

Officers Report

Planning Application No: 143815

PROPOSAL: Outline planning application for the erection of up to 4no. dwellings with access to be considered and not reserved for subsequent applications - resubmission of 141429.

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

WARD: Kelsey

WARD MEMBER(S): Cllr P Morris

APPLICANT NAME: DJ & JM Frankish

TARGET DECISION DATE: 01/12/2021

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

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, and in light of the site's recent planning history, considered to be finely balanced 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 appearance, scale 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 4no. dwellings with access to be considered and not reserved for subsequent applications.

This follows the refusal of planning permission for five dwellings, earlier in the year. A subsequent appeal against that decision was dismissed (see planning history).

Relevant history:

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

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

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

141429 - Outline planning application for 5no. dwellings - with all matters reserved - 15/10/20 – Refused (Planning Committee) – Appeal Dismissed 19/05/21 (APP/N2535/W/20/32657780) (See Appendix A)

Reason for refusal:

“The development would not contribute towards a safe transport network for pedestrians or vehicular movement when considering the impact on Clixby Lane and surrounding highway network. The development also fails to maximise pedestrian permeability and avoid barriers to movement through careful consideration of street layouts and access routes. The proposal is therefore contrary to Policy 13 and Policy LP26 of the Central Lincolnshire Local Plan and provisions of the National Planning Policy Framework.”

Relevant extracts from appeal decision include:

Paragraph 7:

“I observed during my site visit that Clixby Lane starts to narrow just beyond Bells Cottage and is single width for the rest of its length before becoming a footpath at its eastern end. There are no separate footpaths adjacent to the road and those using the definitive public footpaths share the road with vehicles. In this regard I noted at my site visit that the public footpaths are well used by walkers. I also note the comments of the Ramblers Association that the public footpath is popular with children completing their Duke of Edinburgh awards and adult walking groups and that the verge is uneven and not a suitable alternative to the tarmac road.”

Paragraph 8:

“Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility. There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.”

Paragraph 9:

“The appellant anticipates that the level of traffic generated by 5 new dwellings would be low. However, 5 dwellings would generate additional traffic

movement associated with their occupation, including deliveries and visitors and I consider that there would be noticeably more traffic using Clixby Lane as a result of the development.”

Paragraph 11:

“The appellant considers that the limited distance of the development from the junction of Clixby Lane and Front Street, and the fact that the road narrows only when it is past Bells Cottage, would mean that vehicles would see one another with ample time to allow a right of way. However, I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the single width section of the road would require manoeuvring within the highway.”

Paragraph 12:

“Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians. I do not have sufficient evidence to conclude that these matters would be resolved by the design of the proposed accesses, even if these accesses are shared rather than individual drives and have the potential to provide informal passing places.”

Paragraph 13:

“I note the appellant’s comments that visibility would be addressed at reserved matters stage but the indicative layout plan does not demonstrate, and I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.”

Paragraph 15:

“However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP) where these policies seek to ensure that development provides well designed, safe and convenient access for all. It would also conflict with the National Planning Policy Framework where it seeks to ensure that safe and suitable access to sites can be achieved for all users.”

Representations

Cllr P Morris: Comment

As you are aware an outline PA 141429 was submitted for this site and refused on 15th of October 2020 because it was contrary to Policy 13 and Policy LP26 of the Central Lincolnshire Plan and the provisions of the National Planning Policy Framework.

I have examined the new submission (PA 143815) carefully and in particular the Transport and Access Technical Note within - in my opinion the stated

evidence has been cherry picked and doesn't support a reason why this application should be granted. In the summary 3.3. The words 'If we are to assume' and 'It can be assumed' appear in the summary, therefore it is more than reasonable for me to come to the conclusion that this evidence is based on assumptions and not based on actual reality.

I would therefore respectfully request that this application goes to the planning committee to be carefully looked at and then refused because it is still contrary to Policy 13 and Policy LP26.

Grasby Parish Council: Objections (summarised)

Having discussed the matter at length during our meeting on 17 November, as a Parish Council we are objecting to the application in the strongest possible terms for the following reasons:-

