

## Officers Report

### Planning Application No: 143891

**PROPOSAL:** Planning application to erect 5no. detached dwellings with associated boundary treatments, landscaping, private access drive and altered existing farm access.

**LOCATION:** Land off Main Road & Church Hill Riby Grimsby DN37 8NX  
**WARD:** Caistor and Yarborough  
**WARD MEMBER(S):** Cllr Mr O Bierley, Cllr Mrs A T Lawrence  
**APPLICANT NAME:** Mr J Addison

**TARGET DECISION DATE:** 21/12/2021 (Extension agreed until 15th July 2022)  
**DEVELOPMENT TYPE:** Minor - Dwellings  
**CASE OFFICER:** Ian Elliott

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

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This application has been referred to the Planning Committee following receipt of third party representations on planning matters, and implications for village growth levels and best and most versatile agricultural land.

#### **Description:**

The application site is part of an agricultural arable field to the west of the A1173. A grass verge divides the site and the highway with one existing wide access closed off by agricultural gates. The site slopes gently upwards from east to west. The site is screened to the north, east and south boundaries by high hedging, trees and fencing (north boundary only). The west boundary is open to the remainder of the agricultural field. Neighbouring dwellings are adjacent the north and south boundary with open countryside to the east and west. The part of the site to the south of the farm track is in an Area of Great Landscape Value.

The application seeks permission to erect 5no. detached dwellings with associated boundary treatments, landscaping, private access drive and altered existing farm access.

#### **Relevant history:**

Pre-application 140192 - Pre-application enquiry for 5no. dwellings

Conclusion for response:

***“It is therefore considered that the principle of the smaller site is highly unlikely to be supported but the larger site is more likely to be supported for housing development through a formal planning application subject to the submission of more detailed plans.”***

## Representations

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

**Parish/Town Council/Meeting:** No representations received to date

**Local residents:** Objections received from:

Hickory Wind Cottage, Caistor Road, Riby  
Field House, Caistor Road, Riby  
5 Addison Crescent, Riby  
Four Winds, Caistor Road, Riby  
The Sycamores, Caistor Road, Riby  
Mydhurst, Caistor Road, Riby  
Keepers Cottage, Caistor Road, Riby  
The Old School House, Caistor Road, Riby

### Visual Impact/Design

- Houses not in keeping with character of village and look ugly.
- Density of buildings.
- Building line is beyond the existing line of existing properties.
- Houses are too large.
- Style and size is at odds with the ambience of this old village.
- If rear of fence is between plot 5 and Four Winds is facing Four Winds it will be particularly unattractive.
- Roof lines exceed neighbouring properties.

### Growth

- Only 5 dwellings permitted in Riby and had 3 up to now.
- Riby is a hamlet.

### Highway Safety

- Traffic generation on already busy road at 60 mph.
- Will make it more difficult to enter driveway safely at Keepers Cottage.

### Residential Amenity

- Noise and disturbance from use
- Plot 5 seriously overlooks The Old Chapel (Four Winds)
- Plot 5 has two first floor windows (home office and ensuite) that will look down into screened private garden and main living/lounge area of Four Winds. Home Office window would be unduly obtrusive and severe detriment to privacy of Four Winds.
- Could make life in Four Winds intolerable through noise, loss of light and overbearing structure.
- Properties will overshadow neighbouring properties.
- Rear boundary exceeds neighbouring gardens on both sides which would reduce rear visual aspect of existing properties giving a hemmed in feeling.

## Trees

Disturbance will undermine the roots of large trees adjacent properties.

## Other

- Future expansion of site and laying foundations in terms of change of use from agricultural to domestic with established access.
- Effect on property value.
- Set a precedent for future development.
- Applicant is Chair of Riby Parish Meeting.

## **LCC Highways/Lead Local Flood Authority:** No objections

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

## **LCC Archaeology:** No objections subject to advice

Representation received 23rd May 2022:

In light of the findings of this evaluation we would recommend that there is insufficient evidence to warrant any further archaeological input, so no condition would be needed in this instance.

