

Officers Report

Planning Application No: 143410

PROPOSAL: Planning application for 4no. semi-detached dwellings

LOCATION: Land north of Normanby Rise Claxby Market Rasen LN8 3YZ

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Augustine John Developments

TARGET DECISION DATE: 03/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse

The application is being referred to the Planning Committee for determination following a call in by the Ward Member and objections from the Parish Council and a number of objections from local residents.

Description:

The application site is located on the northern side of Normanby Rise, within the built foot print of Claxby. The site is currently vacant scrubland and is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), surrounded by dwellings off Normanby Rise to the north (Langham House a two storey detached dwelling), north east (Wellington House a two storey detached dwelling) and south west (Langham Lodge a detached bungalow) The highway bounds the site to the south east, beyond which is open agricultural land.

The site is allocated as "Important Open Space" in the Central Lincolnshire Local Plan.

The planning drawings have been amended four times during the determination period. The first changes followed a meeting between the applicant, the Parish Council and local residents. Changes included, but were not limited to; lowering the ridge heights by 1m, increasing garden sizes, changing externally facing materials to give a more traditional cottage design and adding bin and garden stores. The second revisions were considered as minor in nature and consisted of adding air source heat pumps to the rear of the dwellings.

A third set of amended plans were consulted up on and proposed 2 semi-detached dwellings on one half (south western section) of the site.

A meeting was held with the applicant and agent on the 03/11/2021 where the Local Planning Authority made it clear that they were concerned with the

impact on the site and surrounds and advised that a smaller development (of up to 2 dwellings) be located more centrally on the overall site, with a reduction in hardstanding. An email was sent to the agent the following day confirming this position.

A final set of amended plans were received on the 10/11/2021 and have been publicised and re-consulted upon. The planning application seeks permission to erect four semi-detached two storey dwellings (2 bed dwellings), facing Normanby Rise, with gardens to rear and space for vehicle parking to the front (six car parking spaces). One access is proposed off Normanby Rise and landscaping is shown either side of the access and to the front of the site. The street frontage, currently a substantial hedgerow will be laid in a traditional manor and under planted with new whips with more substantial landscaping either side of the entrance. The hedging will be reinstated to the east and west boundaries. The driveways will granite chip gravel with pathways to the side and terraces to the rear.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017:

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

Relevant history:

The current application site

141919 - Outline planning application to erect 1 no. dwelling - all matters reserved – approved January 2021

W21/447/95 - Outline planning application to erect 1 dwelling. (Renewal of W21/203/92 dated 4/6/92) – approved September 1995

W21/1036/87 - Erect dwelling and construct access – approved May 1998 (south western half of the site only)

The current application site and land to the north-west

M02/P/1123 - Vary condition 1 of outline planning permission 98/P/0066 to erect four dwellings, further 3 years for submission of details – refused January 2003

98/P/0066 - Outline planning application to erect four dwellings (including site with existing permission) – approved March 1998

97/P/0448 - Outline planning application to erect four dwellings and amend position of existing approved dwelling in accordance with amended plan received 13 November 1997 – refused December 1997

Representations:

Chairman/Ward member(s): Cllr T Regis responded to request that the application be called-in for a committee decision due to:

“planning policy reasons that are in contradiction to the NPPF namely LP2, LP10, LP17 and LP26. The residents of Claxby Parish are not against the development of this site in principle but are not currently in favour of how it is being proposed.”

Claxby Parish Council: responded with notes from the parish meeting and a summary of its opposition to the proposal, as follows:

Overall it was felt that this:

- Was an overdevelopment of a small site, more like an urban development than something that would suit a rural village
- Was not at all in keeping with the other properties in the village,
- Was not in keeping with maintaining the integrity of AONB.
- Poses problems of traffic, (too many cars trying to access a small country road)
- Poses problems for the infrastructure (the sewers are at capacity), drainage (water run-off from a concreted-over site could cause problems)
- Unsuitable for the target customers (the village is mostly populated by retirees, and has no amenities for young families, necessitating much travelling to school/work – from an environmental point of view this is not desirable. The village has no “need” for this type of development as stated by the architect.)
- Latest regulations state that any new housing developments must include at least 25% 'affordable housing'.
- Insufficient parking causing on street parking
- Dwellings and gardens are too small
- Poor design
- Bin storage to front of the dwellings would be an eyesore.

