

Officers Report

Planning Application No: 141429

PROPOSAL: Outline planning application for 5no. dwellings - with all matters reserved

LOCATION: Land to South of Clixby Lane Grasby Lincs DN38 6AJ

WARD: Kelsey

WARD MEMBER(S): Cllr. P Howitt-Cowan

APPLICANT NAME: DJ and JM Frankish

TARGET DECISION DATE: 23/09/2020

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions

The application is being referred to the Planning Committee for determination in view of the number of public consultation representations from the ward member, Parish Council and local residents, on planning matters.

Description:

The application site comprises of an area of agricultural land located on the Southern side of Clixby Lane, on the eastern side of Grasby.

The site fronts onto the highway and currently forms part of a larger agricultural field which runs to the south. An existing dwelling is located directly to the west of the site and a detached brick building which has planning permission for a business use (not yet operational) to the east. The highway adjoins the northern side of the site with additional residential properties opposite, which stretch along the northern side of Clixby Lane. The dwellings along Clixby Lane are mainly frontage properties and are a mixture of style, form and age. Agricultural fields are located to the south. The site slopes down from north to south and contains no significant defining features. The northern boundary is defined by a number of mature frontage trees and hedge planting separating the site from the highway. The eastern and western boundaries are formed from a mix of fencing and hedging providing separation from the neighbouring uses. The southern boundary is open to the remaining field. The public right of way Gras/29/2 (part of the Viking Way) and Gras/47/1 lies along the northern and western boundary respectively.

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:

W39/758/75 - Outline application for residential development. Refused 15/01/76.

W39/765/75 - Outline application for proposed residential development. Refused 12/02/76.

140614 - Pre-application enquiry to erect 4no. dwellings. Supported March 2020.

Representations:

Chairman/Ward member(s):

Cllr. Howitt-Cowan

(in summary)

- I am very concerned about this particular application which I view as speculative and fails to offer 'affordable' housing for the local people which is what the village is crying out for. That is a priority need from listening to residents. I am disturbed by the 'urbanisation' of our countryside.
- The village has limited amenities and therefore not sustainable with the continued spate of applications to date.
- I think there is a strong ecological argument, however, this is an ancient meadow by its location and humble or low position and would constitute a heritage loss to this attractive village, which is part of the Viking Way.
- I am alarmed by the narrow lane, which is a single track; almost scandalised by the report submitted by Highways which support the application, it beggar's belief that anyone physically looking at this lane can support the PA.
- If the PA is approved, we need to see strict conditions attached because the quality of life of residents is going to be disrupted due to the access into Clixby Lane and the lane itself.
- I understand that there are ongoing concerns about sewage and drainage.
- I was left in no doubt from talking to residents [and until I introduced myself, they were not aware that I was a district cllr], that this PA is very 'controversial' in Clixby Lane and even wider still and I would urge you as the Planning Officer to consider that this PA be placed in the hands of the Planning Committee unless you are of a mind to refuse it.

Grasby Parish Council:

(in summary)

- The application lacks any detail on important matters such as design detail, layout, drainage, provision of services and construction process.
- Highway safety matters regarding the condition and width of Clixby Lane and lack of pedestrian footway.
- An ecology survey has been undertaken, however this was done earlier in the year in early spring when all sorts of flora and fauna are not yet visible.
- Although the application site lies lower than Clixby Lane and the residential properties situated on the north side, we consider that it is inevitable that two storey dwellings will be built and these will overlook those existing properties immediately adjacent, leading to a loss of privacy and potentially loss of light.

- In the Planning Statement, reference is made to the ancient 'Ridge and Furrow' that is present in field, however there does not appear to be any mentioned how this landform will be protected in the future.
- if planning permission is granted then clearly there will be a lot of disturbance to the residents of Clixby Lane and more widely the village as a whole.
- Although perhaps not a direct planning issue, all sewage and associated services, such as surface water run-off need to be reviewed, surveyed and proven to withstand additional housing development.
- In view of the public objections to this application we consider that it should be rejected by West Lindsey, or at the very least, considered at Planning Committee, rather than by delegated officers.

