

Officers Report

Planning Application No: 144217

PROPOSAL: Planning application for 2no. bungalow dwellings - resubmission of application 143410

LOCATION: Land north of Normanby Rise Claxby Market Rasen

WARD: Wold View

WARD MEMBER(S): Cllr T Regis

APPLICANT NAME: Augustine John Developments

TARGET DECISION DATE: 03/03/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

The application is being referred to the Planning Committee for determination due to its past planning history with the previous application (143410) having been refused at the 1 December 2021 Planning Committee.

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.

This application (144217) has been submitted in order to overcome the reason(s) for refusal (see below) for the previous application 143410 which proposed to erect 4no. semi-detached dwellings.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling has an access off Normanby Rise which leads to off road car parking, turning areas and an attached single garage for each property. Garden space is mainly located to the rear (north) but there is landscaping on all sides and trees and hedging are proposed mainly on the southern and western boundaries. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

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

143410 - Planning application for 4no. semi-detached dwellings. Refused 2/12/2021 '1. *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.*'

141919 - Outline planning application to erect 1no. 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): No representations received to date.

Claxby Parish Council: Now the plans have been amended to make the development more in keeping with the environment in terms of scale and design, the Parish Council have agreed to approve the plans. One proviso is that, given the current poor drainage on the site, care is taken in dealing with the drainage, when building, particularly if the new properties are built on "rafts", to make sure that water run-off does not contribute to the already extensive volume of water running down the hill to flood the gardens at the bottom of the hill.

Local residents: No representations received to date.

LCC Highways / Lead Local Flood Authority: 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. Two informatives are suggested.

LCC Archaeology: No representations received to date.

Environmental Protection: Requests that the following condition is attached to the decision notice if it is minded to grant permission:

'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.'

Lincolnshire Wolds AONB Officer: I can confirm that we have no objection to the new planning application ref: 144217, for two bungalows as detailed for the land north of Normanby Road, in Claxby. The site is in the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) so the scaling and design of the properties has been an important consideration to help integrate the housing development within the immediate and wider surroundings of the village.

The proposed revised dwellings are of a fairly standard and uniform style and design, functioning as a matching pair of bungalows; we welcome the additional soft landscaping measures proposed, including the re-laying and re-stocking of the front hedgeline, which will help to ameliorate the new dwellings into the rural street scene. We would recommend the use of an additional planning condition here to help ensure the retention of a front hedgerow at these properties. This would help minimise any future risk of

more open frontages, including potentially views to further parked cars and other vehicles within the properties driveways and turning circles.

IDOX checked: 11/02/2022

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

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

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. 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. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. 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 S46: Accessibility and Transport
Policy S48: Parking Provision
Policy S52: Design and Amenity
Policy S55: Development on Land Affected by Contamination
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 issues:

- Principle of Development
- Area of Outstanding Natural Beauty / Character and Visual Impact
- Residential Amenity
- Access and Parking
- Ecology and Landscaping
- 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”*.

Although the principle of development for one dwelling has been established through the existing outline consent (141919) and it was considered that the previously refused proposal (143410) for four dwellings would have resulted in the entire loss of the amenity value of the site, it is considered that this proposal for two 1.5 storey dormer style dwellings will protect the amenity value of the site as the proposal keeps a large proportion of the openness of the site by providing substantial landscaping on all sides of the proposed dwellings with views through the middle of the site to the remaining open space to the north being preserved. Trees and hedging are also proposed mainly on the southern and western boundaries

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 proposal would retain the core shape and form of the settlement.

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 21st January 2022) 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 2 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 two dwellings approved as both this

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

proposal and the previously approved outline proposal could not both be built as the footprints overlap. A growth level of 5 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 within the first category of the above sequential contained within policy LP4 of the CLLP.

Concluding Statement:

The site is an infill plot within the settlement of Claxby and would provide two dwellings towards the allocated housing growth for Claxby in local policy LP4 of the CLLP.

It is considered that this proposal for two 1.5 storey dormer style dwellings will protect the amenity value of the site as the proposal keeps a large proportion of the openness of the site by providing substantial landscaping on all sides of the proposed dwellings with views through the middle of the site to the remaining open space to the north being preserved. Trees and hedging are also proposed mainly on the southern and western boundaries

The principle to develop two dwellings here is acceptable as the site is considered to be an appropriate location within the built form of the village and will contribute to the allocated housing growth apportioned to Claxby in the adopted Central Lincolnshire Local Plan.

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.

The site is adjoined by residential properties to the north, west and 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, with Langham Lodge to the west being a detached bungalow and Langham House to the north and Wellington House to the east both being two storey detached dwellings.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

The proposed dwellings will be set back from the road as are the existing dwellings to the west and to the east of the site and will be of a traditional design which will utilise red brick for the external walls. The scale of the proposed dwellings (1.5 storey) will also complement the bungalow to the west and the two storey dwelling to the east.

The location of the dwellings on the plot will allow for landscaping on all sides of the dwellings and the existing hedge at the front will be 'laid' and under planted as necessary. The western boundary will also be planted with hedging and trees.