Further comment on amended plans for two dwellings: The amended drawing shows 2 semi-detached dwellings removed from the original plans and 2 semi-detached properties remaining, but these only use half the plot, leaving space for another pair of semi-detached dwellings in the future. If this amended application is approved it will set a precedent for a similar development on the other half of the site. It would seem that the builders could intend to submit a further application at a later time to develop the other half of the plot with another 2 semi-detached houses. We have already given our objections to this site being developed with 4 properties as it is felt to be an overdevelopment of the site. Any new application should use the entire plot for 2 properties, be they 2x semi-detached or 2x detached properties.

Further comment on the latest amended plans for four dwellings:

- The Parish Council has already objected to the proposal for 4 houses on this small site, on the grounds that it is an overdevelopment of the site in a rural village in an AONB.
- The plans were then altered (cynically in our view) to remove one half of the proposed development, leaving the other half of the site open for future development.
- After objections to this proposal, the new plans revert to what is essentially the same overdevelopment of the site with 4 semi-detached houses (albeit slightly smaller) and we object again on the same basis. (Overdevelopment, strain on the infrastructure, impact on traffic on Normanby Rise, difficulty of access onto the properties and from the properties onto Normanby Rise, problems of parking, problems of space for storage (of bins for example)).
- The developers suggest there is a "need" for this type of property, to attract younger families to the village, but history has shown that young families do not do well here, as there are no facilities and transport is needed to schools, shops and amenities, and they move out after a short time because of this.
- Furthermore the style of property in the proposed development does not blend in with existing houses in the village.
- The report alludes to a previous planning application for 4 dwellings at this location. Outline planning was granted for 4 dwellings (ref 98/P/0066) on 12/03/1998. However, the plot was much bigger and covered all the land up to the property at the rear, so was probably 4 or 5 times the size of the plot being developed now.

Local residents:

- Occupant/s of Tulip Tree Cottage, Mulberry Road, Claxby
 - We understand the rationale is to attract younger families to Claxby is appropriate and therefore support the proposal in principle.
 - Chimneys would enhance the appearance of the dwellings
 - There are no measurements on the drawings and so it's hard to gauge the suitability of 4 dwellings to the size of plot
 - More space appears to be given to parking than gardens so would appear to not be appropriate for young families
 - A very disappointing amendment lacking imagination. It appears as though the only change is to reduce 4 dwellings to 2 in half the original plot with no explanation as to how the other half of the plot will be used.
 - Having initially supported the development, but with reservations we now object to the amendment.
- Occupant/s of The Laurels, Mulberry Road, Claxby
 - Development is too big for the site
 - Limited outdoor space with no allowance for waste bins, storage facilities or outdoor leisure
 - Insufficient parking would result in on-street parking – highway safety