- Although only outline in nature, the application lacks any detail on important matters such as design detail, layout, drainage, provision of services and construction process.
- Highways – despite the technical highways report submitted by the applicant and the changes in access arrangement proposed by this second application, we still consider that this issue is crucial to the application and it has not been addressed satisfactorily by either the applicant or the Highways Authority. As previously advised Clixby Lane is an extremely narrow (only 2.8 metres wide in some places) single track no through road with no footways and limited lighting serving several residential properties. In the past, emergency and other large vehicles, such as refuse collection HGV's, have had problems negotiating the Lane.
- Clixby Lane also forms part of the Viking Way long distance footpath and as such is heavily used by walkers (sometimes with pushchairs and runners. Given the narrowness of the Lane, any increase in traffic will just add to what is already a dangerous situation and it is anticipated that the development of 4 detached houses would create a significant increase in daily traffic movement, despite the conclusion by the highways consultants that there would be no appreciable increase in traffic.
- Ecology – 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. As can be seen from several comments, there is much anecdotal evidence that a number of species are present in the semi-unimproved pasture which has been managed with a 'light touch' over recent years. We are also concerned that there will be a loss of habitat if the current area of hedge and scrub along the western boundary is severely cut back.
- Trees - It has come to light that the trees planted along the southern verge of Clixby Lane and referred to in the tree survey carried out by CBE Consulting (T1 – T7 comprising Field Maple and Sycamore) were planted by Grasby Parish Council in celebration of the Queen's Silver Jubilee in 1977 and as such we consider that the loss of any of these 40+ year old trees would be a significant loss to the amenity of the village which came together at the time to celebrate a significant milestone in the Monarch's reign. The application proposes the removal of T2 to facilitate the new

access arrangement and we consider that this is a loss of amenity to the village which lacks tree cover anyway.

- Privacy and over-looking – 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.
- Archaeology – in the previous 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.
- Disturbance – 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 when the construction phase takes place. Disturbance will come in the form of noise, dust, fumes and mud and there will have to be numerous traffic movements by lorries.
- Infrastructure Services - 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.

Local Residents: Representation received to date from (Summarised)

Objections

Addresses within Grasby:

Rose Cottage, Malvern, Clixby Lane, Grasby
7, 10, 11, 13, 15, 17, 19, 21, 21A, 23 Clixby Lane, Grasby
1, 3, 9, 9A, 13, 17 Front Street, Grasby
Blossom Cottage, 1 Vicarage Lane, Grasby
Bentley House, 3, 5, 6, 12 Bentley Lane, Grasby
14, 20 Station Road, Grasby
1, 11 Church Hill, Grasby
2, 4 Wilmore Lane, Grasby
1 Churchside, Grasby

Addresses outside Grasby:

2 Riby Road, Keelby
8 Roxton Avenue, Keelby
Bruff House, Southfield Road, North Kelsey
Park House Farm, Foxby Lane, Gainsborough
23 High Street, Kexby
91 Mill Road, Lincoln
32 Grove Road, Tiptree
34 Finvoy Road, Ballymoney
14 Southfield Road, Scartho
1 Grey Close, Stansted
Torksey Road, Urmston
Portland, Station Road, Ludborough
21 Aldrich Road, Cleethorpes
The Farmhouse, Wrayton

Plymouth Road, Scunthorpe

Highway Safety

- Contrary to LP13(a), LP13(c) and LP26(b).
- Changing from 2 to 1 access and 5 to 4 dwellings does not make it any safer. Nothing has changed in terms of highway safety.
- No turning facility for vehicles.
- Visibility splays are incorrect.
- Danger for residents, dog walkers, cyclists, runners, horse riders and Duke of Edinburgh users
- Significant risk to highway and pedestrian safety on popular walking route (Viking Way).
- Clixby Lane is narrow at only 3 metres wide and would not support the additional traffic.
- Highway impact largely unchanged from previous application 141429 and national inspector conclusion still valid.
- Lane would be busy with cars coming and going.
- Construction traffic would regularly block the lane and impact condition of road.
- No room for site traffic.
- The passing place remains a questionable proposal, only seeking to endanger yet another tree, reduce rain absorption by making a hardstanding and creating a hazard for pedestrians and vehicles.
- The present lanes will not sustain the weight of construction traffic.
- When deliveries are made, or essential services maintenance is carried out, Clixby Lane is completely blocked and access to and from houses difficult as there is nowhere to pass. This can only be achieved by the workmen and neighbours 'shuffling' vehicles about into driveways.

Biodiversity

- Loss of tree, hedging and wildlife.
- Noise, pollution and disturbance result in loss of wildlife.
- Ecology report understates the importance of this paddock.
- Small fields attracts variety of owls.
- Thriving pond in orchard of Bentley House ignored by ecology survey. Supports frogs, toads, newts etc.
- Bats living within 100 metres.
- Wildflowers.
- Tree 1 should remain and not be removed.

Residential Amenity

- Headlight glare into 19 and Malvern Clixby Lane, Grasby.
- Detrimental impact on neighbouring amenity
- Disturbance from construction phase.
- Take away views from 9A Front Street.
- Effect on a quiet country lane.
- Loss of countryside view.

