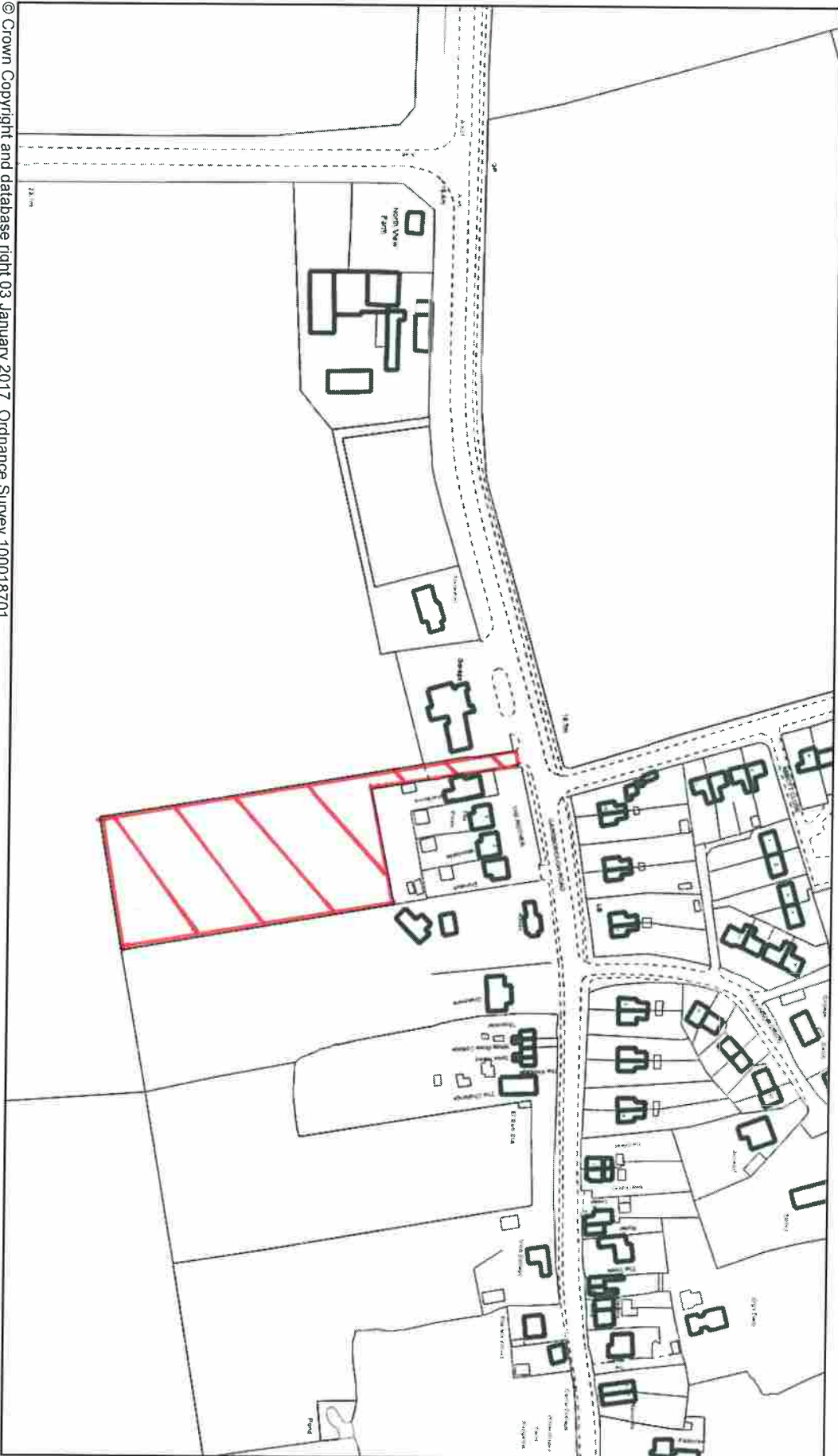


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## **Officers Report**

### **Planning Application No: 132946**

**PROPOSAL:** Planning application to erect 5no. dwellings, with garages, access drive and associated landscaping and boundary treatments.

**LOCATION:** Land Off Gainsborough Road Middle Rasen Lincolnshire LN8 3JX

**WARD:** Middle Rasen

**WARD MEMBERS:** CLLR H Marfleet, Cllr J McNeill, Cllr T Smith

**APPLICANT NAME:** Mr Craig Keyworth

**TARGET DECISION DATE:** 17/07/2015

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Ian Elliott

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

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#### **Description:**

The application site is a large plot of paddock land located to the rear of four dwellings (Silver Birches, The Pines, Woodside and Dunwich) on the edge of Middle Rasen. The site is set back from Gainsborough Road with a vehicular access between Silver Birches and the RCH Motors. It is predominantly in a very overgrown condition with a static caravan and outbuilding sat adjacent the west boundary. The north boundary is initially screened by a low fence with high trees in the garden of Silver Birches. High trees screen the east, south and west boundaries.