- Possibly 5 existing affordable houses in the village, none with young families, all have better parking and outdoor spaces
 - 13 Acis houses and one privately rented property in village, only one occupied by young family as unattractive to young families who would need to travel to reach amenities
 - Design not in keeping with other semi-detached properties
 - Detrimental impact upon the property to the rear
 - Not viable for either young families or older villagers wanting to downsize.
 - It suggests to us a devious route [previous plans for 2 dwellings on half of the site] to eventually get the four dwellings on the whole site as per the original application.
 - The latest amended plans for 4 dwellings are objected to as previously stated.
 - The developers seem determined to erect four properties on the site. In our opinion the whole site is not big enough for more than two properties and would result in over development in an A.O.N.B.
 - The architect refers to the miners cottages in the village which were erected for the sole purpose of housing workers near to their place of employment. When they were no longer used for this purpose we understand that they were demolished.
 - All the private two bedroom semi-detached properties in the village have been converted to larger detached dwellings.
 - There does not appear to be demand for two bedroomed houses.
 - It is doubtful that they would appeal to young families due to the size of the living accommodation and the lack of facilities in the village.
 - The proposed development appears eco-friendly but with the amount of car journeys that would be necessary for day to day activities this benefit could be cancelled out.
 - It is true that a previous planning application was approved for the land adjoining Langham House Ref 98/P/0066 but the site included ALL the land in front of the house, a much greater area to the current one.
- Occupant/s of Wold Haven, Normanby Rise, Claxby
 - Site is unsuitable for four dwellings
 - Insufficient parking would result in on-street parking – highway safety
 - Road is not wide enough for the volume of large vehicles to pass
 - Design and density of buildings not in keeping with the local area of outstanding natural beauty
 - One or two dwellings would blend better with surroundings and enhance the AONB
- Occupant/s of Langham House, Normanby Rise, Claxby (the property to the rear of the application site):
 - Overdevelopment of the site
 - I agreed to remove a row of mature conifers from border between my garden and the plot by previous owner to facilitate building the previously approved single dwelling – current owner was refusing to

- buy the plot unless trees removed – builder has gone back on his word of not overdeveloping the site
 - Inadequate outside space for recreation, storage bins etc.
 - Wont attract families
 - Proposed access to road is dangerous and unacceptable as it is directly after a bend on a busy road
 - Original plan for single detached house took into account a sight line, wont exist if this plan were agreed
 - Application represents greed with no consideration of residents of the village which lies in an AONB – this should be protected at all costs.
 - The reduction in number of dwellings is laughable. Clarity should be given as the how the remaining plot is to be used?
 - Surely building in the centre of the plot to allow sensible recreational space, parking and storage around each dwelling should be observed. I suspect the developer is reluctant to do this as he plans to apply for development of the second half of the plot at a later date.
 - The planning department should also know, if they are not already aware, that the main drain for Langham House runs directly through the centre of the building plot.
 - I would support the building of two dwellings either semis in the centre of the plot or 2 detached houses on the outer edges of the plot.
 - The new amended plans still suggest the lowering of the kerb in front of the remaining land of the plot. Why?
- Occupant/s of Wellington House, Normanby Rise, Claxby (the property to the north east of the application site):
 - Unlikely to be significant demand for this type of accommodation
 - Insufficient parking would result in on-street parking – highway safety issue – large vehicles use the road, particularly in growing season, and have to mount the kerb
 - We suffer rainwater runoff backing up in our garden so properties lying below the subject site will almost certainly suffer from increased drainage problems as a result of the larger area of built over land
 - External design is very utilitarian and out of keeping with existing properties in the immediate area
 - Lack of bin storage and when put out for emptying they will constitute a hazard to pedestrians, especially at night, or impede drivers entering / exiting the site
 - The site lies in front of an existing substantial property where a 4 homes development is entirely inappropriate in this setting.
 - The reduction in the number of proposed dwellings is welcomed but what has the developer got in mind for the other half of the site.
 - The other half of the site is serviced by a dropped kerb will the developer reapply citing the initial development as a precedent.
 - Any future development should be centralised on the site.
 - No demand for this sort of housing in the village with single storey dwellings being more appropriate.
 - The external appearance of the dwelling[s] remains out of kilter with surrounding dwellings.