Heritage

- Impact on archaeology under Viking Way.

Character

- Impact on a charming rural lane.
- Undermine pleasant rural setting of village.
- Dramatic effect on Clixby Lane.
- Turning nice country village into a built up area.

Drainage/Flood Risk

- Concerns about drainage arrangements and foul drainage is a recurring problem.
- Soakaways and existing drainage system is not workable solution as site at top of hill and Bentley Lane/Station Road become rivers during heavy rainfall.
- Concerns foul drainage on application form states unknown.
- Grasby sewerage system is overloaded.
- Water table is full and site is regularly waterlogged.
- More concrete laid would lead to the run off being worse.

Infrastructure

- Village infrastructure could cope with anymore housing with no shops, doctors, post office, schools etc.

Other

- Field is an ancient meadow.
- Need to preserve green spaces.
- In times of trying to be conscious of carbon footprint is digging up an ancient field what we need.
- Small contribution towards housing supply.
- Value of property.
- Bins will be everywhere.
- Damage to properties from HGV movements.
- Drawing also shows a gap in the hedging on the East side – there is no gap in the hedging.
- The Proposed Site Access Arrangement (November 2021) does not show trees T4, T5, T6 even though they can be clearly seen on the photo.

Supports

Within Grasby:

20, 39 Vicarage Lane, Grasby

11 Front Street, Grasby

Outside Grasby:

2 Manor Close, Eagle

Holly Tree House, Main Street, Swine

82 Granville Street, Grimsby

35 Patrick Street, Grimsby

- Beneficial impact on community.
- Reducing numbers is considered an appropriate response.
- Scheme adequately mitigates concerns detailed within inspectors report.
- 5 to 4 dwellings will decrease vehicular movements.
- Adequate space provided on site for vehicle to exit in forward gear.
- Will welcome families into the village to support School, Hall, Pub and Church.
- Clear lack of availability of family home.
- Well thought through application.
- Great to see land utilised and well thought out.

LCC Highways/Lead Local Flood Authority: No objections with condition and advice

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.

The principle of development is acceptable. As this is an outline application with only access for consideration, layout has not been considered. Please make the applicant aware of the requirements for parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

WLDC Environmental Protection: No objection subject to a condition

Recommended Condition

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Lincolnshire Ramblers Association: Objections

As the road is very narrow and has no footpath any further traffic will be potentially dangerous to walkers using the Viking Way. This route is nationally recognised and used by walkers from outside the area and by youths doing The Duke of Edinburgh's award. This will sometimes involve walking in the dark as part of the challenge.

Cutting back the hedges either side although widening the path and improving vision it would not improve the walking surface and would therefore do little to improve the safety.

LCC Archaeology: No representation received to date

WLDC Tree and Landscape Officer: No objections with advice

Representation received 1st December 2021:

Although the access road has now been moved to a similarly close position to T1 as it had previously been to T3, the extent of encroachment and the RPA coverage of the intended cellular confinement system is with modern arboricultural standards.

Therefore I have no objections to the proposals. Though, it would be preferable for the road to be roughly centralised between T1 and T3, as shown on previous app 141429 and as recommended in my previous comments, to minimise risks to tree roots, and it would remove the need for a cellular confinement system.

Representation received 28th October 2021:

A cellular confinement system has been proposed at the site entrance where it meets the highway. A cellular confinement system should be installed on top of existing ground levels. This raises questions about how such a system could be installed to meet the level of the highway without excavations through the slightly higher grass verge that the trees are growing on. Although this is an 'Outline' application and such details are normally submitted with a 'RM' application, access is included in this application, so if outline planning permission is minded to be granted, then information should first be required as explained above, including a cross-section of existing levels, as part of this outline application to demonstrate that a 3-dimensional cellular confinement system could actually be installed at the access to meet the highway level whilst still avoiding root damage. If excavations and root damage cannot be avoided or minimised for its installation then there's no point specifying it, and the access should be moved further from the tree, even if this means the removal of T1.

The passing place also poses a risk to tree roots but no information has been supplied regarding its construction i.e. materials and installation is close proximity to T3. It should be moved further away or details should be provided to show it can be constructed utilising tree-friendly means to minimise risk to roots, prior to a decision being made on this application.

I have no objections to the removal of sycamore T2.

Natural England: No objections with advice

Lincolnshire Wildlife Trust: No representation received to date

IDOX checked: 13th December 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 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

LP16 Development on Land Affected by Contamination

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

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

- **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.