The garden space of Silver Birches sits adjacent the north boundary with the dwellings sat further forward away from the site. The open countryside sits to the east, south and west, although to the west the fields are more like small paddock areas. Public right of way Midd/181/1 at its nearest point sits approximately 90 metres to the west. Group 1 of Tree Preservation (Middle Rasen No.1) Order 2002 is close by to the north between the site and the dwellings to the north.

The application seeks permission to erect 5no. dwellings, with garages, access drive and associated landscaping and boundary treatments.

#### **Relevant history:**

- Site

CR/387/70 – Change use from agriculture to a camping and caravan site – Conditional Permission

W63/573/89 – Outline application to erect amenity block for caravan site –  
10/08/89 – Outline Consent

W63/628/92 – Reserved matters application to erect one detached house –  
08/09/92 – Reserved Matters Consent

- Sites close by

Appeal Decision: APP/N2535/W/16/3142624 - Land at Northview Farm,  
Gainsborough Road, Middle Rasen Dated 26<sup>th</sup> May 2016

The development proposed was to demolish existing dwelling and agricultural buildings and construct proposed residential development of 9 no dwellings to the west of the site adjoining the junction of the A46 and A631.

The main issues were:

- *Whether the proposal would provide an appropriate location for housing having regard to national and local policy and the principles of sustainable development.*
- *The effect of the proposed development on the character and appearance of the countryside around Middle Rasen.*

Paragraph 14 of the Inspector's decision notice stated:

*Although it has been put to me that the development would not enhance or maintain the rural community I am not persuaded this would be the case. As stated the site is close to the settlement boundary and a development of 9 family sized houses as proposed would both provide housing to meet the objectively assessed need in the area and would be likely to support the facilities and services of Middle Rasen such as the Post Office, school and village hall. It would therefore have social benefits and inasmuch as the development of housing would also bring economic benefits both during and after construction for the local economy the development would also fulfil the economic role. Other than concerns about impact on the countryside character, which I consider below, no undue environmental impacts have been raised for example in respect of ecology or the protection of heritage assets. I conclude therefore that subject to appropriate conditions the development would meet the sustainability objectives of the Framework.*

Paragraph 17 then continued:

*I acknowledge that the WLLP policies do seek to protect the countryside. However the landscape in the vicinity of the appeal site is not protected for its particular quality. As stated, I am satisfied that design and landscaping could be effectively controlled at reserved matters stage and that an appropriate design would enhance this gateway site which is dominated by derelict farm buildings. In this way there would be no conflict with WLLPR saved policy NBE 20 which seeks to ensure development on the edge of settlements would not detract from the rural character of the settlement edge and the countryside beyond nor with policy STRAT 1(vi).*

## **Pre-application:**

132225

Support development but consideration should be given to ensuring that the boundary to Silver Birches is either landscaped or contains some form of acoustic fencing or both as deemed necessary. Boundary screening prevents an intrusive impact on the open countryside. Layout recommendations for 2 dwellings at the end have been incorporated into the development.

## **Representations**

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

**Middle Rasen Parish Council:** Objections.

- It will be intrusive, extending beyond the current parish limit.
- It will use agricultural land.
- Issues with flooding of the A631 will be exacerbated by tandem building.
- WLDC have historically refused permission for tandem building.
- Safety from the exit onto the highway.
- Strain on local infrastructure

**Local residents:**

Objections received from:

The Pines, The Rother, Gainsborough Road, Middle Rasen

- Loss of Countryside
- Site rejected for housing by inspector from Local Plan Public Enquiry in 2005 as subject to objections. Due to extension into the open countryside adjoining the present frontage ribbon along Gainsborough Road.

Silver Birches, The Rother, Gainsborough Road, Middle Rasen

- Inadequate access. There is a clear discrepancy on the site location plan between the usable access width and the actual available access width. It is not wide enough for two cars to pass each other.
- Adverse impact on highway safety through poor visibility, closeness to garages access.
- This is green belt land unsuitable for development.
- Detrimental impact on the village view fundamentally changing the whole landscape especially from Lincoln Lane.
- Adverse residential amenity impact and general disturbance through visitor/vehicle movement on west elevation and loss of privacy to rear garden.
- Impact on wildlife species and meadow flowers.
- Drainage concerns as land is clay based and is always wet. Impact on existing drainage infrastructure.
- Flood risk.
- Structural damage on Silver Birches.

- Destabilisation of two liquid fuel tanks close to boundary of Silver Birches.
- Proposal is against the deeds of the land.

Support and comments received from:

Dunwich, The Rother, Gainsborough Road, Middle Rasen

- Support plans as currently advised.
- I would ask the developer to be aware of the requirements to ensure adequate drainage with specific drain routing around existing properties.
- I would like to be informed if there was any proposal to use existing sewers that run underneath my neighbouring property.

**LCC Highways:** No objections subject to conditions and advisory notes

- Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 210-11 Rev B dated March 2015

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.

- Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.
- This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontages.