- The latest set of amended plans for 4 dwellings fails to mean fully address any of the concerns raised by ourselves and others. Instead, it is a backward step, clearly unmasking the developer as being hell-bent on maximising profit.
 - No demand for this form of property.
 - The external appearance of the proposed dwellings is inappropriate.
 - Outside space is inadequate.
 - Onsite parking is even more restricted.
 - The proposed gable end of the eastern-most property appears to be extremely close to our own property, and could fall foul of 'Right of Light' rules.
- Occupant/s of 3 Woodland View, Normanby Rise, Claxby
 - We note that there was originally an application submitted for one house and this progressed to four houses and now two houses on the plot.
 - We feel this application is being driven by the applicants desire to make maximum profit from the plot and demonstrates no thought to the already shared views of the residents living nearby.
 - Indeed we don't feel the applicant is being transparent or genuine in making this change to the application to build two houses instead of four.
 - We are of the view that should the application for two houses be agreed there would undoubtedly in due course be an application for two further houses to be built. Thus enabling the applicant to achieve their original plan to build four houses and achieve maximum profit from the site as per the previous application.
- Occupant/s of Red House, Mulberry Road, Claxby
 - The new plans revert to what is essentially the same overdevelopment of the site with 4 semi-detached houses (albeit slightly smaller) and we object (Overdevelopment, strain on the infrastructure, impact on traffic on Normanby Rise, difficulty of access onto the properties and from the properties onto Normanby Rise, problems of parking, problems of space for storage (of bins for example)).
 - The developers suggest there is a "need" for this type of property, to attract younger families to the village, but history has shown that young families do not do well here, as there are no facilities and transport is needed to schools, shops and amenities, and they move out after a short time because of this.
 - Furthermore the style of property in the proposed development does not blend in with existing houses in the village.
 - The report alludes to a previous planning application for 4 dwellings at this location. Outline planning was granted for 4 dwellings (ref 98/P/0066) on 12/03/1998. However, the plot was much bigger and covered all the land up to the property at the rear, so was probably 4 or 5 times the size of the plot being developed now.

LCC Highways / Lead Local Flood Authority: Responded to state that having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Highways has requested two informative notes be attached to the decision notice to make the applicant aware of their responsibilities within regards to new vehicular accesses to the highway and utility connections.

LCC Archaeology: No response received to date.

Environmental Protection: Responded to request a planning condition be attached to any planning consent for the proposed development relating to actions required of the developer should any contaminated land be discovered during building work.

Lincolnshire Wolds AONB Officer: *“The village of Claxby is a small settlement within the nationally protected Lincolnshire Wolds AONB and is not classed as a service village in the planning settlement hierarchy. As a wider issue the Lincolnshire Wolds AONB Partnership has recognised the challenge of successfully balancing housing demands, including meeting where possible requirements for more affordable housing units. However there is a concern regarding the current rates of infilling impacting upon a number of settlements across the AONB, more so at a time when the need for safeguarding green infrastructure and securing future biodiversity net gain are becoming increasingly important.*

We recognise that the Central Lincolnshire Local Plan (Adopted 2017) identifies Claxby as a small village within the Policy LP4 listing, but with the additional caveat of paragraph 3.4.5 - that where a settlement is within the AONB, this is recognised as a significant restraint on future housing growth; furthermore the current Local Plan also highlights the need for a conservative approach to housing allocations in rural settlements that have the additional three limitations on the grounds of sustainability, namely:

- *No/limited key facilities*
- *Are not located within 5 kms of Lincoln, Sleaford and Gainsborough population centres*
- *Are not within 2 kms of a strategic employment centre.*

All three additional factors clearly apply to the settlement of Claxby and advocate a precautionary approach to any new housing developments.

The revised designs for the two semi-detached properties are an improvement on the original submission, but remain out of character and incongruous to the neighbouring single dwellings within the surrounds of the plot. Whilst the design of the proposed properties as detailed is well intentioned, e.g. in terms of linking with a traditional miners cottage concept,

the site location at Normanby Road is itself not conducive to the proposed application for four dwellings and accompanying driveways.

The Local Plan places a high priority on the need for a demonstration of clear local support for housing developments in village settings, v=facilitated and evidenced through appropriate consultation. We understand that active dialogue has been taking place locally, but that the Parish Council continues to have concerns and is making the case for a much smaller building footprint to help ameliorate the development into its built and natural surroundings within the Lincolnshire Wolds AONB. On balance, we are not able to give our support to this application.”

Further comment on amended plans for two dwellings: Returning our ongoing concerns with the resubmission for housing as detailed for Normanby Road (Planning application 143410). It looks like the development plot has simply been halved, but with no reconfiguration or detailed revised amendments to help ameliorate the new proposal in the context of the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty.

IDOX checked: 23/11/2021

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 April 2017).