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/grasby-neighbourhood-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)**

<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 111 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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 Model Code**

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

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that 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).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy

S2 Growth Levels and Distribution

S4 Housing Development in or Adjacent to Villages
S5 Development in the Countryside
S6 Reducing Energy Consumption – Residential Development
S20 Flood Risk and Water Resources
S22 Meeting Accommodation Needs
S46 Accessibility and Transport
S48 Parking Provision
S52 Design and Amenity
S55 Development on Land Affected by Contamination
S56 The Historic Environment
S59 Protecting Biodiversity and Geodiversity
S60 Biodiversity Opportunity and Delivering Measurable Net Gains
S65 Trees, Woodland and Hedgerows

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

Other:

Natural England's Agricultural Land Classification Map 2010

<http://publications.naturalengland.org.uk/publication/143027?category=5954148537204736>

Minutes of Planning Committee dated 14th October 2021

<https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=173&MId=2413&Ver=4>

Manual for Streets by Communities and Local Government Department for Transport 2007

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Main issues:

- Principle of the Development
*Central Lincolnshire Local Plan
Agricultural Benefit
Concluding Statement*
- Access

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 (21/11/21)¹, the settlement of Grasby can still support 10 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

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

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 not expected to significantly harm the character and appearance of the settlement, its rural setting or the surrounding countryside and therefore, considered to be, in principle, an appropriate location and would not significantly harm the settlement's character and appearance nor that of the surrounding countryside. The planning inspector previously found no conflict with policies LP2 and LP4 of the CLLP.

However, development of the site for five houses was previously found, at appeal, to conflict with policies LP13 and LP26 because it would compromise highway safety for users, causing harm. This will therefore need to be considered further.

Agricultural Benefit:

Guidance contained within Paragraph 170 of the NPPF states that *"recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland"*.

The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (Annex 2 of NPPF). Natural England's East Midlands Agricultural Land Classification Map suggests the site may be grade 3 (good and moderate) but does not distinguish between grade 3a (good - best and most versatile land) or 3b (moderate land). This designates the site as potentially being productive for agricultural use. The site would mean the loss of approximately 4,500m² of agricultural land.

Guidance from Natural England² is only to take account of smaller losses (under 20ha) if they're significant when making the [planning] decision. The loss of 0.45 hectares of agricultural land is a harm but it is not considered to amount to a significant harm or a significant loss.

Concluding Statement

The development would be within the dwelling limit for housing developments in small village. The site would not constitute infill but would fall as a greenfield site at the edge of the settlement, in an appropriate location. Whilst this falls into tier 3 of the LP4 sequential test, there are no known reasonably available sites within Grasby which fall into higher tiers of the sequential test. The development would lead to an insignificant loss of agricultural land. The previous planning appeal found no conflict with policies LP2 and LP4.

² <https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land#use-alc-to-support-your-planning-decisions>

The principle of the development is therefore found to be acceptable and would accord with local policy LP2, LP4 and LP55 part G of the CLLP and the provisions of the NPPF.

It is considered that policy LP2, LP4 and LP55 Part G are consistent with the sustainability, housing growth and best/most versatile land guidance of the NPPF and can be attached full weight.

Access

As stated, the earlier appeal for five houses (and two accesses) was dismissed after the Planning inspector concluded that *“the proposed development would compromise highway safety for users, causing harm.”*

At that time, two accesses were proposed and the Inspector found *“I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.”*

This latest application now proposes one access, to serve four houses.

Objections have been received in relation to the proposed vehicular access. The inspector commented on the lack of visibility splay information and that *“Clixby Lane changes alignment just after Bells Cottage and this, in addition to the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility.”*

The Highways Authority at Lincolnshire County Council have no objections to the development on highway safety grounds.

It is important to remind that refused and dismissed at appeal application 141429 was an outline application with all matters reserved but included two vehicular access points on the indicative site plan.

This application has included access to be considered and not reserved for a subsequent reserved matters application. Site Plan 21/776/1D dated 9th December 2021 identifies a single vehicular access off Clixby Lane towards the north west corner of the site partly opposite Malvern, Clixby Lane and partly opposite 11a Clixby Lane.

Site Plan 21/776/1D dated 9th December 2021 was submitted during the application to re-position the access around 7 metres to the north west of the front boundary. A 14 day re-consultation was instructed to all the relevant consultees and neighbours.

The application included a site visit by the case officer including taking in views from the position of the proposed access. It is acknowledged that Clixby Lane narrows to a single track road but from the access you can clearly view along Clixby Lane to the junctions with Front Street and Main Street.

Section 7.7 of Manual for Streets guides on the required visibility splays for new accesses of a highway where a 20mph speed limit is considered relevant. The new access considering the stopping sight distances in table 7.1 of Manual for Streets requires a visibility splay of 2.4 metres x 25 metres.