Local Residents:

Objections received from the following properties:

4 Clixby Lane Grasby, Highgarth 5 Clixby Lane Grasby, 7 Clixby Lane Grasby, White House 10 Clixby Lane Grasby, Shambles Cottage, 11a Clixby Lane Grasby, Bentley View 15 Clixby Lane Grasby, 17 Clixby Lane Grasby, 19 Clixby Lane Grasby, Rose Cottage 21 Clixby Lane Grasby, Poppyfields 21A Clixby Lane Grasby, 23 Clixby Lane Grasby, Mount Sorrell Clixby Lane Grasby, Malvern Clixby Lane Grasby, Rose Cottage Clixby Lane Grasby, Wold House Clixby Lane Grasby. 14 Station Road Grasby, Little Wold 21 Station Road Grasby. 3 Front Street Grasby, 7 Front Street Grasby, Old Chapel House 9 Front Street Grasby, 13 Front Street Grasby. 3 Bentley Lane Grasby, Willow House 6 Bentley Lane Grasby, 12 Bentley Lane Grasby, Bentley House Bentley Lane Grasby. 4 Wilmore Lane Grasby. Hillrise 1 Church Hill Grasby, Ballacraigne 8 Church Hill Grasby, 11 Church Hill Grasby, The Bungalow Church Hill Grasby. The Glen 3 Main Street Grasby. 1 Vicarage Lane Grasby, Blossom Cottage Vicarage Lane Grasby. 32 Grove Road Tiptree Colchester, East End Kirmington, 12 Stallingborough Road Immingham, 21 Appleby Lodge Manchester, 21 Aldrich Road Cleethorpes, 1 Grey Close Stansted, 8 Roxton Avenue Keelby, Torbay Road Urmston.

Comments summarised below:

- The lane is part of the Viking Way and will be dangerous for walkers. The public footpath across the site would also be impacted.
- Highway safety matters regarding the condition and width of Clixby Lane.
- Clixby Lane does not have the access or appropriate room to accommodate the extra traffic 5 more homes will bring.
- The site is an ancient meadow/pasture land and has high ecological value with species such as Barn Owl, hedgehog, frogs, newts, dragonflies, damsel flies, grass snakes, water hens, wild ducks, herons, bats, hares, deer, slowworms, voles, mice and multiple species of birds.
- I believe the trees on the lane have a preservation order.
- Residential amenity matters such as overlooking, headlights from vehicles shining into windows, noise and light pollution.
- The houses will impact my view.

- No information on design.
- Issues regarding drainage infrastructure capacity in the village.
- The development will impact on the views of the countryside.
- Loss of trees is an issue.
- No site notice displayed.
- The site is not an appropriate location for housing as per LP2 and LP4.
- The development will impact the character of the village.
- Construction traffic would present a massive problem for residents as well as pedestrian users of the lane.
- The site is outside of the village boundary.
- The village has few amenities, no post office, shop, doctors and limited bus service.
- The village has a need for recreation facilities such as a playing field, or playground, which would be a more suitable use for this land.
- Inaccuracies with the submitted information.
- Five new build houses in this location will significantly harm the character of the surroundings.
- The village needs starter homes not executive housing.

LCC Highways and Lead Local Flood Authority:

(in summary)

No objections subject to conditions as follows:

- When application is made for Reserved Matters it shall show a visibility splay in line with Manual for Streets - 2.4m x 43m. All obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.
- No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of upgrading the Kissing gates on the public right of way to Wicket Gates) have been certified complete by the Local Planning Authority.

LCC Rights of Way Team:

(in summary)

No comments or observations.

The Ramblers Association (North Lincolnshire Officer):

(in summary)

- The lane is too narrow for additional traffic.
- The verge is steeped and uneven and is not safe to use as an alternate to the tarmac road which is very narrow. Being part of a recognised Long Distance Route the Lane is regularly used by Children as part of their Duke of Edinburgh award scheme as well as adult walking groups such as The Ramblers.

LCC Archaeology:

(in summary)

No archaeological input required.

WLDC Trees Officer:

I have no objections to the removal of the sycamore for an entrance. The trees are very one-sided due to pruning for overhead line clearance, and when bare of foliage do not provide good visual amenity features, although having the trees is better than no trees and they do add to the rural character of the street scene. The Arb report assessment of the trees puts them as having mainly arboricultural qualities rather than landscape qualities, which refers to the structures of the trees, although man's intervention has had a negative impact on their visual amenity. The sycamore is the smallest tree along the row, the rest of the trees are to be retained with appropriate protection measures suitably detailed.

Natural England:

Natural England has no comments to make on this application.