**LCC Rights of Way:** No objections

**Ramblers Association:** No representations received to date

**Archaeology:** No objection

**Public Protection:** Concerns

Drainage

Much of Gainsborough Road is subject to surface water flooding that in large comes from land to the south. The development of the former HGV lorry park to housing (The Rother) to the south of the site has exacerbated the situation with the loss of a feeder watercourse to the east of it and the filling in of another bounding and comprising of the western access to the proposed development. Surface water flooding is reported at the southern boundary of 'The Rother' and 'Silver Birches'. There is also apparent natural pooling in the centre of the site where there is a pond. Were the watercourse at the west side of the proposed access to be reinstated, as ought to be the case, it is likely that the access, if not already too narrow would become so.

### Contamination

Parts of the site are within 50 metres of the garage and former HGV yard whilst all of the site is within 250 metres, as such a suitable contamination condition would be needed.

**Tree and Landscape Officer:** No objection subject to conditions

- The proposed dwelling on plot 1 is about 10.5m from the nearest TPO tree. This is outside the trees Root Protection Area (RPA) and would no impact on the trees health and amenity value.
- The TPO trees towards the NE corner of the site are closer to the sites northerly boundary fence, and their RPA's extend into the site, so this corner should be fenced off around the outside of the trees RPA's to prevent any storage of materials or equipment over their roots.
- There is a mature birch tree just to the rear of the garage at 'Silver birches'. This tree is very close to the proposed access road, with a Root Protection Area (RPA) of 4.5m. It is not a TPO tree, but if this tree is to be retained, this section of road should be constructed using a cellular confinement system of appropriate depth for the size and weight of vehicles that could potentially use the road (cars, vans, delivery trucks, removal vans, ambulance, fire engine etc...).
- If the dwellings are to be constructed prior to the road being made, then appropriate ground protection methods should be put in place prior to heavy vehicles or machinery entering the site.
- The area where trees could be affected by the proposals is along the westerly boundary where the new access road runs close to the hedge line and trees. These trees are not protected, but they do provide some existing feature and screening, so if they are to be retained then the new road should either be outside their RPA's or constructed using a cellular confinement.

**Housing and Communities Officer:** No representations received to date

**IDOX checked:** 29<sup>th</sup> November 2016

### **Relevant Planning Policies:**

#### West Lindsey Local Plan First Review 2006 Saved Policies (WLLP)

This remains the statutory development plan for the district. Paragraph 215 of the National Planning Policy Framework (NPPF), a material consideration, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

STRAT 1 Development Requiring Planning Permission

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT 3 Settlement Hierarchy

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3a.htm>

STRAT5 Windfall and infill housing in Market Rasen & Middle Rasen

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm#strat5>

STRAT 9 Phasing of Housing Development and Release of Land

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

STRAT 12 Development in the Open Countryside

<https://planning.west-lindsey.gov.uk/planning/localplan/written/cpt3b.htm>

RES 1 Housing Layout

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 3 Backland and Tandem Development

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

RES 6 Affordable Housing

<http://www2.west-lindsey.gov.uk/localplan/written/cpt6.htm>

CORE 10 Open Space and Landscaping within Developments

<http://www2.west-lindsey.gov.uk/localplan/written/cpt8.htm>

NBE 10 Protection of Landscape Character and Areas of Great Landscape Value

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 14 Waste Water Disposal

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

NBE 20 Development on the Edge of Settlements

<http://www2.west-lindsey.gov.uk/localplan/written/cpt11.htm>

Central Lincolnshire Local plan 2012-2036 (March 2016) (CLLP)

The submitted local plan has now been submitted to the Secretary of State for examination and the hearings concluded on 14<sup>th</sup> December 2016. This version of the Local Plan will therefore carry more weight in determining planning applications than the earlier draft versions. The policies relevant to this application are noted to be:

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

LP11 Affordable Housing

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity  
LP26 Design and Amenity  
LP55 Developments in Hamlets and the Countryside  
<https://www.n-kesteven.gov.uk/central-lincolnshire/>

#### National Guidance

National Planning Policy Framework 2012 (NPPF)  
National Planning Practice Guidance (NPPG)  
<http://planningguidance.communities.gov.uk/>

#### Other

- West Lindsey Landscape Character Assessment 1999 (WLLCA)
- Institution of Highways and Transportation Guidelines for Providing for Journeys on Foot 2000.
- Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022 (Published September 2016)
- Proposed Submission Consultation: Report on Key Issues Raised June 2016 (PSC)
- Policy LP2 Spatial Strategy and Settlement Hierarchy Evidence Report Proposed Submission April 2016 (PSSSH)

#### **Main issues**

- Principle of the Development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Archaeology
- Affordable Housing
- Flood Risk
- Foul and Surface Water Drainage
- Ecology
- Protected Trees
- Landscaping
- Garden Space

#### **Assessment:**

##### Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

##### *West Lindsey Local Plan*

The Local Plan Review contains a suite of strategic (STRAT) and residential (RES) policies that are designed to provide a policy framework to deliver residential development in appropriate locations to respond to need and the Council's housing provision objectives. The CLLP additionally has a similar framework set out in LP policies



The site is green field land and lies outside the settlement boundary of Middle Rasen and therefore policies STRAT 3, STRAT 5, STRAT 9 and STRAT 12 are relevant to be considered.