The applicant has stated that “Access kerb radii of 6m have been provided and the achievable visibility splay for the access has been shown, with 25m provided for a set back distance of 2.4m. Based on on-site observations, it has been assumed that speeds would be no greater than 20mph as the existing nature of Clixby Lane acts to calm traffic speeds; this level of visibility therefore accords with Manual for Streets [MfS] standards for a 20mph design speed. The minimum forward visibility required for a road at 20mph (a distance of 25m) is shown to be achieved west along Clixby Lane from the site access. Measurements on site confirm that forward visibility from the proposed Site access would be approximately 90m”.

Acceptable visibility splays have now been identified on the site plan.

The proposed splay measures 14 metres wide narrowing to an indicative 5.1 metres wide. This would provide adequate room for a vehicle exiting the site to wait at the access and allow a vehicle to driving towards the site and enter the site before it moves away.

Layout has been reserved for subsequent approval therefore turning space within the site cannot be fully considered. However the application provides an indicative layout on plan 21/776/1D dated 9th December 2021 which demonstrates that the site is of a size which is capable of accommodating four dwellings with sufficient space for a suitably wide access road, parking, vehicle turning space and external amenity space. Advice on layout is provided later in the report. The indicative layout now identifies a turning space for delivery vehicles to the north of the dwelling adjacent the public rights of way, which means that vehicles would be able to enter and exit the site in a forward gear. As the plan is indicative, it is recommended that a condition is applied to ensure this is provided within the final layout.

The objections and assessment of the planning inspector are respectfully acknowledged and considered in the determination of the application. Additionally no objections from the Highways Authority are considered who did not object to the two accesses in planning application 141429 either. Therefore following a site visit it is considered that a single vehicular access point is acceptable and would not have a severe impact on highway safety. The development therefore accords to local policy LP13 of the CLLP and the provisions of the NPPF.

It is considered that policy LP13 is consistent with the highway safety guidance of the NPPF and can be attached full weight.

Other Considerations:

Scale, Appearance, Layout and Landscaping

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

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 four dwellings of an appropriate scale and appearance.

Layout:

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 (21/776/1D dated 9th December 2021) outlines that the proposed dwellings will form front facing plots onto Clixby Lane reflecting the character of the locality.

Whilst layout is a “reserved matter”, the application provides an indicative layout which clearly demonstrates that the site is of a size which is capable of accommodating four dwellings with sufficient space for a suitably wide access road, parking, vehicle turning space 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.

Objections have been received in relation to the impact of the development on existing trees.

The northern boundary of the site contains a row of well-established frontage trees. A revised tree report by CBE Consulting dated 19th November 2021 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 and after the development such as protective fencing and using a cellular confinement

system to construct the access and immediate access road. Such tree protection measures can be secured by an appropriately worded condition.

T2 Sycamore is the only frontage tree to be removed for access into the site. The WLDC Trees and Landscapes Officer has been consulted on the application and although would prefer the access to sit more centrally between tree 1 and 3 accepts the proposed protection methods and has no objections to the removal of T2 or the development.

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.

Highway Safety

As stated previously, the earlier appeal dismissed the proposal for 5 dwellings having concluded *“that the proposed development would compromise highway safety for users, causing harm.”*

Objections have been received from the ward member, Grasby Parish Council and residents in relation to highway and pedestrian safety.

The proposed development has reduced the amount of accesses from two indicative vehicular access points in 141429 to one vehicular access point. A passing place is additionally proposed along the front of the site to the east of the vehicular access.

As listed in the planning history section of this report an outline application with all matters reserved for 5 dwellings was refused following resolution by the planning committee on highway and pedestrian safety grounds.

Subsequently an appeal was lodged and dismissed where the inspector concluded *“However, overall, I conclude that the proposed development would compromise highway safety for users, causing harm. This would conflict with Policies LP13 and LP26 of the Central Lincolnshire Local Plan (CLLP)”*. The main points from the inspector’s assessment are in summary:

- No separate footpaths and users including children doing their Duke of Edinburgh Award of definitive footpaths share the road with vehicles.
- Clixby Lane narrows just beyond Bells Cottage and the location of boundary landscaping to the northern side of the lane, provides some restriction to forward visibility.
- There is no vehicle turning area along Clixby Lane with limited space at the end of the lane to turn larger vehicles.
- I consider that there would be noticeably more traffic using Clixby Lane as a result of the development including deliveries and visitors.
- I am not convinced that there would be clear visibility for the reasons I have set out and providing the right of way to an oncoming vehicle on the

single width section of the road would require manoeuvring within the highway.