Development Plan:

The following policies are particularly relevant:

*Central Lincolnshire Local plan

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

LP23: Local Green Space and other Important Open Space

LP26: Design and Amenity

**With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP10 is consistent with NPPF chapter 5 as they both seek to ensure a mix of housing to meet accommodation needs. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both*

seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP23: Local Green Space and other Important Open Space is consistent with chapter 8 of the NPPF as they both seek to protect open space and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

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

Draft Central Lincolnshire Local Plan:

Policies of the Draft Plan which are considered relevant to this application are:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S4: Housing Development in or Adjacent to Villages
Policy S6: Reducing Energy Consumption – Residential Development
Policy S20: Flood Risk and Water Resources
Policy S22: Meeting accommodation needs
Policy S46: Accessibility and Transport
Policy S48: Parking Provision
Policy S52: Design and Amenity
Policy S59: Protecting Biodiversity and Geodiversity
Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. Local planning authorities may give weight to relevant policies in emerging plans according to:
(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan

No plan currently being prepared.

National policy & guidance (Material Consideration)

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

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

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 July 2021. Paragraph 219 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**

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

- **National Design Guide (2019)**

<https://www.gov.uk/government/publications/national-design-guide>

- **National Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Other- AONB

S85 (1) of the Countryside and Rights of Way Act 2000;

"S85(1) - In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

<https://www.legislation.gov.uk/ukpga/2000/37/section/85>

Lincolnshire Wolds AONB Management Plan 2018-2023

The five key aims of the Management Plan are to sustain and enhance:

1. the Lincolnshire Wolds' natural beauty and its landscape character
2. farming and land management in the Wolds as the primary activities in maintaining its character, landscape and biodiversity
3. recreational, tourism and interpretive activities and opportunities appropriate to the area
4. the economic and social base of the Wolds including the development and diversification of enterprises appropriate to the area
5. partnerships between organisations, the local community, landowners and others with an interest in the Wolds.

<https://www.lincswolds.org.uk/our-work/management-plan>

Main issue

- Principle of Development
- Area of Outstanding Natural Beauty / Character and Visual Impact
- Residential Amenity
- Access and Parking
- Ecology
- Foul and Surface Water Drainage
- Other Matters

Assessment:

Principle of Development

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Policy LP2 defines Claxby as a small village. Small villages are allocated small scale development of a limited nature subject to appropriate locations, unless clear local community support is demonstrated for a proposal. Proposals will be considered on their merits but would be limited to around 4 dwellings.

This policy also sets out the definition of ‘appropriate locations’ as 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 LP26). In addition to qualify as an appropriate location the site would need to retain the core shape and form of the settlement, not significantly harm the settlements character and appearance and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

The Local Plan defines the developed footprint/defined built form of the village as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c. agricultural buildings and associated land on the edge of settlement; and*
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of settlements.*

As noted earlier within this report, the site is allocated as “Important Open Space” in the Central Lincolnshire Local Plan and is another key consideration as to whether this site is an appropriate location for the proposal. Policy LP23 applies to proposals in such locations and states that: “An area identified as an Important Open Space on the Policies Map is safeguarded from development unless it can be demonstrated that:

- a. In the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and*

- the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area; and*
- b. *In the case of all Important Open Spaces, there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets.”*

Whilst there is an existing Outline consent on this site for a single dwelling (ref. 141919), it is not clear to what extent the above policy was considered during the determination of that application. The site is not publically accessible open space and so criterion ‘a’ of the policy does not apply. The previous application was in Outline with all matters reserved, and as such, the scale, appearance, layout, access and landscaping of the proposal was still be determined at reserved matters stage. As such, it is reasonable to conclude that a sensitively designed dwelling with appropriate landscaping, set within spacious grounds, could be accommodated within the site without detrimental impacts on the character and appearance of the surrounding area, ecology (which can be dealt with by planning conditions/informative notes) and any heritage assets (of which there are none in close enough proximity to be affected). This site was, and is, therefore considered to be acceptable in principle for a single dwelling, subject to the above considerations, and benefits from planning permission for such.