Saved policy STRAT 12 states that '*planning permission will not be granted for development proposals in the open countryside unless the development is essential to the needs of agriculture, horticulture, forestry, mineral extraction or other land use which necessarily requires a countryside location, or otherwise meets an objective supported by other plan policies*'. The proposal is not essential to the countryside area and so the proposal falls to be refused unless material considerations indicate otherwise.

The position of the proposed dwellings will be entirely on green field land which is on the lowest rung of sequential release of land advocated through policy STRAT 9 (Class E).

In principle therefore it is considered the proposal falls to be refused unless material considerations indicate otherwise.

*National Planning Policy Framework:*

The National Planning Policy Framework (NPPF) and online Planning Practice Guidance, are material considerations to take into account alongside the development plan.

The National Planning Policy Framework (NPPF) is a material consideration to be considered against the provisions of the statutory Development Plan. It sets out (paragraph 49) that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The latest five year supply assessment for Central Lincolnshire was published in September 2016. Taking into consideration all current sites with planning permission for Housing, all emerging allocations in the CLLP and windfall allowance (see section 4 of Central Lincolnshire Five Year Land Supply Report) Central Lincolnshire is able to identify a deliverable five year supply of housing land to deliver 12,283 dwellings which equates to a deliverable supply of 5.26 years.

Whilst the Authority can now identify a five year deliverable supply, it is acknowledged that the spatial strategy of the current Local Plan does not include sufficient allocations to meet the five year supply and departures from the Plan are necessary to make up that shortfall. Over the past two years a number of departures have been assessed and granted. Consequentially, of the 5 year supply noted above 60% is now made up of approved schemes. This together with CLLP allocations without objection, windfalls some 87% of the 5 year supply is deemed to have significant weight in policy terms. Equally, of the 13% of allocations within the CLLP that have objections a large number of which have limited objections whilst others are currently proceeding through planning applications where such reservations are being tested. Equally, at the CLLP Hearings limited detailed objection to allocated

sites were voiced adding further weight to the conclusion that Central Lincolnshire has a robust 5 year supply of housing land. In such circumstances saved policies STRAT 3 and STRAT 12 should be given substantial weight within any planning balance as they accord with the provisions of the NPPF. Similarly, STRAT9 can be given substantial weight as it accords with advice provided within the NPPF para 111, although full weight should not be attached to the policy as it partially relates the management and release of housing land in a manner not advocated by the NPPF.

Nonetheless, within the normal planning balance test, the ability of the application to contribute towards the five year supply may still carry weight, but this is less significant than previously found.

*Sustainability:*

STRAT 3 of the West Lindsey Local Plan Review 2006 identifies Middle Rasen as a Town alongside Market Rasen and policy LP2 identifies Middle Rasen as a Large Village. The NPPF defines the three roles of sustainability as economic, environmental and social.

The site is located adjacent the settlement of Middle Rasen. The village of Middle Rasen has a good level of local facilities and services available. Middle Rasen has a close relationship with the Town of Market Rasen. Therefore the dependency on a vehicle to travel is reduced. Although not strictly relevant to the application, as the site is located outside of the village boundary STRAT5 indicates that, para A56,...the towns provide essential services and facilities for surrounding settlements making them sustainable for surrounding settlements making them sustainable locations in which to locate modest new residential developments.

The services and facilities available in Middle Rasen are located in different parts of the settlement and future residents could walk to them along pedestrian lit footpaths. Suggested acceptable walking distances suggested by the Institution of Highways and Transportation are set out below from the Guidelines for Providing for Journeys on Foot 2000.

	Town Centre (metres)	Commuter/School Sight Seeing (metres)	Elsewhere (metres)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred Max.	800	2000	1200

Taken from the vehicular access the site will be the following walking distances from the services and facilities in Middle Rasen.

Service/Facility	(approx. metres)
Village Shop/Post Office (Gainsborough Road)	680
Village Hall/Recreational Field (Wilkinson Drive)	230
Church (North Street)	850
Primary School (North Street)	915

Bus Stop (Gainsborough Road) – East towards Lincoln/Gainsborough	170
Bus Stop (Gainsborough Road) – West towards Market Rasen/Caistor	100

The table suggest that the services and facilities within Middle Rasen will primarily be within an acceptable walking distance with bus stops very close by. The village shop/post office is on the extremity of the walking distances but a good 100 metres within the preferred maximum distance.

The Town of Market Rasen is accessible by foot on lit pedestrian footpaths, however the Market Place is approximately 2,325 metres away therefore well outside the preferred maximum walking distances. Market Rasen is accessible via the bus stop which is approximately 100 metres away. The bus service is every hour from early morning to early evening.