- Consequently, as the road acts as a shared surface, is primarily single width, has restricted forward visibility where it narrows outside Bells Cottage and supports significant pedestrian movements, development that increases its use would impose an additional safety risk to existing drivers and pedestrians.
- I do not have enough information to conclude, that the visibility splay requirements could be achieved given the proposed retention of the trees along the site frontage and therefore if the visibility splay condition could reasonably be imposed.

Clixby Lane has not been altered since the time of the previous decision. It will remain a shared surface, being used both by pedestrians on the public right of way, and by vehicles serving properties along Clixby Lane (currently 20 dwellings). It narrows at Bells Cottage, approximately 81 metres north west of the proposed site entrance.

Key considerations following that decision, is that it has reduced the number of homes by one, to four in total, and should reduce the traffic it would have generated. This would increase the overall number of homes on Clixby Lane from 20 to 24, a 16.66% increase.

Furthermore, the access has been reduced to one, with a visibility splay of which meets the 2.4 metre x 25 metre requirement.

In addition, the layout has been revised to demonstrate that a dedicated turning space can be accommodated on the site, to allow vehicles to enter and exit in first gear.

The Highways Authority have not submitted any objections to the proposed access on grounds of highway safety.

The application has included a Transport and Access Technical Note (TSTN) by SLR dated July 2021. The TSTN sets out in section 2.0 (page 4) that the recommended visibility splays as required by the inspector can be achieved from the proposed access and are noted on site plan 21/776/1D dated 9th December 2021.

The TSTN adds that *“The drawing includes swept path analysis which demonstrates that two cars could pass within the access junction and that a car would be able to turn within the site to exit in forward gear. The location of the Site access further west ensures that the use of the narrow section of Clixby Lane by the additional vehicles is limited. In addition the achievable junction visibility and the forward visibility will ensure that vehicles travelling from the Site will be able to see approaching vehicles allowing them to give way accordingly.”*

The TSTN concludes that *“The design of the proposed Site access includes both good junction visibility and good forward visibility, ensuring that vehicles*

travelling from the site can see all road users. The number of vehicles predicted to be generated by the proposed development in any one hour are low and so the safety of Clixby Lane is not considered to be detrimentally affected. As such, there are no highways grounds for refusal of the proposed development and the proposals are considered to be acceptable. As the proposed development provides safe and suitable access the proposals are not contrary to the guidance as set out in National Planning Policy Framework (NPPF)."

The assessment of this application included a site visit by the case officer which included walking to the site from the junction with Front Street and then observing views from the position of the access to the east and west along Clixby Lane. It is additionally acknowledged that Clixby Lane forms part of the Viking Way which is well trodden and popular public rights of way.

Clixby Lane is a shared surface for vehicles and pedestrians and has dwellings along it with driveways only accessible along Clixby Lane. The shared surface status of Clixby Lane is clear as you walk along it to all users whether local people or visitors using the Viking Way. Therefore pedestrians walking along the road would be well aware of the potential of vehicles traveling east and west along it.

The TSTN in section 3.3 (page 8-9) states that *with five dwellings TRICS predicts that there would be up to 9 arrivals and 9 departures in one day" and "This low level of additional vehicle movements is not likely to increase the chances of two vehicles meeting at the narrow section."* It is unknown why the TSTN relates to five dwellings when this development is for four dwellings and the guidance is a new document submitted with this application.

However table 3.2 of the TSTN determines that the daily number of trips generated by four dwellings would be 15 trips (7 departures and 8 arrivals). This would be three less than a 5 dwelling (see table 3.2) development therefore further decreasing the modest amount of vehicle movements and reducing the potential for two vehicles to meet.

Views from the proposed access looking west (see photo below) make it clear that both the junctions with Front Street and Main Street would be in view before pulling out onto Clixby Lane which would allow an oncoming vehicle to be seen and waited for.



Views looking east (see below photo) would additionally be clear given the length of the grass verge and straightness of Clixby Lane to the east.



As advised by Highways the vehicular access would need to be wide enough to allow the oncoming vehicles to pass the waiting vehicle. The indicative layout on site plan 21/776/1D dated 9th December 2021 demonstrates a road width of 5.1 metres which is more than sufficient for this to occur. It would be considered necessary and reasonable to add a condition to ensure that any reserved matters application met the width restriction for the first 10 metres of the vehicle access and road.

Views from Bell Cottage (see white/cream building on the photo below) were additionally observed where the inspector noted that Clixby Lane started to narrow. From this position as you travel towards Clixby Lane you can clearly see the area where the vehicular access is proposed.