There is always the possibility that some graves from the early medieval cemetery do exist here which have not been detected but there isn't anything from the evaluation that would indicate this. If they do happen to disturb a burial or find any suspected human remains this does need to be reported to the Police as it is an offence to disturb them under the Burial Act 1857 without a license from the Ministry of Justice. We'd advise them to let us know about this too so that we can ensure that they are appropriately removed and recorded as required by the Ministry if this is necessary

Representation received 8th November 2022:

The proposed development is situated in an area of archaeological interest. It is located within an area recorded in the Lincolnshire Historic Environment Record as part of the Riby Anglo-Saxon cemetery. This cemetery was discovered in 1915 when soldiers camping in Riby Park found skeletons an urn and grave goods, with further skeletons being discovered in 1916. English Heritage has also identified a number of cropmarks of enclosures within the area of the cemetery, with several cropmarks recorded within this site. There is also evidence for a substantial Anglo-Saxon rural settlement at Riby Cross Roads, which has produced pottery, metalwork and animal bone. The settlement is thought to have been occupied from the sixth to the mid ninth centuries. There is thus a high potential for Anglo-Saxon remains, including human burials, to be impacted by the proposed development. It is recommended that further information is required from the developer in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the impacts

of the proposal on the historic environment, and if necessary for a mitigation strategy to be designed to protect buried remains. This evaluation should consist of trial trench excavation.

**Natural England:** No objections

**WLDC Tree and Landscape Officer:** Comments

There is a large sycamore near the frontage of plots 3 and 4, and a couple of smaller oak trees along the frontage of plot 1. It is difficult to say what condition they are in without a site visit, and with their trunks and branch junctions being obscured by ivy I cannot see the structure of the primary branches, but that being said, they do look to be nice trees on Google street viewer as they appear to have a good crown shapes with symmetrical outlines.

The frontage hedgerows appear mainly intact, with a short section infilled with new plants near the large road sign, though there are a few other areas where the hedgerow looks a bit sparse, and is relying on fence, weeds and sideways growing branches to fill the spaces.

In this countryside, rural location I feel it is very important to retain the landscape character and street scene as much as possible, which would involve retaining the mixed native hedgerow, and the trees providing the trees are in a suitable condition to be safely retained. A condition should be used for their retention. The trees and hedgerow are important as they complement the opposite hedgerow and trees, and retain the rural character of the area. The trees would provide good high-level screening of any new dwellings and soften their appearance on the area and its character. The hedgerow forms a natural green stop or boundary to any new development in this location and limits its visual impact on the street scene, whereas fences, walls or more formal hedgerows would have a negative visual impact on the street scene and its character.

The site layout plan shows the existing hedgerow and trees as to be retained, but if any trees need to be removed for safety reasons then new trees should be required in a scheme of landscaping. The frontage hedgerow could also be improved with the use of a landscape condition. The site layout plan also shows new planting of trees and boundary hedgerow along the westerly site boundary and parts of the north and south boundaries, and dividing hedgerows within the site, though no details on species, sizes, quantities etc... have been provided on the plan.

**Lincolnshire Wildlife Trust:** No representation received to date

**WLDC Strategic Housing:** No representation received to date

**IDOX Checked:** 7th June 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 in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP4 Growth in Villages

LP10 Meeting Accommodation Needs

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Development in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area therefore policy M11 of the Core Strategy does not apply.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

#### 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/collections/planning-practice-guidance>

- **National Design Model Code**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S6 Reducing Energy Consumption – Residential Development
- S19 Resilient and Adaptable Design
- S20 Flood Risk and Water Resources
- S22 Meeting Accommodation Needs
- S46 Accessibility and Transport
- S48 Parking Provision
- S52 Design and Amenity

S56 The Historic Environment  
S59 Protecting Biodiversity and Geodiversity  
S60 Biodiversity Opportunity and Delivering Measurable Net Gains  
S65 Trees, Woodland and Hedgerows  
S66 Best and Most Versatile Agricultural Land  
<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

**Other:**

Natural England's East Midlands Agricultural Land Classification Map 2010  
[Agricultural Land Classification Map East Midlands Region - ALC005 \(naturalengland.org.uk\)](http://naturalengland.org.uk)