Middle Rasen has a main public transport bus route providing regular services to Market Rasen, Caistor, Gainsborough, Lincoln and Grimsby. The nearest railway is in Market Rasen approximately 1.8 miles away.

This modest level of housing is not considered to have a significant impact on local infrastructure which would trigger the requirement for contributions to local facilities. The site has no special designation and is not an important open space.

The site sits within flood zone 1 therefore the proposal will not increase the risk of flooding particularly if suitable methods of surface water disposal are utilised.

*Submitted Central Lincolnshire Local Plan 2012-2036:*

The submitted Central Lincolnshire Local Plan is a material consideration to take into account against the policies of the statutory development plan. The NPPF (paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF.

The plan is now formally within its examination period with the secretary of state and its public hearings concluded on 14<sup>th</sup> December 2016. The Submitted Local Plan is now at the most advanced stage possible, prior to actually being examined and adopted. The Inspectors' report is anticipated in March 2017.

Emerging Policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Submitted local policy LP2 states that development proposals in Middle Rasen (Large Village) will mostly be *'via sites allocated in this plan, or appropriate infill, intensification or renewal of the existing urban area. In exceptional circumstances, additional growth on non-allocated sites in appropriate locations on the edge of these large villages might be*

*considered favourably, though these are unlikely to be of a scale over 25 dwellings/1 hectare per site (whichever is the smaller)'.*

A summary of all the key issues raised through the consultation periods of the Draft and Further Draft Central Lincolnshire Local Plan are listed in the PSSSH submitted with the CLLP. Specific issues are raised on local policy LP2 in the PSSSH. The only issue raised was the position of Middle Rasen within the hierarchy. It is considered that there are not significant unresolved objections to policy LP2 and the CLLP is a material consideration which can now be attached weight in the decision making process.

Page 2 of the design and access statement revision A dated April 2015 states that *'The site was previously an established caravan site/camp field with amenities. It is understood that should the application not be fulfilled on this occasion that the site shall be returned to its current use as a camp field. The site has been an unrestricted caravan site for a significant number of years preceding this application. There has been continuous presence of caravans, both touring and static during the last 10 years, although the condition of the overall site has been unkempt more recently, a number of caravans (in sporadic use) have remained, as well as the existing amenity building. (Planning permission was granted for the amenity building in 1989 under application W63/573/89).* This statement and previous use is backed up by details within the planning history section. It adds some weight to the proposition that the site is previously used land and would accord with the exceptional circumstance required under policy LP2. It is also worth noting that such a situation would also reduce the weight to be attached to the provisions of saved Policy STRAT12 of the WLLP.

It is considered that the principle of the development is acceptable due to its sustainable location and the low risk of flooding. Therefore the principle of the development can be supported providing all other material considerations are satisfied including the criteria policies STRAT3 and STRAT9 of the WLLP and policy LP2 of the CLLP.

#### Visual Amenity

The proposed development is located within an area specified by the WLLCA (August 1999) and WLCDS (December 2003) as the Lincolnshire Clay Vale landscape character. To summaries the area is characterised as being a mix of arable and pasture with a large scale field pattern with well-maintained hedgerow boundaries and very few hedgerow trees. The area has straight roads with near right-angled corners. There are dispersed, sparse settlements including small villages and individual farms. It is not considered to be a highly sensitive landscape.

Criteria ii of Saved local policy RES 3 of the WLLP states that backland development will not be permitted where *'it would adversely affect the general quality and character of the area'*. Saved policy NBE 20 of the WLLP states that *'development will not be permitted which detracts from the rural character of the settlement edge and the countryside beyond'*. Emerging policy LP17 of

the CLLP protects any harm to the setting of settlements. Such policies accord with the general provisions of the NPPF

The proposed development will be made up of the following dwelling types and heights:

- Plot 1 – 2½ storey 5 bedroom height 8.3 metres
- Plot 2 – 2½ storey 4 bedroom height 8.1 metres
- Plot 3 – 2 storey 4 bedroom height 7.6 metres
- Plot 4 – 2½ storey 4 bedroom height 8.1 metres
- Plot 5 – 1½ storey 3 bedroom height 6.9 metres

The east, south and west boundaries of the site are adjacent the open countryside and screened by very high trees. The south and west boundaries of the site are in clear view when travelling north along Lincoln Road. Additionally the west boundary is only in view from small areas of Gainsborough Road from between the Lincoln Road junction and the settlement boundary. The site is not particularly visible from Gainsborough Road within the settlement due to the existing built form to the south of the highway. The main part of the site is visible from the rear gardens of all the dwellings off The Rother.

The substantial tree screening along the boundaries will mean that only small sections of the dwellings roof will be visible from Lincoln Road and will be seen in context and looking towards Middle Rasen. Given the substantial screening the development will not have a significant adverse visual impact on the site, the open countryside or the street scene.

It should also be noted that the recent appeal decision noted above in the planning history would allow the current farm yard to the west of the site to be developed out to a 9 dwelling mini estate. This in itself would alter the entrance to Middle Rasen changing its character from a purely rural character to one of village edge. Given this, the current proposal when viewed from the west would be seen in this context and would not appear out of keeping particularly given the landscaping noted above.