The application additionally includes a passing place to the east of the proposed access. The position of the passing place would not be in view as you travel east along Clixby Lane nor would Clixby Lane be wholly visible as you travel west from the dwellings to the east of the proposed access position. The passing place would therefore allow a vehicle to wait whilst another passes although the amount of traffic generated to the east of the proposed access would rarely make this happen.

Comments have been made about the impact of the construction vehicles in terms of highway safety and the impact on the condition of Clixby Lane. The use of Clixby Lane by construction traffic would be expected to have some disruptive impact on the use of Clixby Lane but this would only be temporary whilst materials were being delivered. The condition of Clixby Lane is the consideration of the Highways Authority at Lincolnshire County Council who have not objected.

With all of these considered and visiting the site it is considered that Clixby Lane is a shared no through highway predominantly for vehicles with its pedestrian use increased due to its status as part of the Viking Way. Visibility of the access as you travel east along Clixby Lane, visibility from the access to the west and the speed of the highway would allow acceptable and safe visibility for vehicle users as well as pedestrians, cyclist and horse riders.

The development is expected to generate an additional 15 trips a day on the lane. Whilst there is some conflict as a shared space between vehicles and pedestrians, it is considered that the additional traffic generated would not in itself, result in a significant compromise of highway safety. Furthermore, this latest design has sought to bring forward acceptable visibility splays, and ensure vehicle turning can be achievable.

It is therefore considered that the proposal subject to reserved matters in particular the layout of the access road would not have a severe highway and pedestrian safety impact and would now accord with local policy LP13 of the CLLP and the provisions of the NPPF.

Residential Amenity

In the appeal decision, the Inspector concluded at that time, *“notwithstanding the third-party representations, impacts on the living conditions of neighbours and scale and appearance of the development could be addressed at the reserved matters stage.”*

Objections have been received in relation to residential amenity. Indicative site plan (ISP) 21/776/1D dated 9th December 2021 demonstrates that 4 dwellings would be expected to be designed and positioned to provide more than sufficient separation distance between the existing and proposed dwellings. The site would enable acceptable private external amenity space for each new dwelling.

Objections have been received in relation to vehicle headlight glare during hours of darkness and disturbance from the construction phase. The proposed access would be opposite half of 11A Clixby Lane and half Malvern, Clixby Lane. Vehicles leaving the site would for a very short period point towards parts of these properties and in particular 11A which is positioned closer to Clixby Lane.

The proposed development of 4 dwellings would not generate a significant enough amount of journeys to cause a significant impact through headlight glare.

Given the location of the site along Clixby Lane it is considered relevant, reasonable and necessary to attach a construction management plan condition to the permission to ensure the development does not cause a significant impact on the neighbouring dwellings.

Therefore, subject to a successful reserved matters application the development would be expected 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.

Archaeology

The Historic Environment Officer has not commented on this application but had no objections in planning application 141429 and there is no material evidence to contradict this position. It is therefore not considered that the proposal would have a harmful impact on items of archaeological interest and accords to local policy LP25 of the CLLP and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Drainage

Objections have been received in relation to drainage.

The application form states that surface water is proposed to be dealt via a soakaway/watercourse system which is encouraged as a form of sustainable urban drainage.

No method of foul drainage is stated on the application form. Paragraph 20 (Reference ID: 34-020-20140306) of the water supply, wastewater and water quality section of the NPPG states

“When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This will need to be done in consultation with the sewerage company of the area.”

It would therefore be preferred that foul drainage is connected to the existing sewer system if a connection is available with sufficient capacity.

Foul and surface water drainage matters is considered acceptable in principle, subject to receiving further details through a condition. The development would therefore be expected to accord with policy LP14 of the Central Lincolnshire Local Plan 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.

Flood Risk

The site is in flood zone1 and is not within an area identified by the Environment Agency as at risk from surface water flooding.

Ecology

Local 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 180 of the NPPF states that ‘When determining planning applications, local planning authorities should apply the following principles’. The applicable ones to the development are:

a) *‘if significant harm to biodiversity 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;*

c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused,*

unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’.

The application has included a Preliminary Ecological Appraisal Report (PEAR) dated 4th May 2020. On submission (6th October 2021) the ecology report was under 18 months old so considered still to be acceptable. Page 14-15 of the PEAR makes the following recommendations (summarised):

Habitats – No further surveys required. Hedging to the north, east and west and mature deciduous trees along northern boundary to be retained. Planting soft landscaping.

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.

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.

As set out above, policy LP21 states that all development should seek to deliver a net gain in biodiversity and geodiversity. A scheme of ecological enhancements will be required by condition to ensure all recommendations are adhered to.