It is therefore considered that with appropriate conditions to secure materials and landscaping that the proposal would not have a detrimental impact on the AONB and would not harm the character and appearance of the street-scene. The proposal is considered to accord with Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the NPPF.

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 planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

There are large separation distances between the proposed dwellings and Langham Lodge to the west and Langham House to the north. Wellington House to the east is located approximately 5.9 metres away from the main (highest) part of the nearest proposed dwelling and approximately 3 metres at the closest point from the attached single storey garage off the east elevation of this nearest proposed dwelling. There are no issues with overshadowing and over dominance.

The front (south) elevation of each dwelling will overlook the off road car parking and landscaping to the front of the dwelling with Normanby Rise and open countryside beyond. The rear (north) elevations will overlook the rear gardens of the proposed dwelling with the remaining open space further to the north. The west elevation of Unit 1 (towards the western boundary) will have a set of bi-fold doors a solid door and part of a bay window at ground floor level and a roof light over a landing, which will look out onto the landscaping and off road car parking afforded the proposed dwelling to the side and boundary treatments and a track beyond. The east elevation will four windows, a door and part of a bay window at ground floor level and a roof light over a bathroom, which will look out onto the landscaping afforded the proposed dwelling to the side and boundary treatments.

The west elevation of Unit 2 (towards the eastern boundary) will have three windows, a set of bi-fold doors, a door and part of a bay window at ground floor level and a roof light over a bathroom, which will look out onto the landscaping afforded the proposed dwelling to the side and boundary treatments. The east elevation will have a window, a solid door and part of a bay window at ground floor level and a roof light over a landing and will look out onto the landscaping and off road car parking afforded the proposed dwelling to the side and boundary treatments beyond.

There are no overlooking issues with the proposed dwellings.

It is therefore considered that the proposed dwellings will not have a harmful impact on the living conditions of neighbouring dwellings or that of the occupants of the proposed dwellings. The proposal is considered to accord with Policy LP26 of the Central Lincolnshire Local Plan and the NPPF.

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 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling has an access off Normanby Rise which leads to off road car parking, turning areas and an attached single garage for each property.

Lincolnshire County Council's Highways Team have no objections to the scheme and the proposal is considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety. If it is minded to grant permission the two informatives suggested by the Highways Authority will be attached to the decision notice.

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 arrangements detailed above are considered to be sufficient for 2no. (3 bed) 1.5 storey dormer style bungalows. 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 applicant 'laying' the existing hedgerow at the frontage of the site and under planting the hedgerow as required. 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.

Foul and Surface Water Drainage / Flood Risk

The application form identifies that surface water will be managed by a sustainable drainage system and foul water is proposed to be dealt with by connection to the main sewer. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

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

Permitted Development

The site is located within the Lincolnshire Wolds AONB and is located on important open space. If it is minded to grant permission certain permitted development rights should be removed in order to protect the AONB and retain the openness of the landscaping around the dwellings.

Another condition will be attached to the decision notice if it is minded to grant permission to retain the hedges on the western and southern boundaries of the site.

Contamination

If it is minded to grant permission the condition recommended by Environmental Protection will be attached to the decision notice.

Main Drain

A neighbouring dwelling mentioned on the previous application (143410) 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.

Conclusion

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, LP3: Level and Distribution of Growth, LP4: Growth in Villages, 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, LP23: Local Green Space and other Important Open Space and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance

The principle to develop two dwellings here is considered to be acceptable as the site is considered to be an appropriate location within the built form of the village and will contribute to the allocated housing growth apportioned to Claxby in the adopted Central Lincolnshire Local Plan. Furthermore, the proposal would not harm residential amenity and with appropriate conditions to secure materials and landscaping the proposal would not have a detrimental impact on the AONB and would not harm the character and appearance of the street-scene. The proposal is also considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety.

Recommendation: Grant planning permission subject to the conditions below

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

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

2. 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: 020/0199 dated 20/12/2021, 020/0199 dated 14/12/2021 and 030/1099 dated 20/12/2021. 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 in the interests of proper planning.

3. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

4. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until, a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

7. 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:

8. All planting and turfing approved in the scheme of landscaping under condition 6 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

9. The hedge along the southern boundary and western boundary of the site as shown on Drawing No. 030/1099 dated 20/12/21, must be laid and/or planted prior to the occupation of the approved dwellings, and shall be retained and maintained at a height of not less than 1.8 metres in perpetuity.

Reason: To ensure the site is visually softened by appropriate methods and to protect the Lincolnshire Wolds AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

10. Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character and appearance of the dwellings and its surroundings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Laying the hedge/Bird Nesting

The proposal would involve the applicant 'laying' the existing hedgerow at the frontage of the site and under planting the hedgerow as required. It is possible therefore that protected species could be encountered during site work, e.g. nesting birds.

The hedge should not be 'laid' during the main breeding season for nesting birds, which usually runs throughout March to August each year.

Main Drain

A neighbouring dwelling mentioned on the previous application (143410) that there is a main drain running through the centre of the site.

Highways

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

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>

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