The site, whilst somewhat unkempt, is nonetheless locally valuable open space. Paragraph 5.8.5 of the CLLP identifies that “*other open spaces, including those not publicly accessible, provide breaks in the street scene and may allow views of the surrounding countryside to be enjoyed from within the settlement*”. The current proposal for four dwellings would result in the entire loss of the amenity value of the site. The street frontage, currently a substantial hedgerow will be laid in a traditional manner and under planted with new whips with more substantial landscaping either side of the entrance. The hedging will be reinstated to the east and west boundaries. The driveways will granite chip gravel with pathways to the side and terraces to the rear. All other land would be taken up by the dwellings themselves, small rear garden areas and domestic paraphernalia. It is not considered that a landscaping scheme, which could be secured by planning condition, could sufficiently overcome this harm as there is simply not sufficient space within the site. The break within the street scene would be lost as a result of this proposal. The site is too small to accommodate four dwellings that meet the required living standards, with sufficient outdoor amenity space and off street car parking, whilst not significantly harming the character and appearance of the surrounding area.

The proposal accords with the scale of development identified by policy LP2 of up to 4 dwellings. The proposed site, flanked by dwellings to the north, north east and south west and by the highway to the south east, is considered to be located within the existing developed footprint/built up form of the village. The site is however is not considered to be an appropriate location as defined in LP2. Whilst it would retain the core shape and form of the settlement, it would cause significant harm to the character and

appearance to the area and the significant, if not total, loss of an allocated Important Open Space, conflicting with policy LP23 of the CLLP. The location of the proposal is considered an inappropriate one for the development proposed and conflicts with policies LP2 and LP23 of the CLLP.

Local policy LP4 identifies that Claxby has a growth level of 10%. An updated table of remaining growth for housing in medium and small villages has been completed (dated 8th November 2021) by the Local Planning Authority to sit alongside the adopted CLLP¹. This confirms that Claxby has 80 dwellings which equates to a permitted growth level of 7 additional dwellings (this figure takes into account the one dwelling already approved by outline planning permission ref. 141919 on the application site).

Therefore Claxby has a remaining housing growth of 7 dwellings. This site would provide four dwellings and would therefore not exceed the 10% growth allowance permitted under policy LP4. Technically, the approval of this proposal would result in an increase of three dwelling approved as both this proposal and the previously approved outline proposal could not both be built as the footprints overlap. A growth level of 3 dwellings would remain as a result of this development.

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

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

- 1. Brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement*
 - 2. Brownfield sites at the edge of a settlement, in appropriate locations*
 - 3. Greenfield sites at the edge of a settlement, in appropriate locations*
- Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list'.*

The proposal is considered to represent an infill site but is not in an appropriate location and so conflicts with policy LP4 of the CLLP.

Concluding Statement:

The site is an infill plot within the settlement of Claxby and would provide four dwellings towards the allocated housing growth for Claxton in local policy LP4 of the CLLP. It is however considered that the site is not an appropriate location for four dwellings due to its allocation as Important Open Space.

It is therefore considered that the principle of erecting four dwellings on this site is unacceptable and conflicts with policies LP2, LP4 and LP23 of the

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

Central Lincolnshire Local Plan and the provisions of the NPPF. Clear local community support has not been demonstrated for the proposal.

It is considered that policies LP1, 2, 3 and 4 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight. Policy LP23 is consistent with the guidance on promoting healthy and safe communities within the NPPF.

Area of Outstanding Natural Beauty - Character and Visual Impact

The site lies within the Lincolnshire Wolds AONB. Section 85(1) of the Countryside and Rights of Way Act 2000 requires that the local authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. The considerations of Policy LP17 are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB. The Lincolnshire Wolds has a strong unity of visual character, characterised by open plateau hilltops, sweeping views, strong escarpments, wide grass verges and ridge-top route ways, dramatic wooded slopes and valleys, beech clumps, attractive villages often nestled in hill folds, and natural and historic features of great interest.