Lincolnshire Wildlife Trust:

(in summary) **03/09/2020**

We note that the survey of this grassland was undertaken in April and as such may have missed some interest in its flora. We highlight this risk due to the naturally low fertility of the chalky soil at this location which holds high potential for grassland biodiversity. We would hope that a second visit can be paid between May and August before a Full Application is made and that the Preliminary Ecological Appraisal can be amended with any further field survey details.

We note from the Proposed Site Plan drawing that the southern boundary will be planted with 'mixed, indigenous hedge planting.' We support this but would recommend that this hedge is created with at least a thickness of 2.5m (between stems) and maintained at a height of at least 2m to increase its benefit for nesting birds and that every effort is made to plant with a maximum diversity for the chalky soil type. Suitable species here should be hawthorn, blackthorn, field maple, spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

If the Applicant owns the adjacent grassland we would be keen to see measures undertaken to increase floral diversity in this grassland. We highlight this as an opportunity to deliver Biodiversity Net Gain for lowland calcareous grassland, a Priority Habitat under Section 41 of the NERC Act 2006. Soil mapping from Cranfield University Soilscales (<http://www.landis.org.uk/soilscales/>) identifies this locality as an area with high potential for calcareous grassland restoration/creation. Local road verges confirm this. BNG could therefore be delivered if, as part of this proposed development, adjacent or nearby grassland on chalk soil of a reasonably commensurate area and ideally on a south-facing slope were restored to increase its floral diversity. We would insist that this should utilise seed mixes for 'chalk grassland' of UK provenance.

We acknowledge that statutory and non-statutory designated sites in this vicinity are unlikely to be impacted due to their distance from the proposed development.

(in summary) **29/09/2020**

The Ecologist gives their assurances that they have undertaken the survey in late April and that they have confidence that there is a low risk of false negatives in the grassland survey. LWT does not therefore insist on a further survey. I acknowledge that it is best practice to resolve all material considerations at outline stage. LWT is pleased to find agreement on proposed enhancements.

We have no further comments.

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); 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/>

- ***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)*

Grasby Neighbourhood Plan

West Lindsey District Council has approved the application by Grasby Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The neighbourhood plan group are now working towards the production of the neighbourhood plan. To date, there is no published draft plan and therefore the neighbourhood plan cannot be attributed any weight in the determination of this application.

Main issues

- **Principle of Development**
- **Other Considerations**
 1. Access, Scale, Appearance, Layout and Landscaping
 2. Residential Amenity
 3. Foul and Surface Water Drainage
 4. Agricultural Land
 5. Protected Species
 6. Community Infrastructure Levy
 7. Public Right of Way
 8. Other Matters

Assessment

Principle of Development

Policy LP2 designates Grasby 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. Grasby is allocated a 10% growth level, which equates to 20 new dwellings. In accordance with the LPA's most recent 'Monitoring of Growth in Villages' document (04/09/2020)¹, the settlement of Grasby can still support 13 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 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***

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.

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

It is therefore necessary to consider if the proposed application site can be considered as an appropriate location and whether the site meets the LP4 sequential approach.

The application accords with the scale of development (around 4 dwellings) and there is adequate growth remaining in the settlement of Grasby to accommodate the proposal. The application site is an area of undeveloped agricultural land located towards the east of Grasby. This area of Grasby is characterised by a form of development which is largely linear along Clixby Lane. The site is adjoined by residential properties on two sides (west and north) and a detached brick built structure to the east. Whilst the development of the site would extend the residential development along the southern side of Clixby Lane, the development along the northern side of Clixby Lane extends further to the east of the application site. The site is, therefore, considered to be an appropriate location and would not significantly harm the settlement's character and appearance nor that of the surrounding countryside.

With regard to LP4, the site would not constitute infill and would therefore fall as a greenfield sites at the edge of a settlement, in an appropriate location.

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

Whilst this falls into tier 3 of the LP4 sequential test, there are no known reasonably available sites within Grasby 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

1. 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 requires² 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 two access points from Clixby Lane which form into a private driveway which will serve all properties. Despite the concerns of neighbouring properties, the Highways Authority (HA) have no objection to the proposal subject to conditions and future development 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 Specification³ and DFT Manual for Streets⁴.

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. The future design approach and the materials palette should take inspiration from the surrounding character of the area.