#### Residential Amenity

When considering residential amenity it is important to assess the impact of the proposed dwellings on the existing neighbours and on each other. The site is close to only a handful of dwellings. These are the four dwellings (Dunwich, Woodside, The Pines and Silver Birches) off The Rother and Kevlin, Gainsborough Road. An objection from Silver Birches has been submitted relating to general disturbance from the use of the access by vehicles/visitors and overlooking of the rear garden.

Kevlin is approximately 58 metres from the nearest point (north east) of the site and its garden space which has a shared boundary with the site is screened by very high trees.

The garden space adjacent the shared north boundary is owned by Silver Birches and is at its closest point approximately 3.5 metres from the north side elevation of plot 1. The rear gardens of Dunwich, Woodside and The Pines are approximately at least 18 metres from the north side elevation of plot 1. The north elevation of plot 1 has two ground floor windows (kitchen and dining room), a first floor ensuite window, a second floor bathroom window and a high level bedroom 4 rooflight. The north boundary is screened by low post and rail fencing therefore the garden space of Silver Birches will currently be clearly view from the ground floor windows plus the garden spaces to the front and rear. Any privacy concerns, however, can easily be dealt through appropriate landscaping (hedging or fencing) of the site which will need to be agreed through a pre-commencement condition and conditions requiring obscure glazing to the en-suite/ bathroom windows.

The first 65 metres (approximate) of the access road runs adjacent the shared boundary of Silver Birches and close its west elevation which has two good sized and two small windows. Noise from the use of the access is dealt with later on in this section of the report. There is low boundary treatment along this boundary so the windows are already currently openly in view or from when the caravan/camping site was fully operational. The owner of the site can also install two metre fence panels (standard or acoustic) along the east boundary without planning permission which would remove any overlooking concerns.

It is therefore considered that the proposal will not have a significant overbearing impact, cause any significant overlooking or cause a significant loss of light on the existing dwellings.

The proposed dwellings will cause some overlooking on each another but due to the layout including the position of the dwelling and their garages each dwelling will have areas of private amenity space. This again will need to be retained through appropriate landscaping to the shared boundaries. The proposed dwellings will not have a significant overbearing impact or cause a significant loss of light on one another.

#### Noise:

In response to the objection of Silver Birches and request of the case officer the applicant has submitted a self-performed and produced noise assessment report (NAR).

Page 11 of the NAR states that noise recording were taken using three different types of vehicles (VW Golf, VW Transporter van and a Range Rover Evoque) passing Silver Birches at a speed of 20mph. The NAR shows the maximum measured noise level to be 60.1 decibels (Db) (Range Rover) which is equivalent to noise created through a person speaking.

Page 12 of the NAR provides existing noise readings from the measurement location and as a rule these readings are above the highest noise level created by the Range Rover.

It additionally has to be considered that the site has an established use as a caravan and camping site which can be fully reinstated at any time leading to vehicles passing Silver Birches.

The Public Protection Officer (PPO) has assessed the NAR and questions the methodology and its completion by the applicant lacking an independent and professional opinion. However, The PPO does not consider any noise created by the access will be any worse than the existing noise produced from within the locality. This is dependent on the surface material of the access road. Conditions can be used to agree

It is considered that the use of the access will have a negligible disturbance impact through noise on Silver Birches.

To restrict the impact of the construction phase the development will be conditioned to provide a construction method statement including times of construction.

#### Highway Safety

The proposal will utilise an existing vehicular access onto Gainsborough Road located in the north west corner. This section of Gainsborough Road has a 30mph speed limit. As assessed on site the observation views from the proposed access are good due to the clear view provided by the grass verge and footpath to the front. Each dwelling will be served by acceptable off street parking through a good sized driveway and detached garaging.

The applicant has confirmed in an email that the access road which runs past the east boundary of Silver Birches will be able to accommodate a width of 4.5 metres. It is considered that the proposal will not have an adverse impact on highway or pedestrian safety which is supported by the Highways Officer at Lincolnshire County Council subject to conditions and advisory notes being attached to the permission.

#### Archaeology

The Historic Environment Officer at Lincolnshire County Council has no objections to the proposal.

#### Affordable Housing

Saved policy RES 6 of the West Lindsey Local Plan Review 2006 sets out the criteria for the provision of affordable homes within West Lindsey. This particular site meets criteria ii as the population of Middle Rasen is below 3,000 and the proposal intends to construct up to 5 new dwellings.

As the proposal is less than 10 dwellings, however, following a recent Court of Appeal's judgement in favour of the government this means that no contribution will be sought for affordable housing.

#### Flood Risk

The site sits within flood zone 1 therefore has the lowest risk of flooding.