Housing Growth Table for Medium and Small Villages  
[Housing growth in medium and small villages \(Policy LP4\) | West Lindsey District Council \(west-lindsey.gov.uk\)](http://west-lindsey.gov.uk)

**Main issues**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036  
Agricultural Benefit  
Concluding Assessment*
- Affordable Housing
- Infrastructure Contributions
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage
- Archaeology
- Protected Species

**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.

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus housing growth. This policy identifies Riby as a small village and '*unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:*

- *they will accommodate small scale development of a limited nature in appropriate locations.*

- *proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.*

Local policy LP2 states 'around' 4 dwellings and does not place a maximum of 4 dwellings therefore 5 dwellings has to be considered to comply with the policy providing the location is acceptable and the site can accommodate 5 dwellings.

Local policy LP2 states that *'throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement's character and appearance; and*
- *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement'.*

Local policy LP4 goes on to say that Riby has a growth level of 10%. An updated table of remaining growth for housing (dated 13th May 2022) in medium and small village's states that Riby has 65 dwellings which equates to a remaining growth of 7 dwellings. Consequently, at the time the application was received, there was remaining growth. However, Since the publication of this growth level there has recently been 3 further dwellings approved resulting in a remaining level of growth in Riby of 4 dwellings, as of the time of writing.

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'.*

Glossary D of the CLLP (page 137) defines infill as *"Development of a site between existing buildings"*.

The site is located to the south and north edge of Riby and has adjacent residential built form to the north and south boundaries. In accordance with



the CLLP definition the site would be between existing buildings therefore can be considered an infill development (see Statmap Earthlight image below).



Riby as a small village is spread out in a very prominent linear format starting from Riby Crossroad moving south along the A1173. As the built form of Riby moves south it terminates on the eastern side of the A1173 at 2 New Cottages and begins again with Four Winds on the western side. The Old School House to the south of the site this infill development would provide a connection between two out of the three groups of buildings which identify the settlement of Riby.

On investigation of Riby through the authority's internal mapping system (Statmap Earthlight) and officers site visit there appears to be limited opportunity for housing development of up to five dwellings within the settlement.

The development proposes 5 dwellings when as stated previously the remaining growth of Riby is 4 dwellings. Therefore one of the dwellings in accordance with local policy LP2 of the CLLP should require a demonstration of clear community support with a community consultation completed prior to submission of an application.

Local policy LP2 of the CLLP states that *"throughout this policy and Policy LP4 the term 'demonstration of clear local community support' means that at*

*the point of submitting a planning application to the local planning authority, there should be clear evidence of local community support for the scheme, with such support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council. If an applicant is in doubt as to what would constitute a 'thorough, but proportionate, pre-application consultation exercise', then the applicant should contact the applicable local planning authority."*

On submission of this application the remaining housing growth for Riby was 5 dwellings but this was latterly reduced by a single dwelling by the approval of planning permission 144009. Planning permission 144009 was determined on 20th January 2022 and this application was submitted on 22nd October 2021.

Consequently – at the time the application was made there was not a need to demonstrate clear community support. The policy is clear that this is required *"at the point of submitting a planning application"*.

Therefore on submission there was no requirement for the applicant to complete a community consultation prior to submission and it would be unreasonable to request this at the stage as this would require withdrawal of the application and re-submission once a community consultation exercise was completed for the single dwelling.

Another material consideration is that it would only exceed the growth by 1 dwelling (1.5%) – resulting in an overall village growth of 12%. The applicant had, although under no obligation to do so, sought pre-application advice before making their application. At that time – the applicant had been advised:

*"This site has been submitted as two separate sites therefore individually cannot be considered as infill between two dwellings. The site as a single site could be appropriate when considered against the context of Riby. As one larger site the development would provide a connection between two out of the three groups of buildings which identify the settlement of Riby."*

It remains the view that there is more benefit to treating the site as one larger infill site, than there would be by creating an otherwise artificial gap to stay below the LP4 figure.