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

Layout:

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

³ <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>

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

The northern side of Clixby Lane consists of a row of properties which front the highway in a rather arbitrary building line. The properties which lie to the south of Clixby Lane directly front, or are in very close proximity to, the highway edge. Clixby Lane is characterised by a largely linear form of development. The frontage properties are a mixture of style, form and age. The submitted indicative site plan outlines that the proposed dwellings will form frontage plots onto Clixby Lane reflecting the character of the locality.

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 and surrounding countryside.

The northern boundary of the site contains a row of well-established frontage trees. A tree report has been submitted as part of the application which sets out which trees are to be removed or retained. In relation to the latter there are a number of mitigation measures in order to preserve the trees during the development. Such tree protection measures can be secured by an appropriately worded condition. T2 Sycamore is the only frontage tree to be removed. The removal of the T2 is required for access into the site. The WLDC Trees and Landscapes Officer has been consulted on the application and is satisfied with the proposed protection methods and has no objection to the removal of T2.

Subject to the above the development could reasonably be expected to 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.

2. Residential Amenity

There are a number of plots along the northern side of Clixby Lane which face the application site. It is considered that five dwellings could be designed and positioned so as not to harm the living conditions of neighbouring dwellings (the indicative plan shows a separation distance of over 27m between the nearest existing dwelling (11a) and proposed, demonstrating that reasonable separation distances can readily be achieved). 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.

3. 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 application form states that surface water is proposed to be dealt via a soakaway system. The site is not within an area identified by the Environment Agency as at risk from surface water flooding. 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.

4. 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 (bmv) agricultural land. The site is classed in Natural England's East Midlands Agricultural Land Classification Map as grade 3 (Good to Moderate). The map does not distinguish between grade 3a (good) and 3b (moderate). The land may therefore comprise BMV land. 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. Natural England advice⁵ is that "you should take account of smaller losses (under 20 hectares) if they're significant when making your decision." The site comprises 0.45ha on the edge of an established settlement – its loss is not considered significant.

5. Protected Species

Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Central Lincolnshire has many areas which are noted for their natural beauty and biodiversity value. These areas also support a wide variety of species and habitats, and form an important part of the network of biodiversity sites within the wider environment.

Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System⁶ advises that it is essential that the presence or otherwise of protected species and the extent to which they might be affected by the proposed development, is

⁵ <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>

⁶ <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

established before planning permission is granted, otherwise all relevant material considerations will not have been addressed on making the decision.

Policy LP21 of the CLLP states that “*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity”.*

Guidance contained within paragraph 109 of the NPPF states that ‘*the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*’.

Guidance contained within paragraph 118 of the NPPF states that ‘*when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying*’ certain principles including:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats’*
- *‘opportunities to incorporate biodiversity in and around developments should be encouraged’.*

A preliminary ecological appraisal has been submitted in support of the application. The results are summarised below:

Bats - The site is considered to only offer limited foraging capacity given the size of the site and the habitat composition. No further survey work required. Recommendations provided in relation to external lighting on site and for a scheme of bat boxes.

Badger - No main or annex setts, tracks on well-worn paths or any foraging activities were identified within the application site or within the immediate surrounding habitat and no further survey or mitigation work is required.

Great Crested Newts – The site offers limited potential for Great Crested Newt and no further survey or mitigation work is required.

Birds - No active or historical nests were seen during the field survey. There was no evidence of the site supporting bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). No further Breeding bird survey work is required. Recommendations provided for when vegetation/ground clearance works are to be undertaken and for a scheme of bird boxes.

Reptiles - The application site as a whole is considered to offer limited opportunities for reptile species and no further survey or mitigation work is required.

The Lincolnshire Wildlife Trust (LWT) initially commented on the ecology appraisal advising that *“the survey of this grassland was undertaken in April and as such may have missed some interest in its flora. We highlight this risk due to the naturally low fertility of the chalky soil at this location which holds high potential for grassland biodiversity. We would hope that a second visit can be paid between May and August before a Full Application is made and that the Preliminary Ecological Appraisal can be amended with any further field survey details”*.

This recommendation does not follow the guidance of paragraph 99 of Circular 06/2005. The site survey for the ecology appraisal was undertaken on 27th April which falls marginally outside of the optimal period for undertaking a botanical survey (May-August) but within the sub-optimal period (April and September). Importantly, the appraisal was not undertaken outside of the typical survey season. As advised by the ecologist, given the timing of the appraisal, it is reasonable to expect plant species to be visible within the development area at that time. Notably the ecologist did not observe any plant species that would warrant the recommendation for a second botanical survey.