To accord with the provisions of Policy LP17 development proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The Lincolnshire Wolds AONB Management Plan 2018 – 2023 seeks to protect and enhance local character and distinctiveness through the highest quality of design in new development, including making space for biodiversity and tackling climate change. As noted earlier within this report, the site is an allocated Important Open Space.

It is noted there has been some local opposition to the proposal from neighbours, the Parish Council, AONB Officer and the local Ward Member in relation to matters including the design of the proposal and its impact upon the AONB.

The site is adjoined by residential properties to the north, south west and north east and is considered to be an infill plot within the built footprint of Claxby. The proposed dwellings would be viewed in the context of these

surrounding dwellings. These and other dwellings on Normanby Rise vary in terms of design, scale and appearance. There are bungalows, dormer bungalows and two storey dwellings.

Whilst it is acknowledged that the majority of those dwellings closest to the application site are detached and sit within large plots, there are many semi-detached and some terraced dwellings in relatively close proximity to the application site that sit within much smaller plots. The village contains a mixture of large detached dwellings, traditional Lincolnshire cottages and more modern detached bungalows. In terms of materials there are rendered properties, various types of brick, slate roofs and clay pantile roofs all visible on Normanby Rise. Some dwellings sit well back within their plot, away from the highway, whereas others sit much closer to the highway with small front gardens/driveways.

The proposal would deliver four semi-detached cottages with a new vehicular access point created from the highway to the front, parking to front of dwellings and gardens to rear. As noted earlier within this report, the proposed plans have been amended during the determination period in an attempt to overcome local objection to the proposal.

It is not considered that the proposal would be harmful to the wider area, i.e. the AONB. The proposal would however, as previously discussed within this report, cause significant harm to the character and appearance of the local area and the loss of an allocated Important Open Space, conflicting with policy LP23 of the CLLP. The proposal would also therefore conflict with policies LP17 and LP26 in this regard.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Policy LP26 of the CLLP states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light, noise or over dominance.

The ground level of the application site sits slightly lower than that of the neighbouring dwelling to the north east, Wellington House, which contains a ground floor window and first floor window within its side elevation that faces the application site. The windows are both secondary windows to habitable rooms with the main aspect windows in the front and rear of the property. The windows would be located approx. 4m and 5m respectively from the side elevation of the dwelling on Unit 4. Given that these are secondary windows, it is not considered that the proposal would have an unacceptable impact upon the windows in terms of loss of light, overshadowing or over dominance. There are two side windows in the facing elevation of the proposed dwelling on Unit 4 at ground floor that would serve a dining room and two at first floor to serve a bathroom and walk in wardrobe. None of these windows would

directly face those within the side elevation of Wellington House and so there would be no unacceptable impact from loss of privacy as a result of the proposal.

The property to the north, Langham House, would be located in excess of 44m from the rear elevation and approx. 36m from the rear boundary of the nearest proposed dwelling and so there would be no unacceptable impacts in terms of residential amenity on the occupiers of any of the dwellings.

The bungalow, Langham Lodge, located to the south west of the application site contains two side windows that face the application site, again, both are secondary windows with the main aspects being to the front and rear of the dwelling. There would be a separation distance of approx. 12m between the bungalow and the nearest proposed dwelling on Unit 1, with the driveway to Langham House and vegetation located between the two. The bungalow also sits much further back within its plot from the highway than the proposed dwellings. As such, there would be no unacceptable impacts from loss of privacy, over dominance, loss of light or overshadowing as a result of the proposal.

There would also be no overlooking due to the position of the windows in the side (west and east) elevations of the proposed 2 pairs of semi-detached dwellings.

The proposal is considered to be acceptable with regards to potential impacts upon residential amenity, and compliant with policy LP26 in this regard.

Living standards and amenity space

Representations received in objection to the proposal refer to an inadequate level of living and amenity space provided by the proposal. The applicant has increased the size of the garden areas during the determination process and provided bin and outside storage facilities. Whilst the proposed gardens are clearly smaller than others within the area, they are similar to other modern developments and other existing semi-detached and terraced dwellings within the village. The garden sizes are considered more than adequate and all dwellings meet the National Space Standards, which whilst not planning policy, are a material consideration. Overall the proposed arrangement would provide an acceptable standard of amenity for future users.