Local policy LP26 of the CLLP states that *"All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

Criteria (e) - *“Not result in ribbon development, nor extend existing linear features of the settlement, and instead retain, where appropriate, a tight village nucleus;*

As previously stated the character of the Riby includes existing linear (ribbon) format to the south of Riby crossroads. The development of this infill site would present a more identifiable Riby developed footprint by tightening the settlement nucleus between Four Winds and The Old School House.

*Agricultural Benefit:*

Local policy LP55 Part G of the CLLP states that *“Proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy. With the exception of allocated sites, development affecting the best and most versatile agricultural land will only be permitted if:*

- a) There is insufficient lower grade land available at that settlement (unless development of such lower grade land would be inconsistent with other sustainability considerations); and*
- b) The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and*
- c) Where feasible, once any development which is permitted has ceased its useful life the land will be restored to its former use, and will be of at least equal quality to that which existed prior to the development taken place (this requirement will be secured by planning condition where appropriate).”*

Guidance contained within Paragraph 170 of the NPPF states that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’*

The field is classed in Natural England’s East Midlands Agricultural Land Classification Map as grade 2 (very good). This designates the site as being productive for agricultural use and is used as arable agricultural field. The Amount section of the submitted Design and Access Statement (DAS) states that *“The applicant owns and farms around 20 acres to the west of the application site along with a further 165 acres of additional land to the east as part of Church Farm. All of the land is within Riby. The application site is a very small percentage of the overall agricultural land (0.7%) being farmed by the applicant and is a parcel that is increasingly becoming difficult to manage with the new modern farm machinery due to the 'indented' nature between the*

*existing dwellings. The loss of this very small percentage of agricultural land to provide the residential growth Riby requires, is not considered to be significant and will not affect the overall productivity of the farmland.”*

The development would therefore lead to a loss of a modest area of productive agricultural land.

*Concluding Assessment:*

The proposed development is within the dwelling limit (around 4) set out in local policy LP2. Riby currently has a remaining housing growth of 4 dwellings therefore one of the dwellings in strict accordance with local policy LP2 of the CLLP requires a demonstration of clear community support on submission of the application. However on submission of the application Riby had five dwellings remaining on its housing growth for the local plan period. Therefore on submission no community support was required for this application. It would be unreasonable to request a community consultation exercise is completed due to the change in the housing growth situation during the timeline of the application particularly as delays have been caused by the need for further information prior to determination (see archaeology section below).

The site in accordance with the land availability sequential test in local policy LP4 has the highest priority for housing development as an infill site. The site therefore passes the land availability sequential test in local policy LP4 and is considered a sustainable appropriate location for housing development. It would mean the loss of a small area of productive agricultural land which has to be considered a departure from local policy LP55 Part G of the CLLP but as explained in the DAS the area *“is a parcel that is increasingly becoming difficult to manage with the new modern farm machinery due to the 'indented' nature between the existing dwellings”*. It is considered that the harm caused by the loss of a modest area of agricultural land is far outweighed by the benefits of the development.

Therefore it is considered on planning balance that the benefits of the development far outweigh the modest harms of not according to local policy LP55 of the CLLP and the principle of the development is acceptable and accords to Local Policy LP1, LP2, LP3 and LP4 of the CLLP and the provisions of the NPPF.

It is considered that policy LP1, LP2, LP3, LP4 and LP55 are consistent with the sustainability, agricultural land and housing growth of the NPPF and can be attached full weight.

Visual Impact/Design

Local policy LP17 states that *“To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, 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”.*

Developments should also *“be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas”.*

Local policy LP17 adds further that *“the considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB and the **Areas of Great Landscape Value** (emphasis added) (as identified on the policies map) and upon Lincoln’s historic skyline.”*

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

*c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;*

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The two storey dwellings with roof accommodation would be (all approximate metres from submitted plans):

Plot	Bed	Height	Eaves	Width	Length	Garage
1	4	9	5.4	22	12.4	Attached Double
2	4	9.3	5.6	10.9	12.1	Detached Double
3	5	9	5.4	10.6	13.2	Detached Double
4	4	9.2	5.7	12.5	14.8	Attached Double
5	4	9	5.4	12.6	22.7	Attached Double

The proposed materials identified on each elevation plan appear to be acceptable, however the site is within and close to an area of great landscape value so a condition requiring the submission of a detailed external materials schedule is considered relevant and necessary.