### Foul and Surface Water Drainage

The PPO has submitted some concerns in relation to surface water drainage from the site onto Gainsborough Road which has been worsened by the 'development of the former HGV lorry park to housing (The Rother) to the south of the site' and the 'loss of a feeder watercourse to the east of it and the filling in of another bounding and comprising of the western access to the proposed development'. 'Surface water flooding is reported at the southern boundary of 'The Rother' and 'Silver Birches'. There is also apparent natural pooling in the centre of the site where there is a pond'.

The applicant has responded to these comments in an email dated 28<sup>th</sup> November 2016 stating that 'there is no pond. There is an area of excavation, but this is from earlier building works and top soil was removed. There is an area of willow trees in the middle of the site'. The applicant goes on further to state that 'the ditch to the eastern side of the entrance has a 900mm pipe laid in it the full length of the 4 properties previously developed - The pipe has holes in it and is surrounded by gravel to act as a soakaway and not just filled in'. We cannot comment on what the garage next door have done with any ditches, but do know that during the period the land has been in my possession, there has been no ditch along this edge. The hedge along here is significantly mature. Finally, note that we would be happy to have drainage from the site dealt with by condition should this be deemed necessary - i.e. soakaways, drainage runs'

The application form states that foul drainage will be disposed of to the mains sewer and surface water will be discharged to soakaways. This is a large site which has the potential to accommodate soakaways. Other evidence and comments submitted suggest otherwise, however other technical solutions to deal with surface water can be accommodated. A pre-commencement condition will be attached to the permission for further details including connection and percolation tests to see if the grounds conditions are favourable. The suitability of the site for soakaways will additionally be dealt with under Building Regulations. If the tests indicate poor ground conditions for soakaways then an alternative appropriate method will need to be demonstrated.

The comments of the PPO are noted and have been responded to. This is an existing issue which will not be made worse by the proposal subject to the imposition of conditions. It is the applicant's responsibility thereafter to submit an appropriate drainage system which will not further increase the risk of surface water flooding on and around the site including the use of permeable surfacing to the access roads and driveways.

### Ecology

The application site is surrounded by trees and hedging therefore there is a potential for ecology impacts on flora and fauna. The application has not included a basic phase 1 walkover or comprehensive ecology survey. It is therefore considered necessary to attach a pre-commencement condition to the permission for a phase 1 walkover ecology survey.



Guidance contained within paragraph 118 of the NPPF states that *'opportunities to incorporate biodiversity in and around developments should be encouraged'*. Any recommended biodiversity enhancements in a future ecology survey will be required to be installed. It should also be noted that the site is not designated for nature conservation importance and no objections have noted wildlife concerns.

#### Protected Trees

The Authorities Tree Officer has not objected to the proposal but has recommended conditions to protect the root protection areas of the protected trees to the north east corner of the site. A protective condition is considered necessary and will be attached to the permission to ensure no harm is caused to the protected trees.

#### Landscaping

The existing boundary screening plays an important role in screening the development from most views external of the site and retaining its soft boundary appearance. The site plan (210-11 Rev – C) does provide some landscaping details but not to a sufficient degree. Therefore a pre-commencement condition will be attached to the permission to ensure a comprehensive landscape plan is submitted identifying:

- All trees and hedging to be retained along the boundaries.
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments dividing the plots.
- Access road and driveway materials.
- Dimensions of access road particularly for the first 10 metres.

#### Garden Space

The development includes a suitable amount of garden space for each dwelling.

#### **Other Considerations:**

##### Contamination

The PPO has made comments in relation to potential contamination from existing and former nearby uses which requires a suitable contamination condition. Therefore a condition will be attached to ensure that works will cease if contamination is found to be present on site and will not begin again until the contaminant has been identified and remediated.

##### Oil Tanks

It is noted that a resident has referenced the presence of domestic oil tanks in their back garden which could be destabilised by the development. Therefore to ensure this is not overlooked an advisory note will be added to the permission to ensure the construction phase takes appropriate measures to consider their presence.

**Conclusion and reasons for decision:**

The decision has been considered against saved policies STRAT 1 Development Requiring Planning Permission, STRAT 3 Settlement Hierarchy, STRAT 9 Phasing of Housing Development and Release of Land, STRAT 12 Development in the Open Countryside, RES 1 Housing Layout and Design, RES 3 Backland and Tandem Development, RES 6 Affordable Housing, CORE 10 Open Space and Landscaping within Developments, NBE 10 Protection of Landscape Character and Areas of Great Landscape Value, NBE 14 Waste Water Disposal and NBE 20 Development of the Edge of Settlements of the adopted West Lindsey Local Plan First Review 2006 in the first instance and local policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP26 Design and Amenity and LP55 Developments in Hamlets and the Countryside of the Submitted Central Lincolnshire Local Plan 2012-2036. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

On balance it is considered that the benefit of the development will outweigh the harm and will positively contribute five additional dwellings towards the housing supply in Central Lincolnshire. The site is in a location considered as sustainable due to its position in Middle Rasen which has a reasonable amount of services and facilities and has a close connection to Market Rasen. The proposal will not have an adverse visual impact or have a significant detrimental impact on the living conditions of existing neighbouring dwellings or future residents. The proposal will not have an adverse impact on highway safety, increase the risk of flooding or have any adverse archaeology impacts. It will not have any ecology impacts subject to the submission of an ecology survey. The proposal will not have a harmful impact on the protected trees and boundary trees providing mitigation measures can be agreed. The proposal is therefore acceptable subject to satisfying a number of pre-commencement conditions.

