</sup> <https://www.gov.uk/government/publications/manual-for-streets>

*Scale and Appearance:*

No elevation drawings have been included within this submission. There is a wide variety of building forms and architectural styles 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 and advice contained within the Osgodby Neighbourhood Plan.

*Layout:*

No layout drawings have been included within this submission. Nevertheless, it is considered that the site is of a size which is capable of accommodating a single dwelling with sufficient space for parking, access and external amenity space. Please note the Highway Authority's comments with respect of the proposed layout of the site.

*Landscaping:*

The application has not included any indicative landscaping. The site would need to be appropriately landscaped to ensure its effective incorporation into the streetscape and surrounding landscape. An appropriate scheme of landscaping will be required for future applications.

Residential Amenity

A first-floor bedroom window is located on the western elevation of 'Middlefield'. However, it is considered that an appropriately designed and positioned dwelling could protect the amenities of future residents and will not harm the living conditions of neighbouring dwellings. Therefore, through 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.

Foul and Surface Water Drainage

No details have been provided in relation to drainage. It is considered that foul and surface water is capable of being addressed by condition and subject to further details would accord with local policy LP14 of the CLLP and the provisions of the NPPF.

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

Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22nd 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. An informative will be attached to the permission making it clear that a CIL charge will be liable.

### Land Ownership

Comments have been raised through the consultation period in relation to land ownership. This has been raised with the applicant who has provided an amended site location plan.

### **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, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan and Policy 1: Residential Development in Osgodby Village and Policy 4: Design and Character of Development of the Osgodby Neighbourhood Development Plan and Section 66 of the Planning (Listed Building & Conservation Areas) act 1990 in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment it is considered that the principle of the proposal is acceptable in principle. The proposal will not have a harmful impact on archaeology nor the setting of a nearby Listed Building. 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 the means of **access** to the highway, **appearance, layout** and **scale** of the building(s) 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:**

None.

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

4. 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 completed.

**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.

5. 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: 20.2670.02A dated 9<sup>th</sup> Jan 2020. 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 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.

**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