The proposed dwellings would be 2 storey high dwellings of varied designs set within large plots providing low density housing. The existing dwellings to the south of the site are predominantly bungalows with the nearest dwelling (The Old School House) having roof accommodation. To the north of the site is Four Winds which is a 2 storey dwelling. On the other side of the A1173 and to the north is a mix if storey dwellings and bungalows.

The proposed development would retain the existing trees along the frontage and all the hedging apart from the section to be removed to provide vehicular access to plot 1. The retention of the trees and hedging with some potential

hedging infilling would soften the appearance of the development from the A1173.

Whilst the rural agricultural nature of the setting is acknowledged it is considered as previously addressed that the application site would as an infill site provide a connection between two out of the three groups of buildings which identify the settlement of Riby. The site retains all of the existing hedging along the front apart from the gap required for access to plot 1.

It is therefore considered that the proposed development would not have an unacceptable harmful visual impact on the site, the Area of Great Landscape Value or the surrounding area and accords to local policy LP17 and LP26 of the CLLP and the provisions of the NPPF.

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

#### Residential Amenity

Local policy LP26 states that *“The amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.”*

Objections have been received from a neighbouring dwelling which initiated the submission of an amended site plan to move plot 5 further away from Four Winds.

The site has two adjacent neighbouring dwellings one to the north (Four Winds) and one to the south (The Old School House). All measurements are approximated from the submitted plans.

#### *Four Winds:*

The north elevation of plot 5 sits 21 metres away from Four Winds and 8 metres from the shared boundary. The north side elevation of plot 5 has a first floor en-suite window and first floor home office window. The en-suite window would be conditioned to be obscurely glazed. The home office is not primary living accommodation.

#### *The Old School House:*

The nearest south elevation of plot 1 (garage/home office) sits 19 metres away from The Old School House and 6.5-8 metres from the shared boundary. This section of the dwelling would be single storey with roof accommodation.

The main two storey south elevation and roof which faces The Old School House would have two first floor windows and a rooflight. One of the windows and the rooflight would serve the landing which would not be primary living accommodation. The other window would be a secondary window serving a bedroom. This elevation would be 15 metres from the shared boundary with

The Old School House and 29 metres from the north elevation of The Old School House.

The proposed dwellings are well separated from each other and the future occupant of each dwelling would have acceptable private external amenity spaces.

Therefore the development would not be expected to harm the living conditions of the existing or future residents and would accord with local policy LP26 of the CLLP and the provisions of the NPPF.

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

#### Highway Safety

Objections have been received in relation highway safety.

Local policy LP13 of the CLLP 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 would be supported.”*

Paragraph 11 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

The proposed development would introduce one new vehicular access point to serve the driveway of plot 1 and amend/widen the existing agricultural gated access to serve plot 2, 3, 4 and 5. Both access points would be off the A1173 and the driveways to plots 2, 3, 4 and 5 would be accessed via a private drive.

Each dwelling would be served by adequate off street parking provision via driveways and garage parking. Therefore off street provision is acceptable and would not be expected to harm highway safety

The Highways Authority at Lincolnshire County Council have no objections to the development subject to advisory notes.

Therefore the development would not have an unacceptable harmful highway safety impact and would accord with local policy LP13 and LP26 of the CLLP and the provisions of the NPPF.

It is considered that policy LP13 and LP26 are consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

#### Drainage

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to*

*discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer."*

*Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate."*

Criteria f of the flood risk section of local policy LP14 of the CLLP requires that *"they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical."*

Criteria m of the protecting the water environment section of local policy LP14 of the CLLP requires that *"that adequate foul water treatment and disposal already exists or can be provided in time to serve the development"*.