Following receipt of the above additional information provided by the ecologist, the LWT do not insist on a further survey being undertaken.

Given that the site has been appraised within an acceptable survey period, it would be unreasonable to expect the applicant to commission a further specific botanical survey. This proportionate approach is deemed acceptable in this instance.

As set out above, policy LP21 states that all development should seek to deliver a net gain in biodiversity and geodiversity. The LWT indicate there are opportunities for this development to deliver a biodiversity net gain. A scheme of ecological enhancements will be required by condition to ensure this.

Overall, it is considered that the development can be completed without an adverse impact on ecology and will, subject to further details, deliver ecological enhancements to the area. The proposal therefore accords with policy LP21 of the Central Lincolnshire Local Plan, Circular 06/2005 and guidance within the NPPF.

It is considered that policy LP21 is consistent with the natural environment guidance of the NPPF and can be attached full weight.

6. Community Infrastructure Levy

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 at this stage. An informative will be attached to the permission making it clear that a CIL charge would be liable.

7. Public Right of Way

There are two existing rights of way that run along Clixby Lane (the 'Viking Way') and to the west of the site. As shown on the proposed site plan, the public right of way to the west of the site extends into the field to the south-east and does not follow the exact route which is shown on the LCC definitive map. The application proposes to realign the the right of way to a similar position as shown on the definitive map, outside of the application site boundary. The LCC Rights of Way Team have no objections to the development proposal and it is considered that the proposal would not harm the functions of the rights of way. The North Lincolnshire Ramblers Officer has commented based on safety due to the increase in vehicular movements along Clixby Lane. No concerns in relation to highway safety along Clixby Lane have been raised by LCC Highways as part of their consultation response. Clixby Lane is located within a primary residential area which is subject to speed restrictions, therefore, the associated traffic volume and speed is low. Accordingly, the development is considered to be acceptable in this regard.

The Highway Authority have requested that a condition be added to the decision requesting that the kissing gates on the public right of way are upgraded to Wicket Gates. However, the current kissing gates are not located within the site boundary and are not impacted by the proposed development. Therefore it is considered unreasonable and not relevant to the proposed development and would not therefore meet the "six tests" (NPPF paragraph 55) for a planning condition.

8. Other Matters

Affordable Housing

Comments have been received during the consultation that the development should provide affordable housing. The scale of development does not trigger the requirement for affordable housing as per policy LP11 of the CLLP and the NPPF (paragraph 63).

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 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 shall take place until a scheme of ecological enhancements including the provision of Bat and Bird boxes within the site, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity value of the site to accord with the National Planning Policy Framework and LP21 of the Central Lincolnshire Local Plan.

5. The tree protection measures as detailed within BS5837:2012 Tree Survey dated 06 July 2020 and drawing P2063 Fig 4 dated 08 January 2020 shall be implemented before any site clearance or development is commenced, and thereafter retained in its approved position until completion of the works and

development. Nothing shall be stored or placed in any root protection area, nor shall the ground levels within those areas be altered.

Reason: To ensure that adequate measures are taken to protect trees whilst works and development take place in the interest of visual amenity in accordance with LP17 and LP26 of the Central Lincolnshire Local Plan.

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

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

7. When application is made for approval of access (Reserved Matters) it shall show a visibility splay in line with Manual for Streets - 2.4m x 43m. All obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

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: 2020 029201 05 A dated 08.06.20. 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.

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

None.

Notes to the Applicant
HIGHWAYS

The highway improvement works referred to in condition 8 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact

vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Please be aware of the highways authority's requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification⁷ and DFT Manual for Streets⁸.

HEDGEROW ADVICE

It is recommended that the *"proposed mixed indigenous hedge planting to southern boundaries of new dwellings"* as shown on drawing 2020 029201 05 A is maintained at a height of at least 2m to increase its benefit for nesting birds and that planting schedule utilises suitable species such as; hawthorn, blackthorn, field maple, spindle, wayfaring tree, guelder rose, buckthorn, hazel, field rose, dog rose, wild privet, holly, ivy and bramble.

COMMUNITY INFRASTRUCTURE LEVY

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

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

⁷ <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>

⁸ <https://www.gov.uk/government/publications/manual-for-streets>