The proposal would therefore not have a harmful impact on biodiversity and subject to conditions the development would accord to local policy LP21 of the CLLP and the provisions of the National Planning Policy Framework.

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

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 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 not commented on this application but had no objections to the development proposal and it is considered that the proposal would not harm the functions of the rights of way.

The 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 a public highway 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.

Contamination

The Environmental Protection Officer has recommended a pre-cautionary contamination condition to be attached to any permission. This is considered as reasonable and necessary.

The proposal would therefore not have a harmful contamination impact and subject to a condition would accord to local policy LP16 of the CLLP and the provisions of the National Planning Policy Framework.

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

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.

Conclusion

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 in the first instance and S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S5 Development in the Countryside, S6 Reducing Energy Consumption – Residential Development, S20 Flood Risk and Water Resources, S22 Meeting Accommodation Needs, S46 Accessibility and Transport, S48 Parking Provision, S52 Design and Amenity, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains and S65 Trees, Woodland and Hedgerows of the Draft Central Lincolnshire Local Plan Review. Furthermore consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code.

In light of this it is considered that the principle of the proposal is acceptable and will provide four dwellings in an appropriate location towards the housing supply for Grasby and Central Lincolnshire. The position and visibility splays of the single vehicular access is considered acceptable and would not have a severe harmful impact on highway and pedestrian safety. This is subject to satisfying a number of conditions and the submission of a reserved matters application (scale, appearance, layout and landscaping).

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

Representors to be notified -

(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

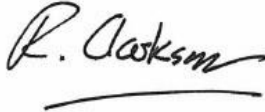
Prepared by: Ian Elliott

Date: 14th December 2021

Signed:



Authorising Officer:



Date: 14/12/2021

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 **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. The details of layout to be submitted in accordance with condition 2 of this permission must include:

- The approved access and proposed access road to be at least 5.1 metres in width for the first 10 metres from the front boundary.
- An acceptable vehicle turning space (not driveway) within the site to enable a vehicle to enter and exit in a forward gear.

- The access as approved with a visibility splay in both directions of 2.4 metres x 25 metres.

Reason: To allow two vehicles to pass each other within the site. To provide acceptable turning space within the site and to ensure required visibility splays are met. This would reduce the potential of two vehicles meeting along the narrow section of Clixby Lane in the interests of highway and pedestrian safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development must take place until details of the position of three bat boxes and three open nest bird boxes, as per the recommendations of the Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021 has been submitted to and approved by the Local Planning Authority. The approved bat and bird boxes must be installed prior to occupation of the site and retained as such thereafter.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

6. No development must take place until a demolition and construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
 - (i) the parking of vehicles for site operatives and visitors;
 - (ii) loading and unloading of plant and materials including hours of the day;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel cleaning facilities;
 - (vi) measures to control the emission of dust and dirt;
 - (vii) details of noise reduction measures;
 - (viii) a scheme for recycling/disposing of waste;
 - (ix) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
 - (x) protection of the use and users of the Viking Way;
 - (xi) measures to prevent or limit the blocking of access and egress for the residents of Clixby Lane opposite and to the east of the site.

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

- Location Plan received 6th October 2021
- Site Plan 21/776/1D dated 9th December 2021 (Vehicular Access and Passing Place Only)

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.

8. 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 and retained as such thereafter

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.

9. No occupation must take place until a detailed construction specification for the single passing place to the front of the site as identified on site 21/776/1D dated 9th December 2021 has been submitted to and approved in writing by the local planning authority. The single passing place must be completed in strict accordance with the approved details and prior to occupation of any dwelling. The passing place must be retained as such thereafter.

Reason: To improve and provide a passing place along Clixby Lane to the east of the proposed access in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

10. Apart from the bat and bird boxes in condition 4 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal Report by Curtis Ecology dated 4th May 2021 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

11. The development must be completed in strict accordance with the tree protection measures identified on tree protection plan (figure 4) and in section 4.1, 4.2 and 4.3 of the revised tree report by CBE Consulting dated 19th November 2021. All tree protection measures must be installed prior to commencement of the development and retained in place until the development is fully completed. The cellular confinement system must be a no dig construction and retained as such thereafter.

Reason: To safeguard the existing trees on or adjacent the site during construction works, in the interest of visual amenity to accord with the National Planning Policy Framework and local policy LP17 and LP21 of the Central Lincolnshire Local Plan 2012-2036.

12. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 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

Highway Informative

The highway improvement works referred to in the above condition 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 application guidance, approval and

specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

The road serving the permitted development is approved as a private road which will not be 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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

Hedgerows

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