*Foul Water:*

The application form does not state the method of disposing foul water but the DAS states that *"The proposed foul drainage will be collected on site and 'off line' with the discharge on each separate individual plot"*. The method of dealing with foul water is unclear at this moment in time but can be addressed through a condition.

*Surface Water:*

Surface water is proposed to be dealt with through soakaways which is encouraged as a form of sustainable urban drainage system. No details have been submitted in terms of the dimensions of the soakaways, their position or evidence to prove the ground conditions are suitable.

Therefore it is considered that foul and surface water drainage would be capable of being addressed by condition and would be expected to accord with local policy LP14 of the CLLP and the provisions of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

It has been highlighted by the Historic Environment Officer (HEO) at Lincolnshire County Council Archaeology that *"there is thus a high potential for Anglo-Saxon remains, including human burials, to be impacted by the proposed development."* The HEO has subsequently recommended further evaluation is completed including trial trenching prior to determination. This work took place and an Archaeological Evaluation Report by PCAS Archaeology dated January 2022 was submitted. The report identified the four trenches that were excavated and concluded that *"overall, the trenching*



*results indicate a very low level of archaeological activity within the proposed development zone, suggesting that the site most likely has had an agricultural usage throughout much of its past. The absence of artefactual remains from any of the trenches, including topsoil and subsoil deposits, further corroborating this interpretation.”*

The HEO has accepted the conclusion of the report and has not recommenced any further archaeological input apart from the attaching of an advisory note to a permission.

Therefore the development would accord with local policy LP25 of the CLLP and the provisions of the NPPF.

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

#### Protected Species

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

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

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

#### *Protected Species:*

The application has included a Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2021. The PEA in summary recommends that:

#### Birds

- Measures to avoid disturbance during bird breeding season or a search for nests should be carried out beforehand.
- Nest boxes for house sparrow, swift and starling.

#### Bats

- Precautionary measures set out are followed.
- Integral bat boxes are installed

#### Badger

- Precautionary measures set out are followed.

#### Hedgehog

- Fencing to be hedgehog appropriate to allow for unobstructed movement.

#### Habitat/Planting

- The front hedging and trees to be retained and any removal replaced appropriately.

#### Enhancement

- Trees, new hedgerows, planted flower borders and wildflower planting.

The proposal would not be expected have an unacceptable harmful impact on biodiversity and the recommendations have the potential to overall provide a positive biodiversity net gain. It is considered relevant and necessary to attach a condition adherence to the ecology recommendations and further details on the type/position of the bat and bird boxes. Therefore subject to conditions the development would be expected to accord to local policy LP21 of the CLLP and guidance contained within the NPPF.

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

#### **Other Considerations:**

##### Landscaping

The application has not included a detailed landscaping plan but the site plan does indicate new planting and the use of hedgerows as boundary screenings to the rear and sides of the proposed dwellings. Further details are detailed within the DAS including new planting and the construction of driveways from a porous material such as gravel or porous paving.

However it is not considered that the details submitted are comprehensive or clear enough and it would be relevant and necessary to condition landscaping on any future permission.

##### Building Regulation M4(2) Compliance

Local policy LP10 of the CLLP states that *“more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations”*

No information has been submitted to demonstrate compliance with meeting the M4(2) standard. The 30% requirement equates 2 of the 5 dwellings meeting the standard required by local policy LP10 and this would be secured via a condition.

##### Community Infrastructure Levy (CIL)

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The site is within zone 2 where there is a charge of £15 per square metre.

Pre-commencement conditions

The agent has confirmed in writing that the recommended pre-commencement conditions are acceptable.

**Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the adopted Central Lincolnshire Local Plan 2012-2036 and the Lincolnshire Minerals and Waste Local Plan in the first instance and guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and the National Design Model Code. In light of this the proposed development is considered to be acceptable and would provide five dwellings in an appropriate location to meet the housing growth target for Riby and Central Lincolnshire. No demonstration of clear community support is required as sufficient housing growth for Riby was available on submission of the application. It is considered that the benefits of the development outweigh the limited harm caused by the loss of grade 2 (very good) agricultural land. It would not have an unacceptably harmful visual impact on the site or the surrounding area or harm the living conditions of existing and future neighbouring dwellings. The proposal would not harm highway safety, ecology, archaeology or drainage subject to satisfying a number of conditions.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Representors to be notified -**

*(highlight requirements):*

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

**Prepared by:** Ian Elliott

**Date:** 7th June 2022

**Decision Level** (tick as appropriate)

## **Recommended Conditions**

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

1. The development hereby permitted must 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 must take place until a construction method statement and plan has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:

- (i) the routing and management of traffic including any off site routes for the disposal of excavated material;
- (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 dwellings and surrounding area from noise, dust and vibration and to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

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

- dmc 21614/001 Rev A dated 3rd April 2022 – Site Plan
- dmc 21614/002 Rev A dated 3rd November 2021 – Plot 1 Elevation, Floor and Roof Plans

- dmc 21614/003 dated October 2021 – Plot 2 & 3 Elevation, Floor and Roof Plans
- dmc 21614/004 dated October 2021 – Plot 4 Elevation, Floor and Roof Plans
- dmc 21614/005 Rev A dated 3rd April 2022 – Plot 5 Elevation, Floor and Roof Plans

The works must 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 local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No development above ground level must take place until all external materials in the construction of the dwellings have been submitted to and approved by the Local Planning Authority. The external material details to include:

- Brick/Stone Type
- Roof Type
- Windows and Doors including colour finish
- Rainwater Goods including colour finish

The development must be completed in strict accordance with the approved materials schedule.

Reason: To safeguard the character and appearance of the building and its surroundings including the Area of Great Landscape Value and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

5. No development above ground level must take place until details of a scheme for the disposal of foul sewage and surface water from the site (including the results of any necessary soakaway/percolation tests and connectivity plan) have been submitted to and approved in writing by the Local Planning Authority. No occupation must occur until the approved scheme has been installed. The development must be completed in strict accordance with the approved drainage scheme and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve each dwelling, to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

6. No occupation must take place until a comprehensive landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan to include details of:

- All hardstanding
- All boundary treatments
- Retained trees and hedging
- New hedging and new trees including position, species, planting height and planting arrangement.
- New infill planting to the front hedgerow including position, species, planting height and planting arrangement.

The development must be completed in strict accordance with the approved landscaping details.

Reason: To ensure the development site is appropriately landscaped in its setting to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

7. No development above ground level must take place until details have been submitted to demonstrate that at least 2 of the 5 dwellings, as a minimum, meet standard M4(2) of the Building Regulations 2010. The development must be completed in strict accordance with the approved details.

Reason: To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10 of the Central Lincolnshire Local Plan 2012-2036.

8. No occupation must take place until details of the type and position of 3 integral bat boxes, 2 house sparrow nest boxes, 2 swift nest boxes and 2 starling nest boxes have been submitted to and approved in writing by the Local Planning Authority. The approved boxes must be installed in strict accordance with the approved details and retained as such thereafter.

Reason: To respond to the enhancement recommendations of the Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2021 to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

9. In addition to the bat and bird described in condition 8 of this permission the development hereby approved must otherwise only be carried out in accordance with the recommendations set out in section 5 (page 14-17) of the Preliminary Ecological Appraisal (PEA) by CGC Ecology dated June 2021.

Reason: To respond to the enhancement recommendations of the Prelim accord to accord with the National Planning Policy Framework and local policy LP21 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation of plot 1 must take place until its vehicular access off the A1173 and driveway identified on site plan site plan dmc 21614/001 Rev A dated 3rd April 2022 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

11. No occupation of plots 2, 3, 4 and 5 must take place until the access off the A1173, the private drive and each plots individual access and driveway identified on site plan site plan dmc 21614/001 Rev A dated 3rd April 2022 has been fully completed and retained for that use thereafter.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety to accord with the National Planning Policy Framework and local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

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

12. All planting and turfing comprised in the approved details of landscaping approved through condition 6 of this permission must be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must 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 that additional trees are provided within the site to mitigate for the trees which are to be removed to accord with the National Planning Policy Framework and local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.