As noted by the applicant within the submitted Design and Access Statement, the properties are within 100 meters of the Villages recreational space and 250 meters from the play park. The site is located within the AONB where there are excellent links to various public footpaths and bridleways and so the dwellings are connected to both outdoor amenity space and the wider open countryside of the AONB.

Size / type of dwelling

Representations received in objection to the proposal identify that the proposed type of housing, most suited to those starting on the housing ladder or those wanting to downsize, is not a viable option for the area due to the

lack of local amenities. They also state that those wanting to downsize prefer bungalows. Policy LP10 of the CLLP identifies that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. As such, it is considered that providing smaller, more affordable homes within Claxby, such as those proposed, is supported by policy LP10 of the CLLP.

Policy LP10 also identifies that proposals for 4 or more dwellings in small villages must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical. The delivery of 30% of dwellings to M4(2) standard can be controlled by planning condition.

Access and Parking

Policy LP13 of the Central Lincolnshire Local Plan states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

The planning application seeks permission to erect four semi-detached two storey dwellings (2 bed dwellings), facing Normanby Rise, with gardens to rear and space for vehicle parking to the front in the form of six car parking spaces for the four 2-bed dwellings (one per each of the four dwellings and two visitor spaces). One access is proposed off Normanby Rise.

Policy LP13 of the Central Lincolnshire Local Plan part q states *‘that appropriate vehicle, powered two wheeler and cycle parking provision is made for residents, visitors, employees, customers, deliveries and for people with impaired mobility. The number and nature of spaces provided, location and access should have regard to surrounding conditions and cumulative impact and set out clear reasoning in a note submitted with the application (whether that be in a Design and Access Statement / Transport Statement / Transport Assessment and/ or Travel Plan as appropriate, depending on the nature and scale of development proposed)’*.

An amended Design and Access Statement has been submitted which seeks to justify the proposed access and car parking arrangements. Lincolnshire County Council’s Highways Team have no objections to the scheme and is considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The proposed car parking and access detailed above is considered to be sufficient for four semi-detached two bed dwellings. The proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

Ecology and Landscaping

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”.*

The existing site is considered to be of low quality in terms of potential for ecological value. The proposal offers an opportunity to provide landscape planting and biodiversity enhancements, in accordance with policy LP21 of the CLLP and the provisions of the NPPF which can be secured by planning condition.

The proposal would involve the removal of a hedgerow to the front of the site along the highway. It is possible therefore that protected species could be encountered during site work, e.g. nesting birds. It is therefore considered appropriate to attach an informative note to any grant of planning permission to remind the applicant of their duty under relevant protected species legislation.

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

Foul and Surface Water Drainage / Flood Risk

The application form identifies that surface water will be managed by soakaway and foul water is proposed to be dealt with by connection to the main sewer.

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.

A condition could also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

Other Matters

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. An informative can be attached to any grant of planning permission for the proposal making it clear that a CIL charge will be liable.

Main Drain

A neighbouring dwelling mentions that there is a main drain running through the centre of the site. If it was minded to grant planning permission an informative would be attached to the decision notice.

Recommendation: Refuse planning permission for the following reasons:

The proposal has been considered in light of relevant development plan policies, namely policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, 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, LP23: Local Green Space and other Important Open Space and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance, as well as the National Planning Policy Framework, Planning Practice Guidance, National Design Guide, National Model Design Code and Central Lincolnshire Local Plan 2021 Consultation Draft.

The proposal for four dwellings on this site would cause significant harm to the character and appearance of the local area and the loss of an allocated Important Open Space. The proposal is not an appropriate location for the proposed development and clear local community support has not been demonstrated for the proposal. The proposal conflicts with policies LP2, LP4 LP17, LP23 and LP26 of the Central Lincolnshire Local Plan and is therefore recommended for refusal.

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.