**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:**

2. No development shall take place until details of all external materials have been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site and the surrounding open countryside to accord with the National Planning Policy Framework and saved policies STRAT 1, NBE 10 and NBE 20 of the West Lindsey Local Plan First Review 2006 and local policies LP17 and LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

3. No development shall take place until details of a scheme for the disposal of foul/surface water from the site (including the results of soakaway/percolation tests and connection details) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

4. No development shall take place until a landscaping scheme has been submitted including the following details:

- All trees and hedging to be retained along the boundaries
- Site boundary treatments including to the entrance alongside silver birches any infilling to the external boundaries
- Position, species, height and planting formation of any new trees and/or hedging.
- All boundary treatments identifying plot boundaries and division to existing dwellings.
- Access road and driveway surface materials (including the use of no dig solutions within Root Protection Areas.
- Dimensions of access road particularly for the first 10 metres.

Reason: To ensure that appropriate landscaping and trees are retained and introduced and will not adversely impact on the character and appearance of the site to accord with the National Planning Policy Framework and saved policies STRAT 1 and CORE 10 of the West Lindsey Local Plan First Review 2006 and local policy LP17 of the Submitted Central Lincolnshire Local Plan 2012-2036.

5. The plan and particulars submitted in accordance with condition 4 attached to this decision notice shall include:

- a) A plan showing the location of , and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm ( measured over the park at a point 1.5 metres above ground level), showing which trees are to be retained and the root protection area of each retained tree;
- b) Details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of

the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;

d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the root protection area of any retained tree or of any tree on land adjacent to the site;

e) Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before and during the course of development, with particular reference to root protection areas.

In this condition `retained tree` means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In the interest of visual and residential amenity in accordance with West Lindsey Local Plan First Review Policy STRAT 1 and CORE 10.

6. No development shall take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) shall be adhered to throughout the construction period. The statement shall provide for:

- (i) the routing and management of traffic;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel cleaning facilities;
- (vii) measures to control the emission of dust and dirt;
- (viii) details of noise reduction measures;
- (ix) a scheme for recycling/disposing of waste;
- (x) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on 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 saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

7. No development shall commence until a basic phase 1 ecology survey is carried out by a suitably qualified person has been submitted and agreed in writing by the Local Planning Authority. Any enhancements

recommended in the survey shall be introduced prior to completion of the development.

Reason: In the interest of nature particularly badger sets to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP21 of the Submitted Central Lincolnshire Local Plan 2012-2036.

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

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

- Plans and Elevation - Plot 1 210-06 Rev-0 dated March 2015
- Plans and Elevation - Plot 2 210-07 Rev-B dated March 2015
- Plans and Elevation - Plot 3 210-08 Rev-A dated March 2015
- Plans and Elevation - Plot 4 210-09 Rev-B dated March 2015
- Plans and Elevation - Plot 5 210-10 Rev-0 dated March 2015
- Proposed Site Plan 210-11 Rev-C dated March 2015
- Garages 210-12 Rev-0 dated March 2015
- Proposed Site Sections 210-14 Rev A dated March 2015

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 saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

9. The development shall only be carried out in accordance with the details approved in condition 2, 3, 4, 5, 6 and 7 of this permission and shall be so retained.

Reason: In the interests of the visual amenity of the area and to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

10. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by 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 and to accord with the National Planning Policy Framework and saved policy STRAT 1 of the West Lindsey Local Plan First Review 2006.

11. No occupation shall occur until the private drive is completed in accordance with the details shown on drawing number 210-11 Rev C dated March 2015 and the details approved under conditions 4 & 5 above.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site to accord with the National Planning Policy Framework and saved Policy STRAT 1 of the West Lindsey Local Plan First Review 2006 and local policy LP26 of the Submitted Central Lincolnshire Local Plan 2012-2036.

12. No occupation shall occur until the foul and surface water drainage details approved in condition 3 of this permission has been completed.

Reason: To ensure adequate drainage facilities are provided to serve the development, to reduce the risk of flooding and to prevent the pollution of the water environment and to accord with the National Planning Policy Framework and saved policies STRAT 1 and NBE 14 of the West Lindsey Local Plan Review 2006 and local policy LP14 of the Submitted Central Lincolnshire Local Plan 2012-2036.

13. The first floor ensuite window and second floor bathroom window to the north side elevation of plot 1 shall be obscure glazed and retained thereafter.

Reason: To protect the neighbour's private garden area from undue loss of privacy from overlooking to accord with the National Planning Policy Framework and saved policies STRAT 1 and RES 11 of the West Lindsey Local Plan First Review 2006.

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

NONE